SUBJECT: Council Policy Governing Meeting Protocol

BACKGROUND
On September 18, 2012, City Council directed staff to place on a future agenda for its consideration a policy that would preclude a single Councilmember from having the rationale for his/her vote on a particular motion recorded in the minutes without the approval of a majority of the Council. This report responds to that request, but also takes advantage of the opportunity to present for Council’s consideration additional protocol governing Council meetings.

EXISTING POLICY
See Attachment A, Existing Council Policy 7.3.19.

DISCUSSION
To date, Council policy regarding Council meetings has been limited to Policy 7.3.19, which has dealt solely with “Council Start/Adjournment Times”. Given Council’s interest in considering a policy governing a different aspect of Council meetings, staff has revised Council Policy 7.3.19 to represent “Council Meetings” in general. The proposed policy (Attachment B) now deals not only with Council start times, but with all aspects of Council meetings, from how items may be placed on an agenda to who will chair the meetings. Staff has incorporated into the draft policy what it considers to have been standard Council practice for the past several years.

FISCAL IMPACT
There is no fiscal impact associated with this report.

PUBLIC CONTACT
Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City’s website.
**ALTERNATIVES**

Alternative 1: Adopt revisions to Council Policy 7.3.19 as presented in Attachment B of this report.

Alternative 2: Adopt revisions to Council Policy 7.3.19 as presented in Attachment B of this report with modifications.

Alternative 3: Do not revise Council Policy 7.3.19.

**RECOMMENDATION**

Staff makes no specific recommendation, but does believe that codifying numerous aspects of Council meeting protocol that have been standard practice for several years may help to ensure a consistent understanding amongst current and future Councilmembers, and serve as a good springboard for future desired revisions.

Reviewed by:

Robert Walker, Director, Office of the City Manager

Approved by:

Gary M. Luebbers
City Manager

**Attachments**

Attachment A: Existing Council Policy 7.3.19
Attachment B: Proposed revisions to Council Policy 7.3.19
Attachment C: RTC 12-064
Policy 7.3.19  Council Meeting Start/Adjournment Times; Study Session Start Times

POLICY PURPOSE:

Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort. Limiting late-night meetings is intended to encourage citizen participation.

The purpose of this policy is two-fold:

- to set Council meeting adjournment times and procedures thereof
- to set Council study session start times.

Closed sessions are not included in this policy.

POLICY STATEMENT:

Council has adopted a resolution providing that Regular Council meetings will start at 7:00 p.m. (Resolution No. 141-04.)

Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

No new items or other Council business will be introduced after 1:30 a.m.

Any item on an agenda for a regular meeting which must be continued due to the late hour, shall be continued to a date certain.

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions at his/her discretion.

These changes will take effect at the first meeting in January 2005.

(Adopted: RTC 04-410 (11/20/2004); (Clerical/clarity update, Policy Update Project 7/2005) ; Amended RTC 06-376 (11/28/2006))

Lead Department: Office of the City Manager
Policy 7.3.19 Council Meetings Start/Adjournment Times; Study Session Start Times

POLICY PURPOSE:

Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort. Limiting late-night meetings is intended to encourage citizen participation.

The purpose of this policy is two-fold: to outline Council-established policies relative to Council meetings. Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort.

- To set Council meeting adjournment times and procedures thereof
- To set Council study session start times

Closed sessions are not included in addressed by this policy.

POLICY STATEMENT:

Placing Items on the Agenda
Items may be placed on the agenda by the Mayor, a majority of a quorum of the Council, or by the City Manager. The order in which items appear on the agenda shall be determined by the City Manager and approved by the Mayor.

Public Noticing of Council Meeting Agendas
Every effort shall be made to publically notice Council meeting agendas for regularly scheduled meetings five days in advance of the meeting (on Thursday preceding a Tuesday meeting). At a minimum, Council meeting agendas for regularly scheduled meetings shall be noticed three days in advance of the meeting.

Distribution of Council Meeting Materials
Every effort shall be made to publically distribute all approved reports to Council (both online and hard copies) five days in advance of Council meetings (e.g. on Thursdays preceding Tuesday Council meetings). Hard copies should be made available at the Library and the City Clerk’s Office.

When possible, Reports to Council should be distributed earlier than five days in advance whenever finalized and approved by the City Manager in advance of their due date.

When possible, Study Issues and Reports to Council with Planning Commission advisory action should be made available online at least seven days prior to the date the item appears on the Council agenda, and Utility Rate reports should be posted online at least 14 days in advance of a Council hearing (every effort shall be made to distribute hard copies of these reports five days in advance, like any other report).

Start and Ending Times
Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions as his/her discretion. Dinner shall be provided for Councilmembers when meetings start at 6 p.m. or earlier AND are anticipated to end at 8 p.m. or later.
Council has adopted a resolution providing that Regular Council meetings will start at 7:00 p.m. (Resolution No. 141-04.)

Limiting late night meetings is intended to encourage public participation. At approximately 9:30 p.m., Council will announce that items may not be considered after 11:30 p.m. Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

No new items or other Council business will be introduced after 1:30 a.m.

Any item on an agenda for a regular meeting which must be continued due to the late hour, shall be continued to a date certain.

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions at his/her discretion.

These changes will take effect at the first meeting in January 2005.

Meeting Protocol
Meetings will be chaired and presided over by the Mayor, who shall be guided by The Standard Code of Parliamentary Procedure (Sturgis), and the City’s Code of Ethics and Conduct for Elected and Appointed Officials. The City Attorney shall serve as advisory parliamentarian to the Mayor. Any ruling by the Mayor that is challenged and seconded may be overruled by a majority vote of the Council.

Meeting Minutes
Minutes of general meetings shall be prepared and approved in accordance with parliamentary procedure (Sturgis). In general, they shall be a record of all actions and proceedings, but not a record of discussion. No Councilmember shall have views or protests on a motion recorded in the minutes unless a motion permitting such action is passed by majority vote. Adverse criticism of Councilmembers or staff should never be included except in the form of a motion censoring or reprimanding a member. Praise should appear only in the form of officially adopted votes of thanks, gratitude, or commendation.

Minutes of special meetings shall be prepared in similar fashion.

There shall be no minutes for closed sessions.

Minutes of Council Sub-committees shall generally be brief, but in some cases may be more detailed than those of general meetings as they often serve as the basis for the committee’s report and subsequent Council action.

(Adopted: RTC 04-410 (11/20/2004); (Clerical/clarity update, Policy Update Project 7/2005) ; Amended RTC 06-376 (11/28/2006))

Lead Department: Office of the City Manager
Council Meeting: March 6, 2012

SUBJECT: Inclusion of Councilmembers’ Rationale in Minutes (Information Only)

According to "The Standard Code of Parliamentary Procedure" by Alice Sturgis (the official reference used by City of Sunnyvale), "minutes are a record of all actions and proceedings but not a record of discussion." Under the section on “Preparing Minutes”, this general concept is reinforced by Sturgis with regard to the issue of recording individual views on specific issues: "No member can have views or protests on a motion recorded in the minutes unless a motion permitting such action is passed by majority vote."

At two recent Council meetings, the minutes from a previous meeting were pulled from the Consent Calendar with a request from one Councilmember to include the reasoning for his dissent on an item from the previous meeting. In both instances, a motion was made and seconded to revise the minutes accordingly. The full Council voted to approve the minutes as amended.

While this is in keeping with the spirit of Sturgis, a best practice would be for members desiring to have their views on a particular motion recorded to make that known immediately following the vote on the main motion. Doing so would allow the full Council to consider the request in timely fashion, and avoid the work involved in subsequent revisions to the minutes (similarly, the City’s Boards and Commissions were recently encouraged to make brief statements explaining the rationale for their votes when taking actions so that City Council would have the benefit of that information via board and commission meeting minutes--see Attachment A).

Alternatively, for procedural simplification, following the vote the member could request the rationale for their vote be included for the record, and make a brief restatement at this time. If there is no objection, the members’ statement(s) at this time would be included in the minutes.

Absent taking advantage of this recommended remedy during the original meeting in question, an acceptable albeit less preferable option is for Council to propose an amendment to the minutes "consistent with or as reflected by the recording of that meeting". This would ensure that the original views of the Councilmember were captured correctly, and eliminate any reliance on memory for specific wording.
In any event, most regular Council meetings are recorded and made available on-demand on the City's Webpage, for anyone interested in knowing the detailed deliberations of the meeting.

**PUBLIC CONTACT**
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Reviewed by:

Robert Walker, Director, Office of the City Manager
Prepared by: Kathleen Franco Simmons, City Clerk

Approved by:

Gary M. Luebbers
City Manager

**Attachments**
Attachment A: Letter from Mayor to Board and Commission Chairs
December 13, 2011

Sunnyvale Board and Commission Chairs and Vice Chairs

Dear Chairs and Vice Chairs:

In reviewing the minutes of recent meetings, my colleagues and I have identified an issue that requires clarification.

Board and Commission minutes report the votes and actions taken by the board or commission. The minutes are also intended to include a brief summary of the members' rationale for their votes. It is important to Council to know why the members voted the way they did, and the primary mechanism for transmitting this information is through the minutes.

Board and Commission Liaisons have recently received guidance on preparing minutes, with instructions to include a brief summary of the rationale for members' votes when stated. Still, however, board and commission members are often voting without explaining why they are voting the way they do. When presiding as chair of your board or commission, please encourage your members to make a brief statement of the rationale for their vote at the time the vote is taken. No rationale would be necessary for items handled on the Consent Calendar where no separate discussion is held.

I expect that this guidance will not only prove helpful as you facilitate your meetings, but will assist your staff liaison with preparing minutes, will provide more informative minutes for your board or commission and the community, and importantly, will be more informative to Council.

The Council appreciates the time and effort that you devote to the city. If you have any questions, please feel free to contact me or any other council member. We would be happy to discuss them with you.

Thank you for your service.

Sincerely,

Melinda Hamilton
Mayor

cc: City Council
City Manager