



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: November 2, 2021

Agenda Item 9D  
**Approvals:**  
City Manager CS  
Dept. Head \_\_\_\_\_  
Attorney \_\_\_\_\_  
Finance \_\_\_\_\_

**Department:** City Attorney  
**Prepared By:** Scott C. Smith

**Subject:** *CONSIDERATION OF PROPOSED CHANGES TO POLICY AND PROCEDURE 1201-7 REGARDING CITY COUNCIL REQUESTS FOR STAFF ASSISTANCE*

**Fiscal Impact:** None.

**Summary:** Staff recommends that Council consider adopting an amended Policy and Procedure 1201-7, City Council Requests for Staff Assistance, to clarify the process for City Councilmembers to submit requests to City staff and in turn provide clear guidance to staff managing communications and requests from Councilmembers.

**Background:** Under California and City law, City Councilmembers serve in a policy-making capacity and give direction as a body to the City Manager. Councilmembers working in this role are entitled to discretionary immunity for their activities. The City Manager in turn oversees all City administrative staff and contractors. Improper Council-staff interface can create liability for the City, the City Council, and individual Councilmembers. This Council-Manager structure requires a clear shared understanding of priorities, staff workflow, and accountability.

**Discussion:** The proposed amended Policy and Procedure 1201-7 is recommended to ensure that Councilmember expectations for staff support are managed and that misunderstandings that may arise due to Councilmember requests are reduced.

Proposed changes to amended Policy and Procedure 1201-7 include:

- With one minor exception (quick inquiries to Department Heads), Councilmembers must direct all requests for staff or contractor assistance to the City Manager and not to staff directly.
- All inquiries (including quick inquiries to Department Heads) require involvement of the City Manager's Office.
- Staff responses to Councilmember inquiries are sorted into three categories, depending on the amount of time estimated to fulfill them and whether they are consistent with the direction of a majority of the City Council.
- Work requiring one-half day's staff effort or less and consistent with Council directives and the normal work plan will usually be completed within five days. Work requiring one-half day or more of effort or not included in the current work plan must be authorized by the entire Council.

**Recommended**

**Actions:** The City Council approve and adopt amended City of San Clemente Policy and Procedure 1201-7, City Council Requests for Staff Assistance (Attachment 1).

**Attachments:**

1. Proposed Amended City of San Clemente Policy and Procedure 1201-7, City Council Requests for Staff Assistance.
2. Current Policy and Procedure 1201-7.

**Notification:** President, San Clemente City Employees Association

**POLICY AND PROCEDURE**

<b>Subject:</b> City Council Requests For Staff Assistance	<b>Index:</b> City Council
	<b>Number:</b> 1201-7
<b>Effective Date:</b> November 16, 2021	<b>Prepared by:</b> City Attorney
<b>Supersedes:</b> Policy 1201-7, February 24, 1993	<b>Approved by:</b>

**1.0 PURPOSE:**

To establish protocols for City Council interaction with City Staff. To better budget the allocation of staff time consistent with City Council shared priorities. Staff assistance should occur under the approval and oversight of the City Manager’s office. This policy will ensure that:

- 1) Council expectations regarding responses can be appropriately managed and overseen;
- 2) Requests from Council are addressed in a timely and thorough manner;
- 3) Matters referred are transmitted to the appropriate department(s) for response;
- 4) Council requests are appropriately incorporated into the ongoing daily work program;
- 5) Information shared with and obtained by one Councilmember is shared with the entire Council;
- 6) Risks to both the City and the Council from claims by staff of inappropriate interactions or conduct (i.e., harassment or bullying), by Councilmembers are avoided; and
- 7) Councilmembers’ roles remain legislative and policy-making, thus ensuring their activities are covered by discretionary immunity.

**2.0 ORGANIZATIONS AFFECTED:**

All Departments, Divisions, and contractors

**3.0 REFERENCES:**

San Clemente Municipal Code 3-15

#### 4.0 **DEFINITIONS:**

- 4.1 City Manager: The City Manager or his or her designee in the City Manager's Office.
- 4.2 Simple Request: A Councilmember inquiry that:
  - 4.2.1 Will require no additional time to answer beyond the inquiry itself, and
  - 4.2.2 Involves work scheduled in staff's ongoing normal work program.
- 4.3 Substantial Request: A Councilmember question or request for staff assistance requiring research and/or a technical analysis that:
  - 4.3.1 Will require less than one-half (1/2) day to complete, and
  - 4.3.2 Is scheduled in the normal work program of the department.
- 4.4 Significant Request: A Councilmember request for staff assistance requiring research and/or technical assistance that:
  - 4.4.1 Will require one-half (1/2) day or more to complete,
  - 4.4.2 Is not scheduled in the normal work program of the department no matter how long it would take to complete, or
  - 4.4.3 Involves work or initiatives contrary or beyond the direction of the Council majority.
- 4.5 Staff: City staff and contractors and their employees.

#### 5.0 **POLICY:**

- 5.1 The City Manager shall have the exclusive responsibility for directing the activities of City staff.
- 5.2 All requests by the City Council members for staff assistance shall be subject to oversight by the City Manager for review, approval, and transmittal to the appropriate department/division for action.
- 5.3 All requests for assistance received in a timely manner from the City Council shall be addressed at the earliest possible date.
- 5.4 The City Manager shall seek direction from the City Council before processing significant requests from Councilmembers.
- 5.5 The City Attorney shall be responsible for City Council requests involving legal issues.

**6.0 PROCEDURE:**

- 6.1 City Councilmembers shall direct requests for staff assistance to the City Manager, except that:
  - 6.1.1 Councilmembers may lodge simple requests with Department Heads, who may respond to such inquiries upon their receipt of the City Manager's approval and with oversight from the City Manager; and
  - 6.1.2 Councilmembers may submit simple and substantial legal inquiries to the City Attorney.
- 6.2 Upon receipt of a request from a Councilmember for staff assistance, the City Manager shall determine whether the request is simple, substantial or significant and shall take the following action:
  - 6.2.1 For Simple Requests, work with the appropriate Department Head or City Attorney to answer the request.
  - 6.2.2 For Substantial Requests, estimate with the appropriate Department Head's or City Attorney's assistance, the deadline to fulfill the request. Under normal circumstances, every effort shall be made to respond within five (5) working days.
  - 6.2.3 If it is anticipated that a response on a Substantial Request will not be forthcoming within five (5) working days, the City Manager will provide the Councilmember an estimate of the time required to respond to the Substantial Request and the reason for the delay.
  - 6.2.4 For Significant Requests, seek direction from the City Council before processing the request.
- 6.3 All responses to Substantial and Significant Requests from the Council shall be in writing and shall be sent to the City Manager's office to ensure that the content fully addresses the intent of the request and that the information provided is consistent with input from other sources.
- 6.4 The City Manager's office shall be responsible for the distribution of responses to Council requests to the remainder of Council.



# POLICY AND PROCEDURE **SCANNED**

<b>Subject:</b> City Council Requests For Staff Assistance	<b>Index:</b> City Council <b>Number:</b> 1201-7
<b>Effective Date:</b> February 24, 1993	<b>Prepared By:</b> City Clerk
<b>Supersedes:</b> N/A	<b>Approved By:</b> <i>James Benedict</i>

## 1.0 **PURPOSE:**

To establish a policy and procedure by which requests from the City Council for staff assistance should receive the prior review and approval of the City Manager's office. This policy will ensure that:

- 1) Requests from Council are addressed in a timely and thorough manner;
- 2) Matters referred are transmitted to the appropriate department(s) for a response, and;
- 3) Council requests are appropriately incorporated into the ongoing daily work program.

## 2.0 **ORGANIZATIONS AFFECTED:**

All Departments/Divisions

## 3.0 **REFERENCES:**

San Clemente Municipal Code 3-15

## 4.0 **POLICY:**

- 4.1 The City Manager shall have the exclusive responsibility for directing the activities of the Administrative Staff of the City.
- 4.2 All substantial requests by the City Council members for staff assistance shall be submitted to the City Manager's office for review, approval, and transmittal to the appropriate department/division for action.

4.2.1. Questions or requests of a simple nature that do not require the dedication of staff time or research may be posed directly to a City department head.

4.3 All requests for assistance received in a timely manner from the City Council shall be addressed at the earliest possible date.

4.4 If the request for information or staff support requires a significant diversion of resources and/or reflects an expenditure of effort in a direction deemed contrary to the position of the Council majority, the City Manager shall seek direction from the City Council before processing the request.

## 5.0 **DEFINITIONS:**

Substantial Request: A request by a Councilmember for staff assistance requiring research and/or a technical analysis which is not scheduled in the normal work program of the department.

## 6.0 **PROCEDURE:**

6.1 City Councilmembers shall submit substantial requests for assistance to the City Manager's office for review, approval, and transmittal to the appropriate department(s) for response.

6.1.1. Upon receipt of a request from the City Manager's office, the department head shall estimate the time required to respond or comply with the request for assistance. Under normal circumstances, every effort shall be made to respond within five working days.

6.1.1.1. If it is anticipated that a response will not be forthcoming within five working days, the City Manager will provide the Councilmember an estimate of the time required to respond to the request and the reason for the delay.

6.2 All responses to substantial requests from the Council shall be in writing. Responses shall be sent to the City Manager's office to ensure that the content fully addresses the intent of the request and that the information provided is consistent with input from other sources.

6.3 The City Manager's office shall be responsible for the distribution of responses to Council requests.

6.3.1 All written responses to questions or requests for assistance shall be distributed to the entire Council.