



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Discuss clarifications related to the scope of the City Council Rules Subcommittee and provide direction to staff on next steps</b>
<b>Category:</b>	Leadership and Support Services
<b>Meeting Date:</b>	11/5/2019
<b>Staff Contact:</b>	<b>City Manager Steve McHarris, 408-586-3059</b> <b>City Attorney Chris Diaz, 408-586-3041</b>
<b>Recommendation:</b>	Discuss the City Council Rules Subcommittee Scope document and provide direction to staff to incorporate clarifying language related to the Subcommittee's role in adding items to the agenda.

### **Background:**

At the April 16, 2019 City Council meeting, the Council approved the formation of a new Rules Subcommittee, comprised of Mayor Tran and Vice Mayor Dominguez. The Rules Committee met on May 10 and May 30 and an interim check in to solicit further Council direction was done at the June 11 City Council meeting. Subsequently, on June 18, 2019, the Council reviewed and approved the draft scope and guidelines of the Subcommittee. Council asked that the Rules Subcommittee be considered a pilot program for nine months, at which time it would return to Council for further direction and if directed by Council, would be incorporated into the Milpitas Municipal Code. Thus, it should be noted that at this time, the scope and guidelines of the Subcommittee is a policy document and not a legal one.

The Rules Subcommittee has been meeting since August 9 and it has been noted that there are a few items that need further clarification to enable the Rules Subcommittee to provide direction on the Council agenda, as originally intended. In addition, at the September 20, 2019 Rules Subcommittee, there was a discussion about the interpretation of the process for adding an item to the Council agenda. Thus, the City Attorney and City Manager indicated that the scope of the Subcommittee would be brought before the full City Council for discussion and to provide direction to staff on potential changes to the scope of the Subcommittee.

This item was agendized on the October 1, 2019 City Council meeting; however, due to the late evening, the Council requested this item be forwarded to the next Rules Committee/Special City Council meeting as the most expedient path forward. Due to scheduling conflicts, staff has placed this on the November 5 City Council agenda.

### **Council Agenda Item Request**

The current process for requests to add agenda items is *any two Councilmembers working together are able to request items be added to a Council Agenda. Any request shall be submitted through an Agenda Item Request Form and shall include the following:*

1. *Names of the two Councilmembers submitting request*
2. *Name of Item*
3. *Date request is submitted*
4. *Item description and why it is being requested for Council consideration*
5. *Whether item is an urgent need and why*
6. *Alignment with Council Priority Area(s),*
7. *Timeframe within which the item would need to be heard*

*If two Councilmembers request an item be added to the Council agenda, the item will be added to the next draft Council agenda and come to the Rules Subcommittee for informational purposes. The request needs to be submitted to the City Manager, City Clerk, and City Attorney by 5:00 pm, five days prior to the Rules Subcommittee meeting.*

*Submittal of the Agenda Item Request Form shall involve minimal to no staff work, any substantive staff work on the requested item shall commence with the approval of the full Council. Individual Councilmembers can continue to request staff work on any item requiring less than 4 hours of work, however any item requiring more than 4 hours of work will need to go through the request process and will require collaboration by two members of the Council.*

Staff wanted to seek Council feedback and further clarification on the Subcommittee's role and the process for adding items to the Council agenda. This item was agendized for the October 1 Council meeting, staff made a presentation but given the late hour, Council discussion was deferred to a future meeting. A Rules Subcommittee and Special Council meeting was scheduled on October 4 to discuss the item but this meeting had to be cancelled due to other schedule conflicts.

**Analysis:**

Thus, staff is now seeking Council feedback and direction on updated language to the scope of the Rules Subcommittee to further clarify the Subcommittee's role in adding items to the agenda. It should be noted that when new substantial items are directed to staff, the Council will also need to consider which current work items need to be re-prioritized in order to balance workload.

1. If requests are received by the established timeline, must they be added to the next regularly scheduled City Council meeting or may the Subcommittee place on a different meeting date if the agenda already has several substantive items scheduled?
2. If the Rules Subcommittee is unable to meet, should any Councilmember Agenda Item Requests still be placed on the next regularly scheduled Council meeting or should staff bring these requests forward to the next Rules Subcommittee meeting?
3. Should the number of agenda item requests be capped at a certain number on any one Council agenda?
4. Is a more detailed explanation needed of how the request is directly tied to one of the established Council Priority Areas?
5. Does the Rules Subcommittee have discretion on determining if an item is urgent or does the Subcommittee need to place it on the next regularly scheduled City Council meeting?
6. May a majority of the Council add an item to a future agenda during a Council meeting or must an Agenda Item Request Form be submitted first?
7. Does a Council Subcommittee's request for staff work also require going through the Rules Subcommittee?

Per the approved Subcommittee document, *the Rules Subcommittee shall meet every other week on Fridays, 10 days in advance of regular City Council meetings. If the Subcommittee is unable to meet, the draft City Council agenda will be considered approved by the Subcommittee and shall be posted 6 days in advance of the City Council meeting, in accordance with the City's Open Government Ordinance.*

The Rules Subcommittee does not review agendas for Special City Council meetings held in lieu of regular meetings. Would the Council like to change this for Special City Council meetings that are scheduled at least a month in advance?

Staff is suggesting that the scope document be amended to clarify that the Agenda Item Request Form will be submitted without any substantive staff analysis, including fiscal review, legal review and policy review. The City Attorney will perform a preliminary review to ensure that the item is appropriate for Council consideration and does not conflict with any existing federal and state laws and regulations.

Also, staff would like to clarify the two-step process:

1. At the meeting where the item is first considered, the requesters will be able to explain their request to the full Council; and
2. If a simple majority of the City Council supports further study of the item, then a full staff analysis will be prepared and brought back to Council at a future meeting, as directed by the City Council, in coordination with the Rules Subcommittee and City Manager.

**Recommendation:**

Discuss the City Council Rules Subcommittee Scope document and provide direction to staff to incorporate clarifying language related to the Subcommittee's role in adding items to the agenda.

**Attachments:**

- a) City Council Rules Subcommittee Scope
- b) Agenda Item Request Form