



Legislation Text

File #: 21-0982, Version: 1

Recommendation to adopt a policy setting the maximum number of City Council sponsors an agenda item can have to three - one original sponsor and two cosponsors.

The Ralph M. Brown Act, (CA Gov. Code § 54950 *et seq.*), authored by Assemblymember Ralph M. Brown and passed by the California State Legislature in 1953, guarantees the public's right to participate in meetings of local legislative bodies.¹ The Act states, in CA. Gov. Code § 54952.2(b)(1), that "A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."

Because of this rule, the current maximum number of sponsors on a given City Council item is four, one short of a Brown-Act breaking majority, since cosponsors are decided among councilmembers or their staff in advance of an item's submission and outside of a regular meeting. The incentive to get the maximum number of cosponsors is obvious - it communicates both to the public and to other members a strong near-consensus on an item.

However, in search of such a consensus, councilmembers and their staff have on numerous occasions in the past, often unintentionally, communicated with 4 or more other members of the City Council about an item of business. This causes needless delays in the legislating process, as items whose agendizing violated Brown need to be "cured" by being removed from the agenda before or during its originally intended vote and placed on the agenda the following week. Reducing the maximum number of cosponsors on an item would reduce the incentive for councilmembers to cast wide nets when looking for cosponsors for an item. It would also allow for at least one member to decline an invitation to cosponsor and the final item still carry the maximum number of cosponsors.

Most recently, City Attorney Charles Parkin recommended that the City Council adopt a policy limiting City Council agenda sponsors to no more than 3 councilmembers to add an additional layer of protection for members and the city from Brown Act concerns. This change would lead to both fewer needless delays in the legislating process and a more transparent and accountable local government.

Statement of Urgency

Because the City Attorney personally requested this change at the previous council meeting last Tuesday, urgency is requested for this item so that it may be agendized by the following week.

No Financial Management review was able to be conducted due to the urgency and time sensitivity of this item.

Approve recommendation.

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