



Think Inside the Triangle™

NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

Date/Time: **Tuesday, April 23, 2024, 5:00 p.m.**
(or as soon thereafter as possible)

Location: **A quorum of City Council will be in attendance at:**
Tracy City Hall
333 Civic Center Plaza, Tracy, CA. 95376
And
The Mayor will be attending remotely at the following location:
Omni Atlanta Hotel at Centennial Park
190 Marietta St NW, Atlanta, GA 30303
And
A Council Member will be attending remotely at the following location:
Hyatt House Tempe/Phoenix/University
601 E. 6th Street
Tempe, AZ 85281

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy City Council on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

This meeting will be open to the public for in-person and remote participation pursuant to Government Code Section 54953(e)

For Remote Public Comment:

During the Items from the Audience, public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- **Comments via:**
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2556 344 9847** and **Event Password: TracyCC**
 - ***If you would like to participate in the public comment anonymously***, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - **Join by phone by dialing +1-408-418-9388**, enter 25563449847 #8722922# Press *3 to raise the hand icon to speak on an item

- *Protocols for commenting via WebEx:*
 - *If you wish to comment under “Items from the Audience/Public Comment” portion of the agenda:*
 - *Listen for the Mayor to open “Items from the Audience/Public Comment”, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the “Items from the Audience/Public Comment” will be accepted until the public comment period is closed.*

1. Call to Order
2. Actions, by Motion, of City Council pursuant to AB 2449, if any
3. Roll Call and Declaration of Conflicts
4. Items from the audience - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, and last amended by Resolution No. 2021-049, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council.*
5. Request to Conduct Closed Session
 - 5.A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 - i. Significant exposure to litigation pursuant to Gov. Code §54956.9, subd. (d)(2) and (e)(3): (One case).

Attachment A – Government Claims Act claim made available pursuant to (e)(3)
 - 5.B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)

Patrick Vargas v. City of Tracy, et al.
USDC Case No. 2:22-cv-01454-WBS-KJN
6. Reconvene to Open Session
7. Report of Final Action, if Any

8. Council Items and Comments
9. Adjournment

Posting Date: April 18, 2024

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled to participate in employment, programs and facilities. Persons requiring assistance or auxiliary aids in order to participate, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

4-16-2024

City Attorney, Ms. Bijal Patel

City Manager, Ms. Midori Lichtwardt

Re: Formal Notice of Brown Act Violation/Cease and Desist

Ms. Patel, Ms. Lichtwardt – This letter is to serve as a formal complaint against Mayor Nancy Young. During the regular City Council meeting on March 19th, 2024, Young committed multiple violations of the Ralph M. Brown Act (Brown Act), as well as the 1st Amendment of the US Constitution.

It should be noted that historically, I and others have been targeted by Mayor Young. Actions have included interruptions and, in some cases, complete shut-down of our public comments during council meetings. In no case were threats, outbursts, yelling or any disruptive behavior occurring from the public speakers. It should also be noted that Mayor Young does not apply the speaking rules consistently.

The specific instance which is the basis for this letter occurred on March 19th. At that meeting during public comments, I was stopped from speaking by the Mayor. During the March 19th meeting, I attempted to speak at the podium and Mayor Young threatened to stop me from speaking, stating that she would “stop the speaker” as she did not see me raise my hand. This was a violation of C 54953, (e)(2) € (i)-(iii). This was also a violation of my 1st amendment right to freedom of speech. Under Government Code Sections 54954. 3(a)-(c) of the Brown Act, a legislative body cannot prohibit public criticism of the body, including individual members of that body. The Mayor’s actions made me feel threatened and targeted, and consider her action towards me as a senior, causing elder abuse.

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The actions above establish clear violations by the Mayor of the Brown Act and its requirements. The City must take corrective actions within thirty days, to both comply with the Brown Act and restore public trust. Tracy residents deserve a Mayor that does not repeatedly violate the rights of public speakers.

As required in Government Code section 54960.2, you have 30 days from the receipt of this demand to provide an unconditional commitment to cease, desist from, and not repeat this action. Furthermore, I demand, as a cure, that the Mayor publicly apologize to me for violating my rights and the Brown Act. If these demands are not complied with, I will be left with no recourse but to pursue judicial action.

Thank you,

Burnell Shull, Tracy Resident