



## Item No. 17 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GEORGE RODERICKS, CITY MANAGER**

**DATE: SEPTEMBER 18, 2013**

**SUBJECT: ADOPTION OF RESOLUTION TO AMEND RESOLUTION 13-08  
GOVERNING COMMITTEES AND COMMISSIONS**

#### **RECOMMENDATION**

Adopt the attached Resolution amending Resolution 13-08 governing committees and commissions to address committee/commission membership.

#### **BACKGROUND**

In recent months, the Environmental Programs Committee has faced quorum challenges due to the established size of the Committee. The City Attorney has advised that because the resolution set the size of the Committee as “up to twelve” the result is a high threshold for quorum when membership is low.

To mitigate this challenge, staff recommends amending the Resolution such that the membership of the Environmental Programs Committee rests at a minimum of five (5) resident members. Additional members can be appointed to the Committee, thus at any time increasing the quorum requirements, but the minimum threshold for an active committee would be three (3) members.

Other minor modifications include clean-up language on the membership of the Transportation and Rail Committees to address the accurate size and role of members.

#### **FISCAL IMPACT**

None.

#### **ATTACHMENTS**

- Resolution 13-08

**RESOLUTION 13-08**  
**RESCINDS RESOLUTION 12-16**  
**A Resolution of the City Council of the Town of Atherton Establishing and**  
**Governing Town Committees and Commissions**

*Revised:*

*August 15, 2012*

*February 12, 2013*

*April 17, 2013*

*July 3, 2013*

*September 18, 2013*

The City Council of the Town of Atherton hereby resolves as follows:

**Section 1. Establishment of Committees**

The following committees and commissions are established for the Town of Atherton:

1. Audit/Finance Committee
2. Community Center Advisory Committee
3. Environmental Programs Committee
4. Park and Recreation Commission
5. Rail Committee
6. Transportation Committee

**Section 2. Committee and Commission Principles and Rules of Procedure**

Principles: All committees and commissions shall follow the City Council Rules of Procedure, the Atherton Municipal Code and the provisions of the California Open Public Meeting Law (Brown Act).

The responsibility and accountability for all work necessary to efficiently and cost effectively carry out the advisory functions of each committee/commission shall rest exclusively with the Chairman or Council Member assigned to the committee.

A Town Department is assigned to each Committee. Each Department Manager is responsible for providing the necessary staff (in the most cost effective manner) to prepare for, and attend committee/commission meetings. This includes but is not limited to creating an agenda and agenda packet, taking minutes and conducting follow up from meetings.

Commission/Committee Agenda Preparation: The agenda shall be prepared in accordance with the following guidelines.

One of the following methods may be applied for *placing an item on a Committee/Commission agenda*:

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1. Council: A majority vote of the Council may direct staff to add an item to a Committee or Commission agenda.
2. City Manager: The City Manager may receive requests for agenda items from the public, staff, a committee member or a Council Member. The City Manager will review the request with the Committee Chair. The City Manager shall have sole discretion to refer the request to the City Council at the next available meeting, or schedule the item for the Committee agenda.
3. Staff and Committees: There may be a need for routine agenda items which may arise out of committee meeting discussions; and are requested and agreed on by a majority of the Committee; or items created from staff follow up of previous Committee and/or staff meetings. These items may be added to the agenda following an agenda preparation meeting between the Committee/Commission Chair, Council Member liaison and staff liaison.
4. Colleagues' Memorandum: If at least two committee members prepare a colleagues' memo, the staff liaison shall place the item on the Committee's agenda under a Future Agenda Items Section. A colleague's memo is a written request, no more than two pages in length, presenting an item to be added to the following Agenda. The item shall be added to the next Agenda or a specific designated Agenda by a majority vote of the Committee.

Committee/Commission Procedures for *placing items on Council agenda*:

1. Committee/Commission Action: Any formal recommendation to Council taken by a Committee/Commission shall be placed on a City Council agenda within the next two regular meetings.

The City Clerk has overall responsibility for posting committee/commission agendas.

Advocate: Collectively, members of committees and commissions are encouraged to advocate positions to the City Council on matters under the purview of their committee or commission. Otherwise, no committee or commission or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee or commission without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval. When there is a question a committee/commission member shall consult the City Attorney for advice. Members of committees or commissions may attend meetings of other committees or commissions and the City Council; however, members shall not present opinions of their own committee or commission at such meeting unless the position is previously approved by their committee. A quorum of a committee or commission may attend such a meeting, but they may not discuss among themselves Town business, including making comments that would amount to a discussion of the matter under consideration by a quorum of their own committee or commission.

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Educational Materials: Committees and commissions may provide approved educational materials to the public regarding the functions and actions of the committee or commission, but shall not engage in advocating to the public any particular position which is contrary to City Council policy. Any educational materials sent to the public shall be approved by the City Manager, and shall follow the Towns procurement process. It shall be the City Manager's discretion on whether or not the educational materials need Council approval beforehand.

Meetings: Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee or commission

Minutes: All committees and commissions shall prepare action minutes. *Action* minutes shall be presented to the City Clerk within 7 days following the meeting or as soon as feasible if there is a reason not to produce them within that timeframe. Finalized minutes should be sent electronically to the City Clerk for posting, *after* the Committee has approved them. The City Clerk will share appropriate information received from the minutes with the City Manager and City Council.

Reports: An annual report shall be created and approved by the Committee and provided to the City Manager, City Clerk and City Council of committee and commission activities for the preceding year.

Special Meetings: The Chair or a majority of the Committee may call a special meeting at any time in accordance with the Brown Act.

Website: Any website created for a Committee by the Town should be incorporated in the Town's website. Websites need to be developed in accordance with the "advocate" section of this resolution.

**Section 3: Appointment of Voting Members to Committees and Commissions**

Appointment: Members other than City Council Members shall be appointed following recruitment process set forth by the City Clerk and approved by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the expiration of their terms set out below. Vacancies in any committee or commission arising from any reason, including expiration of term, shall be filled by temporary appointment of the City Council, or by annual recruitment. The Committee Chairperson or staff assigned shall notify the City Clerk of resignations and vacancies. Each Committee which cannot fill at least 50% of its seats shall be postponed until the Town can recruit at least a quorum (50%+1). During that time, Council shall continually recruit qualified individuals and town staff shall continue to advertise periodically.

Term expiration dates shall end on June 30<sup>th</sup>. Appointed committee/commission members shall serve no more than two full consecutive terms on the committee or commission to which they are appointed. A member may be reappointed to the committee or commission following a

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minimum two (2) year hiatus. However, if a seat is vacant and no one applies, City Council may grant an exemption.

City Council representatives and any alternates on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term. Appointed City Council Members and City Council Member Alternates shall serve as liaisons to Committees and Commissions; but shall not serve as voting members to Committees and Commissions. Alternates participate on committees in the absence of the appointed Council Members. For each Committee or Commission, unless otherwise directed by the City Council, one City Council member shall be appointed as a primary liaison and one as an alternate. Members shall coordinate attendance to ensure appropriate representation.

Members who intend to be absent from a meeting shall alert the chairperson and/or staff person assigned. The Chairperson shall state during the meeting, under roll call whether the member is excused (notification was given) or absent (no notification was given). Unexcused absences of members, other than City Council Members, from two or more consecutively scheduled meetings shall result in the automatic vacation of the member's office. The staff person assigned to the Committee shall work with the Chairperson to alert the City Clerk of consecutive absences. The City Clerk shall alert the City Manager who shall decide how to inform City Council. City Council has the authority to override this rule based on the information received.

Chairperson and Staff: Each committee or commission shall have a Chairperson. The Committee shall select its Chair on an annual basis in July. Council Members shall not serve as Chair or Vice Chair of Committees. The Department assigned to the committee shall have the authority to appoint staff member(s) to serve Town committees and commissions. Any requests by a committee or commission for staff work, information, or assistance from Town staff shall be made to the City Manager.

**Section 4: Funding for Committees and Commissions**

In the event funding for committees or commissions is desired, a budget shall be prepared and presented to the City Council for review and approval as part of the Town's regular budget process. The committee/commission shall follow the guidelines set forth by the purchasing policy approved by City Council through Ordinance 595 and any expenditure policies developed and approved by the City Council. No Committee member shall use his or her own personal credit card. For items under \$150 a committee member may request a cash advance and then come back to the Town with itemized receipts. For items over \$150, a committee member shall complete a check request from the Town or have the Town purchase the goods/services.

**Section 5: Committees and Commissions Composition, Powers and Duties**

**1. Audit/Finance Committee**

The Audit/Finance Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations to the City Council upon request in all matters pertaining to Town finances;
- b. Consult with the City Manager on matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;
- c. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the Town's annual audit;
- d. Provide oversight of the annual audit and present and explain the audit to the City Council with recommendations as to acceptance;
- e. Advise City Council regarding appointment of outside auditors for annual audit;
- f. Review proposed audit scope with outside auditors prior to commencement of annual audit.

The Audit/Finance Committee shall have the following composition and terms:

Consists of two (2) Council Members and five (5) appointed, qualified resident members. Two terms shall be for one year and three terms shall be for two (2) years. Thereafter terms shall be for two (2) years ending on June 30th. The committee meets on an as needed basis typically in the Council Chambers or the Town Administrative Conference room. Pursuant to Council action on June 20, 2012 the Committee shall establish a regular schedule of meetings.

The Finance Department is assigned overall responsibility of the Audit/Finance Committee.

## **2. Civic Center Advisory Committee (CCAC)**

The Civic Center Advisory Committee (CCAC) shall have the following powers and duties.

Act in an advisory capacity to:

- a. Assist staff in the development of a master planning process to determine the key issues that need to be addressed by the community as well as a process for keeping the community at large informed and involved.
- b. Work with staff to solicit feedback through tools such as surveys, community gatherings, and workshops to disseminate information regarding the key issues and questions involved in the development of a Master Plan for the proposed new Civic Center.
- c. Engage in public outreach to solicit substantive feedback and opinions on the Master Plan and the Civic Center project and provide Council with a summary of findings for consideration. Support staff with updates for the Town website and periodic updates for residents.

- d. The CCAC may form Ad Hoc Subcommittees and/or host community workshops to involve a broader base of residents for the purposes of information gathering on specific issues, thus creating more community involvement and more in-depth visioning.
- e. Once the Council adopts a Master Plan, the CCAC will continue to work with staff to coordinate public outreach and collect resident input during the design phase of the Community Center project.
- f. Assist in discussion about the short-term improvements needed for the Library and Town Center facilities.

The Civic Center Advisory Committee consists of up to seven (7) members including two Council members. The Committee is setup for specific purposes listed above and when the purposes are accomplished the Committee will disband. The Civic Center Project consists of the Town's Administrative Offices, Police Department, Public Works, Building and Planning Departments, Council Chambers, Library, community meeting rooms and associated outdoor facilities. The Committee meets on the second Monday of each month at 4:30 p.m. in the Council Chambers or the Town Administrative Conference Room.

### 3. Environmental Programs Committee.

The Environmental Programs Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.
- b. Create pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction for presentation to and consideration and approval by, the City Council.

The Environmental Programs Committee consists of ~~up to twelve (12)~~ a minimum of six (65) members including ~~two one (12)~~ Council Member liasons and ~~ten (10)~~ fiveour (54) residents of the Town. The term of office shall be as follows: Appointed members shall be appointed to four-year terms. Thereafter, each term of office shall be four (4) years. The committee meets quarterly on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

The Planning Department is assigned overall responsibility of the Environmental Programs Committee.

### 4. Park and Recreation Commission.

The Park and Recreation Commission shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations to the City Council upon request in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and public and private groups in the advancement of park and recreation planning and programming;
- b. Develop and maintain a master plan for parks within the Town and, annually, in the month of April, present a report to the City Council;
- c. Review the annual budget for parks and recreation during the process of its preparation and make recommendations with respect thereto to the City Council. This includes recommendations regarding the setting of fees. The budget should contain estimates and recommendations for such long-term capital outlay projects as may be necessary to provide for orderly development of park and recreation areas, buildings and facilities;
- d. Study and make recommendations on the acquisition and development of recreation areas, activities and facilities such as playgrounds, buildings, parks, open space and other centers of recreation;
- e. Assist Town staff in the planning of recreation programs for the community.

The Park and Recreation Commission consists of seven (7) appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. Terms shall be staggered so that the term of office for two (2) members shall be four (4) years, and the term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Commission meets on the first Wednesday of each month at 6:30 p.m. in Holbrook-Palmer Park unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

The Public Works Department is assigned overall responsibility of the Park & Recreation Commission.

##### **5. Rail Committee.**

The Atherton Rail Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Advise the City Council on all matters pertaining to High Speed Rail (HSR), the Rail Corridor and Caltrain.



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- b. With the assistance of appropriate Town staff, research and address specific impacts HSR and other rail infrastructure and services may have on the Rail Corridor and the Town.
- c. Perform active outreach and cooperative efforts with groups and organizations opposing HSR.
- d. Rail Committee members are authorized to act as spokespersons to articulate and advocate the Town's Rail Related Policy Positions as they pertain to Rail Committee matters to legislatures, HSR and Caltrain board of directors, regional organizations, press and other interested parties.

The Atherton Rail Committee shall have the following composition and terms:

Consists of twelve (~~11~~<sup>2</sup>) members including ~~two-one~~ (~~21~~) Council Member liaisons and up to ten (10) appointed members. There are no term expirations for Rail Committee members. The committee meets on the first Tuesday of every other month at 6:00 p.m. in the Council Chambers. There are no term expirations.

Additionally, by action of approval of this Resolution the City Council approves Exhibit A titled, "Rail Related Policy Positions."

The Public Works Department is assigned overall authority of the Rail Committee.

**6. Transportation Committee.**

The Transportation Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations to the City Council upon request in all matters pertaining to transportation within the Town.

The Transportation Committee consists of ~~seven-six~~ (~~67~~) members including ~~two-one~~ (~~12~~) Council Members liaison and five (5) appointed members. The term of office shall be four (4) years.

The committee meets on the second Tuesday of every other month at 6:00 p.m. in the Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

The Police Department shall have overall responsibility of the Transportation Committee. The Chief of Police will coordinate with the Public Works Department when public works staff is needed.

**Section 6: Advice.**

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Appointed members of committees and commissions are encouraged to seek advice from Town staff when they are uncertain of the foregoing rules.

This Resolution shall be effective immediately upon adoption. All previous resolutions governing Town committees and commissions including Resolution No. 10-13 and 12-16 are hereby superseded and rescinded on July 17, 2013.

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the ~~17th~~18th day of ~~July~~September, 2013, by the following vote.*

AYES: 4      Council Members: ~~Lewis, Wiest, Dobbie, Widmer~~  
NOES: 0      Council Members:  
ABSENT:      Council Members:  
ABSTAIN:      Council Members:

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Elizabeth Lewis, Mayor  
Town of Atherton

ATTEST:

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Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

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William B. Conners, City Attorney