

Agenda Item: _____
Meeting Date: Sept. 28, 1999

TO: JAMES B. HENDRICKSON, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: POLICY TO IMPLEMENT DEADLINE FOR SUBMISSION OF
WRITTEN MATERIALS FOR APPEALS

The Issue

Shall the City Council adopt a deadline policy for the submission of materials applicable to an appeal of a Commission/Committee action to the City Council?

Analysis and Findings

Council has expressed a desire to provide clearer direction to the public on the submission of information related to appeals before the Council. Most important for the public to be aware of is that the complete record of relevant information for an application should be developed at the commission/committee level. Enhanced noticing procedures have been implemented to alert the public to these items (e.g. certified radius map, bright colored envelopes) before the commission and committees. Input before these bodies, either in favor or opposition to an application, is important.

The City Council receives copies of all materials considered by the commission/committee, including meeting minutes. The appeal is limited to the record of the commission/committee and new information should not be presented at the Council level. The Council has consistently remanded applications back to the Planning Commission for consideration of such "new" information.

With the above in mind, the reason to establish a formal deadline for the submission of materials to the City Council is to ensure that staff and Council have adequate time to review relevant information. Increasingly, written materials, such as photographs and letters of support or opposition, are submitted the afternoon or evening of the Council meeting. Another purpose of the policy is to provide clear direction to appellants and the interested public to help ensure that the information is received by the Council. It is not the intent to inhibit or limit submission of information.

In addition to timely review by the Council, the City staff has an agenda preparation timeline that requires scheduling and internal review prior to preparation of the staff report and agenda packet which is delivered to the City Council.

To alert the public, it is recommended that the City Council adopt a formal policy to implement deadlines for submission of materials for public hearing appeals. A proposed policy is attached. Particulars will be included on appeal forms and on Planning Commission/Parkland Committee and City Council agendas.

Alternatives Available to the City Council

1. Implement the policy as presented.
2. Modify the proposed policy.
3. Decline to implement any policy.

Recommendation

It is recommended that the City Council approve the attached policy, which implements a deadline for the submission of written materials from appellants and or interested citizens for appeals to the City Council of Commission/Committee actions.

**CITY COUNCIL POLICY
FOR SUBMISSION OF MATERIALS
APPEALS OF COMMISSION/COMMITTEE ACTIONS**

DEADLINE

**Fifteen days after
Commission/committee
Action**

Persons filing an appeal with the City Council of a Planning Commission or Parkland Committee action (applicant or appellant) must submit all relevant information at the time an appeal is filed and paid. No other information or materials, including PowerPoint presentations, will be accepted from the appellant after the appeal is filed.

**Up to 5:00 PM Thursday
Before the Council
Meetings**

Staff will stamp written materials "Received but not Reviewed". Materials, including PowerPoint presentations, will be duplicated and included with Council packets.

**Friday before Council
Meeting up to and
Including the meeting**

Materials will be submitted to and received by the City Clerk. They will not be distributed to the City Council. An announcement will be made at the start of the meeting that all materials (written correspondence/photographs) must be given to the City Clerk. We will not accept written correspondence after the start of the meeting and no distribution of materials will be made to the Council during the meeting.

Adopted by City Council 9/28/99

Updated: 2/12/08

EXCERPT FROM CITY WEBSITE – “HOW TO BE HEARD”

The City welcomes written comments from residents and interested parties.

CORRESPONDENCE, TIMELY SUBMITTAL FOR ITEMS ON A PUBLIC MEETING AGENDA

For items on a public meeting agenda, written testimony, hard copies of documents and presentations can be forwarded to the attention of the City Clerk at cityclerk@pvestates.org (email), 310.378.7820 (fax), or 340 Palos Verdes Drive West (delivery and mailing address). Items must be received by 5:00pm the Thursday preceding each regularly scheduled Council, Commission and Committee meeting, to be included with published agenda materials.

When the City receives digital images e.g., videos or photographs for items that are scheduled on the agenda before the Thursday 5:00 p.m. deadline, City staff will load it onto the computer and have it cued for the meeting (and available for the person who will be speaking on the topic).

When written correspondence is received pertaining to an item on a public meeting agenda after the Thursday deadline preceding each meeting, a print copy is provided to elected and/or appointed officials at the meeting. Copies are available for public review as well.

CORRESPONDENCE, LATE SUBMITTAL OR “COMMUNICATIONS FROM THE PUBLIC”

When print copy public correspondence e.g., documents on any matter on the agenda is not received before the deadline for publishing agenda materials, the information received by the City (including email) is provided to the City Council for their review of the agenda item.

When print copy public correspondence e.g., documents that pertain to “communications from the public” (not on an agenda for discussion) is received before 5:00 p.m. on Friday before a meeting, the material is physically provided to the City Council or Commission.

If the subject matter of public correspondence is not an item on a published agenda **and** is not provided in print, e.g., a digital image or video, the digital item will not be loaded for public display. Such digital images may be emailed to the City Council for their personal viewing.