



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 10, 2018

TO: Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
Lori Martin, Administrative Services Director/City Clerk

SUBJECT: Process for Determining Future Council Agenda Items

RECOMMENDED ACTION:

Discuss options and provide direction to staff.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no commission or subcommittee review of this item.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact associated with this item.

BACKGROUND:

At the council meeting of June 26, 2018, during the portion of the agenda titled, "XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE REPORTS AND FUTURE AGENDA ITEMS", Council Member de Vera requested the scheduling of a discussion regarding the process whereby the council determines future agenda items. A majority of the council approved her request and directed that staff bring this matter back to the full council for discussion at a future council meeting. This staff report is responsive to the Council's direction.

DISCUSSION:

The current version of the Council's Rules of Procedure provide for the scheduling of future agenda items as follows:

"5.2 Agenda. An item may be placed on a Council agenda by any of the following methods:

(1) A Council Member may request an item be considered on a future agenda and, upon agreement of a majority of the Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request during a meeting under Section XV. The process involves two steps: initial consideration of the request

by the full Council and, if a majority agree, the matter is then scheduled for further consideration on an upcoming meeting agenda, or placed on the Council's pending items list with no specific date set.

(2) By the City Manager

(3) By the City Attorney

The Agenda Committee composed of the Mayor, City Manager, City Attorney, and the City Clerk shall meet bi-weekly to plan the scheduling and order of the agenda for future Council meetings."

Possible options that the Council might consider include:

- 1) Confirm the current process with no changes.
- 2) Modify the current process with Council Members still able to raise the matter orally, but encourage Council Members to share their planned request with the City Clerk via e-mail at least 24 hours in advance of the meeting, which the City Clerk can disseminate prior to the meeting.
- 3) Require that possible future agenda items be submitted by council members to the City Clerk prior to publication of the Agenda, which is required to be no later than 72 hours in advance of a regular meeting, to be listed on the agenda for scheduling by the full council.
- 4) Consider a hybrid approach requiring submission of possible future agenda items to the City Clerk prior to publication of the Agenda, which is required to be no later than 72 hours in advance of a regular meeting, but allowing for bringing up possible future agenda items orally during Section XV when the matter came to the attention of the requesting council member after the publication of the agenda.

All of the above options satisfy state law open meeting requirements. The Ralph M. Brown Act allows for limited discussion of non-agendized items for the purpose of scheduling such matters for future agendas. And, the Council has the authority to adopt agenda setting rules regarding the noticing of agenda items that are stricter than those required by state law.

ATTACHMENTS:

1. Current version of the City Council Rules of Procedure