



## CITY MANAGER'S OFFICE

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# LEGISLATIVE REVIEW COMMITTEE STAFF REPORT

Staff Meeting: May 24, 2019

## Subject

Adding members to the Legislative Review Committee

## Recommended Action

Provide recommendations regarding Legislative Review Committee membership.

## Background

When the Legislative Review Committee (LRC) was first formed it was comprised of the City Manager, the Director of Administrative Services, the Mayor, and one other councilmember. Over the years, the membership has changed in various ways. For example, while the Mayor is typically one of the two councilmembers on the LRC, this has not always been the case. Also, the staff on the LRC have fluctuated with the membership of staff dropping to just the City Manager and then to having no staff as members in recent years. Currently, the Committee has two councilmembers making up the entirety of its membership.

## Discussion

At the LRC meeting on May 14, 2019, the Committee requested that staff review the possibility of adding additional members to the LRC. There are no legal concerns with adding additional members to the LRC, however, they may be subject to the Political Reform Act's conflict of interest provisions and Form 700 filing rules. Staff surveyed 12 cities in Santa Clara County (Campbell, Mountain View, Gilroy, Saratoga, Palo Alto, Los Altos, Los Altos Hills, Morgan Hill, Milpitas, Santa Clara, San Jose, and Sunnyvale) to determine if they had committees similar to Cupertino's Legislative Review Committee. Of those cities, only Campbell, San Jose, and Palo Alto have a committee responsible for legislative affairs.

| <b>Committees Responsible for Legislative Affairs in Other Cities</b> |                               |              |                         |                 |                      |  |
|---|-------------------------------|--------------|-------------------------|-----------------|----------------------|--|
| <b>City</b>   | <b>Committee</b>              | <b>Chair</b> | <b>Posted minutes</b>   | <b>Recorded</b> | <b>Membership</b>    | <b>Members from Public or Commissions?</b> |
| <b>Campbell</b>   | Legislative Subcommittee      | No           | No                      | None            | Two councilmembers   | No   |
| <b>Palo Alto</b>  | Policy and Services Committee | Yes          | Yes, summary and action | Video           | Three councilmembers | No   |
| <b>San Jose</b>   | Rules Committee               | Yes          | No                      | Video           | Five councilmembers  | No   |

In these other cities, only councilmembers make up the membership of their committees regarding legislative affairs. There could be various reasons for this membership composition. First, committees are generally set up as formal subcommittees of Council. This would indicate that their membership is comprised of a subset of Council that is less than a quorum. It is also important for a committee responding to legislation to remain nimble and able to meet on short notice to be responsive to time sensitive legislative issues. If membership is large, it could be difficult to ensure a quorum on short notice. Adding members of the public would also give unelected members decision power regarding official legislative positions for the City.

While these other cities do not include members outside of councilmembers, they may be added. Currently, the only Cupertino committee that recruits members of the public is the Audit Committee. Their membership consists of two councilmembers along with a minimum of two and a maximum of three at large members who are not officials or employees of the City. It is important to note that the Audit Committee is an advisory body and does not have decision authority. The Audit Committee also has qualifications for the at large members, indicating that priority should be given to individuals who have substantial accounting, audit, or investment experience, preferably in connection with a governmental agency. If members of the public are added to the LRC, staff recommends developing qualifications to guide the selection of these individuals.

It is also possible to have Cupertino commissions appoint a representative to serve on the LRC. However, it is important to note that topics of legislation are broad and may not always fit within the expertise of a given commission. Since there are ten Cupertino

commissions, it is not advisable to have a representative from each one serve on the LRC as the large membership could make it difficult for the group to be responsive to legislative activity. Since it is not advisable to have a member from each of the ten commissions serve on the LRC, there will need to be clear determination on which commissions are chosen to have a representative added to the membership.

#### Next Steps

If a change in membership is recommended, staff will prepare an item for Council and a resolution to that effect. If members of the public are added to the LRC, a recruitment process will need to take place, similar to the Audit Committee process. The annual recruitment for commissions and committees for members of the public begins in October, with appointments made in January.

#### Fiscal Impact

None anticipated.

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