



Memorandum

TO: RULES COMMITTEE

FROM: Deanna J. Santana

**SUBJECT: APPROVE POLICY 0-1,
COUNCIL POLICY MANUAL**

DATE: October 11, 2006

Approved:

Date:

10/12/06

RECOMMENDATION

Approve Council Policy 0-1, *Council Policy Manual*.

BACKGROUND

As part of the Sunshine Reform related to posting the City Council Policy Manual on the Internet, 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that the City Council Policy Manual did not necessarily contain policies that reflected current practices and/or were no longer current.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.

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

ANALYSIS

On October 11, 2006, the Rules Committee approved the framework for updating over 120 policies contained in the City Council Policy Manual. As part of that report, staff stated that the first policy scheduled for review was Policy 0-1, City Council Manual.

Policy 0-1, *Council Policy Manual* 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 (Revised Policy, see Attachment A and Current Policy, see Attachment B). Approval of the policy will provide clear instructions moving forward with the review and processing of the remaining Council policies. The table below reflects the proposed changes:

Table 1: Summary of Proposed Changes to Policy 0-1, Council Policy Manual

Policy Section	REVISED Policy 0-1	CURRENT Policy 0-1
Background	Deletes reference in current policy that action can be taken by ordinance, resolution, etc. and simplifies that only Council action is needed. This provision allows for more flexibility.	
Guiding Principles	Added 3 guiding principles for the Council Policy Manual: (1) Government transparency and accessibility (2) Clarity in policies, practices and procedures (3) Government accountability	None in current policy.
Purpose	Enhances definition of purpose (<i>numbers correspond to Purpose provision</i>): (1) No changes (2) New Provision--Clarifies that the policies establish how the City shall conduct business and activities, propose new policies; and review and revise policies. (3) Current Policy, Provision 2. (4) Changes "distribution" to "availability" of these policies to the public.	
Policy	Provides clearer instructions (<i>numbers correspond to Policy provision</i>): (1) No changes (2) No changes (3) No changes (4) New Provision—Provides clear instructions on how a Council Policy may be waived. (5) Current Policy, Provision 4. (6) Previously Provision 5. Assigns the Office of the City Clerk responsibility for the preparation and maintenance of the Council Policy Manual. (7) Consolidates current Policy, Provisions 6 and 7. The revised policy utilizes technology (i.e., website posting) for greater availability, preserves hard copy maintenance of the Manual, and provide instructions on accessibility.	(4) Current Policy does not provide these instructions. (5) City Manager was assigned responsibility, but practice is that the Office of the City Clerk has overseen these tasks. Revised policy aligns with current practice.
Procedure	Provides clearer instructions (<i>numbers correspond to Procedure provision</i>): (1) No changes (2) New Provision—Allows City Manager to make non-substantive changes and prescribes frequency. (3) New Provision—As directed by Council on May 23, 2006, provides Rules Committee authority to discuss, analyze and make recommendations on policies in the Council Policy Manual. (4) Current Policy, Provision 2. Changes City Manager to City Clerk. (5) Current Policy, Provision 3. Changes City Manager to City Clerk. (6) Combines Provisions 4 and 5 of current policy. Provides clear instructions for maintaining Table of Contents, prescribes frequency, etc.	

POLICY ALTERNATIVES

There were no policy alternatives, as this Policy establishes basic procedures for maintaining the City Council Policy Manual.

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)

There was no public outreach conducted to complete this report.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and City Clerk's Office.


Deanna J. Santana
Deputy City Manager

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

Attachments:

- (A) Revised Policy 0-1, City Council Manual.
- (B) Current Policy 0-1, City Council Manual

City of San José, California
COUNCIL POLICY

TITLE: COUNCIL POLICY MANUAL	PAGE 1 of 3	POLICY NUMBER 0-1
	EFFECTIVE DATE August 3, 1970	REVISED DATE

APPROVED BY COUNCIL ACTION ON

Background

The San Jose City Council is charged with the responsibility of establishing municipal policies to guide the various functions of the City. Regulatory policies established by the City Council are adopted by ordinance and included in the Municipal Code; however, other policies are established, which by their nature, do not require adoption by ordinance. These applicable policy statements adopted by action of the City Council need to be consolidated in a reference document for easy access.

Guiding Principles

1. Government transparency and accessibility
2. Clarity in policies, practices and procedures
3. Government accountability

Purpose

The purpose of this policy is to:

1. Clearly state and compile policies of the City Council covered by ordinances, resolutions, or other Council actions.
2. Establish clear processes and procedures by which the City Council and Organization shall conduct City business and activities; propose new policies; and review and revise policies contained in the "Council Policy Manual" so that it is kept current.
3. Establish procedures for the preparation, codification, distribution, and maintenance of Council policies and the "Council Policy Manual."
4. Provide for the availability of these policies to the public.

Policy

1. There is hereby established a "Council Policy Manual" which will contain all City policy statements adopted by resolution of the City Council.
2. Generally, policy statements in this "Council Policy Manual" will incorporate only such municipal matters by which the responsibility of decision is vested in the City Council by virtue of the City Charter, Municipal Code, or specific ordinances and resolutions.
3. Policy statements of the City Council shall be prepared in writing and approved by action of the City Council. Once approved, statements of policy will be reproduced, distributed, and included in the "Council Policy Manual" accompanied by resolution number and date of adoption.
4. The waiver of a provision of a Council policy requires six votes of the City Council or when authority is granted to the City Manager or other Council Appointee if so noted in the actual policy.
5. Each policy statement shall include: a) a brief background description of the problem, b) the purpose of the policy, c) the policy statements, and d) other criteria or procedural sections as required.
6. The Office of the City Clerk shall be responsible for the preparation and continuing maintenance, of the "Council Policy Manual".
7. The "Council Policy Manual" shall be made available to the public via the City's internet website and a hard copy maintained in the Office of the City Clerk available for public reference.

Procedure

1. Drafts of proposed Council policies and proposed amendments to existing policies shall be referred to the City Manager for review, evaluation, and reporting to the City Council.
2. The City Manager has the authority to make amendments such as updating the Table of Contents, nouns or personal pronouns not changing substantive matters, on as needed basis and at least bi-annually.
3. Such drafts may be referred by the Rules Committee or City Council to a Council Committee for discussion, analysis, and recommendation.
4. The City Clerk shall be responsible for the assignment of tentative and final policy numbers and the Administration is responsible for titles to a proposed policy draft.

5. After official adoption by the City Council, the City Clerk shall be responsible for final preparation, codification and distribution of the statement of policy.
6. Annually, the Office of the City Clerk and City Manager shall review the Table of Contents and Cross-Reference in the "Council Policy Manual" for needed additions, changes, deletions deemed appropriate. Nothing in this policy shall prevent any individual member of the Council, City Manager, or City Attorney from suggesting revisions or new policies to the Council Policy Manual at other times during the year.

City of San Jose, California

COUNCIL POLICY

TITLE COUNCIL POLICY MANUAL	PAGE 1	OF 2	POLICY NUMBER 0-1
	EFFECTIVE DATE August 3, 1970		REVISED DATE
APPROVED BY Council Action - August 3, 1970			

BACKGROUND

The City Council of the City of San Jose is charged with the responsibility of establishing municipal policies to guide the various functions of the City. Regulatory policies established by the City Council are adopted by ordinance and included in the Municipal Code; however, other policies are established which, by their nature, do not require adoption by ordinance. These applicable policy statements adopted by ordinances, resolutions, or other actions of the City Council need to be consolidated in a reference document for easy access.

PURPOSE

It is the purpose of this policy to:

1. Clearly state and compile policies of the City Council covered by ordinances, resolutions, or other Council actions;
2. Establish procedures for the preparation, distribution, and maintenance of Council policies and the "Council Policy Manual"; and,
3. Provide for the distribution of these policies to all concerned.

POLICY

1. There is hereby established a "Council Policy Manual" which shall contain all City policy statements adopted by action of the City Council.
2. Generally, policy statements in this "Council Policy Manual" will include such municipal matters for which the responsibility of decision is placed in the City Council by virtue of the City Charter, the Municipal Code, or specific ordinances and resolutions.
3. All policy statements of the City Council shall be prepared in writing and approved by Council action. Once approved, statements of policy will be reproduced, distributed, and included in the "Council Policy Manual", accompanied by the pertinent ordinance or resolution number and date of adoption, where applicable.
4. Each policy statement shall include: a) a brief background description; b) the purpose of the policy; c) the policy statement; and d) other criteria or procedural sections as required.

TITLE	PAGE	POLICY NUMBER
COUNCIL POLICY MANUAL	2 OF 2	0-1

5. The City Manager shall be responsible for the preparation, continuing maintenance, and distribution of the "Council Policy Manual".
6. Copies of the "Council Policy Manual" shall be distributed to each Councilman, Department Head, the City Manager, their designated representatives as they may direct, and other individuals as approved by the City Manager.
7. Copies of the "Council Policy Manual" will be available for public reference at the City Clerk's office and all libraries. Additional copies of the Manual shall be available for purchase by the general public at a cost as established.

PROCEDURE

1. Drafts of proposed Council policies and proposed amendments to existing policies shall be referred to the City Manager for review, evaluation, and reporting to the City Council.
2. The City Manager shall be responsible for the assignment of tentative and final policy numbers and titles to a proposed policy draft.
3. After official adoption by the City Council, the City Manager shall be responsible for preparation and distribution of the statement of policy.
4. At least annually, the City Council shall review each policy contained in the "Council Policy Manual" for relevancy and revision or deletion of any policy no longer applicable.
5. The City Manager shall update the Table of Contents and Cross-Reference in the "Council Policy Manual" as required.