

# *City of San José, California*

## **COUNCIL POLICY**

<b>TITLE</b> COUNCIL POLICY MANUAL	<b>PAGE</b> 1 of 2	<b>POLICY NUMBER</b> 0-1
<b>EFFECTIVE DATE</b> August 3, 1970	<b>REVISED DATE</b> October 31, 2006	
<b>APPROVED BY COUNCIL ACTION</b>		10/31/06 Item 3.2(l)

### **BACKGROUND**

The San José City Council is charged with the responsibility of establishing municipal policies to guide the various functions of the City. Regulatory policies established by the City Council are adopted by ordinance and included in the Municipal Code; however, other policies are established, which by their nature, do not require adoption by ordinance. These applicable policy statements adopted by action of the City Council need to be consolidated in a reference document for easy access.

### **GUIDING PRINCIPLES**

1. Government transparency and accessibility
2. Clarity in policies, practices and procedures
3. Government accountability

### **PURPOSE**

The purpose of this policy is to:

1. Clearly state and compile policies of the City Council covered by ordinances, resolutions, or other Council actions.
2. Establish clear processes and procedures by which the City Council and Organization shall conduct City business and activities; propose new policies; and review and revise policies contained in the "Council Policy Manual" so that it is kept current.
3. Establish procedures for the preparation, codification, distribution, and maintenance of Council policies and the "Council Policy Manual."
4. Provide for the availability of these policies to the public.

### **POLICY**

1. There is hereby established a "Council Policy Manual" which will contain all City policy statements adopted by resolution of the City Council.
2. Generally, policy statements in this "Council Policy Manual" will incorporate only such municipal matters by which the responsibility of decision is vested in the City Council by virtue of the City Charter, Municipal Code, or specific ordinances and resolutions.
3. Policy statements of the City Council shall be prepared in writing and approved by action of the City Council. Once approved, statements of policy will be reproduced, distributed, and included in the "Council Policy Manual" accompanied by resolution number and date of adoption, if applicable.

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4. Unless otherwise stated in a policy, the waiver of a provision of a Council policy requires six votes of the City Council or when authority is granted to the City Manager or other Council Appointee if so noted in the actual policy. Additionally, the request to waive a policy, or provision of a policy, by the City Council must be clearly delineated on the City Council Agenda, such as:

**Recommendation:**

- (a) Approval to consider the recommendation to waive a provision of Policy XXX pursuant to Policy 0-1, Council Policy Manual.
  - (b) Staff's recommendation.
5. Each policy statement shall include: a) a brief background description of the problem, b) the purpose of the policy, c) the policy statements, and d) other criteria or procedural sections as required.
  6. The Office of the City Clerk shall be responsible for the preparation and continuing maintenance, of the "Council Policy Manual".
  7. The "Council Policy Manual" shall be made available to the public via the City's internet website and a hard copy maintained in the Office of the City Clerk available for public reference.

**PROCEDURE**

1. Drafts of proposed Council policies and proposed amendments to existing policies shall be referred to the City Manager for review, evaluation, and reporting to the City Council.
2. The City Manager has the authority to make amendments, on as needed basis and at least bi-annually, and such amendments shall be limited to:
  - Updates to the Table of Contents
  - Nouns/pronouns that do not change the essence of the Policy rather result in "clean up" of the Policy (i.e., easier to read)
  - Administrative/Procedural changes to implement a Policy that do not change the essence of the Policy, rather result in efficiencies, cost savings, improved customer service.

The City Manager is not authorized to change legal and/or policy principles.

3. Such drafts may be referred by the Rules Committee or City Council to a Council Committee for discussion, analysis, and recommendation.
4. The City Clerk shall be responsible for the assignment of tentative and final policy numbers and the Administration is responsible for titles to a proposed policy draft.
5. After official adoption by the City Council, the City Clerk shall be responsible for final preparation, codification and distribution of the statement of policy.
6. Annually the Office of the City Clerk and City Manager shall review the Table of Contents and Cross-Reference in the "Council Policy Manual" for needed additions, changes, deletions deemed appropriate. Nothing in this policy shall prevent any individual member of the Council, City Manager, or City Attorney from suggesting revisions or new policies to the Council Policy Manual at other times during the year.