

| COUNCIL POLICY | | | |
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BACKGROUND:

In *Sierra Club v. City of Santa Rosa*, Sonoma County Superior Court Case No. 206035, the Council entered into a Settlement Agreement ("Agreement") dated December 14, 1993. Section 2.3 of the Agreement provided that the Council would adopt a policy establishing an early Council Agenda for regular meetings of the Council.

PURPOSE:

The purpose of this policy is to establish an early Council Agenda procedure for the City Council's regular meetings in compliance with the Agreement.

POLICY:

- A. Except as set forth in B, C and D, no item of business may be discussed or acted upon by the Council at a regular meeting unless an adequate description of such item appears on an agenda released to the public at least nine (9) days prior to the day of the meeting at which the item is scheduled and all staff and/or consultants' reports relating to such item are made public at the same time.
- B. On a showing of good cause and with the concurrence of five (5) Council members, or by unanimous vote if fewer than seven (7) members are present, an item of business may be discussed and acted upon if the item appears on an agenda released to the public at least three (3) days prior to the day of the regular meeting at which the item is scheduled. The Council shall determine that good cause exists prior to taking action upon the item. If good cause is not found to exist, the item may be heard at the Council's next regular meeting. For purposes of this provision a showing of "good cause" will require a finding by the Council that as a result of exceptional circumstances beyond the control of the Council, compliance with the 9-day notice requirement would impose a substantial burden on the City's ability to conduct its business or result in prejudice to a private person.
- C. Nothing set forth in this policy shall abrogate the Council's right to take action on an item of business at a regular meeting pursuant to the provisions of Government Code section 54954.2(b) as the same now exists or as it may be amended.
- D. Members of the Council may briefly respond to statements made or questions posed by persons exercising their public testimony right under the Ralph M. Brown Act, Government Code sections 54950 et seq., and Council members, on their own initiative or in response to questions posed by the public, may ask questions for clarification, may provide a reference to staff or other resources for factual information, may request staff to report back to the

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Council at a subsequent Council meeting concerning any matter, and may take action to direct staff to place a matter of business on a future agenda.

- E. Nothing in this policy shall limit the rights of the City Council to give notice of, and to hold, closed sessions and/or to call and hold special or emergency meetings as provided in the Ralph M. Brown Act.

Amended by Resolution No. 24194
 Amended by Resolution No. 23988
 Adopted by Resolution No. 21625

Dated: November 16, 1999
 Dated: May 25, 1999
 Dated: January 4, 1994