

Berkeley City Council
District 5

Rules Committee Procedures
February 18, 2003

To: Honorable Mayor
And Members of the Rules Committee

From: Committee Member Mim Hawley

Subject: **CRITERIA FOR REVIEWING ITEMS PROPOSED FOR THE
CITY COUNCIL AGENDA**

RECOMMENDATION:

1) That the Rules Committee considers the criteria that are to be used in deciding whether to accept, refer, postpone, or refuse items from a Councilmember, the City Manager, or the Auditor. 2) That the option of rejecting an item be reconsidered. 3) That the question of whether the substance of an item, as well as the form, is to be considered in the decision about the disposition of an item.

BACKGROUND:

Requirements for the form of an item are explicitly defined in the Council's Rules of Procedure, page 6. Agenda items are to contain all relevant documentation, including the following:

- A descriptive title
- Whether the matter is to be on the Consent or Action Calendar, or in the information section
- The need for the item and the departments involved or affected by it
- A recommendation from the City Manager, if applicable
- Comments of the City Attorney if the item involves legal issues
- Past Council practice, if any, relating to the matter
- Past legislative history or hearings, if any
- Financial benefits or costs to the City of Berkeley
- If funds are requested, the budgetary source of the funds
- For awards of contracts, the abstract of bids and the A.A. program of the low bidder, if appropriate
- Persons to contact for more information, with the telephone number
- A compilation of any additional background information that the author believes necessary for a full understanding of the subject

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Further, the Rules Committee is given the power to reject any item authored by a Council Member or the Auditor that does not follow the form required by the Rules, or to recommend referral of such an item to a commission or City Manager for analysis or action, or suggest any other appropriate action, including scheduling the matter for a later meeting.

These powers of the Rules Committee are clear in terms of the reason for rejecting an item, but less clear in terms of a recommendation to refer or postpone an item. Objections to the Rules Committee have generally focused on an assumed power to make decisions on the basis of the content of items. Clarifying this point may help to lessen the apprehensions of community members.

The Rules Committee's powers in terms of items from the City Manager are less controversial, but also somewhat unclear. The stipulation that "The City Manager shall brief the committee on ... items likely to cause controversy" has raised some questions. A clarification of the reasons that the Committee should consider whether an item may be controversial would be helpful.

FINANCIAL IMPLICATIONS: None

CONTACT PERSONS:

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