



MEMORANDUM

City Manager's Office

DATE: April 25, 2024

TO: Council Policies and Procedures Committee

FROM: Audrey Seymour Ramberg, Assistant City Manager

VIA: Kimbra McCarthy, City Manager

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

INTRODUCTION

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

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 April 9, 2024. Study Sessions have been held on a range of topics, with a list of topics during 2023 and 2024 to date included in this memorandum as Attachment 3. Often, the focus of the topic is to:

- Bring something to Council in draft form for feedback (such as Legislative Program priorities and Economic Vitality Strategy).
- Seek 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).
- Provide an opportunity for a Council work session (such as the Fiscal Years 2023-25 Council Work Plan Development).
- Present options for Council's consideration (such as the Potential Revenue Measure for 2024).

Study Sessions are also used for advisory body interviews when the full City Council is involved in the interview process. The appointments are later made as a regular business item at a subsequent City Council meeting.

Study Sessions allow for more informal Council dialogue and in-depth consideration of complex policy matters. Typically, Study Session items come to Council at a stage in the process of policy development that allows for early and/or interim feedback. These items are later brought back to Council for final action.

The conduct of Study Sessions is addressed in Section 14 of City Council Policy A-13, City Council Meetings. This section has not been updated in recent memory, although the practice of Study Sessions has varied over time. This referral to the CPPC provides an opportunity to update and clarify the procedure for conducting Study Sessions to conform with Council's current direction.

In general, the Council Study Session process includes the following components: staff prepares a memorandum providing background, an analysis of the topic, and questions posed for Council's consideration and feedback. The questions are intended to synthesize staff's analysis, facilitate Council's discussion, and provide focus for clear direction to staff.

During the Study Session, staff presents the highlights of the memorandum and reiterates the questions posed to Council. Following public comment, Councilmembers ask any questions they may have. Following that, Councilmembers share their thoughts, feedback, and answers to the staff questions from the Study Session memorandum. The questions are not intended to constrain Council feedback. Councilmembers can reframe the questions as they feel is appropriate. The intent is for staff to receive, by the conclusion of the discussion, a clear sense of what Council wants staff to further develop and bring back to Council for action.

Different practices have been used for how Council's general direction is summarized and documented. Generally, either the Mayor or staff will summarize what was discussed and note where there appeared to be majority support. If further clarity is needed, the Mayor can ask for straw polls. Councilmembers can provide any additional thoughts that may have been missed in the summary. The items with Council majority support are then documented in the meeting minutes.

The proposed amendments below and in Attachment 1 seek to add clarity and consistency regarding the purpose, benefits, and current practices of Study Sessions.

PROPOSED AMENDMENTS

City Council Policy A-13 City Council Meetings

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.~~

a. Purpose of Study Sessions

The purpose of Study Sessions is to provide an opportunity for the Council to discuss policy matters for which there are a range of options regarding policy scope, approach, direction and/or policy elements and for which staff is seeking interim feedback or direction on questions posed by staff.

b. Benefits of Study Sessions

- (1) Allow more in depth and broad conversation among Councilmembers on complex policy issues.
- (2) Provide early, informal feedback or direction to ensure staff is headed in the right general direction.
- (3) Avoid waste of time and staff resources.
- (4) Streamline Council's consideration of the item when it comes to Council for formal action.

c. Types of Questions

- (1) Which policy scope/approach alternative does Council prefer? (This could include asking Council if it agrees with a specific alternative proposed by staff.)
- (2) Does Council wish to add or remove anything from a list of proposed policy elements?
- (3) Does Council have any general feedback or requests for additional information?

d. Synthesis of Council Direction

- (1) During the Study Session, the Mayor and/or staff will document Council answers to the questions posed by staff and additional feedback or information requests.
- (2) At the conclusion of the item, the Mayor or staff will:
 - (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) Ask if there was anything missed in the Mayor or staff's report out.

e. Documentation of Council Direction

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

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

- (1) 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.

To help support this process, 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 2, will be provided to staff to enhance clarity and consistency.

ALTERNATIVES

1. Reduce the use of Study Sessions by bringing initial and/or interim direction items to the City Council on the regular business agenda with a formal recommendation by staff.
2. Provide other direction.

MS/4/MGR

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- Attachments:
1. Council Policy A-13 with Redline Revisions
 2. Annotated Study Session Memo Template
 3. List of Study Session Topics in 2023 and 2024 To Date