



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: July 16, 2019

Subject

Discuss timeline for early posting of staff reports and/or background materials for certain City Council agenda items.

Recommended Action

Discuss current timeline for posting of staff reports and background materials for City Council agenda items and provide direction to staff to:

- a. Post staff reports or materials of higher interest earlier than the current timeline; or
- b. Keep status quo of posting City Council agenda packets 6 days before a regular meeting

Discussion

At the June 18 Council meeting, a majority of Councilmembers asked to agendize discussion of posting staff reports and/or background materials for certain agenda items such as the budget and master plans, for example, earlier than the usual 6 days in advance of an upcoming City Council meeting due to the volume of material and/or acute interest to the public.

The Brown Act, requires that an agenda be posted at least 72 hours before a regular City Council meeting. Staff's goal is to finalize reports and background materials as early as possible for an upcoming City Council meeting and have been meeting the current practice of posting items (with the entire agenda packet) 6 days in advance of a regular meeting. It is important that staff make sure materials are as complete and as accurate as possible before they are viewed by the Council and public. For certain agenda items such as the budget and master plans, staff could potentially post preliminary materials earlier than the 6 days and then post the final versions with the regular agenda packet.

Posting draft or incomplete reports, or reports that have not been thoroughly reviewed, especially for these larger items or items of higher interest, could possibly lead to misinformation being transmitted and circulated which prompts more questions.

In reaching out to other cities in the area, most post their agenda packets 5-6 days before the meeting. Three cities responded that they post a complete agenda packet earlier than Cupertino does. San Jose posts a "tentative agenda" packet 10 days before the meeting and then posts supplemental memos to add information that has changed to the initial staff reports. They also

post an amended agenda (“final agenda” packet) 5-6 days before the meeting. Palo Alto posts a final agenda packet 11 days before the meeting and then posts individual “late packet reports” at least 72 hours before the meeting for staff reports that did not make it into the original packet or were amended. Gilroy posts a “preliminary agenda” packet 7 days before the meeting and a “final agenda” packet 5 days before the meeting.

The advantage of posting items of high interest earlier than 6 days before the meeting are that the Council and public get a chance to view voluminous materials earlier. The disadvantage would be that materials might not be complete, could misinform, would need to be amended, and could cause confusion with knowing what and why something was changed in the final version.

Staff recommends keeping the status quo of posting City Council agenda packets 6 days before a regular meeting.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Prepared by: Grace Schmidt, City Clerk

Approved for Submission by: Deborah Feng, City Manager

Attachments: None