



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Amend Council Policy 7.3.19 (Council Meetings)

BACKGROUND

Council Policy 7.3.19, which outlines Council-established policies relative to Council meetings was initially adopted on November 20, 2004 and has been amended several times; the last time being in October 2012. The policy addresses: how items are placed on the agenda, public noticing regarding Council meeting agendas, distribution of Council meeting materials, start and ending times of Council meetings, and Council meeting protocol and minutes.

EXISTING POLICY

Council Policy 7.3.19 (Council Meetings)

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with 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.

DISCUSSION

The final three items on the agenda are: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items. Under the current Council Policy, a separate vote must be taken to hear these reports. If they are to be heard after 11:30 p.m., then a majority of the Council must vote to hear the item. If they are to be heard after 12:30 a.m., then a supermajority, as defined in the Council Policy, of the Council must vote to hear the item. For the Council to hear these items without a separate vote, it is necessary to amend the Policy. In order to remain consistent with the Council intent to encourage public participation and to expedite the process for the Council to hear these three items after 11:30 p.m. or 12:30 a.m., it is proposed to amend the Policy so that Council may agree to hear these items by a single motion. The requirements for passage will remain unchanged. The proposed amendment is shown below, with the added text underlined:

Limiting late night meetings is intended to encourage public participation. Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

Notwithstanding the above, Council will not begin hearing any of the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee

Assignments, Non-Agenda Items and Comments and Information Only Reports/Items, unless by a single motion it agrees to do so.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

Council Policy 7.3.19 defines supermajority and this definition conflicts with how a supermajority vote is defined in The Standard Code of Parliamentary Procedures (Sturgis), which serves as a guide for meeting protocol under the Policy. Under Sturgis a supermajority is defined as 2/3 of the Council. Consequently, if there are only 6 councilmembers present at the time of the vote, a supermajority pursuant to the Council Policy's definition would be 5, whereas pursuant to Sturgis it would be 4.

In order, to assure that Sturgis does not supersede Council adopted policies, rules or procedures it is proposed to add clarifying language to the Council Policy. The proposed amendment is shown below, with the added text underlined:

Meetings will be chaired and presided over by the Mayor, who shall be guided by The Standard Code of Parliamentary Procedure (Sturgis), as modified by any policy, rule or procedure adopted by the Council, or as otherwise required by law, and the City's Code of Ethics and Conduct for Elected and Appointed Officials. The City Attorney shall serve as advisory parliamentarian to the Mayor. Any ruling by the Mayor that is challenged and seconded may be overruled by a majority vote of the Council.

The amendment also acknowledges that Sturgis will be superseded when it is conflict with any state or federal law(s) that require the Council to act in a certain manner.

FISCAL IMPACT

Approval of this action does not have an impact on the General Fund.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Approve an Amended Council Policy 7.3.19 (Council Meetings) to: 1) hear by a single motion the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items; and 2) to assure that the Standard Code of Parliamentary Procedures used by Council will be superseded by Council adopted policies, rules or procedures and any state or federal law(s) that require the Council to act in a certain manner.

Prepared by: John A. Nagel, City Attorney

ATTACHMENT

1. Draft Amended Council Policy 7.3.19