



City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Special Meeting

Thursday, May 21, 2026

10:00 AM

City Hall – Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting Governance and Ethics Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

- Via Zoom: <https://santaclaraca.zoom.us/j/98559951444>
- Webinar ID: 985 5995 1444
- By phone: +1 669 444 9171

To submit written public comment before meeting:

Send email to mayorandcouncil@santaclaraca.gov by 10 a.m. one day before the date of the meeting. Emails will be forwarded to Committee members and will be uploaded as supplemental meeting material.

Note: Emails received as public comment will not be read aloud during the meeting.

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

1. 26-548 [Approval of the April 13, 2026 Governance and Ethics Committee Special Meeting Minutes](#)

Recommendation: Approval of the April 13, 2026 Governance and Ethics Committee Special Meeting Minutes

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

2. **26-574** [Discussion and Action on Proposed Special Meeting Scheduling Policy](#)

Recommendation: Approve the proposed Special Meeting Scheduling Policy, with any revisions directed by the Committee, and forward the Policy to the full City Council for consideration and adoption.

3. **26-573** [Discussion and Possible Action on Updates to Council Policy 042 \("Reconsideration of Council Action"\)](#)

Recommendation: Discuss and provide direction to staff on any proposed modifications to Council Policy 042 ("Reconsideration of Council Action")

STAFF REPORT

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS FOR CONSIDERATION

ADJOURNMENT

The next regularly scheduled Governance and Ethics Committee meeting will be held on June 1, 2026 at Santa Clara City Hall - Council Chambers.

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



Agenda Report

26-548

Agenda Date: 5/21/2026

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Approval of the April 13, 2026 Governance and Ethics Committee Special Meeting Minutes

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 administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Committee 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 or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approval of the April 13, 2026 Governance and Ethics Committee Special Meeting Minutes

Reviewed by: Maria Le, Assistant to the City Manager, City Manager’s Office

Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. April 13, 2026 Governance and Ethics Committee Special Meeting Minutes Draft



City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

04/13/2026

6:00 PM

City Hall – Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

Special Meeting

The City of Santa Clara is conducting Governance and Ethics Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

- Via Zoom: <https://santaclaraca.zoom.us/j/98559951444>
- Webinar ID: 985 5995 1444
- By phone: +1 669 444 9171

To submit written public comment before meeting:

Send email to mayorandcouncil@santaclaraca.gov by 10 a.m. one day before the date of the meeting. Emails will be forwarded to Committee members and will be uploaded as supplemental meeting material.

Note: Emails received as public comment will not be read aloud during the meeting.

CALL TO ORDER AND ROLL CALL Chair Suds Jain called the meeting to order at 6 p.m.

Present 3 - Member Raj Chahal, Chair Suds Jain, and Member Kevin Park

CONSENT CALENDAR

1. [26-430](#) Approval of the March 30, 2026 Governance and Ethics Committee Special Meeting Minutes

Recommendation: Approve the March 30, 2026 Governance and Ethics Committee Special Meeting Minutes

A motion was made by Committee Member Raj Chahal, seconded by Committee Member Kevin Park to approve the minutes for the March 30, 2026 Special Governance and Ethics Committee meeting.

Aye: 3 - Member Chahal, Chair Jain, and Member Park

PUBLIC PRESENTATIONS

Member of the public Anthony Becker stated the City YouTube channel used to broadcast meetings should consider adding lower third titles or agenda items to allow public to easily follow along and also requested Council Policy 030 ("Adding an Item to the Agenda") to be further reviewed by this Committee.

GENERAL BUSINESS

2. [26-429](#) Review and Action on the 2026 Governance and Ethics Committee Workplan (CONTINUED FROM MARCH 30, 2026)

Recommendation: Approve the 2026 Governance and Ethics Committee Work plan with any additional amendments.

Assistant to the City Manager Maria Le presented the 2026 proposed Committee work plan which included items which have been carried over and new items requested by Committee members and/or recommended by staff for consideration. The staff report included a list of additional referrals from the Committee for consideration.

Committee Member Kevin Park stated the Governance and Ethics Committee should meet monthly and the need for a full-time City Council to conduct City business. Member Park did not prioritize the Review of Policy Limiting Resolution Matters outside of the City Jurisdiction or Review of the text message retention policy for the work plan.

Chair Suds Jain stated to include on the work plan: Review of Policy Limiting Resolution Matters outside of the City Jurisdiction, Public Record Act Policy review, updating HOA Bylaws to be approved by Council from Keith Stattenfield at the 1/11/2022 meeting, Policy for Commissioner Budgets for training, and Review of the City Council meeting schedule to add meetings. He commented on changes to Council Policy 030 worked and the policy still allows options to request City staff to add items .

Committee Member Raj Chahal added to the workplan: Review of Council Policy 042 ("Reconsideration of Council Action") , Review of Council Policy 030 ("Adding an Item to an Agenda"),..and review of All Policies.

City Manager Jovan Grogan stated staff has already added special meetings this year to the Governance and Ethics Committee scheduled quarterly meetings to address policy items which may take more time.

Public Comment: Dan Ondrasek added Council Policy 030 policy creates an extra barrier for public to add priorities and advocated going back to previous Council Policy 030. **Anthony Becker** agreed monthly meetings are needed and the Economic Development and Marketing Committee meets more often. **Adam** stated it is critical to work on the long list of items. **Mary Grizzle** added this Committee meeting should be on Comcast 15 channel. **Noah MacDonald** added Council Policy 030 does not require the City to take any action at all and items should be voted on and agreed on policy on outside matters should be reviewed. **Wanda Buck** added the Committee should focus on their duties due to the time. **Mark Kelsey** agreed the Committee meetings should be televised.

City Manager Grogan added City Council and Planning Commission meetings are currently televised. Council Committees provide a hybrid option with Zoom for participation and playback options are available. The Committee could consider the change, which would require additional infrastructure and budget. **Chair Jain** suggested adding Zoom links to Legistar agendas to easily find.

Committee Member Chahal motioned and seconded by **Chair Jain** to include the following items for review for the workplan: **Ethics Policies, Council Policy 042 Reconsideration of Council Action, Council Policy 030 Adding an Item to Agenda, Council meeting schedule and policy, Council Policy 055 Meeting Management Protocols.**

Aye: 2 - Member Chahal, and Chair Jain

Nay: 1 - Member Park

3. [26-428](#) Action on Council Policy Establishing an Annual Performance Review Process for Council Appointees (DEFERRED FROM MARCH 30, 2026)

Recommendation: Approve a new Council policy for the Performance Evaluation Process for Council Appointees, and present the proposed new Council policy to the full City Council for consideration and approval.

Acting Director of Human Resources Marco Mercado and Assistant City Attorney Su Reuter presented on a new Council policy for the performance evaluation process for Council appointees, including employees in the City Manager and City Attorney classifications.

Chair Jain stated he preferred fix date for to hire one facilitator to review both the City Manager and City Attorney. He noted the NCPA uses their HR department to conduct the review of their General Manager and General Counsel with an executive committee and may bring in consultants for compensation. **Committee Member Chahal** added he supports budgeting for a 360 review and specific dates for the review and for the schedule. **Committee Member Park** stated metrics should be included to measure goals and requested clarification on the approximate 2% or CPI salary increase if the outlined process is not complete by May 31st of the year.

Public Comment: Adam Thompson stated 360 reviews and fixed dates to establish review cycles, requirements should be outlined. He asked why we have a need for consultants with Assistant City Managers, stated the default should be no raises, performance improvement plans, and public review is important. **Anthony Becker** added a fixed schedule for review is good and should consider a team of consultants for consistency.

Committee Member Chahal motioned to approve the staff recommendation to include 360 review, push timeline to begin September, add goal setting language in February, hiring after July 1st do not include rating period, and bring forth to City Council for review and consideration. Motion seconded by Chair Jain.

Aye: 3 - Member Chahal, Chair Jain, and Member Park

STAFF REPORT

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS FOR CONSIDERATION

ADJOURNMENT

The meeting was adjourned at 10:04 p.m.



Agenda Report

26-574

Agenda Date: 5/21/2026

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Action on Proposed Special Meeting Scheduling Policy

BACKGROUND

The City Charter states the City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution, and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

Typically, City Council meetings have been adjourned by 12 a.m. and items not requiring immediate approval have been continued to a future meeting. Due to the workload and ongoing City projects and initiatives, the past two years have demonstrated the need for scheduling additional special meetings to support completion of Council agenda items.

More frequently in recent months, the volume of Council items requiring action has resulted in the need to schedule additional special City Council meetings or special closed sessions to ensure timely consideration of City business. While the City Clerk's Office currently polls Councilmembers to identify a workable date, no formal procedure has been established for that polling process. Establishing a defined structure for scheduling these meetings will provide consistency, transparency, and fairness, and will ensure that any scheduling decision is supported on the record and may be followed without challenge.

As part of the work plan, the Governance and Ethics Committee expressed interest in establishing guidelines when scheduling additional special City Council meetings and Closed Sessions, including start times. In addition, the Committee members discussed the option of increasing the regular meeting schedule from two to three regular City Council meetings per month.

DISCUSSION

The following is a summary of the various types of meetings that may be scheduled for the City Council. Annually, the City Clerk's Office establishes a calendar, approved by Resolution, for regularly scheduled meetings for the calendar year.

- 1) City Council /Stadium Authority Meetings:** Regular meetings of the City Council are held at least two times a month. The meetings may be combined as Council "Concurrent" meetings with the Santa Clara Stadium Authority and other City Authorities (e.g., the Housing Authority). Agendas for regular meetings must be posted and released to the public at least 72 hours in

advance of the meeting to comply with the Brown Act.

- 2) **Special Meetings:** Special meetings may be held on a non-regular meeting date and/or time. Special Meetings may be called by the Mayor, a majority vote of the City Council, or the City Manager. Agendas for special meetings must be posted at least 24 hours in advance of the meeting to comply with the Brown Act. Special meetings will include the items to be discussed, the meeting time and location, and public access information.
- 3) **Study Sessions:** Study Sessions occur during a Regular Meeting or a Special Meeting. They are held to provide information to the City Council, typically on issues that are more complex and time-consuming than matters scheduled on a regular meeting agenda. Typically, no action is taken at study sessions.
- 4) **Closed Sessions:** Closed sessions are private discussions of matters by the Council that are confidential in nature and that are qualified for private discussion under special provisions of the Brown Act. Closed sessions are not open to the public. In general, there are six allowable reasons for a closed session:
 - i. Personnel Matters for individuals appointed by the City Council,
 - ii. Pending or anticipated litigation,
 - iii. Real estate negotiations regarding the price and terms of payment for the purchase, sale, exchange, or lease of specific real property,
 - iv. Labor negotiations,
 - v. Public safety and security related to threats to public buildings or the public's right to access public services, and
 - vi. License applications or license renewal by an applicant who has a criminal record.
- 5) **Emergency Meetings:** Emergency meetings are allowed per the Brown Act when an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of the public's well-being. With proper findings, emergency meetings are not subject to the prior noticing requirements for regular or special meetings.

Proposed Policy

Staff has prepared the attached proposed Special Meeting Scheduling Policy (Attachment 1) for the Committee's review. The proposed Policy supplements Council Policy 055, "Council Meeting Procedures and Protocols," and establishes a standardized, transparent, and equitable process for determining the date and time of Special Meetings of the City Council and the Santa Clara Stadium Authority. The proposed Policy does not supersede any requirements of the City Charter or the Ralph M. Brown Act. Key elements of the proposed Policy include:

- 1) **Scheduling Principle (Majority Availability):** The date selected is the one on which the greatest number of Members have confirmed availability, provided a quorum is achieved. No individual Member's schedule receives preference over this standard.
- 2) **Initiation:** A Special Meeting may be initiated by the City Manager, or by a majority of Members through written or electronic notice to the City Clerk's Office. Upon initiation, the City Clerk's Office promptly begins the polling process.

- 3) **Availability Polling Process:** The City Manager, in consultation with the City Clerk's Office, identifies a minimum of three (3) proposed dates that comply with the Brown Act's 24-hour advance written notice requirement. The City Clerk's Office transmits the availability request to all Members simultaneously, with a response deadline of no more than forty-eight (48) hours. The City Clerk's Office then compiles a written Availability Summary documenting member responses, which is retained as part of the official record.
- 4) **Date Selection Criteria:** The City Manager selects the date using four criteria, applied in order: (1) Greatest Availability; (2) Earliest Date as tiebreaker; (3) Quorum Confirmation, with re-polling if no proposed date achieves a quorum; and (4) Equal Treatment, meaning the date will not be adjusted to accommodate one Member where doing so would result in fewer total available Members.
- 5) **Notice and Record Retention:** Once a date is selected, the City Clerk's Office issues the Special Meeting Notice in compliance with the Brown Act. The availability poll, Availability Summary, and Special Meeting Notice are retained for each scheduling process and are available as public records under the California Public Records Act.

The proposed Policy is attached for the Committee's review and consideration. If the Committee approves the proposed Policy, or directs revisions, staff will incorporate any changes and present the Policy to the full City Council for consideration and approval.

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 with this report other than administrative staff time.

COORDINATION

This report was coordinated with the City Manager's Office and the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Committee 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 or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the proposed Special Meeting Scheduling Policy, with any revisions directed by the Committee, and forward the Policy to the full City Council for consideration and adoption.

Reviewed by: Aracely Azevedo, Assistant City Manager

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Proposed Special Meeting Scheduling Policy

SPECIAL MEETING SCHEDULING POLICY

PURPOSE

In General. These Special Meeting Scheduling Procedures ("Scheduling Policy") establish a standardized, transparent, and equitable process for determining the date and time of Special Meetings of the City Council. Without a defined procedure, meeting date selection may appear arbitrary or preferential, and potentially creating unnecessary internal conflict.

Selecting a date in which the greatest number of members can attend maximizes participation, ensures reliable quorum achievement, respects the equal standing of all members, and eliminates the appearance of favoritism toward any individual officeholder.

Relationship to Policy 055. This Policy supplements Council Policy 055, "Council Meeting Procedures and Protocols," which governs the conduct of meetings. In the event of any conflict between this Policy and Policy 055, this Policy shall govern with respect to Special Meeting scheduling. This Policy does not supersede any requirements of the City Charter or the Ralph M. Brown Act.

Applicability. This Policy applies to the City Council and the Santa Clara Stadium Authority. References to the "Mayor" shall be read as "Chair" for other bodies. References to "City Manager" include the City Manager's designee.

POLICY

A. Scheduling Principle — Majority Availability.

When a Special Meeting must be scheduled, the City Clerk's Office, in coordination with the City Manager's Office, shall select the date on which the greatest number of members have confirmed availability, provided that date achieves at least a quorum. No member's schedule, shall receive preference over this majority availability standard.

B. Initiation.

A Special Meeting may be initiated by the City Manager, who shall notify the City Clerk's Office of the need, or by a majority of members through written or electronic notice to the City Manager and City Clerk's Office. Upon initiation, the City Clerk's Office shall promptly begin the scheduling process in Section C.

C. Availability Polling Process.

Step 1 — Identify Proposed Dates.

The City Manager, in consultation with the City Clerk's Office, shall identify a minimum of three (3) proposed dates. Proposed dates shall:

- Comply with the Brown Act's minimum 24-hour advance written notice requirement (Gov. Code § 54956);
- Reflect a reasonable timeframe given the urgency of the business to be addressed; and

- Be offered simultaneously to all members — no member shall be polled before others.

Step 2 — Simultaneous Poll.

The City Clerk's Office shall transmit an availability request to all members simultaneously, via electronic calendar hold, email or written communication. The request shall:

- List all proposed dates and times;
- Request each member to respond "Available," or "Unavailable," for each date;
- Set a response deadline of no more than forty-eight (48) hours from transmission; and
- State that non-response within the deadline will be recorded as "No Response" and treated as "Unknown."

Step 3 — Availability Summary.

Upon expiration of the polling deadline, the City Clerk's Office shall compile member responses into a written Availability Summary documenting, for each proposed date: the number of members confirming availability, the names of available and unavailable members, and any non-responses. The Availability Summary shall be retained as part of the official record.

D. Date Selection Criteria.

The City Manager shall select the Special Meeting date using the following criteria, applied in order:

Criterion 1 — Greatest Availability.

Select the proposed date on which the highest total number of members confirmed availability.

Criterion 2 — Earliest Date (Tiebreaker).

If two or more proposed dates have the same highest number of available members, select the earliest of those dates. This tiebreaker minimizes delay in conducting City business; it does not favor or disfavor any individual member.

Criterion 3 — Quorum Confirmation.

Before finalizing a date, the City Manager shall confirm that the selected date achieves at least a quorum. If no proposed date achieves quorum, the City Manager shall propose additional dates and re-poll.

Criterion 4 — Equal Treatment.

The City Manager shall not adjust the selected date to accommodate the schedule of any individual member where doing so would result in selection of a date with fewer total available members.

E. Notice.

Once a date is selected, the City Clerk's Office shall issue the Special Meeting Notice in compliance with the Brown Act (Gov. Code § 54956), providing at least 24 hours' advance written notice to each member and to media organizations that have requested such notice. The notice shall specify the time, place, and business items to be heard.

G. Record Retention.

The City Clerk's Office shall retain for each Special Meeting scheduling process: (1) the availability poll as transmitted; (2) the Availability Summary; and (3) the Special Meeting Notice as issued. These records are public records available upon request under the California Public Records Act (Gov. Code § 7920 et seq.).



Agenda Report

26-573

Agenda Date: 5/21/2026

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Possible Action on Updates to Council Policy 042 ("Reconsideration of Council Action")

BACKGROUND

The stated purpose of Council Policy 042 titled "Reconsideration of Council Action" is to establish a clear and effective process for members of the City Council and the public to request reconsideration of a Council action. The current policy was last revised on October 27, 2020, by Resolution No. 20-8896 (Attachment A).

The Governance and Ethics Committee members have referred this policy for further discussion and review, including consideration and clarification of the definition of a "prevailing party". As part of the Committee referral, this item is on the agenda for review and discussion.

DISCUSSION

The following is a summary of the notable provisions of the current Council Policy 042 ("Reconsideration of Council Action"):

Request/Motion for Reconsideration

1. A request for reconsideration may be made by any person at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council, or at any intervening special meeting of the City Council.
2. The person making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.
3. A motion to reconsider an action taken by the City Council can be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember, and is debatable. At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.
4. The motion must be approved by a majority vote of the entire City Council. Four votes (majority of the seven-seat Council) are required for the motion to carry.

Reconsideration of Any Council Action

1. A motion to reconsider an action taken by the City Council must be made at the same meeting

at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council, or at any intervening special meeting of the City Council.

2. If an intent to make a motion for reconsideration is communicated to the Mayor or City Manager by any Councilmember who voted on the prevailing side prior to the state law deadline for posting the City Council meeting agenda, then the item shall appear as a possible reconsideration on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code Section 54954.2(b), which addresses adding items that are not listed on a posted agenda.

Effect of Approval of Motion

1. Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.
2. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.
3. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Code and Santa Clara agenda rules and procedures.
4. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

Possible issues/updates to the policy to discuss/consider include:

1. Add a clear definition of “prevailing party” in various circumstances
2. Eliminate redundant language
3. Add clarity to process/requirements for taking up a motion for reconsideration at a future Council meeting.
4. Must the decision on a reconsideration be limited to consideration of only new evidence or facts not presented previously with regard to the item, or a claim of error in applying the facts.

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 with this report other than administrative staff time.

COORDINATION

This report was coordinated with the City Manager's Office and the City Attorney's Office.

PUBLIC CONTACT

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RECOMMENDATION

Discuss and provide direction to staff on any proposed modifications to Council Policy 042 ("Reconsideration of Council Action")

Reviewed by: Maria Le, Assistant to the City Manager

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

ATTACHMENTS

1. Council Policy 042 ("Reconsideration of Council Action")



RECONSIDERATION OF COUNCIL ACTION

PURPOSE

To establish a clear, effective, and easily understood process for members of the City Council and the public to request reconsideration of a Council action.

POLICY

Request/Motion for Reconsideration

A request for reconsideration may be made by any person at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council, or at any intervening special meeting of the City Council. The person making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments. A motion to reconsider an action taken by the City Council can be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember, and is debatable. At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

The motion must be approved by a majority vote of the entire City Council. Four votes (majority of the seven-seat Council) are required for the motion to carry.

Reconsideration of Any Council Action

A motion to reconsider an action taken by the City Council must be made at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council, or at any intervening special meeting of the City Council.

If an intent to make a motion for reconsideration is communicated to the Mayor or City Manager by any Councilmember who voted on the prevailing side prior to the state law deadline for posting the City Council meeting agenda, then the item shall appear as a possible reconsideration on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code Section 54954.2(b), which addresses adding items that are not listed on a posted agenda.



RECONSIDERATION OF COUNCIL ACTION

PROCEDURE

Effect of Approval of Motion

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Code and Santa Clara agenda rules and procedures.

The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

RESOLUTION NO. 20-8896

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO AMEND COUNCIL POLICY 042 ENTITLED
“RECONSIDERATION OF COUNCIL ACTION”**

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

WHEREAS, amending the Reconsideration of Council Action policy will establish a clear, effective, and easily understood process for members of the City Council and the public to request reconsideration of a Council action;

WHEREAS, the amended Reconsideration of Council Action policy maintains that a request for reconsideration may be made by any person at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council, or at any intervening special meeting of the City Council, and that a motion to reconsider can be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember;

WHEREAS, the amended Reconsideration of Council Action policy expands on the policy language that a motion to reconsider an action taken by the City Council must be approved by a majority of the entire City Council and clearly states that four votes (majority of the seven-seat Council) are required for a motion to carry; and,

WHEREAS, the amended Reconsideration of Council Action policy, attached hereto as Attachment 1, establishes the policy and procedure on requests for reconsideration of Council action.

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

1. That the current Council Policy 042 entitled “Reconsideration of Council Action,” is hereby rescinded in its entirety.

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2. That Council Policy 042 entitled "Reconsideration of Council Action," 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.

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 042 entitled "Reconsideration of Council Action"