



## Agenda Report

18-692

Agenda Date: 6/12/2018

### REPORT TO COUNCIL

#### SUBJECT

Consider Rescission of Various Council Policies

#### BACKGROUND

At the April 23, 2018 Governance Committee meeting, the Committee adopted its workplan which focuses primarily on updating the City's Policies and Procedures Manual. At the Committee meeting, staff reported that a thorough review of the City of Santa Clara Council Policy Manual was conducted to identify obsolete policies that needed to be updated or rescinded and to determine if new policies needed to be developed. Existing policies were reviewed and categorized in the Governance Committee Work Plan Matrix, which categorizes policies in five review categories: maintain status quo, further review, legal review, administrative in nature, or rescission.

#### DISCUSSION

Through the Governance Committee Work Plan Matrix, staff identified the six policies and procedures for immediate rescission: P&P 010 City Council Meetings Video Tapes (Attachment 2), P&P 012 Electronic Organizers (Attachment 3), P&P 013 Fireworks Display Permit (Attachment 4), P&P 021 Public Requests for Photocopies of Agenda Items (Attachment 5), P&P 023 Recreational Bonfires (Attachment 6), and P&P 026 Sale of Used Fire Helmets or Police Equipment as Mementos (Attachment 7). As detailed in the Governance Committee Report, the primary reasons for rescission are that these policies are obsolete, regulated by the County, superseded by State regulation, or contradict the Santa Clara City Code (Attachment 11).

After discussion, the Governance Committee voted unanimously to approve the staff recommendation to recommend to the City Council to adopt a resolution to rescind the six policies and procedures.

Resolution No. 6619 (Attachment 13) has been added as an additional attachment to this report, as P&P 026 Sale of Used Fire Helmets or Police Equipment as Mementos was adopted by this resolution; in order to rescind P&P 026, Resolution No. 6619 will need to be repealed in its entirety.

Bay Area Air Quality Management District Regulation 5 entitled "Open Burning" (Attachment 11) has been added as an additional attachment to this report to supplement Section 307.2.1 Authorization of the State of California Fire Code (Attachment 10), which states that open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. The Bay Area Air Quality Management District is the regional air quality management authority that regulates stationary sources of air pollution in the nine counties that surround the San Francisco Bay including Santa Clara County; Regulation 5 applies to any fire occurring outdoors in the open air and includes the guidelines and administrative requirements for open burning.

**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(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

There no fiscal impact other than staff time.

**COORDINATION**

This report was coordinated with the City Attorney’s Office and the Finance Department.

**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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Adopt a resolution to repeal Resolution No. 6619 in its entirety and to rescind P&P 010 City Council Meetings Video Tapes, P&P 012 Electronic Organizers, P&P 013 Fireworks Display Permit, P&P 021 Public Requests for Photocopies of Agenda Items, P&P 023 Recreational Bonfires, and P&P 026 Sale of Used Fire Helmets or Police Equipment as Mementos.

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Report to Governance Committee - “Discussion and Potential Action on Rescission of Various Council Policies”
2. P&P 010 City Council Meetings Video Tapes
3. P&P 012 Electronic Organizers
4. P&P 013 Fireworks Display Permit
5. P&P 021 Public Requests for Photocopies of Agenda Items
6. P&P 023 Recreational Bonfires
7. P&P 026 Sale of Used Fire Helmets or Police Equipment as Mementos
8. County of Santa Clara Ordinance No. NS-300 882
9. Excerpt from City of Santa Clara Municipal Fee Schedule
10. Excerpt from State of California Fire Code - Section 307
11. Excerpt from Santa Clara City Code - Section 2.105.350(e)
12. Resolution to Rescind Various Council Policies
13. Resolution No. 6619
14. Bay Area Air Quality Management District Regulation 5 “Open Burning”