



City of Culver City

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Staff Report Details (With Text)

File #: 25-927 **Version:** 1 **Name:**
Type: Minute Order **Status:** Action Item
File created: 3/19/2025 **In control:** Standing Governance Subcommittee
On agenda: 4/2/2025 **Final action:**
Title: SGS - ACTION ITEM: Discussion and Recommendations on City Council Agenda Format and Procedures, Including Tracking, Transparency, and Process for City Council Requested Agenda Items.
Sponsors:
Indexes:
Code sections:
Attachments: 1. 2025-04-02 CC Policy 3204_Agendizing Items for Discussion.pdf, 2. 2025-04-02 ATT Excerpts from Charter and CP3203.pdf, 3. 2025-04-02 CC Policy 3203 Relationship between Council Members and Employees.pdf, 4. 2025-04-02 ATT Santa Monica Agenda Excerpts.pdf

Date	Ver.	Action By	Action	Result
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SGS - ACTION ITEM: Discussion and Recommendations on City Council Agenda Format and Procedures, Including Tracking, Transparency, and Process for City Council Requested Agenda Items.

Meeting Date: April 2, 2025

Contact Person/Dept.: Jesse Mays/City Manager's Office

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Fiscal Impact: Yes ☐ No ☒ **General Fund:** Yes ☐ No ☒

Attachments: Yes ☒ No ☐

Public Notification: (E-Mail) Meetings and Agendas - City Council (3/28/2025)

Department Approval: John Nachbar, City Manager (03/27/2025)

RECOMMENDATION

Staff recommends the City Council Governance Subcommittee discuss and make recommendations to the City Council on the City Council agenda format and procedures, including tracking, transparency, and the process for City Council requested agenda items.

BACKGROUND/DISCUSSION

At the December 9, 2024 City Council meeting, Council Member McMorris obtained consensus to review City Council agenda item transparency. At the January 27, 2025 City Council Meeting, City Council created the Standing City Council Governance Subcommittee and appointed Council Member McMorris and Council Member Fish to the Subcommittee. During the discussion, Council Member McMorris suggested City Council agenda item transparency as one topic of discussion for the Subcommittee. Subsequently, Council Member Fish requested that staff include in this item a discussion of potential changes to the procedure for City Council requested items placement on the agenda.

How Agenda Items Are Placed on City Council Agenda

Most items on the City Council agenda are placed on the agenda by the City Manager. The City Manager brings forward items that require City Council consideration and approval.

The City Council may also add items to future City Council agendas by following the process established by City Council Policy 3204 (Attachment 1). A City Council member must make a request at a City Council meeting and get the support of at least two additional council members to put the topic on a future City Council agenda. This is informally called “getting majority consensus” or “three nodding heads”, because the Council Members will voice their agreement to add the item. Once the item gets majority consensus, it is called a “Council Requested Agenda Item”. Due to the Brown Act, the City Council may not engage in a substantive discussion of the item at the meeting where the request is made because the item is not listed on the agenda.

As specified in City Council Policy 3204, City Council subcommittees may also request items be placed on the City Council Agenda, as long as the item is within the purview of the subcommittee. The subcommittee’s staff liaison will convey the request to the City Manager. The City Manager is then responsible for placing the item on a future City Council Agenda.

Relevant Charter and Municipal Code Provisions

The Charter and the Municipal Code require the City Attorney and City Manager to prepare or approve resolutions and ordinances before they are presented to the City Council for consideration.

Culver City Charter Section 901 directs the City Attorney to:

“(d) Prepare or approve the language of all City ordinances, resolutions and any amendments to such ordinances or resolutions, and approve the form of City contracts and bonds”

Culver City Municipal Code Section 3.01.150 (Ordinances, Resolutions, Motions and Contracts) states:

A. *Submission of ordinances.* No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, except that the Mayor, City Manager and City Attorney may present ordinances and resolutions to the City Council on the initiative of any of those officers.

B. *Prior approval by administrative staff.* All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or [their] ... authorized representative, and shall have been examined and approved for administration by the City Manager or [their] ... authorized

representative, where there are substantive matters of administration involved.

Timing of Council-Requested Agenda Items

The length of time it takes for a Council-Requested Agenda Item to come back to the City Council varies. Once the City Council approves a Council Requested Agenda Item, the City Clerk works with the City Manager to assign the primary responsible department to work on the issue. The responsible department keeps the City Clerk informed as to the estimated date that a staff report will be ready for City Council, which depends on the nature of the request and the department's workload.

Additionally, the Mayor, City Manager, and City Clerk meet periodically to review upcoming City Council agendas and the placement of which items on which meeting agendas. This group works collaboratively to create agendas that are balanced and manageable for the purpose of efficiently and effectively transacting City business. For example, the number of items in any specific meeting that might generate significant public comment or Council Member discussion may be limited. The intent is to ensure meetings do not run exceptionally long, and to facilitate participation by members of the public in topics that are most important to them. Due to those variables, the timing of when an item will return to City Council may vary. It is possible that staff will be ready to present an item, but there is not sufficient time during the next upcoming City Council meeting for the item to be heard. In that case, the item may be postponed to a later date.

Because of these variables, there is uncertainty about when an item will be heard until the actual meeting agenda comes out for each meeting. It is always possible that last minute, time-sensitive issues will need to be added to an agenda, which requires moving previously scheduled items to a later meeting. For that reason, the listed date of when an item will be heard should be considered tentative until the meeting agenda is published.

Tracking Council-Requested Agenda Items

The City Clerk's office maintains a tracking document for Council-Requested agenda items. City Council Members may visit the document at any time to see the latest updates. As mentioned above, there is uncertainty about when an item will be heard until the actual meeting agenda comes out for each meeting. For that reason, the dates listed in this document should be understood to be staff's best estimate of when the item will be heard. The Council-Requested items tracking document is a working document that is updated in real time, on an ongoing basis, by the City Clerk's office.

Council Member Fish Suggested Process for City Council Requested Agenda Items

Council Member Fish has suggested to staff that the City Council consider adding a new process by which one or two Council Members can request an item for placement on Council agendas. He has suggested that this would augment, not replace the existing "nodding heads" process.

The City would add a new section to the agenda of each City Council meeting where one or two City Council Members could add action agenda items (or motions) without first obtaining three nodding heads from the City Council. The Council Member or Members would submit their proposed action agenda item or motion ahead of the meeting for placement on the agenda. For example, one Council Member or two Council Members working as a pair could place an item on the agenda requesting that the City Attorney draft an ordinance regarding a specific topic; or, request that staff draft a Resolution. Using these examples, it should be noted that the agenda item would be limited to a

discussion by City Council of whether to direct the City Attorney to draft an ordinance or whether to direct staff to draft a Resolution. The draft ordinance or resolution would not be presented to City Council as part of that agenda item. Pursuing these items would still require three Council Members to provide such direction before City staff engages in the work involved to bring the item back to City Council. In addition, if this new agenda section were created, it would include language at the beginning of the agenda section advising the public that these items have not been reviewed by City staff or the City Attorney.

Relationship Between City Council Members and Staff

The City's Charter and Council Policy 3203 establish the relationship between council members and staff (Attachments 2 and 3). Due to these policies, Council Members would need to generate any motions without the assistance of staff or with very minimal assistance.

Council Policy 3204

Council Policy 3204, Agendizing Items for Discussion (see Attachment 1) would need to be modified to allow for this new process.

Notably, Section II, Statement of Policy, states the intent of the Policy, among others, is to "provide sufficient time between the initial request and the scheduled discussion of the requested item in order to provide adequate opportunity for staff research and public notification." The experiences of Santa Monica and West Hollywood, described below, suggest that implementing this new process could detrimentally impact the time for staff research and public notification.

Policy Considerations

Potential benefits of this proposed process are:

- Moving policy proposals faster toward implementation.
- Giving each individual council member added influence to achieve their policy objectives.
- Giving council members additional time to consider a proposed Council Majority Consensus Item because they will see it when the agenda is published.
- Under the Brown Act, members of the public would be provided with an opportunity to comment on the requested agenda items.

Potential disadvantages or unintended consequences to this proposed process are:

- This process would increase the length of city council meetings. Public comment would need to be allowed on this section of the agenda. Council Members might spend a significant amount of time discussing the issue. Staff and the Mayor would not be able to balance meeting length.
- If this agenda item is placed at the end of the meeting, members of the public may need to wait until late in the evening to participate in the item. This would reduce transparency and participation in the item.
- If this agenda item section is placed earlier in the agenda, these items would take precedence over other action items that have been requested by the full City Council, which would then push those items later in the meeting and result in less transparency and public participation in

those items which may be more important. This process would overall result in less public opportunity for input, and less public notice that a proposal is being considered.

- The current process requires a minimum of public discussion at three meetings [1. Request for nodding heads; 2. Substantive discussion and direction of whether to prepare the requested agenda item (e.g., resolution, motion, etc.); 3. Consideration of and action on the agenda item, e.g., resolution, motion, etc.]].
- The proposed process would only require two meetings [1. Substantive discussion and direction of whether to prepare the agenda item (e.g., resolution, motion, etc.); and 2. Consideration of and action on the agenda item, e.g. resolution, motion)].
- Since a staff report will not accompany the item, the City Council will be deciding whether to direct staff through a motion without information or with minimal information. This could result in staff spending a significant amount of time (such as drafting a resolution or ordinance) on an issue where the City Council has been presented with a minimal amount of background information.
- Motions written by council members advocating for the motion will inevitably be favorable towards approval. Council members may not have the benefit of seeing alternative points of view or possible negative information before considering whether to support the item.
- This process would be inequitable to Council Members, since Council Members with more available time could spend significant time drafting motions and placing them on the agenda. Council Members with less available time may not have time to draft motions and place them on the agenda. Currently, Council Members have equal opportunity to request nodding heads at a meeting.
- Special events requesting City sponsorship would find it easier to get support for bringing their sponsorship request to City Council. The City already receives complaints from the public about the number of special event sponsorship requests considered outside the annual process. Allowing any one council member to request sponsorship would likely increase the number of off-cycle sponsorship requests made to council members.
- The process allows individual council members to reprioritize staff work and resources above the approved annual work plan. Staff spends most of its time on core tasks, and only a small percentage of its time can be devoted to new initiatives. In a fiscal emergency, with limited budget resources, staff will budget its limited time for initiatives on those that are a priority for the City Council, as approved in the annual workplan. These projects may slow down or be put on pause if staff needs to attend to new initiatives proposed by one or two Council Members.

Examples from Other Cities

The City of Los Angeles and County of Los Angeles both have processes for Council Members and Supervisors to add items to an agenda with less than a majority agreement by the Council/Board. However, neither of these jurisdictions is a Manager/Council form of government, so their example is not as useful when considering the implications of a process like this in Culver City. For example, Los Angeles City Council Members and County Supervisors have large staffs who report directly to the Council Member/Supervisor, whereas Culver City City Council Members do not have dedicated staff. Moreover, Los Angeles City Council Members and County Supervisors are elected to represent

districts, while Culver City City Councilmembers all represent the City as a whole.

City of Santa Monica

The City of Santa Monica has a City Council with seven members. One, two, or three Council Members can place motions on the agenda. The motions and any supporting documents are created by the Council Member. Staff from the City Manager's office typically assists council members with drafting the motions and advising on their ideas, although staff's assistance must remain minimal.

Historically, Council Members rarely requested these items and limited their use to simple, non-controversial items. For example, waiving fees for or contributing a small amount of discretionary funding to a community event. However, Council Members have more recently begun using the process to direct staff to engage in tasks that are outside of staff's workplan. Staff may get conflicting direction from the City Council. These items are not required to be submitted by the Council Member (s) until a week before the City Council meeting, which does not leave much time for staff to place them on the agenda.

Once they make it onto an agenda, the items are almost always approved. This has resulted in a significant and constantly growing list of items for staff to work on, in addition to their workplan work. A review of recent 2025 Santa Monica agendas (Attachment 5) show a large number of these items at every meeting.

At a recent Santa Monica City Council budget meeting, Santa Monica's Deputy City Manager:

Noted that staff's workload had also increased as Councilmembers place more and more discussion items on the agenda that require research.

The number of [these items] has seen a "significant uptick," from 60 in 2018 to 119 in 2024, Smith said. So far this year [January - March 10, 2025], the newly seated Council has placed 41 discussion items on the agendas for the four meetings held this year.

"This is an important moment for alignment," Smith said. "The more we can put our (staff's) work into our budget, the better we're able to plan, prioritize and ultimately achieve" the Council's priorities.

Source:

https://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2025/March-2025/03_10_2025_Council_Floats_Bold_Moves_to_Balance_Budget.html

City of West Hollywood

The City of West Hollywood has a five-member city council, and any member of the City Council can place an item on the City Council agenda. This practice dates back to 1984 when the City of West Hollywood incorporated. At that time, each Councilmember was able to hire a Council Deputy, who would do research and write staff reports on behalf of their Councilmember. About ten years ago, the City Council eliminated the Council Deputies positions, and created the Community & Legislative Affairs (CLA) division, which is comprised of a Division Manager, a Supervisor, the Governmental Affairs Liaison, a scheduler, and four Community Affairs Coordinators. The current process entails the production of several staff reports for each Council agenda, most of which then translate into new Council Directives, which expand the approved work programs of the City's Departments. Culver City does not have a "Community and Legislative Affairs" division. In West Hollywood, each idea suggested by a city council member requires research, analysis, and a staff report, which accompanies the items when they are put on a City Council agenda. Each meeting there are several

ideas from City Council members put on the agenda.

Final Recommendations

If the Subcommittee recommends moving forward with this process change, it should consider recommendations on the following:

- Should there be a limit on the number of items per Council Member per meeting?
- Should there be any other restrictions or guidelines included with such process?
- Should there be disclaimers on the items that they haven't been reviewed by City staff?

FISCAL ANALYSIS

There is no fiscal impact from discussing these items and making a recommendation to City Council. The new Council requested items process, if adopted, would have an unknown fiscal impact due to the increase in staff time necessary to devote to these requests, and an increase in the length of City Council meetings.

ATTACHMENTS

1. 2025-03-12 ATT City Council Policy 3204
2. 2025-03-12 ATT Excerpts from City Charter and Council Policy 3203
3. 2025-03-12 ATT City Council Policy 3203
4. 2025-03-12 ATT Santa Monica Agenda Excerpts

MOTIONS

That the City Council Governance Subcommittee:

Discuss and make recommendations to the City Council on agenda format and procedures, including tracking, transparency, and the process for City Council requested agenda items.