



POLICY AND PROCEDURE

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| Subject: | Agenda Report, Official Documents, Agenda Schedule and Agenda Process | Index: | Administration |
| | | Number: | 102-3 |
| Effective Date: | May 15, 2003 | Prepared By: | City Clerk |
| Supersedes: | July 5, 1994 | Approved By: | <i>W. [Signature]</i> |

1.0 PURPOSE:

To establish the policy and procedures for developing Agenda Reports and scheduling all agenda items to be presented to the City Council.

2.0 **ORGANIZATIONS AFFECTED:** All departments/divisions

3.0 **REFERENCES:** None

4.0 POLICY:

4.1 All matters proposed by City administrative personnel for City Council consideration at a regular Council meeting shall be submitted in the Agenda Report format.

5.0 DEFINITIONS:

5.1 **Agenda Report:** A report used to submit agenda items to the City Council for approval summarizing sufficient background information and the need to take action to enable Council to make an informed decision.

Computer Location: File/New/General Templates/Agenda Report

5.2 **Consent Calendar:** All agenda items which are not expected to be controversial or require discussion are placed in the section of the City Council Agenda entitled "Consent Calendar."

5.3 **Contract:** A binding agreement with an outside agency, firm or individual for a specific purpose and cost. The amount of the contract dictates the level of approval required. All City contracts must be prepared on a standard format prepared by the City Attorney. See Section 6.2, "Documents to be Approved by Council," for more detailed information on contracts.

- 5.4 **Ordinance:** A formal action of the City Council which becomes a City law. The Municipal Code is a compilation of all adopted ordinances. See "Ordinance," Section 6.2.4 for more detailed information.

Computer Location: File/New/General Templates/City Clerk/Ordinance

- 5.5 **Resolution:** A formalized written action of a Council decision, used to approve items such as tentative tracts, setting fees, and releasing bonds. See "Resolution," Section 6.2.6 for more detailed information.

Computer Location: File/New/General Templates/City Clerk/Resolution

- 5.6 **Redevelopment Agency (RDA):** The City Council also serves as the Board of Directors for the City's Redevelopment Agency. RDA meetings are held immediately following the first Council Meeting of each month. Agenda items which relate to the redevelopment project area or require RDA funding must also be placed on the RDA agendas, and require an RDA agenda report. The City Council is to be addressed as the Board of Directors, and the City Manager is the Executive Director.

Computer Location: File/New/General Templates

- 5.7 **Agenda Item Pink Slip:** A pink form to be attached to the City Clerk's copy of agenda reports. List the name and address of each individual or organization to whom the report should be sent. The City Clerk will mail the report to those listed. Use the "Remarks" section to communicate any special instructions to the City Clerk, including any critical timelines or handling after the meeting. These forms are available in the City Clerk's Office.

6.0 PROCEDURES:

6.1 Format/Preparation of Agenda Reports:

6.1.1 **Subject** - State briefly the title of the item being considered.

6.1.2 **Summary** - The Agenda Report should focus on readability. It should be written so that someone who is not familiar with the technicalities and fine points of the issue can readily understand and make a decision on the matter. It should chronologically address the main issue(s) and essential data as briefly as possible. If additional material is available, but not critical to the decision-making process, indicate in the report that additional material is available for review in the City Clerk's Office.

6.1.3 **Recommended Action** - Begin with "STAFF RECOMMENDS THAT Council..." then state the official action that should be taken by Council in the form of a motion. (Sample staff recommendations are shown in Section

6.5.)

- 6.1.4 **Fiscal Impact** - If there is no fiscal impact, no further explanation is required. If there is a fiscal impact, state whether funding is budgeted, or how the project will be funded. If additional funding is required, a motion approving an appropriation or transfer of funds must be included in the Staff Recommendation, See Section 6.5, "Sample Staff Recommendation for proper wording. Under fiscal impact, state the fund balance(s) of the impacted fund(s). All agenda reports which have a fiscal impact, particularly those which involve an appropriation or fund transfer, are to be reviewed by the Finance Manager prior to submittal to the City Clerk.
- 6.1.5 **Attachments** - List and number the attachments which are being transmitted with the report. Attach any document(s) Council is approving and any other significant material needed to make a decision. In the case of lengthy attachments which might be of interest to some but not all Council members, state in this section that the material is available for review in the City Clerk's Office. That material will be available for review in the City Clerk's office.
- 6.1.6 **Maps or special bound reports** – Provide eight (8) sets to the City Clerk for inclusion in the packet for the Council, City Manager, files and a reference copy.

6.2 **Documents to be Approved by Council:**

All documents requiring Council approval are to be submitted to the City Clerk at the time agenda reports are submitted.

- 6.2.1 **Contracts** - The contract amount dictates the level of approval required, as follows:

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|------------------|--------------------|
| Department Heads | \$0 - \$5,000 |
| City Manager | \$5,000 - \$10,000 |
| City Council | Over \$10,000 |

All contracts are to be approved by the City Attorney prior to the submittal to the contractor for execution. The number of parties to the contract dictates the number of original contracts to be executed. All fully-executed original contracts, regardless of the amount and level of approval, are to be maintained in the City Clerk's Office.

All City contracts are to be prepared on the appropriate contract format which has been prepared by the City Attorney. The "Public Works Contract" format is located under New/General Templates/Public Works/Construction Agreement. The "Professional Services Agreement" format is located under New/General Templates/General/Professional Services.

A copy of all contracts to be approved by the City Council is to be included as an attachment to the agenda report. A minimum of two original contracts, except construction contracts, are to be executed by the contractor and submitted to the City Clerk prior to the Council meeting. Due to the cost of bonds and insurance, construction contracts are processed immediately following contract award. All contracts must include all attachments and exhibits referenced in the contract, the bid, insurance certificates and bonds.

6.2.2 **Professional Services Agreement Amendments**

All amendments to approved Professional Services agreements are to be prepared on the contract amendment format which has been prepared by the City Attorney. The contract amendment format is located under New/General Templates/General/Pro Serv 1st Amend.

The same level of authority which approved the original agreement must approve amendments to the agreement. For example, if the City Council approved the original agreement, all amendments to that agreement can only be approved by the City Council

- 6.2.3 **Notice of Completion** - Upon satisfactory completion of a contract, if no liens have been filed against the contract, a "Notice of Completion" must be prepared and submitted to the Council for approval, and is then recorded by the City Clerk. Payment of ten percent (10%) of the contract amount is to be withheld until 30 days after recordation of the "Notice of Completion."

Computer Location: File/New/General Templates/City Clerk/Notice of Completion

- 6.2.4 **Ordinances** - An ordinance is required to amend or rescind any section of the Municipal Code. It takes six (6) weeks for an ordinance to become effective from the date first presented to Council for introduction. The ordinance is introduced at the first Council Meeting, adopted at the next meeting, then becomes effective 30 days from the date of adoption. In the event substantive changes are made to the ordinance when it is introduced at the first Council Meeting, the ordinance would require re-introduction at the next Council Meeting, and the six-week time period would begin from the date of re-introduction. An agenda report is only required for the initial presentation to Council, and is then automatically placed on the next agenda for adoption.

Prepare the original ordinance to be adopted, transmit it to the City Clerk as an attachment to the agenda report. All exhibits referenced in the ordinance are a part of, and must be attached to, the ordinance. **Ordinances** must reflect the **current** applicable section of the Municipal Code being amended, not the original Ordinance number. Ordinances which have not been prepared by the City Attorney must be approved by the City Attorney before being submitted to Council in the Agenda packet.

Computer Location: File/New/General Templates/City Clerk/Ordinance

6.2.5 **Recorded documents** - such as easements, notices of completion and deeds, must be prepared on appropriate document formats. Attach the original document to the original agenda report

6.2.6 **Resolutions** - A resolution is required to amend or rescind a previous resolution. The new resolution should always rescind, rather than amend, the previous resolution. The original resolution should be attached to the original agenda report. If exhibits are referenced in the resolution, they are a part of, and must be attached to the resolution. If the resolution is significantly amending/rescinding an existing resolution, include the current resolution, a redlined version may be included as an attachment to the agenda report.

6.3 **Transmittal/Agenda Process Schedule:**

6.3.1 Regular City Council Meetings are held the first and third Tuesdays of each month at 7:00 p.m.

6.3.2 Regular Redevelopment Agency (RDA) Meetings are held the first Tuesday of each month immediately following the regular Council Meeting.

6.3.3 Timely transmittal of the agenda packets to the City Council is critical. The following schedule has been prepared to ensure timely transmittal of that material. Since the City is on a 9/80 schedule, there are times when the Council packets could be distributed on Fridays; however, changing the schedule every few months is very disruptive and confusing. Therefore, this schedule of distribution on Thursdays will be consistently followed, regardless of whether the City is closed or open on a particular Friday.

6.3.4 On occasion, the schedule of regular meetings changes or holidays make it impossible to follow the regular agenda processing schedule. On those occasions, a modified agenda process schedule will be sent to all departments in advance to allow staff time to prepare the reports.

6.4 **Agenda Process Schedule:**

The Week Prior to the Regular City Council Meetings:

Monday Noon Submit Original & three copies of Agenda Report and related documents to City Clerk. Attach completed Agenda Item Pink Slip Form to City Clerk's copy. (Reports are reviewed by City Manager Monday afternoon)

Tuesday 9:00 - 5:00 p.m. City Attorney Hours (Agenda material is reviewed by City Attorney Tuesday Morning)

Tuesday 2:00 p.m. - Agenda meeting. Agenda material to be

corrected is returned to Department Heads at this meeting

Wednesday 12:00 Noon at the latest - Submit original corrected agenda reports, with marked-up copies attached, to the City Clerk (All corrected reports and required attachments must be received by this time; late submittals will be deferred to the next meeting agenda)

Thursday Agenda Packets are delivered to City Council

NOTE: NO AGENDA CHANGES AFTER 9:00 A.M. THURSDAY

6.5 Sample Staff Recommendations:

- 6.5.1 Contract/Agreement Approval - STAFF RECOMMENDS THAT Council approve and authorize the Mayor to execute a contract with (Name of Firm) in the amount of (\$) for (Purpose of Contract).
- 6.5.2 Resolution Adoption - STAFF RECOMMENDS THAT Council adopt Resolution No. ___ entitled (Put the title of the Resolution in all caps). (Leave Resolution No. blank)
- 6.5.3 Ordinance Introduction - STAFF RECOMMENDS THAT Council introduce Ordinance No. ___ entitled (put title of Ordinance in all caps).
- 6.5.4 Documents Requiring Recordation - STAFF RECOMMENDS THAT Council authorize the Mayor to execute and the City Clerk to record the Notice of Completion for (Name of Project) and (Name of Contractor).
- 6.5.5 Appropriation Transfers Between Accounts - STAFF RECOMMENDS THAT Council approve a transfer of \$ _____, from Account (state account number and description - i.e., Other Contractual Services), to Account (state account description - i.e., Travel and Training), within the _____ fund.
- 6.5.6 Supplemental Appropriations - STAFF RECOMMENDS THAT Council approve a supplemental appropriation of \$ _____ to Account _____, (state account description - i.e., Other Contractual Services), for (state purpose of the supplemental appropriation).
- 6.5.7 Transfers from City Council Contingency Reserve - STAFF RECOMMENDS THAT Council approve a transfer from the City Council Contingency Reserve to Account 001-203-44900, in the amount of \$ _____ to Account _____, (state account description - i.e., Other Contractual Services).

6.6 City Attorney Hours:

Appointments with the City Attorney may be scheduled with the City Hall Receptionist or City Manager's Secretary at Ext. 322. To save money, the best time to get legal approval on documents to be submitted to Council is during the City Attorney Office Hours which are as follows:

First & Third Tuesdays 1:30 p.m. - 5:00 p.m. (Jeff Oderman)

Second & Fourth Tuesdays 9:00 a.m. - 5:00 p.m. (Jeff Goldfarb)

Additional legal assistance can be provided on more complex projects by submitting a "City Attorney Request" form, signed by a Department Head, to the City Attorney. The form is located in the computer under File/New/General Templates/City Attorney Request.

6.7 Sample Reports and Documents:

Samples of reports and documents as outlined in these policies and procedures are available in the City Clerk's Office.

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