



Memorandum

TO: RULES COMMITTEE

FROM: Deanna J. Santana

SUBJECT: SEE BELOW

DATE: October 4, 2006

Approved:

Date:

10/6/06

SUBJECT: APPROVE STAFF METHOD AND PROCESS FOR UPDATING THE COUNCIL POLICY MANUAL

RECOMMENDATION

Approve the proposed methodology and process to review and update the Council Policy Manual.

BACKGROUND

On March 21, 2006, the City Council directed staff to develop a work plan with specific recommendations regarding the implementation of 22 Sunshine Reform Measures focused in the areas of public information, neighborhood participation, and government accountability. On May 23, 2006, the City Council referred nine of the 22 reforms to the Sunshine Reform Task Force and directed staff, on a pilot basis, to implement the other 14 proposals, one of which is the posting of the City Council Policy Manual on the City Clerk's website.

As part of the City Council Policy Manual posting endeavor, staff recommended that the Administration conduct a comprehensive review of all the policies concurrent to the Clerk's web posting process. This recommendation was based on an acknowledgement that the City Council Policy Manual did not necessarily contain policies that reflected current practices and/or were no longer current.

The City Council approved the Administration's recommendation and directed the Rules Committee to oversee the Council Policy Manual revision process. Over the past months, the City Manager's Office has been working with departments to review and establish a manageable process to update the policies and, as a first step, develop an accurate inventory of all City Council Policies. The Council Policy Manual contains over 120 policies, some of which have been recently updated and are still applicable or are outdated or obsolete.

ANALYSIS

The Council Policy Manual has been in existence since August 3, 1970. The Council policies are intended to provide direction and/or guidance to staff on how the City Council wishes to have

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certain issues and procedures addressed. The City Manager is responsible for ensuring that the Administration adheres to the established Council Policies.

Given the significance of revising the City Council Policy Manual, the Administration is requesting review and approval of the proposed framework for which staff will approach its work.

Methodology

Staff has reviewed all of the City Council policies contained in the Council Policy Manual to determine categorization on how to approach this effort. Based on this review, staff has developed three categories: (1) Revise, (2) Validate, and (3) Rescind. Each policy was placed in a category based on the following approach:

- Research of current/revised laws governing practices or City policies in conjunction with the City Attorney’s Office.
- Review of superseding Council policies.
- Identification of any policy redundancy.
- Review of current applicability of policies as they relate to current City programs, process and procedures.

The attached matrix lists all of the City Council policies by identification number and name. The table below represents staff’s workplan for updating the Council Policy Manual, followed by a description of the categories that will be used by staff to address each policy.

Milestone	Timeline
Review of the methodology and process to review and update the Council Policy Manual.	October 11, 2006
Review and approval of <i>Council Policy 0-1: Council Policy Manual</i> . This is the first policy scheduled for revision because it establishes a clear process and procedure for the preparation, distribution and maintenance of Council policies and the Council Policy Manual.	October 18, 2006
Review of City Council policies by: (1) Category that each Policy falls within (2) Timeframe for Rules Committee review of each Policy (3) Review of Policies to be rescinded and justification for rescinding Policy. (4) Review of recently updated policies that need to be validated.	November 1, 2006 or November 8, 2006

Below is additional discussion of City Council Policy categories:

Category 1: Revise Policy – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies and creation of a new policy. Old policies will be posted onto the City’s website by the Office of the City Clerk, per direction of the City Council. Upon approval of this categorization each policy falling into this category will be noticed as such so that the public will know of the City’s intention to revise the policy.

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Category 2: Validate Policy – This category includes policies that have recently been updated, newly developed, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain, and will then each will be codified and posted on the City’s website by the Office of the City Clerk.

Category 3: Rescind Policy – This category includes a set of policies that were identified as outdated, obsolete, redundant, or superseded by other Council action or policy and should be forwarded to the Rules Committee for approval to rescind and deleted from the Council Policy Manual. It is proposed that these policies will not be codified or posted on the City’s website and are, therefore, included in the first set of policies for the Rules Committee to consider.

POLICY ALTERNATIVES

Each City Council Policy will include, when applicable, policy alternatives for the Rules Committee to consider.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater; (Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

As each City Council Policy is revised, the particular staff report will include discussion of the outreach performed.

COORDINATION

This memorandum has been coordinated with the City Attorney’s Office and City Clerk’s Office, along with the departments responsible for upholding each City Council Policy.



Deanna J. Santana
Deputy City Manager

For questions, please contact Deanna Santana, City Manager’s Office at 408-535-8173.

POLICY #

POLICY TITLE

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ADMINISTRATION AND GOVERNMENT

1		0-1	Council Policy Manual
2		0-2	Suggestions for New or Increased Revenue Sources
3		0-3	Library Materials and Services
4		0-4	Consolidated Board and Commission Policies
			Section A: Appointments to Boards and Commissions (Previously 0-4)
			Section B: Appointment of City Employees and Council Assistants to Boards and Commissions (Previously 0-20)
			Section C: Involvement in the Legislative Process
			Section D: Political Involvement of Boards and Commissions, Committees and their Members
			Section E: Travel by Elected and Appointed City Officials. See also 9-5.
			Section F: Child Care Reimbursement, Meeting and Travel Expenses (Previously 1-7)
			Section G: Use of Council Chambers (Previously 7-2)
			Section H: Code of Ethics for Officials and Employees of the City of San Jose
			Section I: Board and Commission Referral System
		0-5	DELETE. (1/25/83 Council, Item 7c)
5		0-6	Audits by City Auditor
6		0-7	Affirmative Action Plan
		0-8	DELETE. (7/25/83 Council, Item 7c)
7		0-9	Proclamation of Days
8		0-10	General Task Forces and Committees
9		0-11	Council Resolution Policy
10		0-12	Council Referral System
11		0-13	Orientation of Candidates for Council
		0-14	SUPERCEDED (8/24/93 Council, Item 9d) See 0-26 and 0-27.
		0-15	See 0-4, Section H
12		0-16	Sexual Harassment
13		0-17	Prayer at Council Meetings
14		0-18	Citizen Complaint Procedures
15		0-19	Preservation of Historical Records
		0-20	See 0-4, Section B
16		0-21	Services to the Disabled
		0-22	See 0-4, Section D
17		0-23	Policy Analysis Program
		0-24	SUPERCEDED (3/25/97 Council, Item 9d) See 0-29.
18		0-25	Local Preference Policy
19		0-26	Independent Judgement Policy (SUPERCEDED BY 0-31, 4/18/06)
20		0-27	Interaction between Council Members and City Staff (SUPERCEDED BY 0-31), 4/18/06
21		0-28	Censure Policy
22		0-29	Public Private Competition
23		0-30	San Jose Schools and the City Collaborative
24		0-31	Council-Staff Interaction
25		0-32	Disclosure and sharing of Material Facts
			Public Records Policy and Protocol

1	FINANCE AND ACCOUNTING
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26		1-1	Council Policy on Free Use of Convention and Cultural Facilities
27		1-2	Assistance to Non-Profit Organizations from San Jose Participating in Events of National Prominence
		1-3	SUPERCEDED by 1-1, 10/21/81
		1-4	SUPERCEDED by 1-1, 10/21/81
28		1-5	Fees for Publications, Materials, Printing and Duplicating
29		1-6	Parks and Recreation Priority for Expenditure of Tax Funds
30		1-7	See also 0-4, Section F.
31		1-8	City Fees for Community Projects for which Donations have been received
32		1-9	Open Market Purchase of Used Vehicles
33		1-10	Private Activity Bonds
34		1-11	City Participation in Regional Transportation
35		1-12	City of San Jose Investment Policy
36		1-13	Use of Recourse and Non-Recourse
37		1-14	Criteria and Guidelines for Bond Financing of Residential Development
38		1-15	Debt Management Policy
39		1-16	Multi-family Housing Revenue Bonds
40		1-17	Revenue Generating Policy
			Budget Reserves and Ending Fund Balance

2	MAINTENANCE AND OPERATION
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41		2-1	Exhibition of National and State Flags from City Buildings - All Occasions
42		2-2	Criteria for Installation of Traffic Signals
43		2-3	Installation and Removal of Parking Meters
44		2-4	Council Office Space Acquisition/Modification
45		2-5	Temporary Use of City Equipment by Community Organizations
46		2-6	Inventory, Storage and Display of Gifts

3	PERSONNEL
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47		3-1	Volunteer Help for Park Improvement
48		3-2	Employee Safety

4	UTILITIES
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49		4-1	Energy Conservation
50		4-2	Streetlight Conversion
51		4-3	Outdoor Lighting on Private Developments
52		4-4	Source Reduction and Recycling Procurement
53		4-5	Pollution Prevention
54		4-6	Environmentally Preferable Procurement

5	PUBLIC SAFETY AND LAW ENFORCEMENT
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55		5-1	Funeral Escort Services
56		5-2	Festivals, Parades and Celebrations
57		5-3	Transportation Level of Service
58		5-4	Alternate Traffic Mitigation Measures
		5-5	DELETE. (4-25/00, Item 9j2)
59		5-6	Traffic Calming Policy for Residential Neighborhoods

60		6-1	Annexation by City of San José
61		6-2	Development Policy
62		6-3	Emergency Zoning
63		6-4	Billboards on City-Owned Land
64		6-5	Street Naming and Street Name Change
65		6-6	Interim Residential Uses Excluded in Industrial Areas
66		6-7	Prezoning
67		6-8	City Improvement of School Sites for Public Recreation
68		6-9	High Rise Development
69		6-10	Criteria for Review of Drive-Through Uses
70		6-11	Design Criteria for conversion of Residential Structures to Non-Residential Uses
71		6-12	Water Pollution Control Plant Growth Management Policy
72		6-13	City-Initiated Planned Development Zoning
73		6-14	Guidelines for Child Day Care
74		6-15	City Boundary Changes in Existing Urbanized Areas
75		6-16	Uses of Public Property
76		6-17	Criteria for Special Handling of Development Projects
77		6-18	Council-Initiated Rezoning to A-Agricultural District
78		6-19	Flat Lot Development in Single Family Neighborhoods
79		6-20	Land Use Policy for Monopoles and Cellular Telephone Facilities
80		6-21	Church Location Policy
81		6-22	Process and Criteria for Developing Specific Plans
82		6-23	Guidelines for Evaluation of Nightclubs and Bars
83		6-24	Evaluation Criteria for High Density Housing near Rail Transit
84		6-25	Guidelines for Designation of City Historic Landmarks
85		6-26	Guidelines for Evaluation of Parking Lots
86		6-27	Evaluation of 24-hour Uses
87		6-28	School Facility Availability
88		6-29	Post Construction Urban Runoff Management
89		6-30	Public Outreach Policy
90		6-31	Uses of San Jose/Santa Clara Water Pollution Control Plant Lands

91		7-1	Below Market Rental Policy for Use of City-owned Land and Buildings by Non-Profit or Charitable Organizations or for Governmental or Other Public Purposes.
		7-2	See 0-4, Section G
92		7-3	Disposition of Surplus City-owned Real Properties
93		7-4	Relocation Policy for Persons Displaced by Capital Improvement Programs
94		7-5	Naming of City-owned Land and Facilities
95		7-6	Sales Commissions, Real Estate
96		7-7	Williamson Act - Waiver or Deferral of Cancellation Fees
97		7-8	Long-term Use of City Parklands for Private Enterprise Purposes
98		7-9	Housing Property Acquisition Policy
99		7-10	Placement of Communication Facilities on City-Owned Land

100		8-1	Criteria for the Installation of Stop Signs
101		8-2	Criteria for the Installation of Through Streets
102		8-3	Frontage Roads and Minor Streets Adjacent to Public Parks and Open Spaces
		8-4	DELETE. (4/25/00 Council, Item 9j2)
103		8-5	Minimum Park Development and Building Design Criteria
104		8-6	Utility Excavations
105		8-7	Sanitary Sewer Level of Service
106		8-8	Policy on Outreach for Minority and Women-owned Business Enterprise Participation in City Contracts
107		8-9	Remedial Installation of Soundwalls (formerly "Criteria for Installation of Sound Barriers")
108		8-10	Multi-Family Housing Mortgage
109		8-11	Use of Products Blown with Chlorofluorcarbon Compounds in City Building, Construction and Remodeling Projects
110		8-12	Estimating Construction Costs and Developing of Project Budget
111		8-13	Green Building Policy

112		9-1	Markers for Points of Interest
113		9-2	Off-Site Directional Signs for Public or Quasi-Public Facilities
114		9-3	Community Identification Signs
115		9-4	Installation of Parking Facility Guide Signs
116		9-5	Travel by Elected and Appointed City Officials See also 0-4, Section E
117		9-6	Service Station Permit Requirements
118		9-7	Swim Program Policy
119		9-8	Rate Review Process for Tow Car Services
120		9-9	Smoking in City-Owned Public Facilities
121		9-10	Expression of Council Sympathy upon the Death or Serious Illness of a Council Member or Member of their Immediate Family
122		9-11	Arena Ticket Policy