

Item No. 16-1

Supplemental Material

For City of Sacramento

City Council
Financing Authority
Housing Authority
Redevelopment Agency

Agenda Packet

Submitted: 01-29-2010

For the Meeting of: February 2, 2010

Additional Material

Council Rules of Procedures (CRP) Update (Continued from 1-26-10)

Location: (Citywide)

Recommendation: Adopt a **Resolution** approving the Council Rules of Procedure.

Contact: Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk, Eileen Teichert, City Attorney, (916) 808-5346, Office of the City Attorney.

Comment: The attached changes to the Council Rules of Procedure incorporate comments provided by Councilmembers at the January 26, 2010 meeting. These changes include:

- 1) Chapter 9—Council Requests. Clarifies that the City Clerk will place on the next Council agenda or date specified by the requesting Councilmember, requests made by a Council member during the meeting for a report back by staff or item placement on the agenda.
- 2) Chapter 15--Audit Committee. States that two affirmative votes are required for an item before the Audit Committee to proceed to the Council, and that any Councilmember can call an item to Council that was not passed by the Audit Committee.
- 3) Chapter 17—Confidential Information. This new Chapter prohibits disclosure of confidential information to unauthorized persons and sets forth consequences for violating this Rule. Definitions are included for clarity. Rule 17 does not address providing all confidential information to the City Council as discussed at the January 26, 2010 City Council meeting. On February 23, 2010 the City Attorney will present a staff report with recommendations for adoption of an appropriate policy for the Council's consideration on this subject.

Please include this supplemental material in your ePacket. This material will also be published to the City's Internet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604, (916) 808-7200.

I. Add the following new Section B to Chapter 9 (Council Requests)

B. Requests To Report Back On or Agendize Matters

The City Clerk shall agendize for discussion at the next subsequent Council meeting, or the date specified by the requesting Member, any Member's request to staff for a report back to Council or for agendizing a matter, when the Member makes such a request during the Council meeting.

II. Replace Subsections B(3) and (4) of Chapter 15 (Audit Committee) with the following:

3. A vote of two or more members present is required to forward an Audit Committee item with or without a recommendation to Council.

4. If an Audit Committee item fails to receive the votes required under Chapter 15 Section 3, any Council Member during the Council Ideas, Comments and Questions portion of a Council meeting, may request the item be placed on a future Council agenda.

III. Add the following new Chapter 17 (Confidential Information)

A. Definitions

1. "Cause to Be Disclosed" means failure to exercise due care in maintaining the confidentiality of the Confidential Information.
2. "City Attorney" means the person appointed city attorney under Charter section 72, her deputies or legal counsel retained by the City Attorney.
3. "Confidential Information" means:
 - a. Any information pertaining to the subject of the closed session provided orally or in writing during any duly authorized closed session, within the scope of the closed session.
 - b. Any oral or written communications by or from the City Attorney, containing the City Attorney's legal opinions, advice, thoughts, mental impressions or conclusions that are given on behalf of the City.
 - c. Confidential Information does not include information that is: required by law to be reported out of closed session; authorized by the City Council to be disclosed; or otherwise authorized to be disclosed under the law.
4. "Unauthorized person" means:
 - a. With respect to confidential information communicated during a closed session, any person not in attendance at the closed session, except

any Councilmember who was not in attendance at the closed session;
or

- b. Any person to whom the oral or written confidential information is not directed or addressed; or
- c. Any person who has a disqualifying conflict of interest in the subject matter of the confidential information.
- d. Unauthorized person does not include district directors of City Councilmembers, the Mayor's Chief of Staff, and the staff of Charter Officers and Department Heads, only when such persons have a need to know the confidential information in order to discharge the duties of their positions for the benefit of the City.

B. Prohibitions against disclosure

- 1. No person in receipt of confidential information shall disclose or cause to be disclosed all or part of any confidential information to any unauthorized person.
- 2. Any employee disclosing or causing to be disclosed confidential information to any unauthorized person may be subject to appropriate disciplinary action up to and including termination.
- 3. Any Councilmember disclosing or causing to be disclosed confidential information to any unauthorized person may be subject to public censure by the City Council.