

LARA WEISIGER

From: Trish Spencer
Sent: Monday, April 17, 2017 12:21 PM
To: LARA WEISIGER; Jill Keimach; Janet Kern
Subject: Fwd: meeting agenda item #6-E - 4/17/17

Sent from my iPad

Begin forwarded message:

From: Irene D <id94501@gmail.com>
Date: April 15, 2017 at 8:18:38 AM PDT
To: Trish Spencer <tspencer@alamedaca.gov>, Malia Vella <mvella@alamedaca.gov>, Marilyn Ezzy Ashcraft <mezzyashcraft@alamedaca.gov>, Jim Oddie <joddie@alamedaca.gov>, Frank Matarrese <fmatarrese@alamedaca.gov>
Subject: meeting agenda item #6-E - 4/17/17

Re: Addressing New Referrals

Dear Mayor and Councilmembers,

When the issue of council referrals comes up for discussion, I encourage you to consider changing the process that allows for immediate dispositive action. I explained my reasoning in this blog post:

<https://ionalameda.com/2017/04/14/no-rush-to-judgments/>

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Irene Dieter

I on Alameda*Writings of Irene Dieter – Alameda, CA*

No Rush to Judgments

Posted on April 14, 2017



The city clerk, in coordination with the city manager, routinely prepares the agenda for city council meetings. There are times, however, when an individual councilmember would like to add an issue to the agenda. When this occurs, the councilmember must first formally ask the other councilmembers if they would like to pursue the issue, using a process called “council referral.” A majority vote is needed to put the new matter on a future agenda for discussion and resolution.

Simple enough. A council referral is meant to be a stepping stone to further council action. Unfortunately, when the referral process was adopted a decade ago, the option allowing for immediate dispositive action was added. Such ambiguity can leave the public not knowing what to expect.

Here’s how the process is intended to work. The council first has a preliminary discussion of the referral during the meeting. A majority of the council must agree that the issue has enough merit to send it to city staff for its report and recommendation, which will help council decide the issue at a *future* meeting. If a majority of councilmembers do not decide the issue is worthy of further consideration, the matter ends there, saving the city the resources it would have spent had city staff researched and reported on a matter the council was not interested in.

The council referral process started in December 2007 after some councilmembers had supposedly been overwhelming meeting agendas with their own interests by personally asking the city manager to put items on the agenda. This ad hoc piling on of work apparently hampered city management’s ability to take care of existing city business in a timely fashion. The referral process was instituted to solve this problem by first screening the issues with the entire city council. It also allows councilmembers to clarify the issue and for city management to better identify the time and resources needed to prepare the staff report that will guide councilmembers when the item comes back for decision.

Neither the meeting minutes nor the staff report at the time of adoption of the process explain why the option allowing immediate action was added. While the record is silent, one logical reason for taking immediate action would be when a time-sensitive situation arises. But rarely, if ever, is immediate council action required, without the benefit of the normal staff study and report.

The blanket rule allowing the city council to make a final decision on a matter still in “referral” status undermines the intent of the process. Any possibility that dispositive action would need to take place at the initial meeting

should, at the very least, be indicated as so in the title of that specific referral so that the public is fully aware.

The public should not attend a meeting wondering if a referral issue will be enacted that day because the titles are unclear. It is a violation of the spirit of the Sunshine Ordinance to have agenda titles that are open to misinterpretation. The public needs to know whether to speak for or against resolving an issue at that meeting or for or against moving the issue to a future meeting as a regular agenda item.

At the upcoming April 18 city council meeting, the process for addressing new referrals is up for discussion. Now is the time to consider eliminating, or at least adding restrictions to, the option of deciding matters on the spot.

Below is a recent example of the confusing referral system in action, where the titles leave the public not knowing what to expect at the meeting.

| City Council | Meeting Agenda | March 7, 2017 |
|--------------------------------|---|---------------|
| | Attachments: Exhibit 1 - Premise Exhibit 2 - Land Area Exhibit 3 - Parking Exhibit 4 - Lease Ordinance Ordinance - REVISED | |
| 6-C 2017-3978 | Adoption of Resolution Requesting the Federal Aviation (15 minutes) Administration to Address Increased Aircraft Noise in Alameda. (Community Development 481005) | |
| | Attachments: Exhibit 1 - City Council Resolutions from Oakland and Berkeley Resolution | |
| 7 | City Manager Communications - Communications from City Manager | |
| 8 | Oral Communications, Non-Agenda (Public Comment) - Any person may address the Council regarding any matter not on the agenda | |
| 9 | Council Referrals - Matters placed on the agenda by a Councilmember may be acted upon or scheduled as a future agenda item | |
| 9-A 2017-3971 | Consider Revising the City Council Call for Review Process to Appeal Board and Commission Decisions by Requiring that Two, Rather Than Just One, City Council Members Initiate a Call for Review and State a Reason for the Appeal. (Councilmember Ezzy Ashcraft) | |
| | Attachments: Correspondence Submittal | |
| 9-B 2017-3983 | Consider Adoption of Resolution in Support of a Congressional Investigation Regarding the Impeachment of President Donald Trump. (Vice Mayor Vella and Councilmember Oddie) | |
| | Attachments: Exhibit 1 - Alameda4Impeachment handout Correspondence Submittal | |
| 10 | Council Communications - Councilmembers can address any matter not on the agenda, including reporting on conferences or meetings | |
| 10-A 2017-3951 | Consideration of Mayor's Nominations for Appointments to the Recreation and Parks Commission and Rent Review Advisory Committee. | |
| 11 | Adjournment - City Council | |