



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approve Amendments to Council Policy 7.3.19 (Council Meetings) Adding a Process for City Council Colleague Memorandums to Propose new Agenda Items

BACKGROUND

On January 12, 2021, Councilmember Fong sponsored Study Issue OCM 21-03 (Consider the Creation of a Formal Process for City Council Colleague Memorandums). Mayor Klein along with Councilmembers Melton, Cisneros and Din cosponsored the Study Issue. The Study Issue described the purpose of a Colleagues Memorandum as an opportunity that allows Councilmembers to prepare memoranda on topics coming before the Council or on any matter within Council's subject matter jurisdiction.

On September 14, 2021, the City Council provided feedback on this Study Issue during a study session. During the study session, Councilmembers discussed whether a colleagues memorandum policy should address items already on a Council agenda or be used to add items to a future agenda. Additional discussion included concerns about Councilmembers commenting on agenda items prior to the public hearing on the item. There was general consensus for a follow up study session outlining a process for memorandums to add items to future agendas.

On October 26, 2021, the Council reviewed draft Colleagues Memorandum language for potential inclusion in Council Policy 7.3.19 (Council Meetings) during a study session. There was general consensus for adding the proposed language to Council Policy 7.3.19. Additional discussion involved treating the proposed language as a pilot amendment to the Council Policy either through scheduling a review of the language 1-year after the language is added or by including automatic removal of the language after 1-year.

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

In response to the study session discussion on October 26, 2021, two options to treat the proposed amendments as a pilot were developed. Alternative 1 would approve the amendments without any pilot provisions. Alternative 2 includes adding the following language to the amendments to the

Council Policy, "Absent City Council action, this subheading becomes inoperative on January 1, 2023." Alternative 3 directs staff to schedule a review of the Council Policy one-year after the amendments are approved by Council.

The amendments would permit a group of two (2) to three (3) Councilmembers to prepare a colleagues memorandum that is up to two (2) pages in length. The group could request staff review of a draft memorandum, providing staff two (2) business days to complete the review. The staff review would be limited to one (1) hour in alignment with Council Policy 7.4.10 (Council Inquiries and Requests for Information and Records).

Final memorandums submitted to the City Manager by Noon the day before a Council meeting packet is published would be included under the Non-Agenda Items & Comments portion of the agenda; staff typically publish Council meeting packets on Thursdays for meetings scheduled on Tuesday or later the following week. When staff review of a draft memorandum is requested, the draft memorandum would need to be submitted a minimum of three (3) business days before the Council meeting packet is published.

The proposed amendments would identify that a colleagues memorandum is not required for a Councilmember to request a future agenda item.

FISCAL IMPACT

The proposed amendments to Council Policy (7.3.19 Council Meetings) do not have a fiscal impact.

PUBLIC CONTACT

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

ALTERNATIVES

1. Approve amendments to Council Policy 7.3.19 (Council Meetings) adding a process for City Council Colleague Memorandums to propose new agenda items. (no pilot provisions)
2. Approve amendments to Council Policy 7.3.19 (Council Meetings) adding a process for City Council Colleague Memorandums to propose new agenda items, including pilot language rendering the amendments inoperative on January 1, 2023.
3. Approve amendments to Council Policy 7.3.19 (Council Meetings) adding a process for City Council Colleague Memorandums to propose new agenda items and direct staff to schedule a review of the Council Policy after one-year from its approval.
4. Other direction as provided by Council.

STAFF RECOMMENDATION

Staff makes no recommendation. This report is being presented to City Council to facilitate discussion at the public hearing and for Council to consider various options that relate to the proposed amendments as a pilot.

Prepared by: David Carnahan, City Clerk
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Proposed Amendments to Council Policy 7.3.19 (Council Meetings) shown in redline