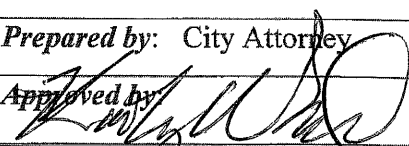


POLICY AND PROCEDURE

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

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.