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**Title:** Staff Report for Direction from the City Council on Whether or Not to Amend Councilmembers Handbook Appendix D: Guidelines Regarding Council Support for or Opposition to Ballot Measures or Legislation

**Sponsors:** Rich Pio Roda

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Staff Report for Direction from the City Council on Whether or Not to Amend Councilmembers Handbook Appendix D: Guidelines Regarding Council Support for or Opposition to Ballot Measures or Legislation

**SUMMARY AND RECOMMENDATIONS**

The City Attorney requests City Council direction on proposed edits, if any, to Councilmembers Handbook Appendix D: Guidelines regarding Council support for or opposition to ballot measures, legislation, or issues that have direct benefits to or impacts on a significant portion of the community of San Leandro or the City of San Leandro.

**BACKGROUND**

The City Council, at various City Council meetings this year, expressed interest in reviewing its guidelines regarding Council support for or opposition to ballot measures or legislation. Some suggestions have included:

1. Clarification to reflect that receipt of consensus from the Council to place support or opposition of ballot measures, legislation, or issues on a future agenda for Council discussion and consideration requires a draft resolution or other action should be submitted by the sponsoring Councilmember(s) on a subsequent meeting’s agenda.
2. Another suggestion is that Council Members, when speaking at meetings or events of other legislative bodies, must qualify their statements or speech to make it clear that the Council Member is speaking on behalf of him or herself as a Council Member, and not on behalf of the City Council, unless that Council Member is specifically authorized to do so through an action by the City Council.

## **Analysis**

As to paragraph 1 above, the following language could be added: “Council Members requesting City Council support or opposition to a measure, legislation, or issue shall first receive consensus from the body to place said support or opposition on a future agenda for Council discussion and consideration. Upon receipt of consensus, the Council Member(s) who requested support or opposition shall become the sponsoring Council Member. He or she shall prepare and submit the resolution and supporting documentation, if any, for the City Council’s consideration at the next regular meeting, or special meeting, should one be called.”

As to paragraph 2 above, the following language could be added: Nothing in these Guidelines is intended to discourage or inhibit individual council members from expressing their individual support for or opposition to any ballot measure or issue of direct benefit to or impact on a significant portion of the community of San Leandro or the City of San Leandro. Individual council members shall identify themselves as City Councilmembers of the City of San Leandro, and that they are speaking on behalf of themselves as an individual City Council Member, and not on behalf of the whole City Council. An individual City Council Member is only allowed to speak on behalf of the whole City Council when authorized to do so by a majority vote of the full membership of the City Council at a regular meeting, adjourned regular meeting, or special meeting of the City Council.”

If the City Council would like to adopt the amendments to Guideline 2 above, the “Purpose of the Guidelines” should be amended as follows: “The purpose of these guidelines is to describe what City Council Members should do regarding support for or opposition to ballot measures or issues on local, state or national matters that have a direct benefit to or impact on a significant portion of the community of San Leandro or the City of San Leandro.”

## **Fiscal Impacts**

None.

## **Previous City Council Action**

Councilmembers Handbook Appendix D was adopted on October 4, 2010, by Resolution No. 2010-127

## **ATTACHMENT**

None.

**PREPARED BY:** Richard D. Pio Roda, City Attorney