

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: HOW MEMBERS OF THE CITY COUNCIL AND THE PUBLIC HAVE ITEMS PLACED ON THE CITY COUNCIL AGENDA

EFFECTIVE: February 1, 2016 (Replaces policy dated 9/2/75, 10/10/94, 1/1/05 and 2/19/13)

PURPOSE:

To establish a clear, effective, and easily understood process for Members of the City Council and the public to have items placed on the City Council agenda for consideration.

POLICY:

A. Members of the City Council:

During the "City Council Comments" portion of the City Council agenda, any Member of the City Council may request that an item be placed on a future City Council agenda for initial consideration by the City Council. If any Member of the City Council desires to have the item scheduled for further consideration by the entire City Council at least thirty days following the item being raised, the Member shall request the item to be placed on a future agenda which shall occur if at least one other Member of the City Council concurs with the request. No motion, second, or vote or other action shall be required of the City Council to have the item placed on a future City Council agenda so long as the item is to be on an agenda thirty or more days later. If a City Council Member desires to add an item to a future agenda in less than 30 days, this shall require a motion, second, and a simple majority vote of the City Council. The vote to expedite the item is simply to consider the item on an expedited basis and not an expression of support or non-support on the merits thereof.

B. Members of the Public:

Members of the public shall be provided with three opportunities to have an item placed on the City Council agenda for consideration, consistent with the State's open meeting law ("Brown Act").

1. Oral Communications:

Any member of the public may raise any issue within the subject matter jurisdiction of the City Council during the "Oral Communications" section of the City Council's regular meeting agenda and any special meeting agenda when Oral Communications is listed on the special meeting agenda. After an item is raised by a member of the public, if any Member of the City Council desires to have the item scheduled for further consideration by the entire City Council at least thirty days following the item being raised, the Member shall request the item to be placed on a future agenda which shall occur if at least one other Member of the City Council concurs with the request. If the requesting City Council Member and the concurring City Council Member desire to add an item to a future agenda in less than 30 days, this shall require a motion, second, and a simple majority vote of the City Council. The vote to expedite the item is simply to consider the item on an expedited basis and not an expression of support or non-support on the merits thereof.

2. Written Petitions and Communications:

Any member of the public may submit a letter(s), written petition(s), or other form of writing raising any issue or item within the subject matter jurisdiction of the City Council during the "Written Petitions and Communications" section of the City Council's regular meeting agenda. After an item is raised by a member of the public in a letter, written petition, or other form of writing, if any Member of the City Council desires to have the item scheduled for further consideration by the entire City Council at least thirty days following the item being raised, the Member shall request the item to be placed on a future agenda which shall occur if at least one other Member of the City Council concurs with the request. If the requesting City Council Member and the concurring City Council Member desire to add an item to a future agenda in less than 30 days, this shall require a motion, second, and a simple majority vote of the City Council. The vote to expedite the item is simply to consider the item on an expedited basis and not an expression of support or non-support on the merits thereof.

3. City Council Comments:

The third way a member of the public may have an item placed on the City Council agenda is to contact a Member of the City Council individually and seek his or her support to sponsor the item under the "City Council Comments" section of the agenda. This will require the individual City Council Member to utilize the process set out in Section A of this policy.

PROCEDURES:

A. Members of the City Council:

Other than the transmittal report substantially in the form of Attachment "A" hereto, no work on an item added by a Member of the City Council shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies, until the City Council has had the opportunity to provide direction as provided herein. For the purposes of this section, work will be defined as generating, compiling, analyzing, researching, or writing new information, new policies, laws or plans and specifically excludes meetings or discussions with the city manager and department heads jointly to obtain their comments on a Council Member requested item, for example. However, the City Council Member requesting that the item be added shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing their item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk at least one week prior to the City Council meeting. Any other Member of the City Council or the public may also submit written materials on the item which shall be included in the City Council agenda packet by sending the same to the City Manager/City Clerk at least one week prior to the City Council meeting. If any letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk through the use of email, it is understood that the email should not be copied to other Members of the City Council in order to avoid inadvertent violations of the Brown Act by replies indicating support or opposition outside of the City Council meeting itself.

At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

B. Members of the Public:

1. Oral Communications:

Other than the transmittal report substantially in the form of Attachment "B" hereto, no work on an item requested at Oral Communications by a member of the public and added by two City Council Members shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies until the City Council has had the opportunity to provide direction as provided herein. However, the City Council Member requesting that the item be added and the concurring City Council Member shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing the item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk at least one week prior to the City Council meeting. Any other Member of the City Council or any member of the public may also submit written materials on the item which shall be included in the City Council agenda packet by sending the same to the City Manager/City Clerk at least one week prior to the City Council meeting. If any letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk through the use of email, it is understood that the email should not be copied to other Members of the City Council in order to avoid inadvertent violations of the Brown Act by replies indicating support or opposition outside of the City Council meeting itself.

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City Council priorities, the urgency of the matter, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

2. Written Petitions and Communications:

Other than the transmittal report substantially in the form of Attachment "C" hereto, no work on an item requested at Written Petitions and Communications by a member of the public and added by two City Council Members shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies until the City Council has had the opportunity to provide direction as provided herein. However, the City Council Member requesting that the item be added and the concurring City Council Member shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing the item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk at least one week prior to the City Council meeting. Any other Member of the City Council or any member of the public may also submit written materials on the matter which shall be included in the City Council agenda packet by sending the same to the City Manager/City Clerk at least one week prior to the City Council meeting. If any letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk through the use of email, it is understood that the email should not be copied to other Members of the City Council in order to avoid inadvertent violations of the Brown Act by replies indicating support or opposition outside of the City Council meeting itself.

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3. City Council Comments:

If an item raised by a member of the public is presented by a Member of the City Council during the City Council Comments section of the City Council agenda, the item shall be treated as if it was a request to add an item to the City Council agenda by a Member of the City Council as set forth in Section A above.

APPROVED:

A handwritten signature in black ink, appearing to read "Steven Carrigan", written over a horizontal line.

**Steven S. Carrigan
City Manager**

Attachments:

- A.** Sample Administrative Staff Report-City Council Member Request to Add Item
- B.** Sample Administrative Staff Report-City Council Members Request to Add Item Raised During Oral Communications
- C.** Sample Administrative Staff Report-City Council Members Request to Add Item Raised During Written Petitions & Communications