23-1160 **Agenda Date: 10/24/2023**

REPORT TO COUNCIL

SUBJECT

Action on Recommendation of the Governance and Ethics Committee to Amend Council Policy 030, entitled Adding an Item on the Agenda, to Modify and Clarify Terms for City Council and Public Requests

BACKGROUND

Council Policy 030, entitled "Adding an Item on the Agenda" (Attachment 1) was amended and adopted on October 27, 2020, including approval of a Council Item Request form. The policy was most recently updated by the City Council on October 22, 2022. The stated purpose of the Council Policy 030 (030 Policy) is to establish a straightforward and effective process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on the City Council agenda for consideration.

At the September 11, 2023, Governance and Ethics Committee meeting, the Committee approved the staff recommendations to amend Council Policy 030 and to bring forth the proposed amendments (Attachment 1) to the full Council for consideration. The Committee members expressed the importance of ensuring the amended policy preserves the public's ability to participate in meetings and petition the Council.

DISCUSSION

The proposed amendments to the 030 Policy (Attachment 2) were drafted with the intention of streamlining the public meeting process while maintaining opportunities for both the public and the Council to request topics to be addressed by the City and the City Council at future meetings.

Council Member Referrals

The most significant proposed modification to the City Council referral part of the existing 030 Policy is to formalize the process for Councilmembers consultations with the City Manager (and/or City Attorney, as appropriate) before submitting a written request to agendize an item. These consultations will allow consideration of whether the City is currently addressing the issue or topic or will soon address the topic in some other manner. The consultations will also enable staff to evaluate and provide feedback on resource requirements, legality, timing and prioritization for any proposed 030 action.

After consultations, Councilmembers will reserve the right to proceed with their 030 request. Staff will then assist the Councilmember in phrasing a description of the proposal to be listed on the agenda

for Council consideration.

To prioritize already agendized City business, a further recommendation is to move Council 030 Policy proposals from their current placement (under Written Petitions) to the end of the agenda under City Council Comments. The updated policy also adds guidance on the limited extent to which any 030 item can be presented and discussed and provides a summary of the range of options for City Council actions with respect to any 030 proposal. Options include: no action, referral to staff for analysis and a report at a future meeting, referral to a future Council priority setting meeting, or placement on an agenda for action at a future Council meeting.

Requests from the Public

Under the current policy, members of the public can submit a written request for Council action, which must be listed on a Council agenda for formal Council consideration within the next two Council meetings. Once agendized, the request is listed and heard under the "Written Petition" section of the City Council's regular agenda. A majority vote of the City Council is required to add the item to a future council meeting for action. As an alternative, the policy also provides that a member of the public may address the Council during the Public Presentations section of the agenda, and a request for Council action can be made at that time. In either case, no action can be taken on the substance of the item. Instead, the item can only be referred to staff or for possible action by the Council at a future meeting.

Staff recommends revisions to the policy to add a summary of the various ways the public can petition the City for action. The following options for the public include:

(1) Verbal or written communications with City staff,

(2) Verbal or written communications with one or more elected officials (the Mayor, their District Council representative, or any other member(s) of the City Council),

(3) Appearing in-person (or by Zoom) at a City Council meeting during Public Presentations

(4) During the public engagement portion of the annual Council Priority Setting sessions.

For those choosing to attend or participate in a City Council meeting, staff recommends that the opportunities to petition the City Council for action be consolidated into the Public Presentations portion of the meeting. During Public Presentations, any member of the public may request the City Council refer an item to City staff or place an item for discussion on a future City Council agenda. The Mayor, as presiding officer, will manage these inquiries, interacting with City staff as appropriate. Because any such item is not listed for action on the agenda, only a City Council referral to staff, or, if the item is urgent, a proposal to agendize the item for consideration at a future Council meeting, would be in order.

If, upon hearing a petition for action by a member of the public, one or more City Council member desires to sponsor this request, such Council Member(s) would also have the option to follow the 030 Policy referral process described above and submit their own petition in support of the public petition.

Since the Governance Committee meeting, additional revisions have been made to the 030 Policy to eliminate duplicative provisions, improve the headings and organization of the Policy to facilitate use, and provide better clarity for the public on the methods in which it may make requests of the City

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Council. Alternatives include direct contact with Council and staff (with contact information of the City Council and City Manager provided) and through the City's MySantaClara App.

Staff has researched and surveyed other cities and has yet to find a City with a formal public written petition process like the process currently provided in the City's existing 030 Policy. The public typically addresses its Council/decision making body through the agenda's public comment or presentation portion. Staff's proposed revisions to the existing 030 Policy go beyond what most jurisdictions provide but also prevents any member of the public from unilaterally requiring an issue be listed on a Council agenda for formal City Council consideration or action that may not be appropriate or timely for such consideration or vote.

Council Priority Settings to be Re-initiated as an Opportunity for Further Public Input. In addition to public input that can be received at individual Council meetings throughout the year, the annual Council Priority Setting sessions (scheduled to resume in February 2024) will include various opportunities for public engagement and input. The Council Priority setting session framework was approved by the City Council on September 19, 2023. The framework includes a robust community engagement process via a citywide community survey targeting residents, businesses, local community groups for feedback on current City priorities. In addition, staff will solicit input from City Boards and Commissions to provide current priorities. A summary of the feedback will be presented to the Council at its annual Council Priority Setting session. Additionally, the proposed framework provides several opportunities for public comment during public presentations to gather feedback on community priorities for the Council to consider.

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.

COORDINATION

This report was coordinated with the City Attorney and City Manager's Offices.

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> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt a resolution amending Council Policy 030, entitled Adding an Item on the Agenda, on the terms

presented.

Reviewed by: Maria Le, Assistant to the City Manager and Elizabeth Klotz, City Attorney
Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. Current Council Policy 030
2. Proposed Amended Council Policy 030 (redline version)
3. Proposed Amended Council Policy 030 (clean version)
4. Resolution

ADDING AN ITEM ON THE AGENDA

PURPOSE

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

POLICY

Members of the City Council:

The Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet. At the meeting where the request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item.

Referral from a Council Committee:

Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

Council Committees may bring forward a recommendation to the full City Council by way of the Committee minutes, which are typically prepared within three weeks following the Committee meeting.

Items Referred During a Council Meeting:

By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.

ADDING AN ITEM ON THE AGENDA

Written Petitions and Public Presentations:

Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the City Council to be heard under the **"Written Petition"** section of the City Council's regular agenda within two (2) Council meetings after received. After the initial Written Petition is placed on the agenda, a majority vote of the City Council may add the item to a future Council meeting for action. Any member of the public may address the City Council under the **"Public Presentations"** section of the agenda. If the presentation includes a request of the Council, a majority vote of the City Council may refer the item to the City Manager to be properly added to a future meeting, in compliance with the Brown Act.

PROCEDURE FOR WRITTEN PETITIONS

1. All requests to address the City Council shall be submitted in writing. Written Petition forms are available for the petitioner's convenience on the City's website and in the City Manager's Office, City Clerk's Office, and the Mayor and Council Offices. Alternatively, an email may be submitted to clerk@santaclaraca.gov.
2. Once the Written Petition is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (request and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. 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 within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.

ADDING AN ITEM ON THE AGENDA

PROCEDURE FOR WRITTEN REQUESTS FROM CITY COUNCIL

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Once the Council Item Request Form is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. 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 within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.

Attachments: Council Item Request Form

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COUNCIL ITEM REQUEST FORM

The Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to future Council meeting agenda for action.

CONTACT INFORMATION

Requesting Member of City Council _____

Contact E-mail _____

Contact Phone _____

Today's Date _____

WRITTEN REQUEST

I, _____, hereby request that the following item be placed on the City of Santa Clara Council and Authorities Concurrent meeting agenda:

_____

_____

_____

Reference: **Council Policy 030 – Adding an Item on the Agenda**
Resolution No. 20-8895

RESOLUTION NO. 20-8895

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA TO REPEAL RESOLUTION NO. 20-8890, AMEND COUNCIL POLICY 030 ENTITLED "ADDING AN ITEM ON THE AGENDA," AND APPROVE THE COUNCIL ITEM REQUEST FORM

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, amending the policy on adding an item on the agenda to establish a clear, effective and easily understood process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on a meeting agenda;

WHEREAS, the amended version of the Adding an Item on the Agenda policy expands on the current policy language by clearly stating that, when a written request is first considered, discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item; and,

WHEREAS, the amended Adding an Item on the Agenda policy, attached hereto as Attachment 1, includes a Council Item Request Form for the City Council's use when requesting an item for inclusion on a Council meeting agenda and adds the procedure for written requests from members of the City Council.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 20-8890 is hereby rescinded in its entirety.

2. That amended Council Policy 030 entitled "Adding an Item on the Agenda" with the Council Item Request Form, 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.

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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
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Council Policy 030 entitled "Adding an Item on the Agenda"

ADDING AN ITEM TO~~ON~~ THE AGENDA

PURPOSE

The purpose of this Policy is t~~T~~o establish a clear, effective, and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY/~~PO LICY~~PROCESS FOR CITY COUNCIL MEMBERS

Referral from Members of the City Council in Advance of a Meeting:

After consultation with the City Manager (and/or City Attorney, as appropriate), t~~T~~he Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a future City Council agenda, ~~provided the request is received two (2) days prior to the public release of the agenda packet~~. An item may be referred to the City Manager for inclusion on a City Council agenda during a Council meeting by City Council action.~~At the meeting where the request is heard, discussion should be limited to whether the item should be added to an agenda and a date,not the merit of the item.~~

~~**Referral from a Council Committee:**~~

~~Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.~~

~~Council Committees may bring forward a recommendation to the full City Council by way of the Committee minutes, which are typically prepared within three weeks following the Committee meeting.~~

~~**Items Referred During a Council Meeting:**~~

~~By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.~~

PROCEDURE FOR WRITTEN REQUESTS FROM CITY COUNCIL

The process for this shall be as follows:

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Prior to submitting a Council Item Request from, the Member shall discuss the proposed request with the City Manager (And/or City Attorney, as appropriate) to determine if City staff's response does not satisfy the Member's request, the Member shall submit the Council Item Request form for placement on a future City Council agenda.
3. Once the City Clerk's Office receives the Council Item Request form, it should immediately be forwarded to the City Manager for placement on an agenda, is possible, within two (2) Council meetings after receipt of the original request by the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requestor without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide the direction to the City Manager.

Referrals from Members of the Council at the Council Meeting

If an issue arises during a Council meeting that may require future City Council action a City Council member may also request, through a referral, that such item be agendized for future Council consideration. Such a request may be considered by the Council following the "Procedure for Handling Requests at the City Council Meeting" set forth below.

POLICY/PROCESS FOR COUNCIL COMMITTEES

Referral from a Council Committee:

Council Committees may ~~submit a written~~ request that ~~to the City Manager's Office for inclusion of~~ an item to be considered for inclusion on a future City Council agenda by formal committee action. Any such request shall be submitted to the City Manager in writing.~~,~~ P~~p~~rovided the request is received two (2) days prior to the public release of the City Council agenda packet the item shall be included for consideration at that City Council meeting in accordance with the "Procedure for Handling Requests at the City Council Meeting" set forth below.

~~Council Committees may bring forward a recommendation to the full City Council by way of the Committee minutes, which are typically prepared within three weeks following the Committee meeting.~~

~~**Items Referred During a Council Meeting:**~~

~~By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.~~

Requests from Members of the Public:

Members of the public may request that an item be added to a City Council Agenda in any of the following ways:

POLICY/PROCESS FOR MEMBERS OF THE PUBLIC

1. **Public Presentations:** Any member of the public may address the City Council under the "Public Presentations" section of the agenda to make a request of the City Council to add an item to a future meeting. If a member of the public wishes to provide a written petition of their request prior to their appearance at a Council Meeting they may be submitted as follows:
   a. Email:
      City Council: mayorandcouncil@santaclaraca.gov
      City Manager: manager@santaclaraca.gov
   b. MySantaClara App:
      www.santaclaraca.gov/services/make-a-service-request

   Note: Written Petitions will not be listed on the City Council agenda, and the member must be present at the meeting to present their request.
2. **Individual City Councilmembers:** Members of the public may directly petition individual City Councilmembers to request that an item be added to a future Council meeting. The Councilmember may then choose to submit the request through the Council referral process outlined in this Policy, above.
3. **City Manager and City Departments:** Members of the public may also petition the City Manager or City staff for specific action. The City Manager and/or staff may respond, as appropriate, directly to this request, or direct the member of the public to the other methods of petitioning the City outlined above.

ADDING AN ITEM ON THE AGENDA

~~**Written Petitions and Public Presentations:**~~

~~Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the City Council to be heard under the **"Written Petition"** section of the City Council's regular agenda within two (2) Council meetings after received. After the initial Written Petition is placed on the agenda, a majority vote of the City Council may add the item to a future Council meeting for action. Any member of the public may address the City Council under the **"Public Presentations"** section of the agenda. If the presentation includes a request of the Council, a majority vote of the City Council may refer the item to the City Manager to be properly added to a future meeting, in compliance with the Brown Act.~~

PROCEDURE FOR ~~WRITTEN PETITIONS~~HANDLING REQUESTS AT THE CITY COUNCIL MEETING

1. At the meeting where the request to add an item to a future agenda is heard, Council discussion is limited to whether the item should be added to an agenda and a date, not the merit of the item. Valid considerations that can be discussed include whether the matter is within the City's jurisdiction, being addressed in some other way, City resource requirements, legality, timing, and prioritization.

2. Council may take the following actions when a request is made:~~All requests to address the City Council shall be submitted in writing. Written Petition forms are available for the petitioner's convenience on the City's website and in the City Manager's Office, City Clerk's Office, and the Mayor and Council Offices. Alternatively, an email may be submitted to clerk@santaclaraca.gov.~~

    a. No Action.
    b. Refer the request to City staff for further study and a timely report back to Council.
    c. Refer the item to a future annual Council Priority Setting session meeting.
    d. Placement on a future Council meeting agenda for further consideration or action.

~~1. Once the Written Petition is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement~~

~~on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (request and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.~~

~~2.~~3. 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 within thirty (30) days, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.~~Discussion should be limited to whether an item should be added to an agenda and a date, not the merit ofthe item.~~

ADDING AN ITEM ON THE AGENDA

~~PROCEDURE FOR WRITTEN REQUESTS FROM CITY COUNCIL~~

~~Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.~~

~~1. Once the Council Item Request Form is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.~~

~~2.~~4. ~~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 within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit ofthe item.~~

Attachments: Council Item Request Form

ADDING AN ITEM TO THE AGENDA

PURPOSE

The purpose of this Policy is to establish a clear, effective, and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY/ PROCESS FOR CITY COUNCIL MEMBERS

Referral from Members of the City Council in Advance of a Meeting:

After consultation with the City Manager (and/or City Attorney, as appropriate), the Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a future City Council agenda,. An item may be referred to the City Manager for inclusion on a City Council agenda during a Council meeting by City Council action.

The procedure for written request from the City Council shall be as follows:

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Prior to submitting a Council Item Request from, the Member shall discuss the proposed request with the City Manager (And/or City Attorney, as appropriate) to determine if City staff's response does not satisfy the Member's request, the Member shall submit the Council Item Request form for placement on a future City Council agenda.
3. Once the City Clerk's Office receives the Council Item Request form, it should immediately be forwarded to the City Manager for placement on an agenda, is possible, within two (2) Council meetings after receipt of the original request by the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requestor without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide the direction to the City Manager.

Referrals from Members of the Council at the Council Meeting

If an issue arises during a Council meeting that may require future City Council action a City Council member may also request, through a referral, that such item be agendized for future Council consideration. Such a request may be considered by the Council following the

"Procedure for Handling Requests at the City Council Meeting" set forth below.

POLICY/ PROCESS FOR COUNCIL COMMITTEES

Referral from a Council Committee:

Council Committees may request that an item to be considered for inclusion on a future City Council agenda by formal committee action. Any such request shall be submitted to the City Manager in writing. Provided the request is received two (2) days prior to the public release of the City Council agenda packet the item shall be included for consideration at that City Council meeting in accordance with the "Procedure for Handling Requests at the City Council Meeting" set forth below. .

POLICY/ PROCESS FOR MEMBERS OF THE PUBLIC

Requests from Members of the Public:

Members of the public may request that an item be added to a City Council Agenda in any of the following ways:

1. **Public Presentations:** Any member of the public may address the City Council under the "Public Presentations" section of the agenda to make a request of the City Council to add an item to a future meeting. If a member of the public wishes to provide a written petition of their request prior to their appearance at a Council Meeting they may be submitted as follows:

    a. Email:

    City Council: mayorandcouncil@santaclaraca.gov

    City Manager: manager@santaclaraca.gov

    b. MySantaClara App:

    www.santaclaraca.gov/services/make-a-service-request

    Note: Written Petitions will not be listed on the City Council agenda, and the member must be present at the meeting to present their request.

2. **Individual City Councilmembers:** Members of the public may directly petition individual City Councilmembers to request that an item be added to a future Council meeting. The Councilmember may then choose to submit the request through the Council referral process outlined in this Policy, above.

3. **City Manager and City Departments:** Members of the public may also petition the City Manager or City staff for specific action. The City Manager and/or staff may respond, as appropriate, directly to this request, or direct the member of the public to the other methods of petitioning the City outlined above.

PROCEDURE FOR HANDLING REQUESTS AT THE CITY COUNCIL MEETING

1. At the meeting where the request to add an item to a future agenda is heard, Council discussion is limited to whether the item should be added to an agenda and a date, not the merit of the item. Valid considerations that can be discussed include whether the matter is within the City's jurisdiction, being addressed in some other way, City resource requirements, legality, timing, and prioritization.

2. Council may take the following actions when a request is made:

    a. No Action.

    b. Refer the request to City staff for further study and a timely report back to Council.

    c. Refer the item to a future annual Council Priority Setting session meeting.

    d. Placement on a future Council meeting agenda for further consideration or action.

3. 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 within thirty (30) days, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.

Attachments: Council Item Request Form

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA AMENDING COUNCIL POLICY 030 ENTITLED "ADDING AN ITEM ON THE AGENDA"

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, amending the policy on adding an item on the agenda will establish a clear, effective and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council,;

WHEREAS, the amended "Adding an Item on the Agenda" policy updates the process for referral from the Members of the City Council and updates the procedure to include consultation with the City Manager and/or City Attorney as part of the procedures.

WHEREAS, the amended policy also updates the process in which members of the public have options to include items for consideration to the City Council by participating in public presentations, by petition to individual City Councilmembers or by petition to the City Manager and City Departments for specific action;

WHEREAS, the amended policy further clarifies the procedures to handle requests during City Council meetings where the request is heard and Council discussion is limited but actions may be made to the request; and

WHEREAS, the policy has been amended with the intention of streamlining the public meeting process while maintaining opportunities for both the public and the Council to request topics to be addressed by the City and the City Council at future meetings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 20-8895 adopting amended Council Policy 030 ("Adding an Item on the Agenda"), attached here as Attachment 1, is hereby repealed in its entirety.

2. That Council Policy 030 entitled "Adding an Item on the Agenda," attached here as Attachment 2, is hereby approved and adopted.

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 24TH DAY OF OCTOBER, 2023, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Resolution No. 20-8895
2. Council Policy 030 entitled "Adding an Item on the Agenda"

City of Santa Clara

City Council
October 24, 2023

Item #8: 23-1160 Action on Recommendation of the Governance and Ethics Committee to Amend Council Policy 030, entitled Adding an Item on the Agenda, to Modify and Clarify Terms for City Council and Public Requests

Jovan Grogan, City Manager
Glen Googins, City Attorney

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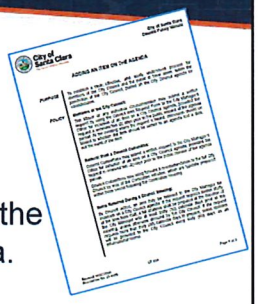
Council Policy 030
Background



- First Adopted as a Council Policy in 1999
- **Purpose:** Establish a straightforward and effective process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on the City Council agenda.
- Last amended on October 27, 2020 to describe what can be considered at the meeting where request is made and added the Council Item Request Form
- Added to the Governance and Ethics Committee Workplan and considered at the July 11 and September 11th Committee Meetings
- Version presented based on Committee recommendations with some clean-up and reorganization of the sections

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Council Policy 030
Proposed Changes -- Council Member Referrals

Consultations with Staff Formalized:

- Formalize the process for Councilmembers consultations with the City Manager/City Attorney before submitting a written request to agendize an item.
- Enables staff to evaluate and provide feedback on resource requirements, legality, timing and prioritization for any proposed 030 action.
- After consultations, Councilmembers will reserve the right to proceed with their 030 request for consideration at a Council Meeting.

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City Council Policy 030
Proposed Changes – Request from the Public cont.

Public "Petitions" Proposed Presented During Public Presentations:

- The written petition process is proposed to be consolidated with the Public Presentations portion of the City Council meeting. Advanced written petitions will no longer be listed on the agenda.
- During Public Presentations, the public may request that the Council refer an item to City staff or place an item for discussion on a future agenda.

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Council Policy 030
Proposed Changes – Requests from the Public

- Various forms of public "petition" requesting City action summarized to include the following options:
  1. Verbal or written communications with City staff
  2. Verbal or written communications with one or more elected officials
  3. Appearing live (or by zoom) at a City Council meeting, and
  4. During the public engagement portion of the Annual Priority Setting Process.

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Council Policy 030
Proposed Changes – Council Member Referrals (cont'd)

- **Limited Discussions and Actions Outlined.** Updated policy also adds guidance on the limited extent to which any 030 item can be presented and discussed, and provides a summary of the range of options for City Council actions which include:
  - no action
  - referral to staff for analysis and a report at a future meeting
  - referral to a future Council priority setting meeting, or
  - agendization for action at a future Council meeting

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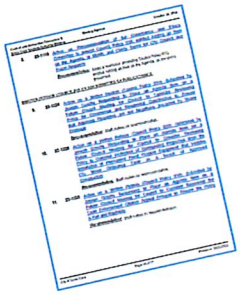
Council Policy 030

Proposed Changes – Council Member Referrals (cont'd)

- **New Location on Agenda.** City Council 030 Policy items to be considered at the end of the meeting under "Reports of members and Special Committees" – assist with prioritizing City Business items.



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City Council Policy 030

Proposed Changes – Request from the Public cont.

Possible City Council Actions Specified but Still Limited:

- Because any such item is not on the agenda, only a Council referral to staff, or, if the item is urgent, a proposal to agendize the item for consideration at a future City Council meeting, would be in order.

- If, upon hearing a petition for action by a member of the public, one or more Council member desires to sponsor this request, such Council Member(s) would also have the option to follow the 030 Policy referral and submit their own petition in support of the public petition.

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City Council Policy 030
Changes from Governance Committee Version

- ✓ Improved headings and organization to facilitate use
- ✓ Removed duplicative provisions
- ✓ Provide the methods in which the public may make request of the City Council

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Recommendation

Adopt a resolution amending Council Policy 030, entitled Adding an Item on the Agenda, on the terms presented.

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RESOLUTION NO. 23-9278

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING COUNCIL POLICY 030 ENTITLED "ADDING AN ITEM ON THE AGENDA"

WHEREAS, amending the policy on adding an item on the agenda will establish a clear, effective and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council;

WHEREAS, the amended "Adding an Item on the Agenda" policy updates the process for referral from the Members of the City Council and updates the procedure to include consultation with the City Manager and/or City Attorney as part of the procedures; and,

WHEREAS, the amended policy also updates the process in which members of the public have options to include items for consideration to the City Council by participating in public presentations, by petition to individual City Councilmembers or by petition to the City Manager and City Departments for specific action; and

WHEREAS, the amended policy further clarifies the procedures to handle requests during City Council meetings where the request is heard and Council discussion is limited but actions may be made to the request; and

WHEREAS, the policy has been amended with the intention of streamlining the public meeting process while maintaining opportunities for both the public and the Council to request topics to be addressed by the City and the City Council at future meetings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 20-8895 adopting amended Council Policy 030 ("Adding an Item on the Agenda"), attached here as Attachment 1, is hereby repealed in its entirety.

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2. That Council Policy 030 entitled "Adding an Item on the Agenda," attached here as Attachment 2, is hereby approved and adopted.

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 24TH DAY OF OCTOBER, 2023, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Hardy, Jain, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	Becker and Park
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Resolution No. 20-8895
2. Council Policy 030 entitled "Adding an Item on the Agenda"

RESOLUTION NO. 20-8895

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA TO REPEAL RESOLUTION NO. 20-8890, AMEND COUNCIL POLICY 030 ENTITLED "ADDING AN ITEM ON THE AGENDA," AND APPROVE THE COUNCIL ITEM REQUEST FORM

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, amending the policy on adding an item on the agenda to establish a clear, effective and easily understood process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on a meeting agenda;

WHEREAS, the amended version of the Adding an Item on the Agenda policy expands on the current policy language by clearly stating that, when a written request is first considered, discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item; and,

WHEREAS, the amended Adding an Item on the Agenda policy, attached hereto as Attachment 1, includes a Council Item Request Form for the City Council's use when requesting an item for inclusion on a Council meeting agenda and adds the procedure for written requests from members of the City Council.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 20-8890 is hereby rescinded in its entirety.

2. That amended Council Policy 030 entitled "Adding an Item on the Agenda" with the Council Item Request Form, 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.

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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
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Council Policy 030 entitled "Adding an Item on the Agenda"

ADDING AN ITEM ON THE AGENDA

PURPOSE

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

POLICY

Members of the City Council:

The Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet. At the meeting where the request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item.

Referral from a Council Committee:

Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

Council Committees may bring forward a recommendation to the full City Council by way of the Committee minutes, which are typically prepared within three weeks following the Committee meeting.

Items Referred During a Council Meeting:

By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.

ADDING AN ITEM ON THE AGENDA

Written Petitions and Public Presentations:

Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the City Council to be heard under the **"Written Petition"** section of the City Council's regular agenda within two (2) Council meetings after received. After the initial Written Petition is placed on the agenda, a majority vote of the City Council may add the item to a future Council meeting for action. Any member of the public may address the City Council under the **"Public Presentations"** section of the agenda. If the presentation includes a request of the Council, a majority vote of the City Council may refer the item to the City Manager to be properly added to a future meeting, in compliance with the Brown Act.

PROCEDURE FOR WRITTEN PETITIONS

1. All requests to address the City Council shall be submitted in writing. Written Petition forms are available for the petitioner's convenience on the City's website and in the City Manager's Office, City Clerk's Office, and the Mayor and Council Offices. Alternatively, an email may be submitted to clerk@santaclaraca.gov.
2. Once the Written Petition is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (request and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. 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 within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.

ADDING AN ITEM ON THE AGENDA

PROCEDURE FOR WRITTEN REQUESTS FROM CITY COUNCIL

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Once the Council Item Request Form is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. 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 within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.

Attachments: Council Item Request Form

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The Center of What's Possible

COUNCIL ITEM REQUEST FORM

The Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to future Council meeting agenda for action.

CONTACT INFORMATION

Requesting Member of City Council _____

Contact E-mail _____

Contact Phone _____

Today's Date _____

WRITTEN REQUEST

I, _____, hereby request that the following item be placed on the City of Santa Clara Council and Authorities Concurrent meeting agenda:

_____

_____

_____

Reference: **Council Policy 030 – Adding an Item on the Agenda**
Resolution No. 20-8895

ADDING AN ITEM TO THE AGENDA

PURPOSE

The purpose of this Policy is to establish a clear, effective, and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY/ PROCESS FOR CITY COUNCIL MEMBERS

Referral from Members of the City Council in Advance of a Meeting:

After consultation with the City Manager (and/or City Attorney, as appropriate), the Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a future City Council agenda,. An item may be referred to the City Manager for inclusion on a City Council agenda during a Council meeting by City Council action.

The procedure for written request from the City Council shall be as follows:

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Prior to submitting a Council Item Request from, the Member shall discuss the proposed request with the City Manager (And/or City Attorney, as appropriate) to determine if City staff's response does not satisfy the Member's request, the Member shall submit the Council Item Request form for placement on a future City Council agenda.
3. Once the City Clerk's Office receives the Council Item Request form, it should immediately be forwarded to the City Manager for placement on an agenda, is possible, within two (2) Council meetings after receipt of the original request by the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requestor without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide the direction to the City Manager.

Referrals from Members of the Council at the Council Meeting

If an issue arises during a Council meeting that may require future City Council action a City Council member may also request, through a referral, that such item be agendized for future Council consideration. Such a request may be considered by the Council following the

"Procedure for Handling Requests at the City Council Meeting" set forth below.

POLICY/ PROCESS FOR COUNCIL COMMITTEES

Referral from a Council Committee:

Council Committees may request that an item to be considered for inclusion on a future City Council agenda by formal committee action. Any such request shall be submitted to the City Manager in writing. Provided the request is received two (2) days prior to the public release of the City Council agenda packet the item shall be included for consideration at that City Council meeting in accordance with the "Procedure for Handling Requests at the City Council Meeting" set forth below. .

POLICY/ PROCESS FOR MEMBERS OF THE PUBLIC

Requests from Members of the Public:

Members of the public may request that an item be added to a City Council Agenda in any of the following ways:

1. **Public Presentations:** Any member of the public may address the City Council under the "Public Presentations" section of the agenda to make a request of the City Council to add an item to a future meeting. If a member of the public wishes to provide a written petition of their request prior to their appearance at a Council Meeting they may be submitted as follows:

    a. Email:

    City Council: mayorandcouncil@santaclaraca.gov

    City Manager: manager@santaclaraca.gov

    b. MySantaClara App:

    www.santaclaraca.gov/services/make-a-service-request

    Note: Written Petitions will not be listed on the City Council agenda, and the member must be present at the meeting to present their request.

2. **Individual City Councilmembers:** Members of the public may directly petition individual City Councilmembers to request that an item be added to a future Council meeting. The Councilmember may then choose to submit the request through the Council referral process outlined in this Policy, above.

3. **City Manager and City Departments:** Members of the public may also petition the City Manager or City staff for specific action. The City Manager and/or staff may respond, as appropriate, directly to this request, or direct the member of the public to the other methods of petitioning the City outlined above.

PROCEDURE FOR HANDLING REQUESTS AT THE CITY COUNCIL MEETING

1. At the meeting where the request to add an item to a future agenda is heard, Council discussion is limited to whether the item should be added to an agenda and a date, not the merit of the item. Valid considerations that can be discussed include whether the matter is within the City's jurisdiction, being addressed in some other way, City resource requirements, legality, timing, and prioritization.

2. Council may take the following actions when a request is made:

    a. No Action.

    b. Refer the request to City staff for further study and a timely report back to Council.

    c. Refer the item to a future annual Council Priority Setting session meeting.

    d. Placement on a future Council meeting agenda for further consideration or action.

3. 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 within thirty (30) days, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.

References

10/27/2020 Revised, Resolution No. 20-8895

Attachments: Council Item Request Form

City of Santa Clara
The Center of What's Possible

COUNCIL ITEM REQUEST FORM

The Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to future Council meeting agenda for action.

CONTACT INFORMATION

Requesting Member of City Council _____

Contact E-mail _____

Contact Phone _____

Today's Date _____

WRITTEN REQUEST

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