



Memorandum

Chuck Reed

TO: Rules and Open Government
Committee

FROM: Chuck Reed, Mayor

**SUBJECT: COUNCIL COMMITTEE
PROCEDURES**

DATE: February 21, 2007

RECOMMENDATION

Approve proposed Council Committee procedures for managing Council Committees.

OUTCOME

A uniform understanding and practice for managing Council Committees.

BACKGROUND

On January 9, 2007, the Council approved the new Council Committee structure and related Council Rules of Conduct for Meetings, as follows:

- Rules & Open Government Committee
- Transportation & Environment Committee
- Community & Economic Development Committee
- Public Safety, Finance and Strategic Support Committee
- Neighborhood Services & Education Committee

The Rules of Conduct includes basic structure and procedures for the established Council Committees. Given that the Rules of Conduct did not provide instructions for managing a Council Committee, I believe that it is important to establish predictability in how items will be handled by Committees. This memo provides more detail on this process.

ANALYSIS

On January 31, 2007, the Rules & Open Government Committee approved work plans for each Council Committee and discussed uniform protocols for managing Council Committees. Below are preliminary procedures.

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Council Committee Agenda Packets & Minutes

With the exception of Rules & Open Government Committee, Council Committee agendas and reports should be posted and distributed 7 days in advance of the meeting. The Rules & Open Government Committee took action on this matter at its January 31, 2007 meeting.

The Rules & Open Government Committee, which meets weekly, will release and post its agenda packet and reports 5 days prior to the meeting and administrative drafts related to Council Agenda setting will continue to be released the day of the Rules & Open Government Committee meeting. Committee minutes (otherwise known as the "Committee Report") shall be distributed in a timely manner, however, the Reports are exempt from the "10 day rule".

Council Committee Work Plan Development

As described in the January 9th report, work plan development should be completed between the Administration, Mayor's Office and Committee Chair. The work plans should contain a comprehensive list, with or without a date specific, of agenda items at the time that they are presented to the Rules & Open Government Committee.

New Committee agenda items that need to be added to a Committee agenda should go through the Rules & Open Government Committee for approval. This allows for the Rules & Open Government Committee to evaluate the proposed additional agenda item's workload impact, relevancy to the Committee mission, and determine whether the item should be heard by the full City Council.

Dropping or Deferring Council Committee Items

Each Council Committee should be able to defer, drop, and reschedule items at its own discretion without any further action by the Rules & Open Government Committee. Once the Rules & Open Government Committee has approved the work plan content, the Council Committee should be able to move agenda items as it deems necessary to allow for flexibility depending on the discussions had at the Committee Meetings.

Council Policy 0-12, Council Referral Policy

When a Council Committee refers requests to staff, staff should follow instructions in Council Policy 0-12 and proceed accordingly. In short, this policy prescribes a process for referrals that require more than 40 hours of staff time and refers final disposition to the Rules Committee. Reinforcing the use of Council Policy 0-12 will allow for the City Council to adhere to its set priorities and manage staff's workload and capacity.

In addition to this request, the Rules & Open Government may want to evaluate Council Policy 0-12 and determine if it requires amendment.

(Attachment A)

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“Cross Referenced” Items for Full Council Consideration

The Council Committee should determine which items require full City Council action, on the advice of the City Attorney’s Office and/or City Manager’s Office, and then staff shall arrange for the Council Committee agenda item to be noticed on a City Council agenda for full City Council consideration.

Report on Council Directives, Performance Measures and Legislative Updates

I would like to suspend the reports on Council directives and performance measures for the month of February and request that the Administration develop uniform report formats for reporting to Committees. This report should return to the Rules & Open Government Committee within 30 days for consideration.

This step will ensure that each Council Committee is evaluating relevant Council directives and performance measures that are at the same level throughout Committees. It also provides the Administration the time that it needs to organize its work to be responsive to this directive. Also, given that some of the Council directives take time to implement, and progress is not made in one month, along with most performance measures being gathered over time, we should consider quarterly reporting on both subjects.

Last, I would like to clarify that legislative reports should be presented at the Public Safety, Finance and Strategic Support Committee quarterly, rather than monthly. The Transportation & Environment Committee will hear quarterly a legislative update and the Rules & Open Government Committee will frequently discuss legislative matters impacting San Jose. Shifting the reporting of the Public Safety, Finance and Strategic Support Committee to quarterly makes this practice consistent with the Transportation & Environment Committee.

Committee Reports to the Full Council

The Council shall vote to accept the Committee Report and to take all actions specified in the Report, other than to approve an ordinance, resolution or contract. Councilmembers who do not concur with a recommendation may request a separate vote or may ask that a 'no' vote be recorded with regard to that recommendation. Staff recommendations that are contained in other materials shall be restated in the committee report or separately agendized for Council consideration.

COORDINATION

This report was coordinated with the Offices of the City Clerk, City Attorney, and City Manager.

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CONCLUSION

With the above protocol in place, logistics surrounding the implementation of Committee work plans will be uniform and predictable for the public. In addition, with the understanding that this is a new Committee structure, staff should return to the Rules & Open Government Committee within six months with any additional procedures needed to accomplish uniform committee management.

CITY OF SAN JOSE

COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
Requests for Policy Analysis (Council Referrals)	1 of 5	0-12
	EFFECTIVE DATE	REVISED DATE
	4-22-80	6-26-01
APPROVED BY COUNCIL ACTION: 4/22/80, Item 9f; 4/2/91, Item 7b(6); 6/26/01, Item 2.70c		

BACKGROUND

In the past, requests for information and/or research from the City Council to the City Administration have been processed without formal guidelines. In some cases this has resulted in duplication of effort, inadequate responses, or excessive effort expended by City Departments and Council Appointee Offices in complying with such requests. Effective and timely responses are best provided through a uniform procedure and tracking system.

PURPOSE

It is the purpose of this Policy Statement to establish uniform procedures that will provide for prompt and effective responses to policy referrals and/or major studies made by the City Council to the City Administration and other Council Appointees so that:

1. Council information needs are effectively met; and
2. City Service Area and Council Appointee Business Plans and budgeted workloads are not severely disrupted by the volume of such requests.

Council, at any time, may make requests for information through the Rules Committee, Council Meetings, or informally.

DEFINITIONS

1. **Council Referral** –A policy referral or a major study of an item of a legislative, service delivery, policy and/or investment nature that may require:
 - Fiscal resources;
 - Complex policy analysis;
 - Changes/adjustments to performance measures results;

- Over 40 hours of staff work, exception is in the event of a hiring freeze, which would trigger a Department-by Department basis dependent upon the impact of the freeze on a particular Department;
- Addition to a CSA One-Year Action Plan; and,
- Potential amendments to the municipal code and/or Council action.

The initiator of the referral is to follow up his/her request in writing and forward the request to the Rules Committee for action. A referral will not be considered formal until the Rules Committee has taken action on it.

2. Requests For Information -- A formal or informal request from a Councilmember to a Council Appointee for existing information (i.e., brief verbal information or copies of reports already prepared and ready for distribution, or written information that requires minor staff time that is consistent with the City Service Area Business Plan) or some other request that does not fall into the category of Council Referral. When a request for information is made to the City Manager or other Council Appointee, it is the responsibility of the Manager and his/her staff, or other Council Appointee and their respective staffs, to determine the scope of the request and to advise the Council through the Rules Committee if a Council Referral will be required.
3. Summary Of Outstanding Council Referrals – A quarterly report, issued to the Rules Committee by the Council Liaison, listing items previously referred by the Council to the City Administration or other Council Appointee for which responses or actions requested by the Council have not yet been provided.
4. Assign – A recommendation to Assign a Council Referral means that staff is formally instructed to begin work on the policy.
5. Drop – A recommendation to Drop a Council Referral means that no further action will be taken on the referral by the Rules Committee and staff.
6. Defer – A recommendation to Defer a Council Referral means that action by the Rules Committee is being delayed until the date designated/specified. The Rules Committee may defer a Council Referral to a specific date or to the annual October Policy Priority Session.
7. Workload Assessment Report – A report from staff that outlines the policy issues, workload impacts, cost implications and other pertinent information associated with completing/addressing the Council Referral. The Rules Committee may request this report prior to taking formal action on whether to assign, drop or defer a Council Referral.

POLICY/COUNCIL REFERRAL PROCEDURES

It is the policy of the City Council that all Council Referrals directed to Council Appointees by the City Council, individual Council Members, or by private citizens or citizen groups or organizations, approved by the Rules Committee, adhere to the following provisions:

Below is a step-by-step outline of the Council Referral Process:

1. The Council Referral initiator submits the Council Referral in writing to the City Clerk's Office.
2. The Council Referral is to be placed on the next available Rules Committee agenda by the City Clerk under "Council Referrals for Assignment to Appropriate Committee, Administration or Council Appointee." Council Referrals may be made at any time during the year.
3. At the Rules Committee meeting, the Committee decides whether to Drop or Defer the Council Referral or request an Administrative Workload Assessment. If the Committee decides to Drop the referral request, no further action is taken on behalf of staff. If the item is Deferred, staff tracks the item and the Clerk's Office presents the referral request to the Rules Committee on the date that it was deferred to. Note: A new feature of this process will be to defer items to the annual October Policy Priority Session.
4. If the Committee requests an Administrative Workload Assessment, staff generally has two weeks to respond with the following information:
 - Amount of staff time required to complete request/study or if additional staff is needed;
 - Non-salary or unbudgeted costs to complete request/study;
 - Impact to department's work plan and performance measure results;
 - description of the scope of study;
 - Realistic timeline; and,
 - Other considerations related to the specific referral.
5. The City Clerk's Office schedules the Administrative Workload Assessment on a future Rules Committee agenda. *(For example, a Councilmember makes a referral request on April 4, 2001 and if the Rules Committee requests an Administrative Workload Assessment, staff would return to the Rules Committee with an assessment on April 18, 2001.)*
6. The Workload Assessment is discussed at the Rules Committee, and a recommendation to the full Council, as to the appropriate handling of the item, is made. At the time that the Administrative Workload Assessment is presented, the Committee may still Drop or Defer the referral.

7. At the Council meeting, the Rules Committee Chair reviews the Rules Committee report and reviews the actions taken on Council Referrals. If the full Council is not in agreement with the Committee's action, a formal motion can change the Rules Committee recommendation (which may include Assign, Drop or Defer the referral).
8. Once the full Council takes action, the Council Referral is or is not issued.

At his/her discretion, the City Manager or other Council Appointee may at any time indicate to the Council that outstanding Council Referrals and/or requests assigned to a specific Department or Departments or Council Appointees represent a workload sufficiently large enough to disrupt the on-going, planned work, for which the Department is responsible. In this case, the City Manager or other Council Appointee will propose to the Council through the Rules Committee a priority order of outstanding referrals and indicate those for which responses would have to be deferred in order to alleviate the Department's work load burden. Quarterly the Council Liaison will present the Rules Committee with a summary of outstanding Council Referrals by City Service Area. The Rules Committee will determine whether:

1. Re-prioritizing of referrals is required;
2. Any referrals need to be deleted from the list;
3. The referral necessitates a change in scope; and/or
4. There should be a new completion date for referrals.

REQUESTS FOR INFORMATION

At any time, formally or informally, Councilmembers may request information from Council Appointees. When a request for information is made to the City Manager or other Council Appointee, it is the responsibility of the Manager and his/her staff, or other Council Appointee and their respective staffs, to determine the scope of the request and to advise the Council through the Rules Committee if a Council Referral will be required.

All requests of City Departments (not other Council Appointees) by the Council for brief reports or information items that will take longer than four or five hours and must be written and compiled, should be directed to the City Manager in order that staff work may be properly coordinated. A request for brief verbal information or for copies of reports already prepared and ready for distribution may be made directly to the appropriate staff member. This does not prevent an individual Council Member from calling a Department Head for written information that may require minor staff time or is already consistent with a Department's work program or normal work process. This allows the City Manager's Office to ensure timely response.

Citizen Information Request: A Request for Information made by a private citizen to City Administration or Council Appointee shall be satisfied promptly whenever such requests can be readily satisfied. Requests directed to Council Members shall be referred, when appropriate, to the City Administration. The Administration or Council

Appointee will provide responses directly to the citizen for all requests which are operational or administrative in nature, including complaints, and will prioritize and respond to all requests in the order received or as the City Manager or Council Appointee directs.

REQUESTS FOR MAJOR STUDY

A Request for Major Study by an individual Council Member must be placed on the agenda of a Rules Committee meeting. If approved by a majority of the Rules Committee, the guidelines for the study shall be stated. Requests for Major Study will be processed exactly like Council Referrals and the Rules Committee will have the same options of whether to assign, drop, defer or request a workload assessment report of staff. Evaluation of the request shall take place at the Rules Committee meeting using the following criteria:

1. The informational value of the study,
2. The parameters of the study,
3. The staff time to be involved in completing the study,
4. The estimated cost of the study, and
5. The general feasibility of the study.

If a Request for Information made to the City Administration or Council Appointee by an individual Council Member falls under the category of a Request for Major Study, the request shall be referred to the Rules Committee by the City Manager or Council Appointee. At the Rules Committee, the City Manager or Council Appointee will recommend courses of action which consider performance measure results, budgeted workloads, and City Service Area Business Plans as well as evaluative criteria cited in the foregoing paragraph.