



SOPHIE HAHN

Berkeley City Council, District 5

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TIME CRITICAL AGENDA MATERIAL

January 17, 2023

Recommendations for Changes to Council Rules of Procedure and Order.

At the January 5, 2023 Agenda & Rules Committee meeting, Councilmember Hahn's item, attached, was reviewed and passed out of Committee with a qualified positive recommendation to recommend that the City Council set a deadline for submission of Council Policy Track items with budget implications to be considered for the June 2023 budget process.

If approved by the City Council, Policy Committee Track items (as already defined in the City Council Rules of Procedure and Order) that have potential budget impacts would need to be submitted to the agenda process to allow for consideration no later than at the Agenda & Rules Committee on March 6, 2023 (for the March 21 Regular Meeting).

RATIONALE

Because the Committee recommendation includes a short deadline for submission of Council Policy Committee Track items with budget implications, this item needs to be heard by the City Council as quickly as possible.

Time Critical Items. 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 City Manager, Auditor, 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 author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.** If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar



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AGENDA & RULES COMMITTEE RECOMMENDATION

Item: Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee (see attached)

On January 4, 2023 the Agenda and Rules Committee voted to send the attached item, *Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee*, to the full City Council with the following recommendation:

M/S/C (Hahn/Arreguin) to send the item to the City Council with a qualified positive recommendation that in order to be considered for the budget process that will take place in June 2023, policy committee track items (as defined in the City Council Rules of Procedure), that have the potential for budget implications, must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than its March 6, 2023 meeting. **Vote: All Ayes.**

ATTACHMENTS

1. Item: Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee



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CONSENT CALENDAR
December 6, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author)

Subject: Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee

RECOMMENDATION

~~Adopt a resolution amending the City Council Rules of Procedure & Order to allow Policy Committee Track Items that include a Budget Referral to be assigned by the Agenda Committee to the Budget & Finance Committee and one additional Policy Committee.~~

That the City Council sets the following deadline:

In order to be considered for the June 2023 budget process, Policy Committee Track items (as defined in the City Council Rules of Procedure and Order) that have potential budget implications must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than at the March 6, 2023 meeting (setting the Agenda for the March 21, 2023 Regular Meeting of the City Council).

BACKGROUND

The City Council Rules of Procedure & Order currently prohibit the Agenda Committee from referring Council Policy Committee Track items to more than one Policy Committee. The purpose of this rule was to avoid delay and duplicative work by two Committees that may not result in consensus recommendations.

Subsequent to adoption of rules relating to Council Committees, numerous substantive items with “moderate to significant administrative, operational, budgetary, resource, or programmatic impacts” have come before the Agenda Committee in the form of Budget Referrals, or with budget referrals incorporated within the item.

Because the current rules only allow Policy Committee items to be sent to one Committee, items accompanied by budget requests that otherwise would have gone to one of the five other policy committees have been sent directly to the Budget & Finance Committee, without the benefit of review by a Policy Committee with subject matter jurisdiction over the substance of the proposed policy or program.

The unintended consequence is that programs and policies that are “significant” are considered for funding without the benefit of subject matter review, including the opportunity for staff to provide input on associated costs and administrative implications, which would inform budget allocations.



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To address this situation, which was not anticipated at the time Committees were first developed, this item asks that the City Council Rules of Procedure and Order be amended to allow (but not require) Policy Committee Track Council items with budget referrals to be referred by the Agenda Committee to both the Budget & Finance Committee and a Policy Committee.

This will allow funding to be considered in an appropriate timeframe while also giving subject matter Policy Committees and the City Council the opportunity to weigh in on programmatic, policy, implementation, and administrative details of proposed policies and programs with moderate to significant impacts.

In addition, this item requests that the City Manager advise as to appropriate cut-off dates for submission of Policy Committee Track budget referrals to each budget process, building in time for at least one policy committee meeting and for the City Council to vote on the policy or program prior to Council action on associated budgets.

These deadlines, once established, should be clearly indicated on the Clerk's meeting timelines so all Councilmembers and members of the public are aware of deadlines to submit items with budget referrals that may qualify as Policy Committee Track items.

Councilmember items with budget referrals submitted after established deadlines may go forward and be referred to one or two Committees, but will be considered for funding in the subsequent budget cycle. Exceptions to the deadline can be made by the Agenda Committee utilizing the existing "Time Critical Track" process.

Proposed amendments to City Council Rules of Procedure & Order, Section III(G)(1) are shown in redline, below.

Policy Committee Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda.

The Agenda & Rules Committee must refer an item to a Policy Committee at the first meeting that the item appears before the Agenda & Rules Committee.

The Agenda & Rules Committee may only assign the item to a single Policy Committee except that Policy Committee Track items that include a budget referral may be assigned to both the Budget & Finance Committee and one other Policy Committee.

The Agenda and Rules Committee shall set deadlines for submission of Council items with budget referrals so they may be considered in time for budget processes, with exceptions for items that may qualify for the Time Critical Track.



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[City Council Rules of Procedure and Order](#) - see Page 19.

FINANCIAL IMPLICATIONS

N/A

CURRENT SITUATION AND ITS EFFECTS

See Background.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

CONTACT PERSON

Councilmember Sophie Hahn Council District 5 510-981-7150

ATTACHMENTS

1. Resolution



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CONSENT
December 6, 2022

RESOLUTION #####-N.S.

AMENDING THE CITY COUNCIL RULES OF PROCEDURE & ORDER TO ADDRESS
POLICY COMMITTEE TRACK ITEMS THAT INCLUDE A BUDGET REFERRAL

WHEREAS, the City Council Rules of Procedure & Order currently prohibit the Agenda Committee from referring Council Policy Committee Track items to more than one Policy Committee; and

WHEREAS, subsequent to adoption of rules relating to Council Committees, numerous substantive items with “moderate to significant administrative, operational, budgetary, resource, or programmatic impacts” have come before the Agenda Committee in the form of Budget Referrals, or with budget referrals incorporated within the item;

WHEREAS, items accompanied by budget requests that otherwise would have gone to one of the five other policy committees have been sent directly to the Budget & Finance Committee, without the benefit of review by a Policy Committee with subject matter jurisdiction over the substance of the proposed policy or program;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the Council Rules of Procedure and Order shall be amended so that the Agenda & Rules Committee may only assign an item to a single Policy Committee, except that Policy Committee Track items that include a budget referral may be assigned to both the Budget & Finance Committee and one other Policy Committee;

BE IT FURTHER RESOLVED, that the Agenda and Rules Committee shall set deadlines for submission of Council items with budget referrals so they may be considered in time for budget processes, with exceptions for items that may qualify for the Time Critical Track.