

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING REVISIONS TO CITY COUNCIL POLICY 0-12, REQUESTS FOR POLICY ANALYSIS (COUNCIL REFERRALS)

WHEREAS, City Council Policy 0-12, Requests for Policy Analysis (Council Referrals), (“Council Policy 0-12”) establishes uniform procedures for processing and tracking requests for policy analysis (“Council Referrals”); and

WHEREAS, on January 10, 2024, the Rules and Open Government Committee adopted procedures to bring City of San José (“City”) practices into general alignment with Council Policy 0-12, and further directed the City Manager’s Office to return to City Council with an updated version of Council Policy 0-12; and

WHEREAS, it is recommended that Council Policy 0-12 be revised to align with current City practices, remove outdated language, and make minor technical and conforming adjustments; and

WHEREAS, this policy supersedes the policy adopted on June 26, 2001 by the Council of the City of San José;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised Council Policy 0-12, entitled “Requests for Policy Analysis (Council Referrals),” attached hereto as Attachment A and incorporated herein by reference as though fully set forth herein, is hereby approved and shall replace Council Policy 0-12 approved by the City Council on June 26, 2001.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

City of San José, California

COUNCIL POLICY

TITLE REQUESTS FOR POLICY ANALYSIS (COUNCIL REFERRALS)	PAGE Page 1 of 5	POLICY NUMBER 0-12
EFFECTIVE DATE April 22, 1980	REVISED DATE	
APPROVED BY COUNCIL ACTION 4/22/80, Item 9f; 4/2/91, Item 7b(6); 6/26/01, Item 2.70c		

BACKGROUND

~~In the past, r~~Requests for information and/or research from the City Council to the City Administration ~~have been~~are processed ~~without~~with formal guidelines ~~to avoid~~. ~~In some cases this has resulted in~~ duplication of effort, inadequate responses, or excessive effort expended by City Departments and Council Appointee Offices in complying with such requests. Effective and timely responses are best provided through a uniform procedure and tracking system.

PURPOSE

It is the purpose of this Policy Statement to establish uniform procedures ~~that will~~to provide for prompt and effective responses to policy referrals and/or major studies made by the City Council to the City ~~Administration~~Manager and other Council Appointees so that:

1. Council information needs are effectively met; and
2. City ~~Administration~~Manager ~~Service Area~~ and ~~other~~ Council Appointees ~~Business Plans and~~ budgeted workloads are not severely disrupted by the volume of such requests.

Council, at any time, may make requests for information through the Rules ~~and Open Government~~ Committee (~~“Rules Committee”~~), Council Meetings, or informally

DEFINITIONS

~~1.~~ **Council Referral** — A policy referral or a major study of an item of a legislative, service delivery, policy and/or investment nature that may require:

- Fiscal resources;
- Complex ~~program or~~ policy ~~or program~~ analysis;

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- ~~Changes/adjustments to policy or program monitoring and evaluation performance measures results;~~
- ~~Coordination with other departments and other agencies;~~
- ~~Over 40 hours of cumulative staff work, exception is in the event of a hiring freeze, which would trigger a Department by Department basis dependent upon the impact of the freeze on a particular Department;~~
- ~~Addition to a CSA One-Year Action Plan; and/or,~~
- Potential amendments to the municipal code and/or Council action.

The initiator of the referral ~~is to follow up his/her request in writing and forward~~ must submit the request to the Rules Committee for action. A referral will not be considered formal until the Rules Committee ~~has taken action on it~~ acts.

2.——Requests For Information — A formal or informal request from a Councilmember to ~~the City Administration Manager or another~~ Council Appointees for existing information (i.e., brief verbal information or copies of reports already prepared and ready for distribution, or written information that requires minor staff time ~~that is consistent with the City Service Area Business Plan~~) or some other request that does not fall into the category of Council Referral. When a request for information is made to the City Manager or other Council Appointees, it is the responsibility of the Manager and his/her staff, or other Council Appointees and their respective staffs, to determine the scope of the request and to advise the Council through the Rules Committee if a Council Referral will be required.

3.——Summary Of Outstanding Council Referrals — An ~~annual-quarterly~~ report, issued to the Rules Committee by the ~~Council Liaison~~ City Manager or their designee, listing status of items previously referred by the Council to the ~~City Administration Manager~~ or other Council Appointees ~~for which responses or actions requested by the Council have not yet been provided~~.

4.——Assign — A recommendation to Assign a Council Referral means that staff is formally instructed to begin work on the policy.

5.——Drop — A recommendation to Drop a Council Referral means that no further action will be taken on the referral by the Rules Committee and staff.

6.——Defer — A recommendation to Defer a Council Referral means that action by the Rules Committee is being delayed until the date designated/specified. The Rules Committee may defer a Council Referral to a specific date or to the annual budget process, as appropriate ~~October Policy Priority Session~~.

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7. Workload Assessment Report — A report from staff that outlines the policy issues, workload impacts, cost implications and other pertinent information associated with completing/addressing the Council Referral. The Rules Committee may request this report prior to taking formal action on whether to assign, drop or defer a Council Referral.

POLICY/COUNCIL REFERRAL PROCEDURES

It is the policy of the City Council that ~~all~~ Council Referrals directed to City Manager or other Council Appointees ~~by the City Council, individual Council Members, or by private citizens or citizen groups or organizations, approved by the Rules Committee,~~ adhere to the following provisions:

Below is a step-by-step outline of the Council Referral Process:

1. The Council Referral initiator submits the Council Referral in writing to the City Clerk's Office.
2. The Council Referral is to be placed on the next available Rules Committee agenda by the City Clerk under "Rules Committee Reviews, Recommendations and Approvals Council Referrals for Assignment to Appropriate Committee, Administration or Council Appointee." Council Referrals may be made at any time during the year.

3. — At the Rules Committee meeting, the Committee decides whether to Drop or Defer the Council Referral or request an Administrative Workload Assessment. If the Committee decides to Drop the referral request, no further action is taken on behalf of staff. If the item is Deferred, staff tracks the item and the Clerk's Office presents the referral request to the Rules Committee on the date that it was deferred to. ~~Note: A new feature of this process will be to defer items to the annual October Policy Priority Session.~~

If the Committee makes a finding that there are extraordinary circumstances requiring expedited consideration of the proposed Council Referral directly to Council, the Committee can refer the request for City Council's consideration, with or without an Administrative Workload Assessment. The direct referral to Council is considered to include a waiver of the notice and posting of the documents related to that item, including, but not limited to, the Administrative Workload Assessment.

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34. If the Committee requests an Administrative Workload Assessment, staff generally has two weeks to respond with the following information:
- Amount of staff time required to complete ~~request/study~~the Council Referral or if additional staff is needed;
 - Non-salary or unbudgeted costs, including consulting resources, to complete ~~request/study~~the Council Referral;
 - Impact to department's work plan and performance measures ~~results~~;
 - Description of the Council Referral's ~~scope of study~~;
 - Realistic timeline to complete the Council Referral; and,
 - Other considerations related to the specific Council Referral.
45. The City Clerk's Office schedules the Administrative Workload Assessment on a future Rules Committee agenda. (For example, a Councilmember makes a referral request on April ~~104, 2024~~01 and if the Rules Committee requests an Administrative Workload Assessment, staff would return to the Rules Committee with an assessment on April ~~2418, 2024~~01.) In some instances, the Committee may request that the City Clerk schedule the Administrative Workload Assessment directly to the full Council.
56. The Administrative Workload Assessment is discussed at the Rules Committee, and a recommendation to the full Council is made, as to the appropriate handling of the item, which may include: a) GREEN Light – Approving that the Referral be formally Assigned to staff; b) YELLOW Light – Requesting that the item be Deferred to a later date or different City Council process, such as the budget process, or c) RED Light – Recommending that the item be Dropped from further consideration ~~is made. At the time that the Administrative Workload Assessment is presented, the Committee may still Drop or Defer the referral.~~
67. At the City Council meeting, the full Council can affirm the Rules Committee recommended action or they may make a recommended change to Assign, Drop, or Defer the Council Referral ~~Rules Committee Chair reviews the Rules Committee report and reviews the actions taken on Council Referrals. If the full Council is not in agreement with the Committee's action, a formal motion can change the Rules Committee recommendation (which may include Assign, Drop or Defer the referral).~~
- ~~8. — Once the full Council takes action, the Council Referral is or is not issued.~~

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At ~~his/her~~their discretion, the City Manager or other Council Appointees may at any time indicate to the Council that outstanding Council Referrals and/or requests ~~assigned to a specific Department or Departments or Council Appointees~~ represent a workload sufficiently large enough to disrupt their Office's on-going and/or planned work, ~~for which the Department is responsible~~. In this case, the City Manager or other Council Appointees will propose to the Council through the Rules Committee a priority order of outstanding referrals and indicate those for which responses completion would have to be deferred ~~in order~~ to alleviate the Department's work-load burden.

~~Quarterly~~ On an annual basis, the ~~Council Liaison~~ City Manager or their designee will present the Rules Committee with a summary of outstanding Council Referrals ~~by City Service Area~~. ~~The~~ At that time, the Rules Committee will determine whether any action is required, including:

1. Deferring any Re-prioritizing of Council Rreferrals, which may include shifting completion dates is required; and/or
2. Dropping Aany Council Rreferrals, to acknowledge they are no longer aligned with City Council priorities or perhaps no longer needed. need to be deleted from the list;
- ~~3. The referral necessitates a change in scope; and/or~~
- ~~4. There should be a new completion date for referrals.~~

REQUESTS FOR INFORMATION

At any time, formally or informally, Councilmembers may request information from Council Appointees. When a request for information is made to the City Manager or other Council Appointees, it is the responsibility of the City Manager and ~~his/her~~their staff, or other Council Appointees and their respective staffs, to determine the scope of the request and to advise the City Council through the Rules Committee if a Council Referral will be required.

All requests of City Departments (not other Council Appointees) by the Council for brief reports or information items that will take longer than four or five hours and must be written and compiled, should be directed to the City Manager in order that staff work may be properly coordinated. A request for brief verbal information or for copies of reports already prepared and ready for distribution may be made directly to the appropriate staff member. This does not prevent an individual Council Member from calling a Department Head for written information that may require minor staff time or is

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already consistent with a Department's work program or normal work process. This allows the City Manager's Office to ensure timely response.

~~Citizen Information Request: A Request for Information made by a private citizen to City Administration or Council Appointee shall be satisfied promptly whenever such requests can be readily satisfied. Requests directed to Council Members shall be referred, when appropriate, to the City Administration. The Administration or Council Appointee will provide responses directly to the citizen for all requests which are operational or administrative in nature, including complaints, and will prioritize and respond to all requests in the order received or as the City Manager or Council Appointee directs.~~

REQUESTS FOR MAJOR STUDY

~~A Request for Major Study by an individual Council Member must be placed on the agenda of a Rules Committee meeting. If approved by a majority of the Rules Committee, the guidelines for the study shall be stated. Requests for Major Study will be processed exactly like Council Referrals and the Rules Committee will have the same options of whether to assign, drop, defer or request a workload assessment report of staff. Evaluation of the request shall take place at the Rules Committee meeting using the following criteria:~~

- ~~1. The informational value of the study,~~
- ~~2. The parameters of the study,~~
- ~~3. The staff time to be involved in completing the study,~~
- ~~4. The estimated cost of the study, and~~
- ~~5. The general feasibility of the study.~~

~~If a Request for Information made to the City Administration or Council Appointee by an individual Council Member falls under the category of a Request for Major Study, the request shall be referred to the Rules Committee by the City Manager or Council Appointee. At the Rules Committee, the City Manager or Council Appointee will recommend courses of action which consider performance measure results, budgeted workloads, and City Service Area Business Plans as well as evaluative criteria cited in the foregoing paragraph.~~