



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Mayor Sam Liccardo

**SUBJECT:** SEE BELOW

**DATE:** April 14, 2020

*\*submitted  
electronically*

APPROVED:

*Sam Liccardo*

*April 14, 2020*

**SUBJECT: MODIFY CITY SUNSHINE RESOLUTION AND PROCEDURES FOR  
AGENDA ITEMS SUBMITTED AFTER RULES COMMITTEE**

## **RECOMMENDATION**

Direct the City Manager and City Attorney to Amend Resolution No. 79450 (modifying public meetings, noticing, and document posting in the City's Sunshine Procedures), to:

1. Allow only the City Manager—not Mayor and Council Offices—to request the City Clerk place an item on the City Council Agenda after the date of the hearing of the Rules Committee, but at least 72 hours prior to the meeting, in compliance with the Council Rules of Conduct Resolution No. 79367 Rule 3(d), which requires 2/3 vote of Council to add items after Rules.
2. Allow Councilmembers and the Mayor to have the City Clerk place an item on the City Council Agenda under Orders of the Day after the date of the hearing of the Rules Committee, but at least 72 hours prior to the meeting, if the Clerk utilizes the procedures authorized in Consolidated Open Government and Ethics Resolution (“Sunshine Resolution”) No. 77135, Section 2.3.2.1.E to allow items to be so added if the Mayor, City Manager, and City Attorney concur that the item requires immediate action, and Council authorizes its addition by a 2/3 vote.<sup>1</sup>

## **BACKGROUND**

During this time of emergency, the City Council relaxed a majority of the City's Sunshine Ordinance to ensure that important issues receive immediate attention to address the most dire needs of our community. While all of those issues may be important, not all of them require

<sup>1</sup> Sunshine Resolution 77135 (<https://records.sanjoseca.gov/Resolutions/RES77135.PDF>), page 2-6

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urgent action—and as we’ve seen recently, several will require substantial analysis by the City Attorney and Staff. During a time in which hundreds of our key City Staff have redeployed to coordinate the provision of 350,000 daily meals to our residents, move hundreds of homeless residents into safety, and other critical issues, the Council must exercise discipline in its use of Staff time. For that purpose, the Rules and Open Government Committee remains all the more essential to publicly vet proposals, and to allow Staff feedback on its ability to analyze and implement such proposals.