

RESOLUTION NO. 68,726-N.S.

ESTABLISHING THE GOVERNING POLICIES AND PROCEDURES FOR STANDING POLICY COMMITTEES OF THE CITY COUNCIL AS A SUPPLEMENT TO THE CITY COUNCIL RULES OF PROCEDURE AND ORDER

WHEREAS, an efficient and standardized structure for public policy development and consideration is a priority for the City Council; and

WHEREAS, on October 16, 2018, the City Council directed the City Manager to bring back, no later than November 27, 2018, amendments to the City Council Rules of Procedure to implement a system of policy committees; and

WHEREAS, the goal of the new committee structure is to provide the community and the City Council with adequate opportunity for detailed policy discussions outside of a meeting of the full City Council; and

WHEREAS, there is a clear need to enhance the limited legislative structure and workflow that currently exists in Berkeley; and

WHEREAS, staff is proposing that Council adopt the policies in Exhibit A as interim governing procedures for policy committees to serve as an overlay on the Rules of Procedure while the full amendments to the Rules of Procedure are drafted.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Governing Policies and Procedures for City Council Policy Committees attached hereto as Exhibit A, are hereby adopted.

BE IT FURTHER RESOLVED that the provision in Exhibit A supersede any conflicting provisions of the City Council Rules of Procedure and Order adopted by Resolution Nos. 68,362–N.S. and 68,383–N.S. with regards to the legislative process of the city and the powers and authority of the Agenda Committee.

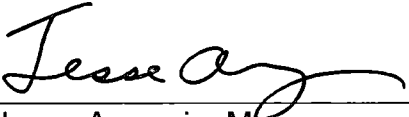
BE IT FURTHER RESOLVED that this resolution is effective January 1, 2019.

The foregoing Resolution was adopted by the Berkeley City Council on December 11, 2018 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: Davila.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk

Governing Policies and Procedures for City Council Policy Committees December 11, 2018

A. Legislative Item Process

All agenda items begin with submission to the Agenda Committee.

Full Council Track

Items under this category are exempt from Agenda Committee discretion to refer them to a policy committee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

1. Items submitted by the City Manager and City Auditor
2. Items submitted by Boards and Commissions
3. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
4. Position Letters of Support/Opposition
5. Donations from Councilmember District Office Budgets
6. Referrals to the Budget Process
7. Proclamations
8. Sponsorship of Events
9. Information Reports
10. Presentations from Outside Agencies and Organizations
11. Ceremonial Items

Notwithstanding the exemption stated above, the Agenda Committee, at its discretion, may route a Full Council Track item submitted by a Councilmember to a policy committee if the item has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues.

The Agenda Committee has discretion to determine if an item falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item.

Policy Committee Track

Items submitted by Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda Committee (*on a list*).

The Agenda Committee must refer an item to a policy committee at the first meeting that the item appears before the Agenda Committee. The Agenda Committee may only assign the item to a single policy committee.

For a Policy Committee Track item, the Agenda Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a policy committee.

Time Critical Track

A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

The Agenda Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass policy committee review if determined to be time critical. If such an item is deemed not to be time critical, it will be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the Agenda Committee may go directly on a council agenda if determined to be time critical.

B. Council Referrals to Committees

The full Council may refer any agenda item to a policy committee by majority vote.

C. Functions of the Committees

Committees shall have the following qualities/components:

1. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
2. Minutes shall be available online.
3. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
4. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.

5. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
6. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
7. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
8. Reports leaving a policy committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.

The quorum of a three-member policy committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

Items referred to a policy committee from the Agenda Committee or from the City Council must be agendaized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, the committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (more than one extension may be requested by the author); or (2) send the item to the Agenda Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee will include their recommendation in a new section of the report template for that purpose.

A policy committee may refer an item to another policy committee for review. The total time for review by all policy committees is limited to the initial 120-day deadline.

If a policy committee does not take final action by the 120-day deadline, the item is returned to the Agenda Committee and appears on the next available Council agenda. The Agenda Committee may leave the item on the agenda under consideration or place it on the next Council agenda.

Once the item is voted out of a policy committee, it will return to the Agenda Committee on the next available agenda. The Agenda Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

The lead author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the item first appeared on the committee agenda.

D. Number and Make-up of Committees

Six committees are authorized, each comprised of three councilmembers. Each Councilmember and the Mayor will serve on two committees. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda Committee shall establish the policy committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

E. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential costs, timelines and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Agenda & Rules Committee
(City Manager, City Attorney, City Clerk)

- Review items for completeness
- Send items either to council agenda, policy committee, or back to author
- Set agendas
- Review rules and procedures and open government policies
- Consider items not readily assignable to a policy committee

Budget & Finance
(Budget Office, Finance, Human Resources)

- Investment Policy
- Budget Development
- Revenue Development
- Expenditures
- Fiscal Planning and Policy
- Taxes and Fees
- Large-scales fiscal investments

Facilities, Infrastructure, Transportation, Environment & Sustainability
(Public Works, IT, Parks, Planning-OESD)

- Streets, sidewalks, public space
- Parks
- Traffic safety
- Bikes, pedestrians, transit
- Capital Improvements
- Facilities and Infrastructure
- Technology Infrastructure/Security
- Maintenance
- Zero Waste
- Climate Action Plan
- Sustainability
- Energy and Water Conservation

Public Safety
(Police, Fire)

- Police, Fire, dispatch, etc.
- Disaster preparedness
- Resilience Plan

Land Use, Housing & Economic Development
(Planning, OED)

- Land Use
- Preservation
- Development standards
- Housing & Affordable Housing
- Disability/Universal Access
- Business and economic growth
- Business retention, attraction, and development
- Civic arts and culture

Health, Life Enrichment, Equity & Community
(HHCS, Parks, City Manager)

- Seniors and Youth
- Mental Health
- Public Health
- Homelessness
- Health equity and outcomes
- Recreation
- Berkeley's 2020 Vision
- Events
- Neighborhood Services
- Animal control/care
- Code Enforcement/livability