

**City of Culver City, California
Agenda Item Report**

Meeting Date: 04/11/11		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Consideration of Various Changes/Updates for the Format of the City Council Agenda.			
Contact Person/Dept.: Martin R. Cole		Phone Number: 310-253-6000	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: (E-Mail) All Public Notification Categories (04/01/11; 04/06/11); (E-Mail) Persons who Spoke at the City Council Meeting of December 14, 2009 (04/01/11; 04/11/11)			
Department Approval: Martin R. Cole (04/05/11)		City Attorney Approval: Carol Schwab / Heather Baker (04/06/11)	
Fiscal Impact Approval: Jeff Muir (04/06/11)		City Manager Approval: John M. Nachbar (04/06/11)	
<u>RECOMMENDATION:</u> Staff recommends the City Council consider the subject of various changes/updates to the City Council Agenda and direct the City Manager as deemed appropriate. <u>BACKGROUND:</u> The Ralph M. Brown Act (California Government Code Section 54950 et seq.) is also known as California's open meetings act. As such, it provides several requirements meant to ensure the public's ability to participate in its government. It also provides that "legislative bodies" (including City Councils) may adopt rules and regulations so that the public's business may be conducted without undue delay. Sections referenced in this report are to the California Government Code unless otherwise specified. The City Council has created and appointed members to an Agenda Format Subcommittee (currently Mayor Armenta and Council Member Weissman). The Subcommittee has met on several occasions to discuss desired modifications to the agenda format. This issue was last presented to the City Council at its December 14, 2009 meeting, at which a number of the members of the public provided input (each of whom has been sent a notice of this evening's meeting). At that time, the City Council determined to refer the item back to the Subcommittee for additional review.			

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The Subcommittee has conveyed its desire to present various subjects related to the agenda in a “menu” format where each issue is identified and options are presented for discussion and potential adoption by the City Council. Staff will also provide comments when there are administrative or legal issues the City Council should consider while discussing various items.

DISCUSSION

When possible, the items will be presented in the order in which they appear on the current agenda (the agenda from March 28, 2011 is attached to this report as Attachment 1 as a guideline). A general staff comment is that it may be appropriate to revise the Agenda to clearly reflect the practice of the City Council’s actual conduct of its meetings. Staff will amend the agenda format in accordance with any changes adopted by the City Council.

The Brown Act confers considerable discretion upon the City Council to establish the manner in which the business of the City Council shall be conducted. Amongst those items within discretion of the City Council are:

(A) Cover Page of Agenda

The cover page may need to be updated to reflect any changes the City Council may make to the remainder of the Agenda.

(B) Public Comment Periods (for items not on the Agenda and for Items on the Agenda)

(1) Brown Act Requirements: Section 54954.3 (a) provides that “[e]very agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item ...that is within the subject matter jurisdiction of the legislative body...” Section 54954.3 (b) provides the legislative body the ability to “adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.” (Attachment 2)

(2) Current Practice:

(a) *Number of Public Comment Periods:* The City Council’s practice for approximately the last year or so has been to take public comments **for items not on the agenda** at two points on the agenda: one at the beginning of the meeting and one at the end (for those persons who did not speak during

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the first comment period for items not on the agenda). Further, the City Council has been taking public comments collectively during these two periods for all bodies that are in session (for example, when the City Council and Redevelopment Agency Board are both in session).

(b) Time Allotted to Speakers During Public Comment Periods:

Current practice allows an individual speaker to have up to five minutes while addressing the City Council. A different time limit (generally three minutes) may be declared by the Mayor for agenda items for which many Speaker Cards have been submitted. There has also been a practice of allowing speakers additional time (generally one minute more) if someone in the Council Chambers “yields” their time to that speaker. With respect to public comment for items that are on the agenda, members of the public may provide comment on those items for either a five or three minute period (depending on the number of speakers present for each item). Please see the attached table (Attachment 3) for practices of other Westside cities.

(3) Discussion Items:

(a) Discussion Item #1: Does the City Council wish to make any changes to the current practice with respect to the number of public comment periods?

Options: (1) continue current practice; (2) determine to take comments for items not on the agenda separately for each body in session.

(b) Discussion Item #2: Does the City Council wish to make any changes to the amount of time allotted to speakers during public comment periods or to the practice of yielding time to other speakers?

Options: (1) continue current practice; (2) determine to adopt a single time limit for all individual speakers; (3) allow persons to yield time (one minute) to others; (4) discontinue the practice of yielding time

(C) Continuing Items to another Meeting

(1) Current Practice: The Agenda currently has a statement that, at or about 11:00 PM, the City Council will determine whether to continue discussion on items or carry some/all remaining items over to a future meeting.

(2) Discussion Item #3: Does the City Council wish to make any changes to the time (e.g. 11:00 PM) at which the City Council determines to continue with business or postpone items to a future date?

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Options: (1) continue current practice; (2) determine to regularly review remaining agenda items at a time certain in the meeting; (3) determine if 11:00 PM is the appropriate time or if another time is desired.

(D) Update with Respect to Availability of Agenda Items

(1) Current Practice: The current Agenda mentions that agenda information is available via tape recorded message (the Agenda Line). In practice, this has been replaced with making public information available on the City's website. Recordation of the Agenda Line is quite time consuming. It should be noted that individuals who would like additional information on agenda items may always contact the City Clerk's Office via telephone, e-mail, or in person.

(2) Discussion Item #4: Does the City Council wish to make any changes to the method through which the City makes agenda information available to the public?

Options: (1) continue the Agenda Line; (2) approve current practice (discontinuation of the Agenda Line as it has been replaced by posting of items on the City's website).

(E) Additions and Reordering of Items on the Agenda

(1) Recommendation: Staff recommends the City Council consider the following additions/reordering of certain agenda categories to improve efficiency and to reduce potential overtime costs incurred:

- **COMMUNITY ANNOUNCEMENTS/INFORMATION ITEMS FROM STAFF** is recommended to be added toward the beginning of the meeting: This will allow staff members who have announcements to make them earlier in the meeting and to not be part of the public comment periods.
- **RECEIPT AND FILING OF CORRESPONDENCE** is recommended to be relocated to the beginning portion of the Agenda. This allows the City Council to receive and file all correspondence for all items on the Agenda prior to that item being considered by the City Council.
- The **CONSENT CALENDAR** is recommended to be moved to precede Public Hearings and Action Items. This is proposed to improve efficiency and to allow the City Council to take one action on items that

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are routine in nature and for which neither Council Members nor members of the public have comments or questions. Items pulled from the **CONSENT CALENDAR** may be either handled after the items passed on the **CONSENT CALENDAR** or handled later in the meeting (to be determined under **ORDER OF THE AGENDA** – see below).

- **ORDER OF THE AGENDA** is recommended to be added. At this time, the City Council may determine to change the order of the Agenda (to accommodate speakers or to take more pressing items out of the order presented on the Agenda).
- For **JOINT ITEMS**, a note is recommended to be added that to conserve resources, copies of **JOINT ITEMS** (including **JOINT PUBLIC HEARINGS**) are available as part of the City Council Agenda. Members of the public can still view or obtain copies of **JOINT ITEMS** on the City's website, at the City Clerk's Office, and at the Agency Secretary's Office.

(2) Discussion Item #5: Does the City Council wish to accept any/all of the above items proposed by staff?

Options: (1) continue current practice (no changes would be made); (2) approve changes; or (3) add/reorder items as deemed appropriate.

(F) Submission of Comments in Other than Oral Form

(1) Current Practice: Current practice has allowed persons to submit comments in formats other than oral (including e-mail, videos, and PowerPoint presentations). Further, it has been the practice to read e-mailed comments, which have been received by the City Clerk's Office by 5 p.m. on the day of the meeting, into the record.

(2) Discussion Item #6: Does the City Council wish to clarify or make any changes to these practices?

Options: (1) continue current practice (no changes would be made); (2) approve any changes as deemed appropriate

(G) Rules of Decorum

The City Attorney's and City Clerk's Offices advise that the current rules of decorum need to be revised/updated. In this regard, staff will return to the City

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Council in the near future with a proposed ordinance to amend the Culver City Municipal Code.

(H) Authority of Presiding Officer

The City Council has traditionally provided the Mayor/Presiding Officer with discretion to make exceptions to the general rules (discussed herein) when circumstances warrant it. Such discretion is appropriate to affect the intent of Section 54954.3 (a) to allow for the efficient conduct of the City's business.

At this time, staff recommends the City Council discuss these recommendations and, if desired, direct staff to prepare a resolution for consideration by the City Council at the May 9, 2011 meeting to implement the selected recommendations

FISCAL IMPACT:

There is no fiscal impact to the discussion of these items

ATTACHMENTS:

1. Agenda from March 14, 2011 City Council Meeting
2. Excerpts from the Brown Act
3. Table Reflecting Culver City's Compliance with Brown Act

MOTION:

That the City Council:

Discuss the various topics related to the agenda format and direct the City Manager as deemed appropriate.