



Agenda Report

23-994

Agenda Date: 9/11/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Action on Recommendation to the Governance and Ethics Committee to Amend Council Policy 030, entitled Adding an Item on the Agenda and forward to the City Council for Consideration

BACKGROUND

Council Policy 030, entitled "Adding an Item on the Agenda" (030 Policy) was amended and adopted on October 27, 2020 with a Council Item Request form. The policy was most recently updated by the City Council on October 22, 2022. The stated purpose of the 030 Policy is to establish a straightforward and effective process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on the City Council agenda for consideration.

At the June 5, 2023, Governance and Ethics Committee meeting, Committee members requested a review of the 030 Policy and its intended use to add items to the City Council agenda. At the June 5th meeting, staff shared a few proposed changes to the policy that staff believes could help streamline the referral process and help meetings run more efficiently. The Committee provided direction to staff on the policy, which included drafting the policy in a way that preserved the public's ability to participate in meetings and petition the Council.

DISCUSSION

The proposed amendments to the 030 Policy were drafted with the intention of streamlining the public meeting process while maintaining opportunities for both the public and the Council to request topics to be addressed by the City and the City Council at future meetings.

1. Council Member Referrals

The most significant proposed modification to the City Council referral part of the existing 030 Policy is to formalize the process for Councilmembers consultations with the City Manager (and/or City Attorney, as appropriate) before submitting a written request to agendize an item. These consultations will allow consideration of whether the City is currently addressing the issue or topic or will soon address the topic in some other manner. The consultations will also enable staff to evaluate and provide feedback on resource requirements, legality, timing and prioritization for any proposed 030 action.

After consultations, Councilmembers will reserve the right to proceed with their 030 request. Staff will assist the Councilmember in phrasing a description of the proposal to be listed on the agenda for Council consideration.

To prioritize already agendized City business, a further recommendation is to move City Council 030 Policy proposals from their current placement at the beginning of the agenda (under Written

Petitions) to the end of the agenda under City Council Comments. The updated policy also adds guidance on the limited extent to which any 030 item can be presented and discussed, and provides a summary of the range of options for City Council actions with respect to any 030 proposal. Options include: no action, referral to staff for analysis and a report at a future meeting, referral to a future Council priority setting meeting, or agendization for action at a future Council meeting.

2. Request from the Public:

Under the current 030 Policy, members of the public can also submit a written request for Council action. Once received, the request must be placed on a Council agenda within the next two Council meetings. Once agendized, the request is heard under the "Written Petition" section of the City Council's regular agenda. A majority vote of the City Council is required to add the item to a future council meeting for action. As an alternative, the policy also provides that a member of the public may address the Council during the Public Presentations section of the agenda, and a request for Council action can be made at that time. In either case, no action can be taken on the substance of the item. Instead, the item can only be referred to staff or for possible action by the Council at a future meeting.

Staff recommends revisions to the policy to add a summary of the various ways the public can petition the City for action. Options include: (1) verbal or written communications with City staff, (2) verbal or written communications with one or more elected officials (the Mayor, their District Council representative, or any other member(s) of the City Council), (3) appearing live (or by zoom) at a City Council meeting, and (4) during the public engagement portion of the Annual City Council Priority Setting Process. For those choosing to come to a City Council meeting, staff is recommending that the opportunities to petition the City Council for action be consolidated into the Public Presentations portion of the meeting. During Public Presentations any member of the public may request that the City Council refer an item to City staff or place an item for discussion on a future City Council agenda. The Mayor, as presiding officer, will manage these inquiries, interacting with City staff as appropriate. Because any such item is not on the agenda, only a City Council referral to staff, or, if the item is urgent, a proposal to agendize the item for consideration at a future Council meeting, would be in order.

If, upon hearing a petition for action by a member of the public, one or more City Council member desires to sponsor this request, such Council Member(s) would also have the option to follow the 030 Policy referral process described above and submit their own petition in support of the public petition.

Staff has researched and surveyed other cities and has yet to find a City with a formal public written petition process like the process currently provided in the City's existing 030 Policy. The public typically addresses its council/decision making body through the agenda's public comment or presentation portion. Staff's proposed revisions to the existing 030 Policy go beyond what most jurisdictions provide but also prevents any member of the public from unilaterally requiring City Council consideration or action on a proposed item that may not be appropriate for such consideration or vote.

The Annual City Council Priority Setting Process is envisioned to have various forms of public engagement. Staff is proposing a framework for the Process that will include robust community feedback on goals via a citywide community survey targeting residents, businesses, local community groups for community feedback on current City priorities. The survey will include a series of

questions to assist staff on identifying overall priorities from the Santa Clara community. In addition, staff will solicit input from City Boards and Commissions to provide current priorities.

A summary of the feedback will be presented to the City Council at its Annual City Council Priority Setting Process. Additionally, the proposed framework provides several opportunities for public comment during public presentations to further engage public participation and gather feedback on community priorities for the Council to consider.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Attorney and City Manager’s Offices.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

In order to enhance and streamline the processing of both City Council and public petitions for Council action, staff recommends that the Governance and Ethics Committee approve the revised 030 Policy, subject to any further amendments it may agree to, and recommend to the full Council its consideration and approval of the amended policy.

Reviewed by: Elizabeth Klotz, Assistant City Attorney

Approved by: Glen Googins, City Attorney and Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Council Policy 030 Adding an Item on the Agenda (Current)
2. Council Policy 030 Adding an Item on the Agenda (Proposed)
3. Written Petition Form (Existing, last update September 21, 2020)



ADDING AN ITEM ON THE AGENDA

PURPOSE

To establish a clear, effective, and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY

Members of the City Council:

The Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet. At the meeting where the request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item.

Referral from a Council Committee:

Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

Council Committees may bring forward a recommendation to the full City Council by way of the Committee minutes, which are typically prepared within three weeks following the Committee meeting.

Items Referred During a Council Meeting:

By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.



ADDING AN ITEM ON THE AGENDA

Written Petitions and Public Presentations:

Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the City Council to be heard under the “**Written Petition**” section of the City Council’s regular agenda within two (2) Council meetings after received. After the initial Written Petition is placed on the agenda, a majority vote of the City Council may add the item to a future Council meeting for action. Any member of the public may address the City Council under the “**Public Presentations**” section of the agenda. If the presentation includes a request of the Council, a majority vote of the City Council may refer the item to the City Manager to be properly added to a future meeting, in compliance with the Brown Act.

PROCEDURE FOR WRITTEN PETITIONS

1. All requests to address the City Council shall be submitted in writing. Written Petition forms are available for the petitioner’s convenience on the City’s website and in the City Manager’s Office, City Clerk’s Office, and the Mayor and Council Offices. Alternatively, an email may be submitted to clerk@santaclaraca.gov.
2. Once the Written Petition is received by the City Clerk’s Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk’s Office. All written material (request and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.



ADDING AN ITEM ON THE AGENDA

***PROCEDURE
FOR WRITTEN
REQUESTS
FROM CITY
COUNCIL***

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Once the Council Item Request Form is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.

Attachments: Council Item Request Form



The Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to future Council meeting agenda for action.

CONTACT INFORMATION

Requesting Member of City Council _____

Contact E-mail _____

Contact Phone _____

Today's Date _____

WRITTEN REQUEST

I, _____, hereby request that the following item be placed on the City of Santa Clara Council and Authorities Concurrent meeting agenda:

RESOLUTION NO. 20-8895

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO REPEAL RESOLUTION NO. 20-8890, AMEND COUNCIL
POLICY 030 ENTITLED "ADDING AN ITEM ON THE AGENDA,"
AND APPROVE THE COUNCIL ITEM REQUEST FORM**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, amending the policy on adding an item on the agenda to establish a clear, effective and easily understood process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on a meeting agenda;

WHEREAS, the amended version of the Adding an Item on the Agenda policy expands on the current policy language by clearly stating that, when a written request is first considered, discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item; and,

WHEREAS, the amended Adding an Item on the Agenda policy, attached hereto as Attachment 1, includes a Council Item Request Form for the City Council's use when requesting an item for inclusion on a Council meeting agenda and adds the procedure for written requests from members of the City Council.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 20-8890 is hereby rescinded in its entirety.
2. That amended Council Policy 030 entitled "Adding an Item on the Agenda" with the Council Item Request Form, attached hereto as Attachment 1, is hereby approved and adopted, and the City Manager is directed to number (and renumber, as appropriate) the Council Policy Manual such that they are organized in a logical fashion.

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3. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27TH DAY OF OCTOBER, 2020, BY THE FOLLOWING VOTE:


AYES: COUNCILORS: Chahal, Davis, Hardy, O'Neill, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Council Policy 030 entitled "Adding an Item on the Agenda"



ADDING AN ITEM ON THE AGENDA

PURPOSE

To establish a clear, effective, and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY

Referral from Members of the City Council:

After consultation with the City Manager (and/or City Attorney, as appropriate), the Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

An item may be referred to the City Manager for inclusion on a City Council agenda during a Council Meeting by City Council action.

Referral from a Council Committee:

Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.



ADDING AN ITEM ON THE AGENDA

Requests from Members of the Public:

- 1. Public Presentations:** Any member of the public may address the City Council under the “**Public Presentations**” section of the agenda to make a request of the City Council to add an item to a future meeting.
- 2. Individual City Council Members:** Members of the public may directly petition individual City Council members to request that an item be added to a future Council meeting. The council member may then choose to submit the request through the Council referral process outlined in this policy.
- 3. City Manager and City Departments:** Members of the public may also petition the City Manager or City Staff for specific action. The City Manager and/or staff may respond, as appropriate, or direct the member of the public to the other methods of petitioning the City outlined above.

***PROCEDURE
FOR HANDLING
REQUESTS
DURING CITY
COUNCIL
MEETING***

- 1.** At the meeting where the request is heard, Council discussion is limited to whether the item should be added to an agenda and a date, not the merit of the item. Valid considerations that can be discussed include whether the matter is being addressed in some other way, resource requirements, legality, timing, and prioritization.
- 2.** Council may take the following actions when a request is made:
 - a. No action
 - b. Refer the request to City Staff for further study and a timely report back to Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.
 - c. Refer the item to a future Priority Setting meeting
 - d. Placement on a future Council Meeting agenda for further consideration or action



ADDING AN ITEM ON THE AGENDA

***PROCEDURE
FOR WRITTEN
REQUESTS
FROM CITY
COUNCIL***

1. Members of the City Council shall use the Council Item Request Form to submit a written request for referral of an item to be placed on a future City Council agenda.
2. Prior to submitting a Council Item Request form, the Member shall discuss the proposed request with the City Manager (and/or City Attorney, as appropriate) to determine if City Staff is currently addressing the topic of the request, resource requirements, legality, timing and prioritization. If the City Staff's response does not satisfy the Member's request, the Member may submit the Council Item Request form for placement on a future City Council Agenda.
3. Once the City Clerk's Office receives the Council Item Request Form, it should immediately be forwarded to the City Manager for placement on an agenda, if possible, within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.

Attachments: Council Item Request Form



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CONTACT INFORMATION

Requesting Member of City Council _____

Contact E-mail _____

Contact Phone _____

Today's Date _____

WRITTEN REQUEST

I, _____, hereby request that the following item be placed on the City of Santa Clara Council and Authorities Concurrent meeting agenda:



**City of
Santa Clara**
The Center of What's Possible

CITY COUNCIL WRITTEN PETITION

Please provide the information requested below. When complete, please submit to the City Clerk's Office, 1500 Warburton Avenue, Santa Clara, CA 95050.

Date: _____

I, _____, am hereby requesting to be placed on the Santa Clara City Council Agenda for the following purpose:

I understand that it is important that I attend the meeting in the event there are any questions the Council wishes to ask me.

Signed:

NAME: _____

ADDRESS: _____

Street

City

Zip Code

TELEPHONE:* _____

Optional

DATE: _____

*NOTE: This is a public document. If your telephone number is unlisted or if you do not want it to be public, please provide an alternate number where you can be reached.