



## **AGENDA MEMORANDUM**

Action Item for the City Council Meeting of March 28, 2023

**DATE:** March 28, 2023  
**TO:** Peter Zandoni, City Manager  
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### **Amending City Council Policy #16**

#### **CAPTION:**

Resolution amending City Council Policy Section 16 to reduce the number of City Council Members required to place an item on the agenda from four members to one member.

#### **SUMMARY:**

Councilman Pusley has requested a resolution to allow one member of City Council to add an item to the agenda. This will amend City Council Policy 16. The current policy requires four members of City Council to add items to the agenda.

City staff recommends against this change because this change will:

- (1) increase the number of items on agendas that do not have majority support on City Council and
- (2) bypass the City's processes for ensuring that City Council proposals are sufficiently funded and reviewed for legal issues and unintended consequences.

#### **BACKGROUND AND FINDINGS:**

City Council Policy Section 16 describes how and when City Council meetings will be held. The policy allows items to be added to a City Council agenda by the City Manager, the Mayor, or four members of the City Council who confirm their request with the City Secretary's Office. To avoid a potential violation of the Texas Open Meetings Act, the relevant section of the policy was amended in 2017 to reduce the number of members required to add an item to the agenda from five to four.

The current policy balances the ability of City Council members to add an item to the City Council agenda with the need for City staff to have the ability to review items before they are presented and to ensure that funding is available. Article IV, Section 7 of the City Charter provides that "No contract, agreement or other obligation involving an expenditure of money requiring approval by the City Council shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the council or be authorized by any officer of the city" unless the Finance Director provides a certificate of funds confirming that the funds are available in the City's treasury. Further, Article IV, Section 10 of the City Charter requires that the City Attorney approve or file written objections to all City ordinances and contracts.

The Legistar process that City staff uses when placing items on the agenda allows for the reviews

required by the City Charter before the items come up for a vote. Items added by only one member of City Council may not follow a process that will allow for the same review that other items on the agenda receive.

**ALTERNATIVES:**

City council could choose not to amend the City Council Policy and continue to allow items to be added by the City Manager, the Mayor, or four members of the City Council.

**FISCAL IMPACT:**

None.

**FUNDING DETAIL:**

Fund:

Department:

Project:

Account:

Activity:

Amount

**RECOMMENDATION:**

Staff recommends against this resolution amending the City Council Policy.

**LIST OF SUPPORTING DOCUMENTS:**

Resolution