



COUNCIL REPORT

DATE: May 28, 2024

CATEGORY: Consent

DEPT.: City Manager's Office

TITLE: **Council Policy A-13, City Council Meetings, Revision to Section 14, Study Sessions**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Amending City Council Policy A-13, City Council Meetings, Amending Section 14 Regarding the Conduct of Study Sessions, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

Council Policy A-13, Council Meetings ("Policy A-13"), sets forth the rules of procedure for the conduct of City Council meetings. Recently, the Chair of the Council Policies and Procedures Committee (CPPC) expressed interest in having the CPPC consider changes to the Policy to clarify procedures related to Council Study Sessions (Section 14).

This matter was considered by the CPPC at its April 25, 2024 meeting. The memorandum for that meeting is included in this report as Attachment 3. As noted in that memorandum, in 2023, there were 18 Study Sessions held during 15 City Council meetings out of a total of 29 Council meetings during the year. In 2024, there have been five Study Sessions as of May 14, 2024.

Study Sessions allow for more informal Council dialogue and in-depth consideration of complex matters. Typically, Study Session items come to Council at a stage in the process of developing a policy, project, or program that allows for initial and/or interim feedback both from the City Council and from the public. These items are later brought back to Council for final action. Examples of Study Session topics include:

- Bringing something to Council in draft form for feedback (such as the Legislative Program priorities and Economic Vitality Strategy).
- Seeking confirmation of a consultant scope of work (such as the Historic Preservation Ordinance and Historic Register Update, Downtown Precise Plan Comprehensive Update, and Moffett Boulevard Precise Plan Scope of Work).

- Providing an opportunity for a Council work session (such as the Fiscal Years 2023-25 Council Work Plan Development).
- Presenting options for Council's consideration (such as the Potential Revenue Measure for 2024).

Additional background information summarizing the typical current Study Session process is included in Attachment 3. As noted in that attachment, a focal point of Study Session memoranda and presentations is the identification of questions for Council's feedback. The questions posed by staff are intended to synthesize staff's analysis, facilitate Council's discussion, and provide focus for clear direction to staff. Councilmembers can reframe the questions as they feel is appropriate. The goal is for staff to receive, by the conclusion of the discussion, a clear sense of what the majority of Council wants staff to further develop and bring back to Council for action.

ANALYSIS

April 25, 2024 CPPC Meeting

At the April 25, 2024 CPPC meeting, staff presented proposed amendments to Section 14 of Council Policy A-13 outlining the purpose and benefits of Study Sessions, the types of questions typically posed by staff for Council's feedback, the way that Council responses to questions, and any other feedback, are synthesized, how this Council direction is documented, and what procedure would be followed in the event that a Councilmember changes their feedback after the Study Session in a way that changes the Council majority direction.

CPPC Chair Lucas Ramirez suggested alternative language during the CPPC meeting. This language included many of the same elements as had been proposed by staff, with the following differences:

- More definition of the purposes for Study Sessions;
- Addition of a statement that, to the greatest extent possible, Council shall dispose of matters as New or Unfinished Business items with Study Sessions being scheduled as needed at the discretion of the City Manager; and
- More definition of the questions posed by staff, adding more clarity regarding the recommendation or alternatives being proposed by staff, setting the intention to solicit clear and actionable direction from Council, and avoiding the use of subjective terms to ensure a shared understanding of Council direction.

The CPPC discussed the proposed Policy A-13 amendments presented by staff and Chair Ramirez. Comments from Committee members included:

- The value of Study Sessions to allow for public input and Council direction early in the development of a policy;
- The effectiveness of straw polls to capture the Council feedback for which there is majority support;
- The need for updates when there is a significant gap in time between when an item comes to the City Council in Study Session and returns for Council action;
- The helpfulness of having an explicit process for changing Council direction in the event a Councilmember changes their feedback and such action affects the majority; and
- A few specific suggested wording edits.

Proposed Amendments to Council Policy A-13, Section 14, Study Sessions

The CPPC voted unanimously to recommend the proposed amendments to the Council for adoption, as outlined below. The proposed new language for Policy A-13, Section 14, are also shown in Attachment 1 as part of the resolution (Exhibit A) and in Attachment 2 with the changes shown in redline.

14. Study Sessions

~~From time to time, the Council may meet in a Study Session at a time and place to be designated by the Mayor. Such Study Sessions shall be noticed and will be open to the public as provided by law and may be conducted as part of an agenda for a meeting at which action will be taken. Study Sessions shall be devoted to matters regarding the exchange of information preliminary to consideration of an item at a regular or special meeting. No official action or formal vote shall be taken at such Study Session on any matter under discussion; provided, however, that the Councilmembers in attendance shall be entitled to express opinions on any matter under discussion and provide direction to staff for further investigation or development of the item.~~

The Council may meet in a Study Session. Study Sessions may be placed on a Regular or Special Meeting agenda pursuant to Section 2 of this Policy and shall be noticed and open to the public as provided by law.

a. Purpose of Study Sessions

To the greatest extent possible, the Council shall dispose of matters as New or Unfinished Business items. However, at the discretion of the City Manager, the Council may meet in a Study Session to:

- (1) Provide initial and/or interim Council direction to staff and allow for public input to develop a scope of work for a policy, project, or program for which no prior Council direction has been provided and/or no other guidance is available to establish a clear and appropriate scope.
- (2) Receive information regarding a matter requiring no action.
- (3) Conduct interviews of applicants seeking appointment by the Council.
- (4) Provide input on a matter when no other appropriate venue or means, such as a Councilmember committee, is available.

b. Synthesis of Council Direction

- (1) During the Study Session, the Mayor and staff will document Council answers to the questions posed by staff and additional feedback or information requests.
- (2) To the greatest extent possible, questions posed by staff shall:
 - (a) Include a recommendation and/or clear and defined alternatives.
 - (b) Solicit clear and actionable direction from the Council.
 - (c) Avoid subjective terms that are open to interpretation to ensure a shared understanding by both the Council and staff.
- (3) At the conclusion of the item, the Mayor, or staff at the request of the Mayor, shall:
 - (a) Summarize answers to the questions posed in the staff report for which majority support was expressed.
 - (b) Summarize any additional feedback or information requests for which majority support was expressed.

(c) List any other items of feedback or requests raised for which there was not majority support expressed and ask for a straw poll on these items.

(d) Summarize the results of the straw poll(s).

(e) Ask if there was anything missed in the Mayor or staff's report out.

c. Documentation of Council Direction

(1) The City Clerk will include the majority Council direction in the after-meeting action summary and in the meeting minutes.

(2) This direction will be summarized in the staff report when the item comes back to Council for action, and a link will be provided to the meeting minutes.

d. Procedure in the Event that a Councilmember Changes Their Feedback Resulting in a Change in the Council Majority Direction

The Council will follow the same procedure as when a Councilmember initiates reconsideration of a regular business item as noted in Section 11 of this Policy.

e. Interim Updates to Council

In such instances that there is a significant gap in time between when an item is discussed in a Study Session and then returns to Council for action, staff will provide verbal or written updates to the City Council as appropriate.

In addition to the above recommended amendment to Policy A-13, staff recommends a slight modification to the Study Session Memorandum template. The modification would be to replace the header reading "Recommendation" with one reading "Questions for Council." An annotated version of the template memorandum, as shown in Attachment 4, will be provided to staff to enhance clarity and consistency.

FISCAL IMPACT

There is no fiscal impact associated with the proposed amendment to Policy A-13.

ALTERNATIVES

1. Direct staff to include additional or different amendments to Policy A-13, Section 14, regarding Study Sessions.
2. Retain the existing text in Policy A-13, Section 14.
3. Provide other direction.

PUBLIC NOTICING—Agenda posting.

Prepared and Approved by:

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- Attachments:
1. Resolution and Exhibit A (Council Policy A-13 (clean))
 2. Existing Council Policy A-13 (redlined)
 3. [CPPC Memorandum \(April 25, 2024\)](#)
 4. Annotated Study Session Memo Template