



Staff Reports

File #: 1977-2019, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Steve Potter, City Manager

Prepared By: Frances Robustelli, Assistant City Manager

TITLE:

Processes for Encouraging Action by Other Governmental Agencies (Supporting or Opposing Legislation, Regulations, Adjudication, or Ballot Measures)

RECOMMENDED ACTION:

Adopt a resolution establishing processes for encouraging action by other governmental agencies (supporting or opposing legislation, regulations, adjudication, or ballot measures).

DISCUSSION:

City staff receives regular updates from the League of California Cities, and other sources, regarding bills that are being considered by the State Legislature that may have an impact on municipalities such as the City of Napa. The City also occasionally receives information regarding pending actions by other governmental agencies at the federal, state, regional, or local level (including legislative actions, as well as regulations by regulatory agencies) that may have an impact on the City.

As a part of these updates regarding pending legislation and regulations, City staff receives many requests for the City to document a position that is either in support of, or opposition to, the proposed legislation or regulation. Due to the short time frames that are available for the City to document its position prior to a separate governmental agency taking final action, the City Council has previously authorized the City Manager to send letters in support or opposition to legislation proposed by other governmental agencies (through Policy Resolution No. 31, adopted on April 7, 1998).

Based on more recent requests submitted to the City to support or oppose a "Governmental Action" (which includes pending legislation, regulations, or judicial actions) by other governmental agencies, the City Manager recommends that the City Council adopt the attached resolution which will clarify the processes to be followed by the City Manager in response to these requests. Essentially, if the City Manager determines that a request for the City to document a position in support or opposition of a "Governmental Action" is clearly consistent with and in support of one or more City Goals approved by the City Council, then the City Manager will be authorized to document the City's position and to request the Mayor to sign on behalf of the City. However, if the City Manager is not able to make this determination, the City Manager will inform members of Council of the request, and any member of Council may request that the matter be agendaized for consideration by the full Council.

Similar to requests made to the City related to pending legislation and regulations, summarized

above, the City also occasionally receives requests to support or oppose a ballot measure (at the state, regional, or local level). The City Council has previously documented the processes by which the Council would consider requests such as this, through Policy Resolution No. 33 (approved by the City Council as Resolution No. R2012-133, on October 16, 2012). However, due to the particular procedural requirements for the City Council to conduct a public hearing prior to articulating a position (in favor or opposed) to a pending ballot measure, City staff recommends updating the procedures for Council action, as documented in the attached resolution.

The proposed Policy Resolution, entitled, "Processes for Encouraging Action by Other Governmental Agencies (Supporting or Opposing Legislation, Regulations, Adjudication, or Ballot Measures)" provides clarification on 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.

On May 7, 2019 the City Council considered this item and referred it to a sub-committee of the Council including Vice Mayor Sedgley and Mayor Techel for further consideration and clarification. The City Manager and the City Attorney discussed proposed clarifications to the proposed policy with Vice Mayor Sedgley and Mayor Techel, and obtained support to recommend Council approval of the updated version of the policy, as attached to this report.

FINANCIAL IMPACTS:

None

CEQA:

The City Clerk has determined that the recommended action described in this Staff report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

ATCH 1 - Resolution

EX A - Policy

ATCH 2 - Policy - Track Changes

NOTIFICATION:

None