

Documenting City Policy Positions to Encourage Processes for Encouraging Action by Other Governmental Agencies (Supporting or Opposing Legislation, Regulations, Adjudication, or Ballot Measures)

1. **Purpose and Scope:** This Policy Resolution entitled "Processes for Encouraging Documenting City Policy Positions to Encourage Action by Other Governmental Agencies" may be referred to herein as "this Policy." The purpose of this Policy is to clarify the processes by which the City Council, the City Manager, or the Mayor may act on behalf of the City to document a "City Policy Position" on a proposed "Governmental Action" or "Ballot Measure," as defined herein.

2. **Definition of Terms:** As used in this Policy:

"Ballot Measure" shall mean any initiative or referendum that is proposed to be considered for approval by voters at an election for a public entity.

"City Goals" shall mean any project, program, goal, or priority of the City as approved by City Council by ordinance, resolution, or minute action; which specifically includes the goals and policies approved by the City Council during the annual Council Workshop, and during the ongoing processes of adopting and implementing the City Budget.

"City Manager" shall mean the City Manager as defined by Napa Municipal Code Chapter 2.08, or any City employee authorized by the City Manager to act on behalf of the City Manager under this Policy.

"City Policy Position" shall mean any action taken on behalf of the City in accordance with the requirements of this Policy to do any one of the following: (1) provide written support to encourage a public entity to approve a Governmental Action, (2) provide written opposition to discourage a public entity from approving a proposed Governmental Action, (3) provide written support for a proposed Ballot Measure, or (4) provide written opposition to a proposed Ballot Measure.

"Governmental Action" shall mean any proposed "Legislative Action," or "Regulatory Action," or "Judicial Action," as defined hereinbelow.

"Judicial Action" shall mean any action anticipated to be taken by a judicial body of any public entity. A "City Policy Position" for a Judicial Action is typically an action taken on behalf of the City to approve a "friend of the court" brief (also known as an amicus curiae brief) to support or oppose a decision to be made by a court in litigation for which the City is not a party.

"Legislative Action" shall mean any action proposed to be taken by the legislative body of a public entity. "Legislative Action" shall explicitly exclude any "Ballot Measure" (defined hereinbelow).

“Public Entity” shall mean any federal, state, regional, or local governmental agency ~~(other than the City of Napa), including a “local agency” (as defined by California Government Code Section 54951), and including a “public entity” (as defined by California Government Code Section 811.2), but excluding the City of Napa.~~

“Regulatory Action” shall mean any action proposed to be taken by any executive office or regulatory body of a public entity. “Regulatory Action” shall explicitly exclude any “Ballot Measure” (defined hereinbelow).

3. **City Support for a Proposed Governmental Action.**

- a. If the City Manager determines that a Governmental Action proposed for approval by a public entity is clearly consistent with and in support of one or more City Goals approved by the City Council, the City Manager is authorized to ~~act~~ document the City Policy Position on behalf of the City and provide written support to encourage the other public entity to approve the Governmental Action.
- b. If the City Manager determines that a Governmental Action proposed for approval by a public entity is clearly inconsistent with and in conflict with one or more City Goals approved by the City Council, the City Manager is authorized to ~~act~~ document the City Policy Position on behalf of the City and provide written opposition to discourage the other public entity from approving the proposed Governmental Action.
- c. For any determination made by the City Manager in accordance with Sections 2(a) or 2(b), above, the City Manager may request that the City Policy Position be signed by the Mayor.
- ~~d.~~ e. If the City Manager receives a request for the City to support or oppose a particular Governmental Action, and the City Manager cannot make either determination under Sections 2(a) or 2(b), above, the City Manager will provide written notice of the request to City Council
- ~~d-e.~~ e. ~~and a~~ Any member of Council may request the City Manager to schedule an agenda item for public action to be taken by the City Council, at a duly noticed public meeting, to authorize the documentation of a City Policy Position to support or oppose a Governmental Action by another public entity, in accordance with the Council Policy Resolution Regarding the Rules of Order and Procedure for Conducting City Council Meetings.
- ~~e-f.~~ f. The City Manager will provide written updates to the City Council regarding any actions taken in accordance with this Policy to support or oppose any proposed Governmental Action.

4. **City Support for a Proposed Ballot Measure.**

- a. If the City Manager receives a request for the City to support or oppose a particular Ballot Measure, the City Manager will provide written notice of the request to City Council.
- ~~a-b.~~ b. ~~and a~~ Any member of Council may request the City Manager to schedule an agenda item for public action to be taken by the City Council, at a duly

noticed public meeting, to authorize the documentation of a City Policy Position to support or oppose a Ballot Measure for another public entity, in accordance with the Council Policy Resolution Regarding the Rules of Order and Procedure for Conducting City Council Meetings.

b.c. _____ Prior to any public action by the City Council to support or oppose a ballot measure, there shall be a noticed public hearing at a regular meeting of the City Council, at which both pro and con viewpoints are presented and considered. (League of Women Voters v. Countywide Criminal Justice Coordination Committee (1988) 203 Cal.App.3d 529, 560.)