



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 Council-member who voted on the prevailing side, but may be seconded by any Council-member, 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 Council-member who voted on the prevailing side ~~in the majority on a question~~ 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.



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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.