

Major Item Legislative, Budgeting & Implementation Systems Redesign

FIRST SKETCH OF DRAFT #1

Presented to Agenda & Rules Committee

June 12, 2023

Goal

Sketch a
PROCESS OVERVIEW
for the introduction, vetting, passage,
funding, and implementation of
Major Council Items

Terminology

MAJOR ITEMS

are items meeting the *current/existing* definition of Policy Committee Track Items:

Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts

Big Ideas

City Clerk - Consistency in process of how Major Items are developed, budgeted and implemented

City Manager - Help the Organization deliver without overwhelm; allow staff to be successful in their work

Council/Mayor - Successfully implement state of the art and/or innovative programs and policies to serve Berkeley, and to model best practices for other Cities/States

Yearly Cycle:

Built around June 30 Budget Adoption/Update

July – September

COUNCIL: Finalization of Y2 Items
CITY MANAGER: Implement Y1 Items

October – March

Committee Season

April – June

**Council + Budget
Season**

Legislative Session: One Cycle - Benefits

- Every Year, opportunity to Submit and have Council hear/vote on Major Items
- Four subject matter Committees only meet during a Committee Season (except if emergency or special reason to convene), reducing time commitment by Councilmembers and staff.
- Staff can turn to implementation during “off season,” and Councilmembers can work on the next year’s items.

Major Item Development & Submission

All Year → End of September

- Must use Major Item Guidelines Format
- September 30 submission deadline
- Major Items can be submitted prior to September 30 but won't be assigned to Committees
- Timeline allows for Councilmembers to work all year on items
- Staff input at Pre-submission = high level/conceptual

Agenda Committee

October

Review & Assign Major Items to Committees

- Early October special meeting(s)
- Review Major Items for compliance with Guidelines
(Could also do this on rolling basis as items come in)
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

Policy Committees

October - March

- Organizing meeting(s) Mid-October
- Major Items heard by Committee and move out on Rolling Basis, October - March
- Committees may also prioritize/score items they review
- All Major Items OUT of Policy Coms by March 30

City Council

April

- Vote on all Major Items, as reviewed and sent forward by Committees, no later than April 30
- May require special meeting(s) in April
- City Attorney must sign off on legal conformity of Ordinances
- Council - Approved items sent to Budget Committee

Budget Prioritization

*Early May**

- All Major Items that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due May 15/second Friday in May

**Not the same as all-item prioritization*

Budget Committee

May - June

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but not binding
- Budget Committee makes recommendations to full Council along with Budget
- Budget passed; Major Items funded move forward to Implementation
- ROLLOVER: Major Items passed by Council but NOT funded get automatically rolled-over to future funding opportunities

Implementation

July +

- Implementation Lead assigned by City Manager
- Implementation Team assembled by Lead + CM
- Meet with Author(s) to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares
 - *Launch Plan*
 - *Operating Plan*
- Program/Policy is Launched + Implemented

OVERRIDE

for Time Sensitive Items to respond to unforeseen events

- Rules of Procedure and Order already provide Override:
An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item
- Time Critical definition - may need to be amended
- May still go to a Policy Committee or directly to Council, per A&R
- [Possible Add: Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

Special Topic:

Pre-Submission

- Guidelines mandatory for Major Items
- Only Authors (no Co-Sponsors) allowed at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: Pre-Submission Consult with City Manager to recommend internal subject matter experts for high level input
- Available: Pre-Submission Consult with City Attorney
- Consider a more formalized role for COMMISSIONS in Pre-Submission

Special Topic:

Strengthen Committee Process *Enhanced Review*

Develop checklist of what must be reviewed and addressed

- Relevance to existing Strategic Priorities or Current needs/Events
- Added value of program/policy
- Potential opportunities/costs of Program/Policy to community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/metrics/Enforcement
- Rate items as they go to Council?
- Increase options re: positive and negative recommendations?
- Other?

Public & Staff input @ Committee

- Specific Outreach to Identifiable Stakeholders
- Several Opportunities for Comment
(items heard more than once)
- Clarify staff's role
- Schedule will help get the right staff to meetings
- Empower staff to participate more fully in discussions, even if formal reports are not available

Special Topic: Prioritization *Backlog*

Need a process to “clear the backlog” of items *currently* in the queue.

Send all pending (but not initiated) items to Policy Committees for review to suggest:

- Folding items together and/or updating referrals
- Re-approval of items “as is”
- Sunsetting/removal of moot items
- Recommend disposition of all items, ranked within each Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also want to integrate an RRV-type ranked prioritization?

Special Topic: Prioritization

Regular/Ongoing

- Long Term, enhanced process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- “Prioritization” becomes less of a BIG ISSUE.

Prioritization in a rationalized new Legislative system should result naturally from:

- More fully conceived and vetted items
- Better review at Committee, including merger of similar items to avoid piecemeal legislation
- Fewer, more impactful/comprehensive items moving forward

Special Topic:

Need Process & Criteria for funding Items at AA01 and AA02

Suggestions - this question needs discussion/input from Budget & Finance Committee

- ? Only Time Critical and Rollover (previously approved but unfunded) items considered at these junctures - same rule for Council and City Manager items
- ? Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives
- ? AA01 and 02 only for one-time and/or time sensitive expenses

Special Topic:

Implementation

Once Major Item is passed + funded, move to Implementation Process

- Implementation Lead is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- Implementation Team assembled by Lead + City Manager
- Consult with Author(s) to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
 - Launch is a unique undertaking requiring special/one-time work
- **LAUNCH** elements + Timeline
- **OPERATING** Plan
 - Long term/ongoing operation of program/policy

DISCUSSION + QUESTIONS

MAJOR ITEM LEGISLATIVE, BUDGETING & IMPLEMENTATION SYSTEMS REDESIGN

Goal:

Sketch a full process for introduction, vetting, passage, funding, and implementation of Major Council Items and initiatives.

Terminology:

“Major Items” are items meeting the current definition of *Policy Committee Track Items*:

“Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts.”

Big Ideas for Major Items:

City Clerk - Consistency in process of how Major Items are developed, budgeted and implemented

City Manager - Help the Organization deliver without overwhelm; allow staff to be successful in their work

Council/Mayor - Successfully implement state of the art and/or innovative programs and policies to serve Berkeley, and to model what’s possible for other Cities/States

OVERVIEW: YEARLY CYCLE - BUILT AROUND JUNE BUDGET ADOPTION/UPDATE:

1. Major Item Development & Submission Cut Off - All Year - End of September

- a. Must use Major Item Guidelines Format
 - i. Guidelines prompt meaningful research, consult with experts and community, etc.
- b. September 30 Major Item submission deadline
 - i. Agenda Committee requests updates if not compliant with Guidelines
 - ii. 3rd Friday of October updated submissions, if any, due (as may be required by Agenda Committee)
- c. Major Items can be submitted prior to September 30 but won’t be assigned to Committees
- d. Timeline allows for Councilmembers to work all year on items, including over the summer, and to submit after Council resumes for the Fall.
- e. Staff input at Presubmission = high level/conceptual

2. Agenda Committee - October

- a. Early October special meeting(s)
- b. Review for compliance with Guidelines
 - i. Items not fulfilling Major Items Guidelines sent back to Authors for Resubmission at “late” deadline, or in future year, per Authors’ choice
- c. Review and assign compliant Major Items to Policy Committees

3. Policy Committees - October - March

- a. Organizing meeting(s) Mid-October
 - i. Create Calendar/agree on schedule for Items to be heard
 - ii. Group similar/topical items together
 - iii. Other organizing/housekeeping per Committee
- b. Major Items heard by Committee and move out on Rolling Basis, October - March
 - i. Review of items includes Enhanced Review (*See below*)
 - ii. Staff input more specific/involved but not requiring significant research
 - 1. If areas of significant unknowns are implicated, referral for item should include funds to support future research
 - iii. Input from City Attorney’s Office as appropriate - Review ordinances
- c. [Committees may also be asked to prioritize/score items they review]
- d. All Major Items OUT of Policy Coms by March 30.

4. Council - April

- a. Vote on all Major Items, as reviewed by Committees, no later than April 30
- b. May require special meetings in April
- c. City Attorney must sign off on legal conformity of Ordinances
- d. Approved items sent to Budget Committee so they are aware of them

5. Budget Prioritization - Early May

(not the same as all-item prioritization)

- a. All Major Items that have been passed by Council, both new and pending/previously unfunded, to be prioritized by Councilmembers
- b. Council scoring due the second week of May

6. Budget Committee - May - June

- a. Council [and Committee?] Prioritizations provided to Budget Committee as guides, but not binding
- b. Budget Committee makes recommendations to full Council along with Budget
- c. Budget passed; Major Items funded move forward to Implementation (*details below*)
- d. ROLLOVER: Major Items passed by Council but NOT funded get automatically rolled-over to future funding opportunities, to be considered with other rollover (and new) items until funded or retired/removed.

7. Implementation - July +++

- a. Implementation Lead assigned by City Manager
- b. Implementation Team assembled by Lead + CM
- c. Meet with Author(s) to establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc.
- d. Implementation Team prepares
 1. Launch Plan
 2. Operating Plan
- e. PROGRAM/POLICY is LAUNCHED

Legislative Session: One Cycle - Benefits

1. Every Year, opportunity to Submit and have Council hear/vote on Major Items
2. Four subject matter Committees only meet during a Committee Season (except if emergency or special reason to convene), reducing time commitment by Councilmembers and staff.
3. Staff can turn to implementation during “off season,” and Councilmembers can work on the next year’s items.
4. Override for Time Sensitive Items provided for, to respond to unforeseen events:
 - a. Rules of Procedure and Order already provide Override:
 - i. “An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item.”
 - ii. Time Critical definition - may need to be amended to add criteria to accept a Major Item later than the September 30 submission deadline).
 - iii. May still go to a Policy Committee or directly to Council, per A&R.
 - b. [Possible Add: Council-level override/appeal if the Author doesn’t agree with the Agenda & Rules Committee decision on Time Critical nature of a late Major Item].

SPECIAL TOPIC: Pre-Submission - Details:

1. Guidelines mandatory for Major Items
 - a. Review Guidelines for update/Adoption by Council (change name?)
 - b. Clerk to make new Major Item submission templates and provide adopted requirements for research and writing of Major Items
2. Only Authors (no Co-Sponsors) allowed at Pre-Submission and Committee stages, to reduce Brown Act issues
3. Available: Pre-Submission Consult with City Manager to recommend internal subject matter experts for high level input
 - a. Staff available for High Level input on Major Items
4. Available: Pre-Submission Consult with City Attorney
 - a. Identify possible Legal Issues early

- b. If Ordinance needed, discuss drafting and review
- 5. Consider a more formalized role for Commissions in Pre-Submission.
[Councilmembers can go directly to Chairs to request items be placed on Commission agenda to receive feedback on a legislative proposal?]

SPECIAL TOPIC: Strengthen Committee Process - Enhanced Review

- 1. Policy Committees meet during a “season” (except Agenda & Budget)
 - i. Likely need to meet more frequently during the season
 - ii. Can be convened at other times (outside of the “season”) for special circumstances
- 2. First Committee Meeting(s) in October
 - i. Organize and Publish Committee Calendar
 - 1. Group similar items together
 - 2. Decide what to hear first/in what order to take up items
 - 3. Plan at least two hearings for each Major Item
 - 4. Identify stakeholders/special communities for outreach to participate
- 3. Clarify Committee tasks (*to be further defined*)
 - i. Develop checklist of what must be reviewed and addressed
 - 1. Relevance to existing Strategic Priorities or Current needs/Events
 - 2. Added value of program/policy
 - 3. Potential opportunities/costs of Project/Policy to community and to COB
 - 4. Alternative means to achieve same or similar goals
 - 5. Phasing/timelines for implementation
 - 6. Staffing and Resources needed to Launch and Operate
 - 7. Evaluation/metrics
 - 8. Enforcement
 - 4. Staff input at Committee level (*to be further defined*)
 - 1. Clarify staff’s role at Committees
 - 2. Get the right people to meetings, based on schedule
 - 3. Empower staff to participate more fully in discussions, even if formal reports are not available
 - 4. Etc.
 - ii. Committee Evaluation of Merits/Relative Merits of items
 - 1. Ask Committees to rate items as they go to Council?
 - a. Urgency, added value, cost/complexity, etc.?
 - 2. Increase options re: positive and negative recommendations?
 - 3. Other?
- 5. Items passed out of Committee to be updated by Author and re-submitted to Clerk in both original format and format passed by the Committee, for inclusion on Council agenda. *Clerk adds Committee recommendation.*
 - i. Clerk to provide clear process/direction on resubmission requirements, including timelines
 - 1. Original item included
 - 2. Redlined updated item with Committee-approved changes

3. ADD CO-SPONSORS
4. Possible proposed additional changes/final version from Author(s)?
- ii. Deadline to resubmit updated items April 10 (most items will leave Committees before the March 30 deadline)
- iii. April special meeting agendas reserved for Major Items
6. Allow CO-SPONSORS after items leave Committees and go to Council - Author(s) can add via Resubmission of item and/or via Supplemental process

SPECIAL TOPIC: Prioritization of Items for Budgeting and Implementation

1. ONE-TIME - TO CLEAR CURRENT BACKLOG:

Need a process to “clear the pile” of items currently in the queue.

- a. This should be “One time” to clear current backlog
 - i. May take a few years, but not necessary after that
- b. Send all pending (but not initiated) items to appropriate Policy Committees for review to suggest:
 - i. Folding items together and/or updating referrals
 1. Consolidate similar referrals
 2. Restate and/or strengthen referral language
 3. Update budget requests
 4. Etc.
 - ii. Re-approval of items “as is”
 1. Some items are still fresh, relevant
 - iii. Sunsetting/removal of moot items
 1. Moment has passed/No longer a priority
 2. Other similar work in progress
 3. Etc.
- c. Recommend disposition of all items, ranked within each LEAD DEPARTMENT
- d. Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- e. *May need some criteria - to ensure all council members get at least some of their priorities addressed*
- f. May also want to integrate an RRV-type ranked prioritization, but this may not be necessary after items are culled down, merged, removed, and prioritized by Lead Department

2. POST-BACKLOG/REGULAR PRIORITIZATION PROCESS :

Long Term, enhanced process should result in fewer or no backlogs and Council items actually being implemented in a reasonable timeframe; "Prioritization" becomes less of a Big Issue.

- i. Prioritization in a rationalized new system should result naturally from:
 1. More fully conceived and vetted items being submitted
 2. Items better vetted and formed at Committee, including merger of similar items to avoid piecemeal of smaller similar items
 3. Fewer, more impactful/comprehensive items moving forward
- ii. Some Prioritization still may be necessary
 1. Possibly have Committees rank all items they reviewed in their session, and/or rank with previous items in their purview that have not been initiated
 2. Possibly have Council engage in a ranking process - RRV or similar
 3. All rankings, whatever the system, are non-binding and will be reviewed and finalized by Council

SPECIAL TOPIC: Process & Criteria for Items to be funded at AA01 and AA02

[Suggestions - this question needs input from Budget & Finance Committee]

1. Only Time Critical and Rollover (previously approved but unfunded) items considered at these junctures - same rule for Council *and City Manager* items
2. Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council/CM initiatives
3. AA01 and 02 for one-time and/or time sensitive expenses

SPECIAL TOPIC: Post-Approval Launch of new Initiatives/Policies/Programs:

Once a Major Item is passed and funded, move to Implementation Conference with Author(s) and City Manager

1. Implementation Lead is assigned by City Manager
 - a. Responsible for managing and ensuring implementation
 - i. Need project management, implementation, and communications expertise - do not necessarily have to be *subject matter* experts
2. Implementation Team assembled by Lead + CM
 - a. Meets with Author(s) to establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc.
 - b. Implementation Team prepares Launch and Operating Plans
 - i. Launch Plan - Launch is a unique undertaking requiring special/one-time works products

1. Launch elements determined
 - a. Staffing
 - b. Communications/events
 - c. Online & Paper information/forms/processes
 - d. Education
 2. Timeline for Launch
 - ii. Operating Plan
 1. Long term/ongoing operation of program/policy
 2. Staffing/Systems
 3. Benchmarks for progress
 4. Evaluation/Updates/Continuous Improvement
 5. Enforcement
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DRAFT