

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 That the current Council Policy 042 entitled “Reconsideration of Council Action,” is hereby rescinded in its entirety.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
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	None
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ABSTAINED:	COUNCILORS:	None
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ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Council Policy 042 entitled "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.