

**Council Meeting: December 2, 2008**

SUBJECT: Consideration of Number of Councilmembers Needed to Support Creation of a Study Issue Paper – continued from August 26, 2008

REPORT IN BRIEF

This report reconsiders the number of Councilmembers needed to support a study issue, in order for staff to prepare a study issue paper and for the issue to be considered at the Study Issues Workshop. Staff's recommendation is identified in RTC 08-180, *Study Issues Process* (Attachment A), and is noted below for reference:

Require that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. Should Council opt to require majority support of Council in order for staff to prepare a study issue paper, an action item to propose study issues would be added to Council agendas three to four times a year.

BACKGROUND

At their June 24, 2008 meeting, Council reviewed and took action on RTC 08-180, *Study Issues Process* (Attachment A). At that meeting Council passed a motion requiring that a proposed study issue receive the support of **three** councilmembers in order for staff to prepare a study issue paper, and for the study issue to be considered at the Council Study Issues Workshop with an action item to propose study issues added to Council agendas at two meetings per year and they can be study sessions. The pertinent minutes of that meeting are attached (Attachment B, *Excerpt from Minutes of June 24, 2008 Meeting*).

On July 10, Vice Mayor Hamilton sent a memo to Council requesting reconsideration of the June 24, 2008 vote (Attachment C, *July 10, 2008 Memo from Vice Mayor Hamilton*). At its July 22, 2008 meeting Council rescinded its June 24 vote on the number of councilmembers required to sponsor a study issue paper. As a result, Council policy reverted back to what was in place prior to the action taken on June 24, 2008. In other words, current Council policy is that only one Councilmember is needed to support an issue in order

for staff to prepare a study issue paper. On July 22 Council requested that this policy be placed on a future agenda for discussion.

EXISTING POLICY

General Plan Policy 7.3A.1 Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize the Council Study Calendar as the City's principal short-range planning tool.

DISCUSSION

Council is considering the number of councilmembers needed to support a study issue paper in order for staff to create a study issue paper and for the issue to be considered at the Council Study Issues Workshop. The discussion is included in *RTC 08-180 Study Issue Process* (Attachment A, pg. 7-8).

FISCAL IMPACT

There is no fiscal impact to this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk.

ALTERNATIVES

1. Maintain the status quo – Council-generated study issues can be initiated by a sole Councilmember.
2. Require that a proposed study issue receive the support of two or more Councilmembers [Council to specify the number] in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. Should Council opt to require majority support of Council in order for staff to prepare a study issue paper, an action item to propose study issues would be added to Council agendas three to four times a year.
3. Other direction as provided by Council.

RECOMMENDATION

Staff's original recommendation is identified in *RTC 08-180 Study Issues Process* (Attachment A), and is noted below for reference:

Require that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. Should Council opt to require majority support of Council in order for staff to prepare a study issue paper, an action item to propose study issues would be added to Council agendas three to four times a year.

This option reduces the number of low-priority issues considered by Council at the workshop; is consistent with the current Council Meeting Agenda practice; frees up staff time for higher priority study and service delivery issues; and brings consistency with boards and commissions to the study issue sponsorship process.

Reviewed by:

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Prepared by: Coryn Campbell, Assistant to the City Manager

Approved by:

Gary Luebbers
City Manager

Attachments

Attachment A	<i>RTC 08-180 Study Issues Process</i>
Attachment B	<i>Excerpt from Minutes of June 24, 2008 Meeting</i>
Attachment C	<i>July 10, 2008 Memo from Vice Mayor Hamilton</i>



Council Meeting: June 24, 2008

SUBJECT: Study Issues Process (Study Issue)

REPORT IN BRIEF

For many years the City's "study issues process" has provided both City Council and City staff with a valuable planning and management tool. Through this process, Council sets priorities for studying policy issues. The process also allows staff to balance the work required to thoroughly "study" an issue with the work required to deliver ongoing City services.

This report was originated by staff to explore several concerns raised by Councilmembers in recent years regarding the City's study issues process. The report provides background on the study issues process, identifies and briefly explains each concern (in approximately the order that they would arise in the study issues process), and outlines several alternative approaches or options noting the advantages and disadvantages of each option.

Staff recommends the following:

Study Issue Sponsorship – Require that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

Selection of Issues for Study – Maintain the Status Quo – All study issues are treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Deadlines for Councilmember-Proposed Study Issues – Establish a deadline for new Council-proposed study issues: three weeks in advance of the public hearing – approximately mid-December (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at that meeting rather than after).

Pre-Ranking Options – Allow an issue to be deferred only two years. Automatically remove from the list any issue that has already been deferred twice. Also, remove "sub-element revisions" (which tend to be some of those carried forward from one year to the next most often) from consideration during

the study issues ranking process. Stick to the Council-approved Calendar for sub-element revisions as depicted in the City's Capital Improvement Project Plan, and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studied, but eliminate Council's option to rank or defer them.

Ranking Method – Maintain the Status Quo – Utilize the 2008 Council approved hybrid ranking method, which combines the “Simple Majority/Borda Count” (for departments with ten or fewer issues) and “Choice Ranking” (for departments with eleven or more issues) ranking methods.

Number of Study Issues Conducted Each Year – Maintain the status quo – rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to then request additional studies for a corresponding increase in budgeted resources.

BACKGROUND

As noted in *Attachment A*, “*Proposed New Council Study Issue (OCM-05)*” Study Issue Paper, this report was originated by staff to explore several concerns raised by Councilmembers in recent years regarding the City's study issues process. To provide context for that discussion, this section of the report reviews the definition of a study issue, explains the intent and purpose of the study issues process, describes the process itself (including the roles of staff, council, boards and commissions and members of the public), and provides summary data on the issues generated in the past three years.

Definition of Study Issue and History of the Study Issues Process

A study issue is a topic of concern that may result in a new or revised City policy. The study issues process has been utilized by the City since the late 1970s, and provides both City Council and City staff with a valuable planning and management tool. The study issues process is an integral part of the City's Planning and Management System (PAMS), linking long-range strategic planning and short-range action planning.

Purpose of the Study Issues Process

The primary purpose of the study issues process is to provide a method for identifying, prioritizing and analyzing policy issues in an efficient and effective way. It provides a structured approach for addressing the large number of policy issues that are raised each year. With exceptions as noted below (e.g. emergency issues, safety issues, etc.) Council reviews all study issues once a year at the Council Study Issues Workshop (held annually in January). The process allows Council to rank the issues, separating those issues that may have seemed important when they were first raised from the truly critical issues. It also allows the City Manager and department directors to set and

schedule the examination of issues so the workload does not interfere with the day to day delivery of City services at levels set by Council.

Process and Timeline

As noted in Table 1 *Study Issues Process Summary Timeline* (page 4), the study issues process is ongoing. Currently, study issues can be proposed at any time for the upcoming calendar year by staff, Council, board and commission members, and members of the public.

Ideas proposed by the public must be sponsored by Council, staff, or a majority of a board and commission to advance. For those issues that are sponsored by Councilmembers, City staff, or boards and commissions, staff prepares and submits study issue papers to the City Manager for review and approval. The study issue paper describes the topic of concern proposed to be studied, identifies how the issue relates to the General Plan, the origin of the issue, expected public outreach, staff hours, any additional resources required for study, and a staff recommendation regarding whether or not to study the issue. Papers are then routed to the appropriate board and commission for ranking. Generally, boards and commissions must submit their proposed study issues by early fall in order to complete their ranking of issues in October. Study issue papers not under the purview of a board or commission are routed directly to Council for the annual Study Issues Public Hearing and Council Study Issues Workshop.

Council holds the Public Hearing in very early January to gather public input on the posted issues. While Council may choose to sponsor a new issue at the hearing, the intent of the hearing is to gather public feedback on already posted issues. At the Council Study Issues Workshop (typically held two to three weeks following the Public Hearing) Council takes action on the issues. At the workshop Council first identifies those issues they would like to “drop” or “defer”, then ranks the remaining issues by department. Deferred issues are automatically brought back to the next year’s workshop. Dropped issues are considered “dead”, though any Councilmember can resurrect a previously “dead” issue for consideration at a future year’s workshop.

In late January/early February, staff identifies the number of ranked issues (by department) that budgeted resources will support (issues are undertaken in priority order), and provides Council with the dates that the issues will be completed.

Table 1: Study Issues Process Summary Timeline

Month	Activity	Result
Day after January workshop through following year's Public Hearing	Study Issue topics are proposed/generated for next calendar year	Study issue papers sponsored by Council, boards and commissions, or staff are prepared by staff
October	Boards and commissions rank relevant study issues proposed for next calendar year	Board and commission priority rankings are forwarded to Council.
December	Staff posts all sponsored study issue papers to the City's website: <i>StudyIssues.InSunnyvale.com</i>	Public notice and viewing of study issues proposed for upcoming calendar year
Very Early January	Council holds Public Hearing on study issues proposed for current calendar year. (Held on January 6 in 2008.)	Members of the public comment on study issues.
Mid - Late January	Council Study Issues Workshop held. (Held on January 25 in 2008)	Council assigns priority ranking to study issues; rankings are posted to City's Website
Late January - early February	Staff "Draws the Line": the City Manager considers staff resources by department to determine how many issues can be studied during the calendar year (issues are always studied in priority order), noting start and complete dates for each issue.	Staff presents Council a list of the study issues that will be undertaken during the current calendar year, given currently budgeted resources.
<i>Cycle repeats</i>		

Impact of 2007 Changes to City Charter

In 2007 the City Charter was revised and newly elected Councilmembers now take office in January instead of November as was previously the case. Since the study issue process is a critical component of the Council's policy setting responsibilities within the City's PAMS system, it is important that all Councilmembers have the opportunity to participate in setting Council work priorities for the upcoming year. The change in timing of seating has necessitated several corresponding changes in the study issues process, as follows:

- 1) The public hearing is now held in very early January (instead of November/December as was done previously).
- 2) Following the County Registrar of Voters' certification of election results (in November/early December), the City Manager encourages newly elected

Councilmembers to propose study issues so that staff can prepare the necessary study issue papers to facilitate Councilmembers review, public posting, and the Public Hearing.

3) Each newly elected Councilmember is provided with a copy of the Council Study Issues Public Hearing Binder (which includes copies of all study issue papers) upon its distribution to Council in December. Previously, at the time the binder was distributed, newly elected Councilmembers had already taken office, so the binder was only distributed to “seated” Councilmembers.

Roles of Council, Staff, Boards and Commissions, Members of the Public

The study issues process includes participation by Councilmembers, City staff, board and commission members, and the public. A brief explanation of each of their roles follows:

- Council – Council’s role is to set policy. Regarding the study issues process, policy-related responsibilities include generating (or sponsoring) study issue topics; taking public input; prioritizing or “ranking” issues at the Council Study Issues Workshop in January; and approving target completion dates for each study.
- City staff – City staff manage the annual study issues administrative process; generate study issue topics; prepare the study issue papers; following Council ranking of issues, determine how many issues available operating resources will support (issues are begun, and studied, in priority order); and propose target completion dates for studies able to be completed.
- Boards and commissions – In their advisory capacity to Council, boards and commissions generate study issue papers for Council’s consideration, and provide a recommended ranking of the issues relevant to their areas of authority. Boards and commissions also provide a forum for public input and, with majority support, can sponsor issues brought to them by members of the public.
- Members of the Public – Members of the public suggest study issue topics to staff, boards and commissions, or directly to Council. In order for a study issue topic to get to the Council Study Issues Workshop it must be “sponsored” by staff, Council or a board or commission. Members of the public also provide input to Council on the relative importance or priorities of individual studies at the annual Study Issues Public Hearing, which is held a week or two prior to Council’s Study Issues Workshop.

Summary Data on Issues in Past Three years

Table 2 *Study Issue 3-Year History by Department* (page 6) provides three years of data for study issues, including the number of issues brought to the Council

Study Issues Workshop (i.e., the number sponsored), the number dropped, deferred, ranked, and studied. As the data indicates, the number of study issue papers generated annually is significantly larger than the number ranked, which in turn is significantly larger than the number actually studied. For some departments, the total number of issues dropped, deferred or ranked does not equal the total number of issues (identified by an asterisk); these numbers were affected by Council action to combine multiple issues.

Table 2 -- Study Issue 3-Year History by Department

	2006					2007					2008				
	# of	#	#	#	#	# of	#	#	#	#	# of	#	#	#	#
	I S S U E P A P E R S	R A N K E D	S T U D I E D	D E F E R R E D	D R O P P E D	I S S U E P A P E R S	R A N K E D	S T U D I E D	D E F E R R E D	D R O P P E D	I S S U E P A P E R S	R A N K E D	S T U D I E D	D E F E R R E D	D R O P P E D
OCA	3	2	2	0	1	0	0	0	0	0	3	0	0	1	2
OCM	7	6	2	0	1	5	4	2	0	1	14	3	3	1	10
CDD	49	33*	5	5	8	48	24*	7	7	15	55	16*	8	19	18
EDD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FIN	1	1	1	0	0	0	0	0	0	0	3	3	3	0	0
HRD	0	0	0	0	0	1	1	1	0	0	3	1	1	0	2
ITD	3	3	3	0	0	0	0	0	0	0	0	0	0	0	0
LIB	1	1	1	0	0	0	0	0	0	0	1	1	1	0	0
DPR	12	7	5	5	0	18	8*	6	4	5	14	5	1	2	7
DPS	5	2	2	3	0	7	3	3	2	2	6	2	2	0	4
DPW	17	10	8	3	4	17	6*	5	6	4	21	10	4	3	8
Total	98	65	29	16	14	96	46	24	19	27	120	41	23	26	51

* For some departments, the total number of issues dropped, deferred or ranked does not equal the total number of issues; these numbers were affected by Council action to combine multiple issues.

EXISTING POLICY

General Plan Policy 7.3A.1 Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize the Council Study Calendar as the City's principal short-range planning tool.

DISCUSSION

While the study issues process has proven to be a fairly effective tool for identifying, prioritizing and analyzing policy issues, in recent years Councilmembers have identified several concerns or questions about several aspects of the process. In the section below, those concerns are identified (in approximately the order that they would arise in the study issues process). For clarity of discussion, a brief explanation of the concern or question is provided. A staff response provides a brief background, and several alternative approaches or options are listed. Advantages and disadvantages are provided for each option.

A. Study Issue Sponsorship, Deadline, and Selection**1. Study Issue Sponsorship**

Councilmember Concern: In 2008, a study issue, which had previously been dropped by a majority of Council, was brought back to Council for consideration at the Council Study Issues Workshop by a Councilmember. Since the majority of Council had previously "dropped" the issue, a concern was raised about the number of Councilmembers that must sponsor an issue in order for it to be considered at the workshop.

Response: Currently, study issue topics can be proposed and sponsored (brought forward to the workshop for Council consideration) by staff, individual Councilmembers, or boards and commissions. To ensure that City resources are allocated only to those issues that have some degree of merit, issues must be "sponsored" in advance of staff's preparing a study issue paper. For example, issues generated by staff require the approval of the City Manager; issues generated by boards and commissions require majority support of the board or commission; and issues proposed by members of the public must secure "sponsorship" from staff, a majority of a board or commission, or a Councilmember. Issues proposed by individual Councilmembers, however, do not require additional support in order for staff to draft the issue paper and for consideration at the workshop. Thus, it is possible for a majority of Council to indicate no interest in studying a particular issue, only to have a member of the minority resurface this issue the next year.

Options:

Option #1: Maintain the Status Quo – Council-generated study issues can be initiated by a sole Councilmember.

Advantages:

- a. Provides Councilmembers the greatest flexibility to include issues for consideration at the Council Study Issues Workshop.

Disadvantages:

- a. Results in City resources spent on preparing and processing study issue papers that are not considered priority issues by a majority of Councilmembers and therefore have little to no chance of study.
- b. In the case of a “dropped” issue, allows a minority of the Council to thwart the will of the majority.

Option #2: Require that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

Advantages:

- a. Would reduce the number of low-priority issues processed by staff and considered by Council at the workshop.
- b. Consistent with the current Council Meeting Agenda practice.
- c. Could free up staff time for higher priority study and service delivery issues.
- d. Would bring consistency with boards and commissions to the study issue sponsorship process.

Disadvantages:

- a. Would limit individual Councilmember’s ability to sponsor study issues.
- b. Would add a study issues action item to three or four Council agendas.

2. Selection of Issues for Study

Councilmember Concern: Not all policy issues require extensive, resource-intensive study. Some may require only limited study and be relatively easy to implement. Should these “simple” study issues be held up, or compared to, the more complex, resource-intensive issues?

Response: The study issues process specifically addresses issues that are policy related. Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. These issues are proposed throughout the calendar year. The study issues process was created to address the inherently difficult process of choosing which policy issues to study, given potentially competing priorities and limited resources. Currently, all study issues (large or relatively small) are treated the same, and are subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

(*Note:* Exceptions to this approach include emergency, safety-related, legally mandated, and urgent policy issues – those that must be completed in the short term to avoid serious negative consequences to the City.)

Options:

Option #1: Maintain the Status Quo – All study issues are treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Advantages:

- a. Forces the ranking or prioritization of all policy issues, and does not allow staff time to be spent on issues that, when compared to other policy issues, may not be high priorities.

Disadvantages:

- a. Since all policy issues are treated equally, even those that require limited staff hours are deferred until the workshop.

Option #2: Do not rank studies according to their perceived importance; rather, rank studies strictly based on the number of hours staff estimates it will take to complete them, giving highest ranking to those requiring fewest hours.

Advantages:

- a. Would ensure that the largest number of studies was conducted each year.
- b. Would significantly simplify and speed the ranking process.

Disadvantages:

- a. Prioritizing studies in this fashion would not allow Council to direct resources toward its highest priorities. Studies requiring few hours, but of relatively less concern to Council, would be

completed prior to more time-consuming studies of greater concern.

- b. The hours estimated by staff to conduct a study are just that – an estimate. Even those policy issues that appear simple at first may become more complex, and resource-intensive, as the issue is explored.

3. Deadlines for Councilmember-Proposed Study Issues

Councilmember Concern: In 2008, seven days prior to the Council Study Issues Workshop, staff received notice that 22 new study issues were being proposed. Council received the supplemental packet only two days prior to the workshop, leaving very little opportunity for Council review or public input on the new issues. This raised a concern about the timeline for proposing study issues, and whether a formal Councilmember deadline for proposing new issues in advance of the public hearing should be considered.

Response: Currently, there are study issue proposal deadlines for boards and commissions, members of the public, and staff. For example, boards and commissions have a fall deadline, which facilitates a timely process including public notice, and enables the board and commission to rank all issues against each other (any idea originated from a board and commission member after the deadline is forwarded to the following year's process). The City Manager sets an annual deadline for staff-generated study issues. While Councilmembers are encouraged to submit their issues as early in the year as possible, there is currently no deadline for Council-proposed issues. Council is, however, encouraged to submit its ideas prior to the public hearing so that the public is provided an opportunity to comment on them. The Council Study Issues Workshop follows within three weeks of the public hearing, and during the interim staff prepares, processes, and posts new issue papers.

Options:

Option #1: Maintain the Status Quo – no deadline for Council-generated study issues.

Advantages:

- a. Provides Councilmembers the greatest flexibility and opportunity to propose and/or sponsor issues.

Disadvantages:

- a. Limits the public's ability to review and provide feedback on issues proposed after the public hearing.
- b. May result in issues which are generated too late for timely Councilmembers review and consideration.

- c. Could disengage the public and boards and commissions by not allowing sufficient time for public outreach and input.
- d. May negatively impact the public's perception of Council's expectations for review and input.
- e. Issues proposed after the public hearing provide insufficient time for staff to draft, review, and process more than a few issues in time for the workshop.

Option #2: Establish a deadline for new Council-proposed study issues: three weeks in advance of the public hearing – approximately mid-December (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at that meeting rather than after).

Advantages:

- a. Would provide Council (and the public) with all new study issues in a timely manner in advance of the public hearing.
- b. Would provide adequate time for public input for newly-generated study issues.
- c. Would provide staff with sufficient time to process new study issues without impacting other service delivery and resource priorities.

Disadvantages:

- a. Would limit Councilmembers ability to submit new issues after the mid-December deadline.

B. Pre-Ranking Options and Ranking Method

1. Pre-Ranking Options

Councilmember Concern: Each year new study issues are generated to address policy issues of current concern. At the workshop these current issues are crowded by older issues carried forward for many years, though these recurring issues may have little relevance, or support of City Council. Should there be a mechanism to address, and perhaps eliminate, repeatedly carried forward issues?

Response: The study issue process allows Council to select and prioritize all study issues at the annual study issues workshop. "All study issues" includes the year's newly drafted issues, deferred issues from previous years, and issues ranked but not able to be studied due to staff workload ("below the line" issues)

from previous years. This process enables Council to separate those issues that may have seemed important when they were first raised, from higher priority issues. The number of automatically carried forward issues continues to grow (see Table 2, page 6, *Study Issue 3-Year History by Department*).

There are three ways that issues are automatically carried forward from a current year to future years:

- At the Council Study Issues Workshop, Council may “defer” an issue instead of ranking it. Deferred issues are automatically brought to the following year’s workshop.
- At the Council Study Issues Workshop, when Council utilizes the choice ranking method, those issues which receive zero votes are marked on the Workshop Results table as “not ranked” and are considered deferred. These issues are automatically brought to the following year’s workshop.
- At the Council Study Issues Workshop, Council ranks an issue that does not get studied due to resource constraints. These issues are referred to as “falling below the line” and they are automatically brought to the following year’s workshop.

Options:

Option #1: Maintain the Status Quo – provide Council with the option to defer an issue for consideration the following year.

Advantages:

- a. Does not limit the options available to Council.
- b. Keeps deferred issues “alive” and in front of Council for consideration in future workshops.

Disadvantages:

- a. Has led to longer lists of issues for Council consideration at the annual workshop; retaining issues that may be of limited value, and distracting Council attention from truly high priority issues.
- b. May result in using limited resources on issues that are out of date or lack sufficient Council support to realistically qualify for study.

Option #2: Allow an issue to be deferred only two years. Automatically remove from the list any issue that has already been deferred twice.

Advantages:

- a. May help to focus Council attention and review on issues which are timelier, and which have sufficient support of Council to be ranked highly.
- b. Would help reduce the number of issues presented for Council consideration at the annual workshop.

Disadvantages:

- a. Limits the options available to Council.

Option #3: Remove “sub-element revisions” (which tend to be some of those carried forward from one year to the next most often) from consideration during the study issues ranking process. Stick to the Council approved Calendar for sub-element revisions (as depicted in the City’s Capital Improvement Project Plan), and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studies, but eliminate Council’s option to rank or defer them.

Advantages:

- a. Simplifies the pre-ranking process and saves time involved in the ranking of study issues
- b. Allows General Plan policies (sub-elements) to be studies in a timely fashion

Disadvantages:

- a. Reduce available staff time to study other policies in the year when a sub-element is slated for study

2. Ranking Method

Councilmember Concern: Last year the study issues process brought forward 120 issues for Council consideration and priority ranking. While most departments have less than ten issues to consider, a few departments have significantly more. For those departments that have a large number of study issues, the Simple Majority/Borda Count method (see Attachment B, *Ranking System Options*) is inefficient. Some Councilmembers feel that there is no need to rank more than the top 15 issues since that number is already more than staff resources could support for study. Additionally, there is very little meaning in the specific ranks assigned to issues ranked at the bottom of a very long list. Should Council adopt a more efficient and productive ranking method?

Response: Council has voiced this concern several times in the last few years. To address it, in 2007 staff developed and Council approved a hybrid ranking method (described hereafter as the “status quo”) which included the Simple Majority/Borda Count method (forced ranking of all issues) for departments with ten or less issues to rank (after the Council drop and defer process), and what Council has referred to as “SixSigma” (and is referred to in this report as “choice ranking”) for those departments with eleven or more issues to rank. Additionally, in the past two years staff automated the ranking system which, together with implementing the new hybrid ranking method, provided a faster process and enabled an efficient and nearly real-time posting of Council’s final ranking results.

Options:

Option #1: Maintain the Status Quo – Utilize the 2008 Council-approved hybrid ranking method, which combines the Simple Majority/Borda Count (for departments with ten or fewer issues) and Choice Ranking (for departments with eleven or more issues) ranking methods.

Advantages:

- a. The hybrid ranking method used at the 2008 workshop works well and does not require additional resources since it is already developed and implemented.
- b. Saves Council time in ranking issues for those departments with more than ten study issues.

Disadvantages:

- a. When Council utilizes the Choice Ranking method, the results can typically include several issues which receive zero votes (identified on the Council results sheet as “not ranked”). The consequence of this process is Council’s inability to see a complete listing of issues, in priority order, for those particular departments which have eleven or more issue to be ranked.

Option #2: Council adopts an alternative ranking method, based on the methods described in Attachment B, *Ranking System Options*.

Advantages:

- a. Would allow for the sampling of a new method, not previously used.

Disadvantages:

- a. Could require significant staff resources in the beginning to explore, develop and implement a new ranking method.

3. Number of Study Issues Conducted Each Year

Councilmember Concern: Council would like to see more policy studies conducted each year.

Response: The current process requires that the City Manager advise the City Council as to the number of issues that can reasonably be addressed by each department in any given year, allowing the City Council the option of then adding resources so that additional studies can be performed. The number of studies able to be performed is a direct reflection of the relationship between available resources and workload. As a result, the following factors influence the number of study issues a department can address in any given year:

- Staff vacancies and/or staff new to the City (management staff new to Sunnyvale will spend a significant amount of time during their first year being oriented to Sunnyvale's systems);
- Staff expertise (study issues tend to be specific in nature and are assigned to staff with subject matter expertise—that is, the department's capacity to take on issue x may not be the same as the department's capacity to take on issue y);
- Existing "non-routine" work being pursued by the department (each department completes a number of operational assignments each year beyond the tasks associated with day to day service delivery. Since these are determined on a fiscal year basis, they are already in place by the time the study issues calendar year process rolls around);
- Special circumstances affecting staff availability. These can be department specific, or affect the entire City (e.g., the year the budget crisis hit in FY 2002-03, most managers had very little time to focus on anything other than that and day to day service delivery).

Options:

Option #1: Maintain the status quo – rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to then request additional studies for a corresponding increase in budgeted resources.

Advantages:

- a. The status quo allows the number of studies to be conducted to be determined by those best positioned to do so – the City Manager and department directors.

Disadvantages:

- a. The status quo will not resolve this particular concern.

Option #2: Alter the process by having Council *initially* identify for the City Manager the number of ranked study issues it would prefer to see each department complete; have the City Manager return to Council with a request for any additional resources needed to complete the entire list of studies.

Advantages:

- a. This could help the City Manager understand earlier in the process those studies Council might be interested in providing additional resources to complete.

Disadvantages:

- a. The existing ranking process already asks Council to assume that resources are limited (otherwise there would be no need for Council to consider dropping or deferring issues). This option would complicate the ranking process and not offer any appreciable benefit in return.

Option #3: Reduce the workload associated with conducting study issues by reducing Council expectations regarding finished products, thereby increasing the number of studies able to be performed in any given amount of time (e.g., limit study issue Reports to Council to a certain number of pages; include in reports only staff-recommended options as opposed to all reasonable alternatives; restrict initial reports to summary analysis only, and do further work only upon the specific request of a majority of Council during the public hearing; rely more on verbal presentations and less on written communications to provide details supporting major concepts, etc.).

Advantages:

- a. Would increase the number of studies able to be conducted by staff in any given year.
- b. Would minimize time spent by staff on related information-gathering or report-writing not desired by a majority of the Council.

Disadvantages:

- a. Could significantly decrease the quality of study issue Reports to Council, and could lead to poor decisions.
- b. A decrease in written information prior to a public hearing could significantly increase the amount of time required by Council to consider the matter during the public hearing.

- c. Less information would be available to those members of the public interested in a particular study issue but unable or uninterested in attending public hearings.

4. Study Issue Start and Complete Dates

Councilmember Concern: Study issues should be started and if possible, completed, in the order that they are ranked by Council, yet Council never knows when a study commences, and occasionally expresses concern when completed issues return to them “out of order”.

Response: Study issues are typically started in the priority order assigned them by City Council (exceptions to this are due to staffing issues or specific work unit workload issues within a department). Despite this fact, however, lower priority issues may often be completed ahead of higher priority issues simply due to the varying number of hours each study takes to complete. To clarify staff’s understanding of Council’s direction, beginning in 2009 staff will provide Council with anticipated start and completion dates for each issue to be studied. Study issues start dates will almost always be in the order in which Council has ranked them. The exception to this will be when unusual staff vacancies occur. Completion dates must also reflect such operational issues as the amount of work required to complete an issue and the competing workloads of qualified staff. Despite staff’s best intentions therefore, scheduled completion dates may differ from Council’s ranked order.

FISCAL IMPACT

There is no fiscal impact to this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk.

ALTERNATIVES

1. Council selects from among the following options:

A.1 Study Issue Sponsorship (p. 7)

Option #1: Maintain the Status Quo – Council-generated study issues can be initiated by a sole Councilmember.

Option #2: Require that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper,

and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

A.2 Selection of Issues for Study (p. 8)

Option #1: Maintain the Status Quo – All study issues are treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Option #2: Do not rank studies according to their perceived importance; rather, rank studies strictly based on the number of hours staff estimates it will take to complete them, giving highest ranking to those requiring fewest hours.

A.3 Deadlines for Councilmember-Proposed Study Issues (p. 10)

Option #1: Maintain the Status Quo – no deadline for Council-generated study issues.

Option #2: Establish a deadline for new Council-proposed study issues: three weeks in advance of the public hearing – approximately mid-December (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at that meeting rather than after).

B.1 Pre-Ranking Options (p. 11)

Option #1: Maintain the Status Quo – provide Council with the option to defer an issue for consideration the following year.

Option #2: Allow an issue to be deferred only two years. Automatically remove from the list any issue that has already been deferred twice.

Option #3: Remove “sub-element revisions” (which tend to be some of those carried forward from one year to the next most often) from consideration during the study issues ranking process. Stick to the Council approved Calendar for sub-element revisions as depicted in the City’s Capital Improvement Project Plan), and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studied, but eliminate Council’s option to rank or defer them.

B.2 Ranking Method (p. 13)

Option #1: Maintain the Status Quo – Utilize the 2008 Council-approved hybrid ranking method, which combines the Simple Majority/Borda Count (for departments with ten or fewer issues) and Choice Ranking (for departments with eleven or more issues) ranking methods.

Option #2: Council adopts an alternative ranking method, based on the methods described in Attachment B, *Ranking System Options*.

B.3 Number of Study Issues Conducted Each Year (p. 14)

Option #1: Maintain the status quo—rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to then request additional studies for a corresponding increase in budgeted resources.

Option #2: Alter the process by having Council *initially* identify for the City Manager the number of ranked study issues it would prefer to see each department complete; have the City Manager return to Council with a request for any additional resources needed to complete the entire list of studies.

Option #3: Reduce the workload associated with conducting study issues by reducing Council expectations regarding finished products, thereby increasing the number of studies able to be performed in any given amount of time (e.g., limit study issue Reports to Council to a certain number of pages; include in reports only staff-recommended options as opposed to all reasonable alternatives; restrict initial reports to summary analysis only, and do further work only upon the specific request of a majority of Council during the public hearing; rely more on verbal presentations and less on written communications to provide details supporting major concepts, etc.).

2. Council selects other options as identified by Council.
3. Other action as identified by Council

RECOMMENDATION

Staff recommends the following:

A.1 Study Issue Sponsorship

Option #2: Require that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

This option reduces the number of low-priority issues considered by Council at the workshop; is consistent with the current Council Meeting Agenda practice; frees up staff time for higher priority study and service delivery issues; and

brings consistency with boards and commissions to the study issue sponsorship process.

A.2 Selection of Issues for Study

Option #1: Maintain the Status Quo – All study issues are treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

This option follows the original goal of the study issue process within the Planning and Management System: forcing the ranking or prioritization of all policy issues. The option does not allow staff time to be spent on issues that, when compared to other policy issues, may not be high priorities; and City Council prioritizes issues based on their perceived importance rather than the number of hours estimated to conduct each study.

A.3 Deadlines for Councilmember-Proposed Study Issues

Option #2: Establish a deadline for new Council-proposed study issues: three weeks in advance of the public hearing – approximately mid-December (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at that meeting rather than after).

This option provides Council (and the public) with all new study issues in a timely manner in advance of the public hearing; provides adequate time for public outreach and input for newly generated study issues; and provides staff with a tight but sufficient timeline to process new study issues without negatively impacting other service delivery and resource priorities. This option retains Council's ability to sponsor issues introduced at the public hearing.

B.1 Pre-Ranking Options

Option #2: Allow an issue to be deferred only two years. Automatically remove from the list any issue that has already been deferred twice.

The option to Defer has had the unintended consequence of leading to longer lists of issues automatically returning to future years' workshops, and therefore retains issues that may be of limited value. Removing issues from the list after they have been deferred two years would help to focus Council attention on timely issues that have sufficient Council support for ranking and study. This option is appealing because it continues to provide Council with a tool to defer an issue due to necessity or obligation, but also provides a mechanism for automatically eliminating those issues which may no longer be a priority.

Option #3: Remove "sub-element revisions" (which tend to be some of those carried forward from one year to the next most often) from

consideration during the study issues ranking process. Stick to the Council approved Calendar for sub-element revisions as depicted in the City's Capital Improvement Project Plan, and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studied, but eliminate Council's option to rank or defer them.

As the City's sub-elements are the foundation of all other City policies, committing to the schedule of revisions as depicted in the City's Capital Improvement Project Plan, will ensure policies are reviewed and updated in a timely fashion, and will result in the timely completion of these important policies. As each sub-element is reviewed and updated, pending policy issues are addressed, resulting in fewer policy-related study issues being generated and proposed for Council consideration each year.

B.2 Ranking Method

Option #1: Maintain the Status Quo – Utilize the 2008 Council-approved hybrid ranking method, which combines the Simple Majority/Borda Count (for departments with ten or fewer issues) and Choice Ranking (for departments with eleven or more issues) ranking methods.

The hybrid ranking method used at the 2008 workshop works well and does not require additional resources since it has already been developed and implemented. This ranking method focuses Council review on the most important issues, saves Council time, and expedites the public posting process.

B.3 Number of Study Issues Conducted Each Year

Option #1: Maintain the status quo—rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to then request additional studies for a corresponding increase in budgeted resources.

Staff recommends the status quo because it maintains Council's authority to establish priorities, the City Manager's authority to determine staff capacity, and Council's prerogative to expand that capacity by increasing budgeted resources. Staff does not recommend options that would decrease the quality of work associated with policy studies.

Reviewed by:

Robert Walker, Assistant City Manager

Prepared by: Coryn Campbell, Assistant to the City Manager

Approved by:

Amy Chan
City Manager

Attachments

A. Proposed New Council Study Issue (OCM-05)

B. Ranking System Options

Proposed New Council Study Issue

Number OCM-05
Status Pending
Calendar Year 2008
New or Previous New
Title Review Study Issue Process
Lead Department Office of the City Manager
Element or SubElement 7.3 Legislative Management

1. What are the key elements of the issue? What precipitated it?

The City's study issues process is a planning and management tool that enables Council to prioritize all policy issues to be studied in the upcoming calendar year, and avoid studying issues that may turn out not to have the highest priority. Study issues focus on revising or establishing Council policy, and require significant staff time. The process also allows staff to balance the work required to examine an issue, with the work required to deliver City services. Staff manages its workload by committing to undertake only as many of the study issues ranked by Council that available staff resources and work hours will support. Currently, the city manager determines whether an issue is appropriately categorized as a study issue, or can be addressed by staff as a regular part of ongoing operations.

Council has expressed concern that the annual study issue process may unnecessarily delay addressing some policy issues that could be addressed as they arise during the year, outside of the annual study issues process and timeline.

This study issue will:

- 1) Describe the current study issue process including staff's role, Council's role, board and commission roles, and opportunities for public input;
- 2) Review the recent history of study issues, including how many issues staff has undertaken during the last three years;
- 3) Identify and discuss the pros and cons of the current process;
- 4) Review the ranking process;
- 5) Evaluate the potential of sunseting issues that have been on the list for several years;
- 6) Make a recommendation regarding whether to retain, eliminate, or revise the study issues process.

2. How does this relate to the General Plan or existing City Policy?

Policy 7.3A.1: Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize the Council Study Calendar as the City's principal short-range planning tool.

3. Origin of issue

Council Member(s)
 General Plan
 City Staff X
 Public
 Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2008

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
 Does this issue require review by a Board/Commission? No
 If so, which?
 Is a Council Study Session anticipated? Yes
 What is the public participation process?

6. Cost of Study

Operating Budget Program covering costs
 727 Policy Analysis and Process Improvement
 Project Budget covering costs
 Budget modification \$ amount needed for study
 Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None
 Operating expenditure range None
 New revenues/savings range None
 Explain impact briefly

8. Staff Recommendation

Staff Recommendation None
 If 'For Study' or 'Against Study', explain

9. Estimated consultant hours for completion of the study issue

Managers		Role	Manager	Hours	
	Lead	Agredano, Yvette	Mgr CY1:	60	Mgr CY2: 0
			Staff CY1:	0	Staff CY2: 0
Total Hours CY1:				60	
Total Hours CY2:				0	

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

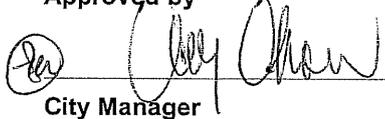


Department Director

10-11-07

Date

Approved by



City Manager

10/12/07

Date

Addendum

A. Board / Commission Recommendation

Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank
	Rank	Rank
	1 year ago	2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Ranking System Options**ATTACHMENT B****Simple Majority Combined with Borda Count Method**

Simple majority is the most common voting method and is currently used by the Council. It has also been used by Boards and Commissions.

- Members review the list of issues and vote on whether or not to drop or defer issues.
- The remaining issues are ranked by each member: 1 being the highest priority issue; the issue with the highest points becomes the lowest priority issue. For example, if there are 10 issues to rank, each member assigns their most important priority as number 1 and their lowest priority would be ranked number 10. All numbers must be used, and only one number is assigned to each issue. The numbers assigned to each issue by all Councilmembers are added up and divided by the number of Councilmembers to determine that issue's rank order. The issue with the lowest total points would be the highest priority for the group.

Possible Advantages: Each issue is considered. The group as a majority determines whether an issue will be prioritized and each member gets to do his or her own prioritization. It is easy to count and relatively quick to administer the Borda ranking. The resulting ranking reflects a majority opinion.

Possible Disadvantage: The longer the list of issues, the more difficult it becomes to distinguish the merits of one issue versus another.

Ranking System Options

ATTACHMENT B

Choice Ranking

This method has also been used by the Planning Commission.

- Members review the list of issues and vote on whether or not to drop or defer issues.
- The number of remaining items to be ranked is divided by three and each member is given that many votes.
- Each member allocates his or her votes, one each, to different issues. Some issues will receive votes, others may not, depending on the total number of issues and the number targeted for selection.
- A tally is made for each issue selected. Two-way ties between issues are resolved by quick votes of the Council. Multiple ties are resolved by voice vote of the Council as led by staff.
- The issues that receive the most votes are thereby prioritized.
- Should the number of issues prioritized be insufficient, then the process would be repeated for the remaining issues (the ones that didn't get votes the first time).
- At the end of the workshop, any issues which receive zero votes are marked on the workshop results sheets as "not ranked" and are considered deferred. These issues are automatically brought to the following year's workshop. Council action on how to manage deferred issues may affect this process.

Possible Advantage: Multiple items are prioritized simultaneously, thus breaking down the list and allowing for a smaller number of issues to be discussed. Ties are eliminated.

Possible Disadvantages: An issue favored by one Councilmember but not of importance to the rest is automatically included in the top tier of issues considered and ranked. This approach may also be time consuming, depending on the number of issues.

Ranking System Options**ATTACHMENT B****Bubble Sort Method**

This is a type of relative ranking system which has been used in the past by the Planning Commission.

- The list of issues is reviewed and members first vote on whether or not to rank the issue. Only issues receiving a majority vote would be advanced for subsequent ranking.
- Issues then are considered one at a time to determine their placement relative to others. This process involves the concept of pair ranking: each option is paired with another option to determine which is to be ranked higher.
- Members vote on whether the second issue to be considered should be above, below or tied with the first.
- Members then determine where the third issue should be placed relative to the lower ranked item. If it is above, then members determine where it should be placed relative to the next higher issue.
- This technique continues until all selected issues are placed in their relative rankings.

Possible Advantage: All issues are considered by the group. Issues considered to be of high priority by the majority of the members are very likely to be identified easily when there are a lower number of issues to be considered.

Possible Disadvantage: When considering multiple issues, this approach may take a long time and may be confusing.

Ranking System Options**ATTACHMENT B****Multi-Voting Method – Sticking Dots**

The Sticking Dots is a variation of the Multi-voting method, which also has other variations known as weighted voting and nominal prioritization.

- Give members dots for one-half of the projects to be considered. For example, if there are 20 issues, 10 dots would be given to each member.
- Each member individually selects their choices placing one dot per issue.
- Any issues without dots would be dropped or deferred.
- The votes are tallied and the issues are ranked accordingly.

Possible Advantages: This could be a fast process. This system narrows a large list of possibilities to a smaller list. It also allows an issue that is a high priority for several members to rise to the top of the list.

Possible Disadvantages: There may be a high number of ties. Possible rankings of the remaining projects would be unknown. Depending on how this is done, it may be possible for members to influence one another's votes as dots are placed on the charts. If done individually on separate sheets provided to each member, it may be difficult for the public to follow the process and understand how Council voted.

**APPROVED MINUTES
SUNNYVALE CITY COUNCIL, REDEVELOPMENT AGENCY MEETING, FINANCING
AUTHORITY MEETING AND ONIZUKA LOCAL REDEVELOPMENT AUTHORITY
MEETING
TUESDAY, JUNE 24, 2008**

Excerpt

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 08-180 Study Issues Process (Study Issue)

Assistant to the City Manager Coryn Campbell presented the staff report.

Councilmember Whittum inquired that hypothetically, if a councilmember was sworn in on January 8 and the study issues workshop was held on January 25, how would a new councilmember submit a study issue. Councilmember Whittum inquired whether the new councilmember would submit a study issue at their very first meeting after they were hypothetically sworn in on January 8. Councilmember Whittum inquired if the study issue process under the staff recommendation is still available to new councilmembers or would they be shut out of the process. Assistant to the City Manager Campbell explained that the study issue binder would go to the newly elected councilmember but they would not be able to vote on the items until the first meeting in January when they are sworn in. At the first meeting in January, the item would need to be voted on by Council.

Councilmember Whittum inquired how the newly elected official could submit study issue items when they are not yet sworn into office. Assistant to the City Manager Campbell stated a councilmember-elect can submit potential study issues in advance prior to being seated and the study issues would then be voted on when the councilmember took office.

Vice Mayor Hamilton verified with the Assistant to the City Manager Campbell that staff is proposing to put an action item on the agenda three to four times per year in which Council would vote on study issues. Vice Mayor Hamilton inquired as to how different that process would be from the current process of preparing study issue papers. Vice Mayor Hamilton stated that it would be helpful to have background information on the item prior to voting on it; however, that would essentially require staff to produce a study issue paper. Assistant to the City Manager Campbell stated the concept is to allow Council the ability to introduce their study issues at the Council meeting and at that time, Council could direct staff to prepare a study issue staff report; however, that would require considerably more work. Vice Mayor Hamilton verified with Assistant to the City Manager Campbell that generating a staff report per proposed study issue was not part of this proposal.

Vice Mayor Hamilton verified with Assistant to the City Manager Campbell that the study issue process Choice Rank voting is an option that can be considered.

Public hearing opened at 8:00 p.m.

Jim Griffith stated the requirement that four Councilmembers vote in support of any proposed study issue is an unusually high requirement for support. Griffith stated

Attachment B

obtaining two or three councilmembers support for a study issue is more appropriate.

Public hearing closed at 8:01 p.m.

Vice Mayor Hamilton requested her fellow Councilmembers make separate motions for each section of the staff recommendations.

City Attorney David Kahn responded to Councilmember Whittum's earlier question regarding the ability for new councilmembers to vote on study issues. City Attorney Kahn stated if the matter on the agenda is to consider, vote and rank possible study issues then it would be possible to raise and vote on new study issues.

Councilmember Moylan verified that Vice Mayor Hamilton is requesting six separate motions on the sections. Councilmember Moylan explained that he is in favor of the staff recommendations on the last five sections. Councilmember Moylan stated he has an alternative for section A.1. Study Issue Sponsorship.

MOTION: Councilmember Moylan moved and Councilmember Lee seconded to approve A.1 Study Issue Sponsorship (as modified from staff recommendation in bold): Require that a proposed study issue receive support from **two** councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

Councilmember Moylan stated he would be open to a friendly amendment that would include councilmember-elects being allowed to support a study issue, which would solve the problem of not getting to rank study issues.

Vice Mayor Hamilton stated Council has previously run into issues giving privileges to Councilmember-elects who have not actually been seated yet and questioned whether a Councilmember-elect would have the ability to vote prior to being seated.

City Manager Chan clarified that once councilmembers are sworn in they can act on any item on the posted agenda. City Manager Chan stated the staff recommendation is to allow Council the ability to formally raise study issues and receive a certain number of votes for the item to go forward. A newly-elected councilmember who has been sworn in can suggest study issue items and have a discussion at that meeting at which time staff can take that information and move forward with the study issues workshop. It would not be legal for councilmember-elects to have the ability to vote on any items; however, based on the staff recommendation, there does not appear to be a timing issue.

Councilmember Moylan clarified that what he meant by a councilmember-elect is the time between when the votes have been counted and the councilmember has officially taken office. Allowing the councilmember-elect to have the ability to suggest study issue items and to be a part of the number needed to sponsor a study issue would eliminate Councilmember Whittum's concern. This is not an issue of voting on an item as a councilmember, rather it involves who may co-sponsor a study issue. Councilmember Moylan restated that if Council wants to include councilmember-elects as those who may sponsor study issues, that would be acceptable and he would be happy to add that to his motion.

Councilmember Whittum offered a friendly amendment to change the word "and" in the motion to "but not". This change would relieve staff of any responsibility for study issues

Attachment B

that do not have two sponsors. Councilmember Whittum explained that the problem is that the councilmember-elect will not have an opportunity to discuss any of this. Councilmember Moylan stated Councilmember Whittum's syntax gives the opposite meaning of his explanation. Councilmember Moylan stated he will not accept the friendly amendment.

Councilmember Whittum offered a friendly amendment to add a sentence which states "this rule will not apply to newly appointed councilmembers." Councilmember Moylan stated he will not accept the friendly amendment.

Councilmember Moylan stated if his colleagues wish to add an amendment stating that a Councilmember and councilmember-elect may sponsor a study issue in December, he would accept that as an amendment. Councilmember Moylan explained that he would accept an amendment allowing councilmember-elects to be included in the sponsorship of a study issue.

City Attorney Kahn stated it is not possible to allow a councilmember-elect to co-sponsor a study issue. Councilmember Moylan asked how allowing a councilmember-elect this opportunity is different than board and commission members submitting a study issue. City Attorney Kahn explained that a board or commission member can propose a study issue but it requires the support of a councilmember to move it forward. A councilmember-elect could propose a study issue but it would require sitting councilmembers to move it forward.

Councilmember Moylan stated he was under the impression that board and commission members could sponsor study issues. Councilmember Moylan stated a councilmember-elect should not be less empowered than a board or commission member.

City Manager Chan stated board and commission members can suggest items and then the entire board or commission must have four members vote in support of the study issues before it can move forward to Council for consideration. City Manager Chan stated a councilmember-elect can suggest a study issue the same as any public members. The issue would need to be supported by a certain number of sitting councilmembers. City Manager Chan explained that staff can also place this item on the agenda for the first week of January after the new councilmembers swearing in. At that point the new councilmember could raise their study issue and obtain another councilmembers support.

Councilmember Moylan asked the city attorney if a councilmember-elect could co-sponsor a study issue with a sitting councilmember. City Attorney Kahn explained that because the seating of new councilmembers was moved to the first week of January, legally until that has happened, the councilmember-elect does not have any authority to act on behalf of the City.

Councilmember Moylan stated that based on the city attorney's explanation, there is no way for a councilmember-elect to sponsor a study issue and therefore the motion stands.

Councilmember Swegles offered a friendly amendment requiring three members of the Council to approve a study issue. Councilmember Swegles stated he is suggesting three Councilmembers because there are a number of study issues and three is closer to a majority in support, which in turn could reduce the number of study issue items.

Attachment B

Councilmember Moylan agreed that the more Councilmembers who sponsor a study issue, the less study issues there would be; however, the problem lies in not being able to view the staff report prior to deciding on whether or not to support the issue. Councilmember Moylan stated that adding one more person, for a total of two, will help clean up the problem of having too many study issues to rank. Councilmember Moylan explained that he is more worried about losing a good study issue than having too many. Councilmember Moylan explained that he prefers to add the amount of Councilmembers needed to sponsor a study issue incrementally. Councilmember Moylan stated he will not accept the friendly amendment.

Councilmember Whittum offered a friendly amendment to add the following sentence to the motion: "Issues proposed by a new councilmember will be considered at the study issues workshop even if there is no staff work for it."

Councilmember Moylan stated it is critical to know how many hours a study issue will take and what staff thinks the result of the study would be. If there was not any staff work included, it would not be worth ranking the item. Friendly amendment not accepted.

Councilmember Moylan stated that cleaning up the back log of study issues would require limiting study issues that have been deferred for two years. Councilmember Moylan stated he will add this to his motion

Amended MOTION: Councilmember Moylan moved and Councilmember Lee moved to approve Alternative A.1 Study Issue Sponsorship (as modified from staff recommendation in bold). Require that a proposed study issue receive support from **two** councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

add If the study issue has been dropped by Council in the last two years, it would require at least four votes in support of the study issue for it to move forward.

Vice Mayor Hamilton stated she objects to the amendment.

Councilmember Whittum stated this change raises an additional barrier. Councilmember Whittum explained that if this barrier were in place this year, a number of approved items would not have been approved. Councilmember Whittum stated the point is to discuss these things in public. Councilmember Whittum stated he is opposed to changing the study issue primarily because of the effect it will have on newly-elected councilmembers.

Vice Mayor Hamilton stated she will not support the motion due to the amendment to the original motion requiring four votes in support of deferred items. Vice Mayor Hamilton stated she disagrees with adding study issue reviews every three or four months as it is not a good use of Council's time. Vice Mayor Hamilton stated she does agree with having two councilmembers support a study issue.

Vice Mayor Hamilton stated she disagrees that what Council does is not in front of the public. Vice Mayor Hamilton stated the study issues workshop is fully open to the public.

Councilmember Swegles stated he is in favor of having three Councilmembers support a study issue as opposed to two.

Attachment B

VOTE: 3-3 (Vice Mayor Hamilton and Councilmembers Whittum and Swegles dissented; Mayor Spitaleri absent)

MOTION FAILED.

MOTION: Councilmember Lee moved and Councilmember Moylan seconded to approve A.1 Study Issue Sponsorship (as modified from staff recommendation in bold). Require that a proposed study issue receive support from **two** councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

MOTION FAILED.

VOTE: 3-3 (Councilmembers Howe, Swegles and Whittum dissented; Mayor Spitaleri absent)

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve a modified staff recommendation for A.1 Study Issue Sponsorship (as modified from staff recommendation in bold). Require that a proposed study issue receive support from **three** councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

Councilmember Whittum offered a friendly amendment that this rule will not apply to newly elected councilmembers.

Councilmember Howe did not accept the friendly amendment.

VOTE: 4-2 (Vice Mayor Hamilton and Councilmember Whittum dissented; Mayor Spitaleri absent)

MOTION: Councilmember Moylan moved and Councilmember Howe seconded to approve staff recommendations for the following items:

- A.2 Selection of Issues for Study-maintain status quo, all study issues are treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).
- A.3 Deadlines for Councilmember-Proposed Study Issues – establish a deadline for new Council proposed study issues: three weeks in advance of the public hearing – approximately mid-December (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at the meeting rather than after).
- B.1. Pre-Ranking Options – Allows an issue to be deferred only two years; automatically remove from the list any issue that has already been deferred twice; remove “sub-element revisions” from consideration during the study issues ranking process; Stick to a Council approved calendar for sub-element revisions as depicted in the City’s Capital Improvement Project Plan, and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studied, but eliminate

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Council's option to rank or defer them.

- B.2. Ranking Method – maintain the status quo – utilize the 2008 Council-approved hybrid ranking method, which combines the Simple Majority/Borda Count (for departments with ten or fewer issues) and Choice Ranking (for departments with eleven or more issues) ranking methods.
- B.3. Number of Study Issues Conducted Each Year – maintain the status quo – rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to request additional studies for corresponding increase in budgeted resources.

Vice Mayor Hamilton stated that in the previous motion, Council approved to propose study issues three to four times a year.

Councilmember Moylan explained that one of the reasons of dropping the number of councilmembers who support a study issue from four to three is so as not to hold quarterly study issue meetings. Vice Mayor Hamilton explained that what Council just passed was the staff recommendation with the only change being that three (instead of four) councilmembers would be needed to support a study issue. The staff report still states that three to four meetings a year would be held for Council to vote on proposed study issues.

Councilmember Moylan stated that he will amend his motion to remove the three to four required meetings on study issues as listed in the staff report.

Councilmember Whittum stated as a point of order, a request to amend a previous motion would require a motion to reconsider by a Councilmember who voted in favor of the item.

City Attorney Kahn stated councilmembers who voted affirmatively for that motion may make a motion to reconsider and if that passes with a majority, and then the revised motion could be voted on again.

(no vote was taken for the current motion on the floor)

MOTION TO RECONSIDER: Councilmember Moylan moved and Councilmember Howe seconded to reconsider the previous motion approving staff recommendation as listed:

- A.1 Study Issue Sponsorship (as modified from staff recommendation in bold). Require that a proposed study issue receive support from **two** councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas three to four times a year.

VOTE: 6-0 (Mayor Spitaleri absent)

City Manager Chan stated that Council may want to consider raising study issues at the end of a Council meeting or in a joint email in order to make the process a little easier for staff.

MOTION: Councilmember Howe moved and Councilmember Moylan seconded to

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approve staff recommendation (as modified from staff recommendation in bold) for A.1 Study Issue Sponsorship: Require that a proposed study issue receive the support of **three** councilmembers in order for staff to prepare a study issue paper, and for the study issue to be considered at the Council Study Issues Workshop **with** an action item to propose study issues would be added to Council agendas set at two meetings per year and they can be study sessions.

Councilmember Whittum offered a friendly amendment that new councilmembers shall be given three free study issues.

Councilmember Howe did not accept the friendly amendment.

Vice Mayor Hamilton offered a friendly amendment that either three Councilmembers bring a potential study issue to staff or a Councilmember brings a study issue to Council on the dais seeking support under non-agenda items. Councilmembers could bring an item to the dais at any time and would not need to wait until the twice a year study session. Vice Mayor Hamilton stated her main concern is not to have staff involved in recruiting Councilmembers in support of a study issue.

Councilmember Lee stated he would suggest that study issues be proposed during any open public meeting and not privately.

Councilmember Howe stated that was the intent of his motion.

Vice Mayor Hamilton stated that did not need to be part of the motion because there is nothing preventing Council from bringing study issues up at the end of a meeting and it does not need to be part of the motion.

Councilmember Howe asked the city attorney if potential study issues were to come up during Council non-agenda items and Councilmembers started to discuss the issues, would that violate the Brown Act because the item has not been placed on the agenda.

City Attorney Kahn stated he would like to do further research and get back to Council with his recommendation.

Councilmember Howe requested city attorney respond within a few weeks as to whether study issues can be proposed during non-agenda items.

Councilmember Howe stated his concern is that there could be five Councilmembers supporting a study issue, which would be a majority. At that point, the study issue would be proposed without it being on the agenda and without public input. Councilmember Howe recognized that the other side of this issue could also be argued that a study issue would be part of an open public meeting at which time it will also be voted on.

City Attorney Kahn suggested that rather than adding this to the motion as "study issues to be presented at the end of the Council meeting subject to approval of the city attorney", that Council direct the city attorney to look at that issue and report the findings back to the Council. City Attorney Kahn stated if it is found that study issues could be discussed during non-agenda items, Council would not need to change their vote as it would just be allowed. Councilmember Howe agreed.

Councilmember Moylan explained that the existing process involves a Councilmember

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announcing that they want to sponsor a study issue and others sometimes joining as co-sponsors. Councilmember Moylan explained that process would continue; however, the difference would be that if two other people do not co-sponsor the study issue, then it will go on the list for the next study session. Councilmember Moylan stated it might turn out that the study session will not be needed and if so, the sessions will not be held.

Councilmember Whittum stated he will not be supporting the motion because there is not a clear direction as to how to implement this change for new councilmembers. Councilmember Whittum stated he does not think Council is aware of what they are implementing.

VOTE: 5-1 (Councilmember Whittum dissented; Mayor Spitaleri absent)

Councilmember Moylan stated he would like to make a motion again on the remaining five items for Council approval of the staff recommendations.

MOTION: Councilmember Moylan moved and Councilmember Howe seconded to approve staff recommendations for the following items:

- A.2. Selection of Issues for Study-maintain status quo, all study issues are treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).
- A.3. Deadlines for Councilmember-Proposed Study Issues – establish a deadline for new Council proposed study issues: three weeks in advance of the public hearing – approximately mid-December (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at the meeting rather than after).
- B.1. Pre-Ranking Options – Allows an issue to be deferred only two years; automatically remove from the list any issue that has already been deferred twice; remove “sub-element revisions” from consideration during the study issues ranking process; Stick to a Council approved calendar for sub-element revisions as depicted in the City’s Capital Improvement Project Plan, and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studied, but eliminate Council’s option to rank or defer them.
- B.2. Ranking Method – maintain the status quo – utilize the 2008 Council-approved hybrid ranking method, which combines the Simple Majority/Borda Count (for departments with ten or fewer issues) and Choice Ranking (for departments with eleven or more issues) ranking methods.
- B.3. Number of Study Issues Conducted Each Year – maintain the status quo – rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to request additional studies for corresponding increase in budgeted resources.

Councilmember Whittum clarified with Councilmember Moylan that councilmember-elects would not be able to sponsor study issues as identified by the city attorney. A councilmember-elect would have the same ability as any other citizen to attempt to

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persuade three Councilmembers to sponsor the item.

Councilmember Whittum offered a friendly amendment to exempt a councilmember-elect from the deadline for proposed study issues.

Councilmember Moylan did not accept the friendly amendment.

Councilmember Whittum explained that if the deadline was waived then a new councilmember could propose issues on the same day that they were sworn in.

Vice Mayor Hamilton inquired if it is possible to have the study issues occur three weeks after the swearing in of new councilmembers. Assistant to the City Manager Campbell clarified that the staff report currently states that study issues can still be introduced by Council at the public hearing.

Councilmember Moylan stated that is not the intent of the motion. All study issues have to be sponsored by three councilmembers within three weeks prior to the study issues workshop.

Vice Mayor Hamilton inquired as to what the point would be of the public hearing because no new items would be able to be brought forward. Vice Mayor Hamilton highlighted that the staff recommendation states that Council retains the ability to sponsor issues raised at the public hearing but would need to do so during the public hearing. Councilmember Moylan stated that new study issues would not be accepted during the day of the workshop and the public hearing should be held at least three weeks prior to the study issues workshop.

Councilmember Moylan stated everything (such as study sessions and public hearings) all need to be held three weeks prior to the workshop. This will give staff adequate time to prepare the study issues papers.

Assistant to the City Manager Campbell explained that the deadline proposed in the staff report is for Council to submit the bulk of their study issues three weeks in advance of the public hearing. The public hearing is three weeks in advance of the workshop. The concept is to allow staff enough time to post the study issues that Council has proposed three weeks in advance of the public hearing in order to allow public review.

Vice Mayor Hamilton verified with Assistant to the City Manager Campbell that newly elected councilmembers are sworn in by the night of the public hearing; therefore, new councilmembers will have an opportunity to have a say on proposed study issues.

Councilmember Moylan explained that a new councilmember will have the ability to have input on proposed study issues if the new councilmember is sworn in by the time of the public hearing and the public hearing is held at least three weeks before the study issue workshop.

Councilmember Whittum verified with Councilmember Moylan that he is striking the phrase contained in section A.3., which states that the deadline will be about mid-December.

Amended MOTION: Councilmember Moylan moved and Councilmember Howe seconded to approve staff recommendations for the following items:

- A.2. Selection of Issues for Study-maintain status quo, all study issues are

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treated the same and subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

- A.3. Deadlines for Councilmember-Proposed Study Issues – establish a deadline for new Council proposed study issues: three weeks in advance of the **public hearing-workshop** – ~~approximately mid-December~~ (Council would retain the ability to sponsor issues raised at the public hearing, but would need to do so at the public hearing rather than after).
- B.1. Pre-Ranking Options – Allows an issue to be deferred only two years; automatically remove from the list any issue that has already been deferred twice; remove “sub-element revisions” from consideration during the study issues ranking process; Stick to a Council approved calendar for sub-element revisions as depicted in the City’s Capital Improvement Project Plan, and simply inform Council as to those that will be revised in any particular year. That is, continue to include these on the list of policy issues to be studied, but eliminate Council’s option to rank or defer them.
- B.2. Ranking Method – maintain the status quo – utilize the 2008 Council-approved hybrid ranking method, which combines the Simple Majority/Borda Count (for departments with ten or fewer issues) and Choice Ranking (for departments with eleven or more issues) ranking methods
- B.3. Number of Study Issues Conducted Each Year – maintain the status quo – rely on the City Manager to advise the City Council as to the number of study issues each department can address in a given year, allowing Council to request additional studies for corresponding increase in budgeted resources.

VOTE: 5-1 (Councilmember Whittum dissented; Mayor Spitaleri absent)

**CITY OF SUNNYVALE
OFFICE OF THE MAYOR AND COUNCIL**

July 10, 2008

TO: Sunnyvale City Council
FROM: Vice Mayor Hamilton
THROUGH: Mayor Spitaleri
SUBJECT: Motion for Reconsideration of Vote on RTC 08-180 Study Issues Process (Study Issue)

I would like to make a motion for reconsideration of vote on *RTC 08-180 Study Issues Process (Study Issue)* from the Council meeting of June 24, 2008:

MOTION: Councilmember Howe moved and Councilmember Moylan seconded to approve staff recommendation for Alternative A.1 Study Issue Sponsorship: Require that a proposed study issue receive the support of three councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop. An action item to propose study issues would be added to Council agendas two meetings per year and they can be open sessions.

VOTE: 5-1 (Councilmember Whittum dissented; Mayor Spitaleri absent)

Attachment: RTC 08-180 Study Issues Process (Study Issue)