

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. 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.

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 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.

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.

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:



**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



THREE WAYS TO PLACE ISSUES OR CONCERNS ON THE CITY COUNCIL AGENDA

The City Council and City Staff value your opinion and want to hear your concerns. There are three ways to present an issue or concern to the City Council:

(1) Oral Communications**

- Fill out a "Request to Speak" card before the City Council meeting.
- Turn it in to a City Clerk at the meeting.
- You will have 3-5 minutes to speak.
- "Request to Speak" cards are available at the City Council Meeting and also at <http://www.cityofmerced.org/depts/cityclerk/default.asp>.

(2) Written Petition and Communications**

- Submit a letter(s) or written petition(s) to City Council
- If a letter or petition arrives less than a week prior to the meeting, it will be included with the next regular City Council Agenda.
- There is no special form or format required.

(3) City Council Comments**

- Contact a City Council Member
- Seek his/her support to sponsor the item.
- City Council Member contact information is available from the City Clerk and also through the City's website at (http://www.cityofmerced.org/depts/city_council/default.asp.)

When presenting your issue or concern, please state the following:

- i. The issue(s) or concern(s) to be presented.
- ii. The action(s) the City Council should take.
- iii. The reason(s) why the action(s) should be taken.

**** YOUR ITEM WILL NOT LIKELY BE ACTED UPON BY THE CITY COUNCIL IMMEDIATELY AFTER YOU PRESENT IT BECAUSE THE STATE'S OPEN MEETING LAWS REQUIRE NOTICE BEFORE THE CITY COUNCIL CAN VOTE**

SEE "NEXT STEPS" BELOW

NEXT STEPS: After you have presented your issue or concern before the City Council:

If a City Council Member wants the entire City Council to consider the issue or concern:

- The item will be scheduled for further discussion at least thirty (30) days later so that the City staff can research it and the City Council can prepare for the discussion.
- This request must be agreed with by at least one other Member of the City Council.

If you have any questions regarding this process, please contact the City Clerk's Office at (209) 388-7100

Sample Report

NovusAGENDA

Agenda Item:

Meeting Date:



ADMINISTRATIVE REPORT

TO: City Council Members
FROM: John M. Bramble, City Manager
DATE: 00/00/0000
SUBJECT: City Council Member Request to Add Item to Future Agenda

REPORT IN BRIEF

This Administrative Report is in response to City Council Member's _____ request to add _____ to the City Council Agenda for consideration/action pursuant to Administrative Policy and Procedure No. C-01 which also provides that no staff work (policy, legal, or financial review) has been undertaken on this item until the full City Council has had the opportunity to discuss.

RECOMMENDATION:

It is recommended that the City Council consider this request and take action as the City Council determines appropriate.

ALTERNATIVES:

1. Adopt a motion adding the item to a City Council agenda with full staff analysis; or,
2. Adopt a motion referring the item to the annual City Council goal setting session for review for priority and determination if proposal should be undertaken; or,
3. Decline to take action.

AUTHORITY:

Administrative Policy and Procedure No. C-01.

DISCUSSION:

City Council Member _____ requested that this item be considered for inclusion on a future City Council agenda for discussion and action in accordance with Administrative Policy and Procedure No. C-01. A copy of City Council Member _____'s request is found in Attachment " _ " hereto.

For purposes of Administrative Policy and Procedure C-01, this item is on the agenda for the City Council to determine if they desire to have it fully reviewed and analyzed. No staff work has been undertaken, including any policy, legal, or financial review.

Budget/Appropriate Action:

Under Administrative Policy and Procedure No. C-01, no financial or budgetary review of this subject will occur until the City Council determines that it will be added to a future meeting agenda for consideration on the merits.

Approved By,

John M. Bramble, City Manager

ATTACHMENTS:

No Attachments Available

Sample Report

Novus AGENDA

Agenda Item:

Meeting Date:



ADMINISTRATIVE REPORT

TO: City Council Members
FROM: John M. Bramble, City Manager
DATE: 00/00/0000
SUBJECT: City Council Members _____ and _____
Request to Add Agenda Item Raised by the Public at Oral
Communications to Future Agenda Regarding
_____.

REPORT IN BRIEF

At the City Council Meeting of _____ during Oral Communications, a member of the public requested that an item regarding _____ be placed on the agenda for discussion. Following Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be added and no staff work (policy, legal, or financial review) has been undertaken on this item until the full City Council has had the opportunity to discuss.

RECOMMENDATION:

It is recommended that the City Council consider this request and take action as the City Council determines appropriate.

ALTERNATIVES:

1. Adopt a motion adding the item to a future City Council agenda with full staff analysis; or,
2. Adopt a motion referring the item to the annual City Council goal setting session for review for priority and determination if the item should be undertaken; or,

3. Decline to take action.**AUTHORITY:**

Administrative Policy and Procedure No. C-01.

DISCUSSION:

At the City Council Meeting of _____, _____, a member of the public, requested that the City Council consider the issue of _____. In accordance with Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be placed on a future agenda for discussion by the City Council.

For purposes of Administrative Policy and Procedure C-01, this item is on the agenda for the City Council to determine if they desire to have it fully reviewed and analyzed. No staff work has been undertaken, including any policy, legal, or financial review.

Budget/Appropriate Action:

Under Administrative Policy and Procedure No. C-01, no financial or budgetary review of this subject will occur until the City Council determines that it will be added to a future meeting agenda for consideration on the merits.

Approved By,

John M. Bramble, City Manager

ATTACHMENTS:

No Attachments Available



Sample Report

Novus AGENDA

Agenda Item:

Meeting Date:



ADMINISTRATIVE REPORT

TO: City Council Members
FROM: John M. Bramble, City Manager
DATE: 00/00/0000
SUBJECT: City Council Members _____ and _____
Request to Add Item Raised by the Public During the
Written Petitions and Communications Section of the City
Council Agenda to Future Meeting Agenda Regarding
_____.

REPORT IN BRIEF

At the City Council Meeting of _____ during the Written Petitions and Communications section of the agenda, a member of the public requested that an item regarding _____ be placed on the agenda for discussion. Following Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be added. In accordance with the Administrative Policy and Procedure No. C-01, no staff work (policy, legal, or financial review) has been undertaken on this item until the full City Council has had the opportunity to discuss.

RECOMMENDATION:

It is recommended that the City Council consider this request and take action as the City Council determines appropriate.

ALTERNATIVES:

1. Adopt a motion adding the item to a future City Council agenda with full staff analysis; or,

2. Adopt a motion referring the item to the annual City Council goal setting session for review for priority and determination if proposal should be undertaken; or,

3. Decline to take action.

AUTHORITY:

Administrative Policy and Procedure No. C-01.

DISCUSSION:

At the City Council Meeting of _____, _____, a member of the public, requested that the City Council consider the issue of _____. In accordance with Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be placed on a future agenda for discussion by the City Council.

For purposes of Administrative Policy and Procedure C-01, this item is on the agenda for the City Council to determine if they desire to have it fully reviewed and analyzed. No staff work has been undertaken, including any policy, legal, or financial review.

Budget/Appropriate Action:

Under Administrative Policy and Procedure No. C-01, no financial or budgetary review of this subject will occur until the City Council determines that it will be added to a future meeting agenda for consideration on the merits.

Approved By,

John M. Bramble, City Manager

ATTACHMENTS:

No Attachments Available