



Memorandum

TO: CITY COUNCIL**FROM: Mayor Liccardo****SUBJECT: Effective Council Discussion and Debate****DATE: 03/24/21****APPROVED:****DATE: 03/24/21**

RECOMMENDATION

As suggested by Councilmembers Davis and Cohen in their February 11, 2021 memorandum, improve the efficiency and effectiveness of Council discussions by imposing reasonable limits upon the duration of Council questioning and comments, starting with an initial limit of 10 minutes from each Councilmember who wishes to speak, followed by another successive round of 5 minutes. In extraordinary and exceptional circumstances, an additional very brief (1 minute) rebuttal would be allowed.

DISCUSSION

I appreciate my colleagues' proposal to improve Council discussion and debate by encouraging public participation during our lengthy Council meetings. City Council meetings provide community members their only opportunity to offer input heard by the entire Council, and the public, in one forum. We have seen too often examples of long diatribes and extended debate at Council has worn down the public, leaving them to offer comment very late in the evening, beyond the time when they must make dinner, get their kids to bed, and get sleep for their own work. During our last Council meeting on March 23rd, for example, extended discussion on other items left us making hasty decisions after 11 p.m. hour on the expenditure of tens of millions of dollars for rent relief and affordable housing, with little public participation coming from a handful of the hardest community members who had endured the council debate. The end result is anti-democratic, and it's wearing down our City staff who must remain in Council meetings late in the evening when they have to run departments and emergency operations early the next morning.

While Councilmembers have repeatedly insisted over the last year that they should not be "silenced" by reasonable time limitations on their discussion, other legislative bodies—indeed, nearly every other one--appear more receptive to the notion. What has been called the world's greatest deliberative body—the United States Senate—imposes time limits on its members for all

but the most exceptional (and universally disdained) of processes, the filibuster. Indeed, even in the selection of justices for the U.S. Supreme Court—a lifetime appointment with enormous ramifications for our nation—the Senate restricts Judiciary Committee members in the duration of their questioning of nominees. So does, of course, [United States House of Representatives](#), and the California Senate and Assembly. Many other cities routinely limit the duration of councilmembers' speech, including the [City of Oakland](#) (no more than 10 minutes), [Los Angeles](#) (6 minutes followed by rounds of 3 minutes), and [San Francisco Board of Supervisors](#) (two ten-minute speeches on any motion, pursuant to Roberts' Rules).

Of course [Robert's Rules](#) set out time limitations for individual members of any body, and are explicitly incorporated into our own Rules Resolution (Resolution 79870, Rule 7) but the Chair is granted the right to establish time limits as she or he sees fit (Resolution 79870, Rule 4 (f)). Those past efforts of mine to limit debate pursuant to these rules have been outvoted—usually after very long debate—by a majority of the Council. Remarkably, on the very same days as those in which we've had such debates, I have had to reduce the duration of public comment from 2 minutes to 1 minute—without a peep of dissent from the Council.

By limiting council debate, we can encourage councilmembers to make more their arguments succinct and clear, and most importantly, we will create the space for the voices of our community members to be heard. Doing so will be of great relief to City Staff who will be able to get back to work serving the people of San José—or to get to sleep before midnight. We must take seriously our duty as elected officials to promote efficiency in the legislative process, and to ensure that our own voices do not drown out those of the people we serve.