Legislation Details (With Text)

File #:	20-314	**Version:**	1	**Name:**	
Type:	Public Hearing/General Business			**Status:**	Passed
File created:	2/26/2020			**In control:**	Governance and Ethics Committee
On agenda:	9/14/2020			**Final action:**	9/14/2020
Title:	General Discussion and Possible Input on Various City Governance Policies				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Council Policy 030 - Adding an Item on the Agenda, 2. Council Policy 042 - Reconsideration of Council Action, 3. Resolution No. 17-8435, 4. Early Consideration Policy				

Date	Ver.	Action By	Action	Result
9/14/2020	1	Governance and Ethics Committee	Adopted	

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

General Discussion and Possible Input on Various City Governance Policies

BACKGROUND

At the February 11, 2020 City Council meeting, the Council adopted the amended version of Council Policy 030 (Attachment 1), entitled “Adding an Item on the Agenda” by resolution.

Council Policy 042 (Attachment 2), entitled “Reconsideration of Council Action,” was adopted by Council in March 2007.

At the May 16, 2017 City Council meeting, the Council adopted Resolution No. 17-8435 (Attachment 3) to approve the Early Consideration Policy (Attachment 4) for General Plan Amendment applications.

DISCUSSION

Council Policy 030

The latest version of Council Policy 030 was amended to clearly state the Council must take action by a majority vote for an item to be referred to a future Council meeting, as well as to outline the procedure for requests from the Council, referrals from Council Committees, and written petitions.

Council Policy 042

Council Policy 042 provides the current procedure for reconsideration of Council action in three parts: Request/Motion for Reconsideration; Reconsideration of Any Council Action; and Effect of Approval of Motion.

Request/Motion for Reconsideration

A request for reconsideration may be made by any person at the same meeting at which the action

powered by Legistar™

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. 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.

Reconsideration of Any Council Action
If an intent to make a motion for reconsideration is communicated to the Mayor or City Manager by any Councilmember who voted 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.

Effect of Approval of Motion
Upon approval of a motion to reconsider, and at such time as the matter is heard, the Council shall only consider new evidence or facts not presented previously regarding 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 will be 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.

Early Consideration Policy
The Early Consideration Policy provides an opportunity early in the application process for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff required to complete the full review process. The Early Consideration Policy is utilized for all formally submitted General Plan Amendment applications.

At the Early Consideration Policy Council hearing, the Council can direct staff to continue processing the application or preemptively deny the proposed General Plan Amendment request as clearly inconsistent with the City's General Plan major strategies, goals and/or policies. A City Council decision to continue processing does not indicate their future vote on the Amendment, but allows the Amendment to continue through the process to be fully analyzed for future City Council consideration.

Staff seeks input from the Governance and Ethics Committee on potential updates to Council Policy 030, Council Policy 42, and the Early Consider Policy for General Plan Amendment applications.

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.

PUBLIC CONTACT
Public contact was made by posting the Governance and Ethics 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 <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION
Provide input on Council Policy 030, Council Policy 042, and the City's Early Consideration Policy for General Plan Amendment applications.

Reviewed by: Genevieve Yip, Staff Analyst I
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS
1. Council Policy 030 - Adding an Item on the Agenda
2. Council Policy 042 - Reconsideration of Council Action
3. Resolution No. 17-8435
4. Early Consideration Policy