

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 08/08/05

Prepared Date: 08/02/05

Reviewed by: _____

SUBJECT: Policy and Procedure for placing items on City Council agenda

REPORT BY: Beth Pollard, City Administrator

STAFF RECOMMENDATION

Consider proposal by Councilmember Maris to revise the City Council agenda policy and procedure.

BACKGROUND

Current City policies and procedure provide that items may be placed on a City Council agenda by any Council Member, the City Administrative Office, Department Heads or the City Attorney. Agenda items are to be delivered to the City Clerk by the Tuesday preceding the meeting, accompanied by a written introduction. A copy of the full policy and procedure is attached.

At a recent Council meeting, Council Member Maris requested an agenda item to review the policy and procedure for placement of agenda items. A proposal from Council Member Maris is attached, which addresses items requested by a Council Member. His proposal essentially is that at a prior Council meeting, a Council Member announces his/her wish to place an item on the upcoming agenda, and submits a written report prior to the next Council meeting. At the Council meeting where the item is heard, another Council Member may make a motion to continue the matter for more information or an "acceptable form." Council Member Maris also wished for the Council to consider the City of Berkeley agenda process (summary attached).

DISCUSSION

There are various alternatives for a Council policy regarding placement of agenda items on a City Council agenda, including:

- Agenda items can be placed by one Council Member (existing policy)
- Council Member agenda items require the consent of the Mayor
- Agenda items require the request by at least two Council Members
- Agenda items require the majority vote of the City Council to place on the agenda

There are also options for the procedure for placement, such as:

- Councilmember delivers agenda item to staff by 5 p.m. before the day of the agenda posting (existing procedure)
- Council Member announces request for item at prior City Council meeting
- Council discussion regarding request for agenda item
- Council vote on request for agenda item at prior City Council meeting
- Council committee reviews items for completeness for agenda
- Council Member submits written report on agenda item.

ANALYSIS

The issues of concern that have come to staff's attention regarding the agenda policy and procedure include:

1. Protecting a Council Member's ability to place any item on the City Council agenda as a principle of democracy.
2. Council Members having sufficient time and information on which to make sound decisions; this concern is complicated by Council Members having different decision-making styles and thresholds of necessary or desired information.
3. Staff's role in review of agenda items requested by a Council Member.

The process that Council Member Maris proposes provides some protection to an individual Council Member's ability to place an item on an agenda, but not to the extent currently in place because of the procedure for announcing a meeting in advance. His proposal appears to address the concern of providing Council Members the opportunity to have sufficient information on which to make sound decisions by providing for written information and a provision for continuance of an item. However, his recommendation that the Council Member provide a report with background, discussion, analysis, justifications, supporting information, conclusions and recommendations goes beyond the current practice, which is that the request may be verbal or written and have no particular format or content.

The third issue of staff's role in review of agenda items requested by a Council Member is less clear in that under Councilmember Maris' proposal, an accompanying staff report is "recommended, but it would be optional." This approach requires the City Administrator to exercise judgment on whether to include a staff report. The decision could depend on time and resources available, whether the item is already on the City's work plan, and/or whether there is existing City Council policy or direction to apply to the request. In making the judgment, staff must also consider the principle of taking direction from the full Council rather than a single Council Member.

In order for there to be sufficient time for the City Administrator to evaluate whether any staff review, report, or recommendation is appropriate, complete any work needed, and for the City Administrator and Mayor to evaluate whether there is sufficient time on the

agenda, staff recommends that agenda items be submitted by Council Members as early as possible prior to an agenda, preferably at least 10 days before the meeting. Council may wish to retain the current Tuesday deadline, but in doing so, staff needs to advise that the later an item is submitted, the less the opportunity for adequate time for complete staff review to meet the Wednesday agenda publication deadline.

Councilmember Maris makes reference to the City of Berkeley agenda process, which involves a Committee of Council to review items. Staff recommends that this procedure may be more cumbersome than is necessary for the City of Albany.

FISCAL IMPACT

No direct impact. Additional agenda items require additional staff time to prepare reports, minutes and follow up actions.

CONCLUSION

Once the Council has provided direction on an agenda policy and procedure, staff can make the applicable revisions and bring back to Council for adoption.

Attachments

1. Existing agenda policy and procedure
2. Proposal from Council Member Maris
3. City of Berkeley agenda procedure