

City of San José, California

COUNCIL POLICY

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EFFECTIVE DATE July 10, 1979	REVISED DATE November 01, 2016	
APPROVED BY COUNCIL ACTION and November 01, 2016, Item 3.5		July 10, 1979, Item 11d

BACKGROUND

The City Council is sometimes requested to take action on matters which lie outside the scope of its jurisdiction. There being better and more appropriate avenues of communication between citizens and other governmental entities, the City Council desires to restrict its own deliberations to problems which most immediately affect the government of the City of San José.

PURPOSE

To provide guidelines for the City Council's consideration of a request for action upon a matter over which the City lacks jurisdiction or substantial influence, and to preserve public time, resources, and deliberation for those matters upon which the City Council's decisions have direct and concrete consequence for the City.

POLICY

Resolutions of the City Council

Fully realizing and supporting the fundamental right of every citizen of this city to make views and opinions known to all persons in any branch of the federal, state, county or city government, it is the policy of the Council of the City of San José that its actions be restricted to issues which most directly impact and affect the City of San José.

The Council is compelled to adopt this policy for reasons of expediency, fiscal judiciousness, and to improve the efficacy of the decisions produced by the Council.

By directing the Council's attention to the most locally germane issues, it is the Council's intention to improve its responsiveness to the citizenry of San José in terms of swiftness, accountability, sensitivity, and by having additional study time for local problems.

The basic criteria for resolutions are:

1. The primary purpose of the resolution must be to give special recognition to local issues, actions, and/or programs of value to the citizens of San José.
2. The resolution must address an item which has either civic, cultural, social, economic, philosophical, philanthropic, or educational value.
3. The essence of the resolution must not have a philosophy that:
 - a. Dehumanizes, degrades, or ridicules any segment of humanity.
 - b. Advocates the violent overthrow of any of the levels of U.S. government.
4. The group or individual receiving the resolution must not have a philosophy that:
 - a. Dehumanizes, degrades, or ridicules any segment of humanity.
 - b. Advocates the violent overthrow of any of the levels of U.S. government.

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5. The resolution must be in keeping with the U.S. Constitution, the California State Constitution, the San José Municipal Code, and the various laws passed pursuant to those instruments.

It is further the policy of the Council of the City of San José that it shall not act or take a position on:

1. Matters concerning the foreign policy of the United States of America nor its relationship to other countries of the world except at the expressed request of an elected official of the federal government or an authorized representative of a department or agency of the federal government, except those matters directly affecting the City and citizenry of San José.
2. Acts of the Legislative or Executive branches of the federal government or government of the State of California when such do not affect the existing or potential resources, material or human, of the City of San José which may be directly applied to the solution of municipal problems relating to the health, safety and welfare of the citizens of this city.
3. Actions or lack of action on the part of any State of the Union other than the State of California or of any political subdivision of such other State when no impact is felt upon the government of the City of San José.
4. Actions or lack of actions on the part of the Judicial Branch of any government or any of its members except through its attorney acting in accordance with appropriate procedures, except those matters directly affecting the City and citizenry of San José.

This policy is not intended to limit the prerogative of members of the City Council to place before the City Council any question which they deem to be appropriate for consideration, nor is it intended to limit debate on issues which meet the above criteria. As a guiding principle, issues that meet the above criteria will be heard last during the afternoon or evening City Council session, if deemed appropriate by City staff and/or the Rules and Open Government Committee.

Declaratory Letters Issued By Members of the City Council

On matters that do not meet the criteria for the consideration by the Council of a resolution outlined above, members of the City Council, including the Mayor, may individually or collectively issue a declaratory letter representing their position on the matter. Only fewer than a majority of the entire membership of the Council may (1) discuss the issuance of a declaratory letter representing their position on the matter, either collectively or on a seriatim basis, or (2) issue a declaratory letter representing their position on the matter. The declaratory letter must include express language stating that the position contained in the letter does not represent an official position of the City of San José, and only represents the position of the undersigned. The declaratory letter may, but is not required to, further clarify that the City, as a matter of policy, does not take official positions on such matters.

Declaratory letters signed by two (2) or more members of the City Council shall be placed on the Public Record of the Rules and Open Government Committee agenda.