



AGENDA
Town of Atherton
**CITY COUNCIL STUDY SESSION/
CITY COUNCIL SPECIAL MEETING**
JANUARY 30, 2009

8:00 a.m. Friday

MAIN HOUSE

Holbrook-Palmer Park

150 Watkins Avenue

Atherton, California

Special Meeting

PLEASE NOTE: *Times listed on the Agenda are an approximation and not a time certain. The Council may take up items out of order. The Special City Council meeting will begin immediately following the Study Session adjournment. Please arrive well in advance of the time listed for any item in which you are interested.*

8:00 A.M. 1. ROLL CALL Lewis, Dobbie, Marsala, Carlson, McKeithen

STUDY SESSION

8:02 A.M. 2. INVESTIGATE LONG-TERM FINANCING MECHANISMS WELL IN ADVANCE OF THE PARCEL TAX SUNSET DATE OF JUNE 30, 2010

Discuss hiring a consulting firm to conduct an Atherton resident survey regarding the upcoming Parcel Tax and/or Utility User Tax. The consulting firm could coordinate public outreach and educational information regarding the proposed ballot measure.

9:00 A.M. 3. DETERMINE THE FEASIBILITY POLITICALLY, ECONOMICALLY, AND OPERATIONALLY OF A NEW OR REMODELED TOWN CENTER AND CONSIDER IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE FACILITY STUDY

10:00 A.M. 4. PRESENTATION BY JESUS NAVA, FINANCE DIRECTOR FOR THE CITY OF BURLINGAME, REGARDING SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA), THE NORCAL CONTRACT, BOND FINANCING, AND THE SAN CARLOS AGREEMENT

- 11:00 A.M. 5. DETERMINE THE FEASIBILITY OF ANNEXATION, COMMERCIAL AND RESIDENTIAL, AND IF FEASIBLE, CONSIDER PURSUING ANNEXATION OF DESIGNATED AREAS
- 12:00 NOON 6. WORKING LUNCH – PURSUE OPTIONS OF OBTAINING TOWN OF ATHERTON HOUSING ELEMENT STATE CERTIFICATION
- 1:00 P.M. 7. DISCUSS FUNDING AND BUILDING QUAD GATES AT TRAIN CROSSINGS, IMPLEMENTATION OF QUIET ZONES, AND PERSUADING CALTRAIN (CALIFORNIA HIGH-SPEED RAIL AUTHORITY CHSRA) TO ACCOMMODATE ATHERTON'S CONCERNS REGARDING HIGH-SPEED RAIL
- 2:00 P.M. 8. DISCUSS IMPLEMENTATION OF PERFORMANCE BASED MEASURES FOR EACH DEPARTMENT FOR THE TOWN OF ATHERTON
- 2:30 P.M. 9 DISCUSS HOW TO BETTER COMMUNICATE WITH RESIDENTS
- 3:00 P.M. 10. CONCLUSION OF STUDY SESSION AND CLOSING COMMENTS
- 3:55 P.M. ADJOURNMENT TO A SPECIAL CITY COUNCIL MEETING
- 4:00 P.M. 1. ROLL CALL Lewis, Dobbie, Marsala, Carlson, McKeithen
- 4:02 P.M. 2. DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY COUNCIL SCREENING COMMITTEE
- Recommendation: Consider language revising Resolution No. 08-24 governing Town Committees and Commissions, concerning powers and duties of the Screening Committee.
- 4:20 P.M. 3. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF ALTERNATES TO CITY COUNCIL STANDING COMMITTEES; THE APPROVAL OF CITY COUNCIL COMMITTEE ASSIGNMENTS
- Recommendation: Consider revisions to Resolution No. 08-24 governing Town Committees and Commissions relating to appointment of alternates to City Council Standing Committees.
- 4:40 P.M. 4. DISCUSSION AND POSSIBLE ACTION REGARDING A PROCEDURE FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON THE CITY COUNCIL AGENDA

Recommendation: Consider language revising Town of Atherton City Council Rules of Procedure relating to placing items on meeting agendas.

5:00 P.M. 5. ADJOURN

Agendas and staff reports may be accessed on the Town website at: www.ci.atherton.ca.us
☛ *Please contact the City Clerk's Office at 650.752.0500 with any questions.* Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



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Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: SPECIAL CITY COUNCIL MEETING OF JANUARY 30, 2009

**SUBJECT: REVISIONS TO CITY COUNCIL RESOLUTION 08-24
RELATED TO SCREENING COMMITTEE**

RECOMMENDATION:

Consider language revising Resolution No. 08-24 governing Town Committees and Commissions, concerning powers and duties of the Screening Committee.

BACKGROUND:

By Resolution No. 08-24 adopted June 18, 2008, the City Council established in one location rules and regulations regarding the ten committees and commissions listed in Section 1 of the resolution. A copy of Resolution No. 08-24 is attached as Exhibit A for reference.

The Screening Committee is described in Section 4, paragraph 8, at page 6 of the resolution and its duties set out as follows:

“Interview all applicants for the Planning Commission and committees and commissions described in Section 1 of this Resolution and make recommendations for appointment(s) to the City Council.”

Should the City Council desire to change the scope of the Screening Committee’s powers and duties, a revision to paragraph 8 would be appropriate. Upon determination of the extent of the committee’s scope and powers, an appropriate amendment to Resolution No. 08-24 can be prepared for consideration and adoption at a subsequent City Council meeting.

Fiscal Impact: None.

Prepared By:

Approved By:

Marc Hynes
City Attorney

Jerry Gruber
City Manager

Attachments: Exhibit A

EXHIBIT A

RESOLUTION NO. 08-24

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
GOVERNING TOWN COMMITTEES AND COMMISSIONS**

WHEREAS, the City Council of the Town of Atherton desires that the most qualified residents of the Town serve on Town committees and commissions consistent with obtaining the broadest representation of the community;

Now, therefore, 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. Arts Committee
2. Atherton Rail Committee
3. Audit Committee
4. Environmental Programs Committee
5. Finance Committee
6. General Plan Committee
7. Park and Recreation Commission
8. Screening Committee
9. Town Center Committee
10. Transportation Committee

Section 2. City Council Rules of Procedure – Staffing – Minutes - Reports.

- All committees and commissions shall follow the City Council Rules of Procedure and the provisions of the California Open Public Meeting Law (Brown Act).
- Each committee or commission shall annually select one of its members to act as Chair and one of its members to act as Vice Chair. In the event a committee or commission is unable to appoint a Chair and/or Vice Chair, the Mayor shall have the authority to make such appointment.
- The City Manager shall have the authority to appoint any Town staff member(s) to serve Town committees and commissions.
- All committees and commissions shall prepare action minutes for the City Council. Draft minutes, that is, unapproved minutes, shall be presented to the City Council as soon as possible following the meeting they report.
- Members of committees and commissions are encouraged to advocate to the City Council their position 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.

- Committees and commissions may provide 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.
- Upon request, an annual report shall be provided to the City Council of committee and commission activities for the preceding year.

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

Members other than City Council Members shall be appointed following recommendation of the Screening Committee and approval 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 appointment of the City Council based upon recommendations of the Screening Committee.

Section 4. Powers and Duties - Composition – Terms.

The powers and duties, along with the composition and terms of the Town's committees and commissions, shall be as described below:

- City Council representatives on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term.
- Appointed 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 minimum two (2) year hiatus.
- Each January, an annual report shall be provided to the City Council of attendance at committee and commission meetings for the preceding calendar year.
- Unexcused absences of members, other than City Councilmembers, from two or more consecutively scheduled meetings shall result in the automatic vacation of the member's office.
- In the event funding for the 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.
- Any requests by a committee or commission for staff work, information, or assistance from Town Staff shall be made to the City Manager.
- Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee or commission.

1. Arts Committee.

The Arts Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in matters regarding art awareness including, without limitation, the following goals and objectives:
 - i. Fulfill the requirements of the Rita Corbett-Evans estate;
 - ii. Develop a unique arts program specific to the needs of

- Atherton and the surrounding community;
- iii. Provide a base and focal point for arts programs in Atherton;
- iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts, as well as crafts.

The Arts Committee shall have the following composition and terms:

Consists of up to ten (10) appointed members. The term of office shall be as follows: Five (5) of the members shall be appointed to a four (4) year term commencing 2008 and ending on April 30, 2012. The remaining members' terms shall be three (3) years commencing 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The Committee meets on the 4th Tuesday of each month at 1:00 p.m. in the Holbrook-Palmer Park Garden Room unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

2. Atherton Rail Committee.

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

- a. Act in an advisory capacity to the City Council upon request in all matters pertaining to rail service in and through the Town;
- b. Research and address the specific impacts that high-speed rail and other rail improvements may have on the Town.

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

Consists of up to twelve (12) members including two (2) Council Members and up to ten (10) appointed members. The term of office for appointed members shall be a four (4) year term commencing 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets on the first Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair. In addition to other members, persons appointed to the Atherton Rail Committee may be appointed to represent and further the interests of Atherton homeowners and particularly those with properties on and along the Caltrain right-of-way. This declaration is made with specific recognition of the provisions of 2 California Code of Regulations Section 18707.4.

3. Audit Committee.

The Audit Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the Town's annual audit;
- b. Provide oversight of the annual audit and present and explain the audit to the City Council with recommendations as to acceptance.;
- c. Advise City Council regarding appointment of outside auditors for annual audit;
- d. Review proposed audit scope with outside auditors prior to commencement of annual audit.

The Audit Committee shall have the following composition and terms:

Consists of five (5) members, including two (2) Council Members of the Finance Committee, and three (3) appointed members. The term of office for all appointed members shall end on April 30, 2008. Thereafter, one term shall be for two (2) years ending in April, 2010. The remaining terms shall be for four (4) years ending in April, 2012. Thereafter, the term of office shall be four (4) years. The committee meets as needed in the Conference Room of the Town Administrative Offices.

4. Environmental Programs Committee.

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

- a. Act in an advisory capacity and 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. Develop and propose to the City Council timely and appropriate action plans for the Town to:
 - (i) environmental issues or threats that become matters of concern for the community;
 - (ii) any regulatory statute or legislative changes or policies coming from the county, state or Federal governments on matters of environmental protection or performance; and
 - (iii) technological advancements that can help the Town address environmental issues, threats or legislative requirements. Such issues would include but not be limited to global warming and carbon dioxide emissions, green building guidelines, conservation and diversion, ABAG policies, PG&E and Allied Waste programs or services, e-waste collection and Earth Day and other environmental events.
- c. 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 shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and ten (10) residents of the Town. The term of office shall be as follows: Five (5) of the appointed members shall be appointed to a two-year term commencing 2007 and ending April 30, 2009. The remaining members' terms shall be four (4) years commencing 2007 and ending April 30, 2011. 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.

5. Finance Committee.

The Finance Committee shall have the following powers and duties:

- a. Act in an advisory capacity and 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;

The Finance Committee shall have the following composition and terms:

Consists of two (2) Council Members. The Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

6. General Plan Committee.

The General Plan Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town planning;
- b. Review the General Plan and make recommendations to the City Council, Planning Commission and Town staff regarding the operation of the ordinances and policies on the subject of Town planning.

The General Plan Committee shall have the following powers and duties:

Consists of two (2) Council Members, two (2) Planning Commissioners and up to five (5) appointed members who are not members of the City Council or Planning Commission. The term of office shall be four (4) years. Planning Commission representatives are selected by the Planning Commission to serve for a term of one (1) year. The committee meets quarterly or more frequently if required on the first Wednesday of the month at 6:00 p.m. in the Town Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

7. Park and Recreation Commission.

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

- a. Act in an advisory capacity and 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, and promote and stimulate public interest therein.

The Park and Recreation Commission shall have the following composition and terms:

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. The term of office for the two (2) members ending April 30, 2008 shall be four (4) years. 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.

8. Screening Committee.

The Screening Committee shall have the following powers and duties:

- a. Interview all applicants for the Planning Commission and committees and commissions as described in Section 1 of this Resolution and make recommendations for appointment(s) to the City Council.

The Screening Committee shall have the following composition and terms:

Consists of two (2) Council Members appointed on a rotational basis so that each member shall serve on the committee before any member serves for a second time. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

9. The Town Center Committee.

The Town Center Committee, an ad hoc committee, shall have the following powers and duties:

- a. Assist the City Council in developing a vision and goals for the Town Center which includes facilities for City Council chambers, Police, Administration, Building, Public Works, Planning and Library functions;
- b. Upon approval of the City Council, the committee may engage Town residents and outside professional services to aid in the visioning process;
- c. Upon approval of the City Council assist in obtaining funds for Town Center improvements.

The Town Center Committee, an ad hoc committee, shall have the following Composition and terms:

Consists of two (2) Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

10. Transportation Committee.

The Transportation Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to transportation within the Town.

The Transportation Committee shall have the following composition and terms: Consists of five (5) members including two (2) Council Members and three 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 City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

This Resolution shall be effective immediately upon adoption. The operative date of this resolution for the General Plan Committee and the Park and Recreation Commission shall be thirty (30) days from and after the date of adoption of the Ordinance rescinding Chapters 2.37 and 2.40 of the Atherton Municipal Code. Resolution 98-06 is hereby rescinded.

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 18th day of June, 2008, by the following vote.

<i>AYES:</i>	<i>4</i>	<i>Council Members: J. Carson, Marsala, Janz, McKeithen</i>
<i>NOES:</i>	<i>0</i>	<i>Council Members: None</i>
<i>ABSENT:</i>	<i>0</i>	<i>Council Members: None</i>
<i>ABSTAIN:</i>	<i>0</i>	<i>Council Members: None</i>

/s/ James R. Janz
James R. Janz, MAYOR
Town of Atherton

ATTEST:

/s/ Kathi Hamilton
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Marc G. Hynes
Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: SPECIAL CITY COUNCIL MEETING OF JANUARY 30, 2009

SUBJECT: APPOINTMENTS OF ALTERNATES TO CITY COUNCIL STANDING COMMITTEES – APPROVAL OF CITY COUNCIL COMMITTEE ASSIGNMENTS.

RECOMMENDATION:

Consider revisions to Resolution No. 08-24 governing Town Committees and Commissions relating to appointment of alternates to City Council Standing Committees.

BACKGROUND:

By Resolution No. 08-24 adopted June 18, 2008, the City Council established in one location rules and regulations regarding the ten committees and commissions listed in the resolution. A copy of Resolution No. 08-24 is attached as Exhibit A for reference in the staff report for Agenda Item 2 and is incorporated here by reference.

City Council Members are appointed to the Atherton Rail Committee, Audit Committee, Environmental Programs Committee, Finance Committee, General Plan Committee, Screening Committee, Town Center Committee and the Transportation Committee. None of the existing committees currently mention alternates for the City Council Member appointees. However, nothing in the resolution appears to prohibit appointment of alternates to any of these committees. A formal recognition of the practice of appointing alternates could be set out in Resolution No. 08-24. If this were done, I recommend that the first bullet of Section 4 appearing on page 2 of Resolution No. 08-24 be revised to read as follows:

“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. Alternates will participate on committees in the absence of the appointed councilmember.”

Should the City Council desire to approve of this revision, an amendment to Resolution No. 08-24 will be presented for consideration and adoption at the next City Council meeting.

Fiscal Impact: None.

Prepared By:

Approved By:

Marc G. Hynes
City Attorney

Jerry Gruber
City Manager

ATHERTON CITY COUNCIL COMMITTEE ASSIGNMENTS

ATHERTON RAIL COMMITTEE

J. Carlson
K. McKeithen
C.Marsala (Alt.)

TOWN CENTER COMMITTEE

C. Marsala
J. Dobbie
E.Lewis (Alt.)

ENVIRONMENTAL PROGRAMS COMMITTEE

C. Marsala
E. Lewis
J. Dobbie (Alt.)

FINANCE COMMITTEE

J. Carlson
K.McKeithen
E.Lewis (Alt.)

GENERAL PLAN COMMITTEE

J. Carlson
J. Dobbie
E.Lewis (Alt.)

SCREENING COMMITTEE

C.Marsala
J. Dobbie

TRANSPORTATION/TRAFFIC COMMITTEE

K.McKeithen
E.Lewis
J.Carson (Alt.)

OTHER GOVERNMENTAL COMMITTEE ASSIGNMENTS

ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)

E. Lewis
C.Marsala (Alt.)

CITY/COUNTY ASSOCIATION OF GOVERNMENTS – C/CAG

J. Carlson
K. McKeithen (Alt.)

HOLBROOK-PALMER PARK FOUNDATION

J.Dobbie
E.Lewis (Alt.)

LEAGUE OF CALIFORNIA CITIES

J. Carlson
K.McKeithen (Alt.)

LIBRARY JPA GOVERNING BOARD (SAN MATEO COUNTY)

K. McKeithen
C.Marsala (Alt.)

PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE

K.McKeithen
C.Marsala (Alt.)

SAN FRANCISCO AIRPORT/COMMUNITY ROUNDTABLE

E.Lewis
J. Dobbie (Alt)

SAN MATEO COUNTY EMERGENCY SERVICES COUNCIL

C. Marsala
K.McKeithen (Alt.)

SAN MATEO COUNTY SUB-REGIONAL HOUSING – POLICY ADVISORY COM.

J. Carlson
J. Dobbie (Alt.)

2020 GATEWAY COMMITTEE

E.Lewis
C.Marsala

GRAND BOULEVARD TASK FORCE

C. Marsla
J. Dobbie (Alt.)



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: SPECIAL CITY COUNCIL MEETING OF JANUARY 30, 2009

SUBJECT: PROCEDURES FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA

RECOMMENDATION:

Consider language revising Town of Atherton City Council Rules of Procedure relating to placing items on meeting agendas.

BACKGROUND:

The Town of Atherton City Council Rules of Procedure, attached as Exhibit A to this report, currently describe the order and preparation of the agenda (paragraph 5 appearing on pages 5 and 6 of Exhibit A). As presently written, the City Manager controls preparation of the agenda. Should the City Council desire to put into place a procedure whereby one or more Councilmembers can request items be placed on an agenda, paragraph 5.2 should be amended accordingly.

To avoid an arguable violation of the Brown Act involving three or more Councilmembers agreeing on an item of business outside a regularly noticed meeting, paragraph 5.2 could be revised to include language authorizing one or two Councilmembers to request placement of an item on an agenda.

Given discussions on this matter, language such as the following would enable any two Councilmembers to have an item placed on an agenda:

“5.1 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager, **provided, however, that any two Councilmembers may request that an item be placed on an agenda. The request shall be delivered in writing to the City Manager no later than one (1) week in advance of any regular meeting at which the item is to be considered. For special meetings, the request must be made at least 48 hours before the time set for the special meeting.**”

Assuming the Council is satisfied with this or similar type of language, an appropriate revision to the City Council Rules of Procedure will be prepared and presented for consideration and adoption by the Council at its next meeting.

Fiscal Impact: None.

Prepared By:

Approved By:

Marc G. Hynes
City Attorney

Jerry Gruber
City Manager

Attachments: Exhibit A

Exhibit A



TOWN OF ATHERTON

CITY COUNCIL

RULES OF PROCEDURE

**As Amended:
June 18, 2008
October 19, 2005
April 16, 2003
First Adopted**

June 19, 2002

RULES OF PROCEDURE

1. Authority

As provided by California Government Code Section 36813, the City Council establishes these Rules of Procedure for the conduct of meetings. The following Rules shall be in effect upon their adoption by the City Council and until such time as they are amended or new rules adopted in the manner provided by these Rules.

2. General Rules

2.1 Public Meetings All meetings (except closed sessions as provided by State law) of the Council shall be open to the public.

2.2 Meeting Dates/Times Regular meetings will be held on the third Wednesday of each month. Adjourned regular or special meetings may be called by the Mayor or a majority of the Council. All regular meetings will convene at 7:00 p.m. unless noticed at a different time by publishing a notice and/or posting a notice as required by Section 5.3.

2.3 Quorum Three members of the Council shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes, and they shall adjourn the meeting to a later set time. If no one is present, the Clerk shall adjourn the meeting to a later date and post notice of that fact pursuant to Government Code Section 36811.

2.4 Compelling Attendance Members must notify the Presiding Officer for the issuance of an "excused absence" when they are unable to attend, which shall be granted. The member may notify the City Manager or City Clerk if the Presiding Officer is not available and the City Manager or City Clerk will notify the Presiding Officer of the request; or it will be noted in the minutes as an unexcused absence. In the event of perpetual absence by members, the Council may adjourn from day to day to compel attendance under the penalties prescribed by law. The seat of a member with two or more consecutive unexcused absences from regular council meetings shall be vacated pursuant to Government Code Section 36513(b).

2.5 Minutes of Proceedings An account of all public proceedings of the City Council shall be recorded by the City Clerk and entered into official minute

books of the Council. These minutes shall be available to the public following approval by the Council.

2.6 Right of Floor Any member desiring to speak shall first be recognized by the Mayor and shall, with the exception of Public Comments, confine any remarks to the subject under consideration.

2.7 Rules of Order Except in cases of conflict with these Rules, Robert's Rules of Order shall be used as a non-binding guide to govern the proceedings of this Council.

2.8 City Manager The City Manager shall attend all meetings of the Council unless excused, and in the City Manager's absence, a designee shall substitute. The City Manager may make recommendations and shall have the right to take part in all discussions of the Council, but shall have no vote.

2.9 City Attorney The City Attorney shall attend all meetings of the Council unless excused, and in the City Attorney's absence, a designee shall substitute. The City Attorney, upon request of the City Council or authorized representatives, shall give opinions, either written or oral, on questions of law and shall act as the Council's parliamentarian.

2.10 City Clerk The City Clerk shall attend all meetings of the Council unless excused, and in the City Clerk's absence, the Deputy City Clerk shall substitute. The City Clerk shall record, prepare and maintain the official record of the Council and perform other related duties as prescribed by the Council and/or City Manager.

2.11 Department Heads/Employees Department Heads/Employees, as described by the City Manager or requested by the Council, shall attend Council meetings.

3. Types of Meetings

3.1. Regular Meetings Unless otherwise designated by the Council, the Council shall meet in the City Council Chambers for all regular meetings. The regular meetings shall begin at 7:00 p.m. on the third Wednesday of each month, unless otherwise specified by posted notice. If the meeting date should fall on a legal holiday, the Council shall meet at a time and date so designated by the Council.

3.2 Adjourned Meetings Any meeting of the City Council may be adjourned to a later date, place, and time provided no adjournment is for a longer period than the next regularly scheduled meeting.

3.3 Special Meetings Special meetings may be called by the Mayor or by a majority of the Councilmembers. The call for a special meeting must specify

the day, hour, and place and shall specify the subject(s) to be considered. Twenty-four hours notice must be given prior to the meetings. Only matters specified in the notice may be discussed at special meetings. Notice shall be posted as required by law.

3.4 Closed Session Meetings Closed sessions, formerly referred to as Executive Sessions, may be held in accordance with the provisions of the Brown Act (Government Code Section 54954.5).

3.5 Study Session Meetings The Council may meet informally in Study Sessions called by the Mayor or the majority of Councilmembers. Study Sessions are open to the public and are meetings for purposes of the Brown Act. Council may not take any formal action at study session meetings. Meeting notice requirements are contained in Section 2.2.

3.6 Media Attendance All meetings (except Closed Sessions) of the City Council and Commissions shall be open to the media, and may be recorded by tape, radio, television, and photography, provided such recordings do not interfere with orderly conduct of the meetings.

4. Mayor - Duties

4.1 Mayor The Mayor is elected by members of the Council for a one-year period. No member shall serve as Mayor for consecutive terms. The City Council shall meet at least annually to choose one of its members as Mayor.

4.2 Vice Mayor The Vice Mayor shall be selected annually by a Council majority vote. No member shall serve as Vice-Mayor for consecutive terms.

4.3 Presiding Officer The Mayor, if present, shall preside. In the Mayor's absence, the Vice Mayor shall preside. In the absence of both, the Councilmembers present shall elect a temporary Presiding Officer.

4.4 Call to Order The Mayor or Vice Mayor shall call the meeting to order at the hour appointed. In the absence of both, the meeting shall be called to order by the City Clerk and those Councilmembers present shall proceed to elect a temporary Presiding Officer.

4.5 Preservation of Order The Presiding Officer shall preserve strict order and decorum, shall prevent verbal attacks on Councilmembers, staff, and/or citizens, and confine debate to the item under discussion.

4.6 Point of Order The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the entire Council. If an

appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?"

4.7 Motion to be Stated The Presiding Officer shall state all motions submitted for a vote and announce the result. A roll call vote shall be taken upon ordinance, resolution, and at the request of any member.

4.8 Mayor Proclamations Mayor Proclamations will be issued at the discretion of the Mayor for various purposes including:

- A. Recognizing individuals and organizations whose contributions and achievements have community-wide significance;
- B. Calling public attention to a significant community event, service or program;
- C. Highlighting a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

Mayor Proclamations do not need formal Council action or approval and individual Councilmembers can request through the Mayor that proclamations be issued. All public requests for proclamations should be directed to the City Manager or Mayor for review.

It will be at the discretion of the Mayor to determine whether it is appropriate to present the proclamation at a Council meeting.

Proclamations will be issued to recognize legitimate and significant community achievements, contributions, and occasions. These forms of recognition are not intended for partisan, commercial or narrow individual purposes which are inconsistent with the overall policies of the City Council.

5. Order/Preparation of Agenda

5.1 Order of Business

- 1. Call to Order, Pledge of Allegiance, Roll Call
- 2. Presentations
- 3. Council Reports
- 4. Public Comments
- 5. Staff Reports
- 6. Community Organization Roundtable Report
- 7. Consent Agenda
- 8. Regular Agenda/Public Hearings

9. Public comments
10. Adjournment

5.2 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager. The agenda shall be delivered to the Mayor, Councilmembers, and Library after 5:00 p.m. on the Friday preceding the Wednesday meeting. Council materials are available for public review at the Library the Saturday, and at the City Administrative Office beginning on the Monday, before the regular Wednesday Council meeting.

5.3 Agenda Posting The City Clerk shall post an agenda at least 72 hours before a regular meeting at the following locations: (a) Atherton Town Offices, 91 Ashfield Road (lobby); (b) Atherton Branch Library, 2 Dinkelspiel Lane; (c) Atherton Train Station Bulletin Board; (d) Rosewood @ Green Oaks Bulletin Board; (e) Atherton @ Selby Lane Bulletin Board, (f) Town Council Chambers, 94 Ashfield Road. The agenda shall specify the time, date, and location of the meeting and contain a brief description and proposed action of each item of business to be transacted or discussed at the meeting.

5.4 Minutes Unless requested by Council, minutes may be approved without reading if the City Clerk previously furnished a copy to each member and the Library.

5.5 Public Comments (See also Citizens' Rights, Section 6) During Public Comments, any person may address the Council, provided that the item (1) is of interest to the public and is within the subject matter jurisdiction of the Council and (2) is not otherwise on the agenda.

5.6 Consent Agenda Items listed under the Consent Agenda are those items staff believes will not require Council discussion and are routine in content. Also listed under the Consent Agenda are resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action. Items may be removed by any Councilmember for separate discussion for clarification and/or upon request by any member of the public who wishes to speak on that item.

5.7 Regular Agenda/Public Hearings Items requiring a public hearing will be noticed as required by law.

5.8 Actions Limited to Posted Agenda The City Council shall not take action on any item not appearing on the posted agenda except under the conditions permitted by Government Code Section 54954.2 (Brown Act).

6. Citizens' Rights

6.1 Addressing the Council

(1) Any person may address the Council on the following portions of the agenda:

- (a) Public Comments, as provided in Section 5.5.
- (b) Public hearings, as provided in Sections 8.1 and following.
- (c) When invited by the Mayor, all other portions of the agenda prior to the vote, if any, being taken.

(2) The following shall apply:

- (a) Each person addressing the Council shall step to the podium and give their name and address (optional) for the record.
- (b) A time limit may be imposed by the Council on each speaker depending on the subject matter. (Exception: See "Public Hearing Procedures" under Section 8.1 and following.)
- (c) All remarks shall be directed to the Mayor and Council as a body and not to any particular member.
- (d) No person, other than members of the Council and the person having the floor, shall be permitted to enter into the discussion.
- (e) No question shall be asked of Councilmembers except through the Mayor.

6.2 Personal and Slanderous Remarks Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous may be requested by the Mayor to leave the meeting. The Mayor shall discourage demonstrations before the Council, such as applauding or "booing". Upon instructions by the Mayor, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the Mayor's judgment, has violated the rules of conduct and has disrupted the meeting. The Mayor appoints a person to fulfill the responsibilities of the Sergeant-at-Arms at the beginning of each meeting if he/she deems it to be necessary.

6.3 Reading of Protests Interested persons, or their representatives, may address the Council for the reading of protests, petitions or communications relating to the matter under consideration if a majority of the Council agree that the person should be heard.

6.4 Written Communications Any citizen may submit written comments to the Council through the City Clerk or City Manager's office and request that Council receive copies in the agenda packet provided such written comments are received four business days before the scheduled Council meeting. Written comments can be filed with the City Clerk or City Manager's office up to the time of the meeting and distributed to the Council at the meeting.

6.5 Printed Materials Printed materials contained in the agenda packet will be available upon request after the meeting is adjourned. There may be a copy charge, based on the Town's current copy fee, if printing is necessary. If the action taken requires retyping, the document will be available in Town Hall the next business day, as soon as the retyping is complete.

7. Ordinances, Resolutions and Contracts

7.1 Document Preparation All ordinances and resolutions shall be approved by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or prepared by the City Attorney on the City Attorney's own initiative.

7.2 Document Approval All ordinances, resolutions, and contracts shall, before being placed on the agenda, be approved as to form and legality by the City Attorney. Additionally, all these documents shall be reviewed by the City Manager.

7.3 Ordinance Introduction/Adoption Except as to urgency ordinances, unless a member requests a full reading, a proposed ordinance will be introduced by the reading of the title only. Ordinances introduced by first reading shall not be adopted within five days of the introduction or at other than regular Council meetings. If the ordinance carries an emergency clause, introduction and adoption may occur at the same meeting.

7.4 Majority Vote Required An affirmative vote of at least a majority of a quorum of the Council shall be necessary to adopt an ordinance. Urgency (emergency) ordinances must be adopted by the affirmative vote of at least four members of the Council. Resolutions, motions, and any other matters may be adopted by the majority present.

7.5 Ordinance Preservation Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, and post according to law. The ordinance shall be filed and preserved in the City Clerk's office.

8. Procedures Regarding Public Hearings

8.1 Introduction Mayor announces subject of the public hearing.

8.2 Staff and Written Material Presentation

1. Staff summary report and other written material included in the agenda packet is received and filed. Written comments not in the agenda packet (e.g. protests, etc.) are noted for the record.
2. Written material not in the agenda packet, if any, is received and filed.
3. Staff report, if any, is presented by staff member.
4. Staff responds to Councilmember questions.
5. Mayor declares the public hearing open.

8.3 Public Comment

1. Purpose is to provide opportunity to concerned members in the audience who wish to testify in support or opposition to the matter being heard.
2. Mayor instructs members of the audience: (a) speak from the podium; (b) to give their name and address (optional) before speaking; (c) a time limit for each speaker may be designated; and (d) that repetition should be avoided.
3. The applicant/representative will normally speak first.
4. Questions by speakers will be noted prior to Council deliberation.
5. Mayor declares the public hearing closed.

8.4 Council Deliberations

1. After the Mayor has determined that no other member of the audience wishes to speak, the matter is returned to the City Council for deliberation.
2. The Council may ask questions of speakers for clarification.
3. The Council makes a motion and debates.

8.5 Council Action

1. Council at this time may re-open and continue the public hearing.
 - (a) This should be done if any additional information is requested (e.g. a staff report).
 - (b) Continuing a public hearing to a specific date does not require additional notice.
2. Council may:
 - (a) Vote on the item;
 - (b) Offer amendments or substitute motions and re-open the hearing allowing additional public comment;
 - (c) Continue the matter to a later date for a decision. (Note: no additional reports or testimony may be received after the hearing has been closed).

9. City Council Committees

- 9.1 Establishment – Appointment of Council Members Thereto. At the regular meeting in January, the Mayor shall appoint Council members to serve on various committees for a one year term. Committees shall be created and members appointed thereto in accordance with rules and regulations set out by the City Council by Resolution No.08-24 and as amended.
- 9.2 Appointment of Voting Members to City Council Committees. Appointment of voting members to City Council Committees shall proceed as provided by the terms and provisions of separate resolution and as amended. Committees shall be created and members appointed thereto in accordance with rules and regulations set out by the City Council by Resolution No.08-24 and as amended.
- 9.3 City Council Review of Town Committee Decisions. City Council Members on Town committees may bring any decision of the committee to the full City Council for final determination. Pending such action by the full City Council, any such decision shall be suspended.

9.4 Committees of City Council.

a. Standing Committees: Any standing committee of the Council shall be subject to the same rules of procedure as the City Council. Each standing committee is comprised of two Council Members appointed by the Mayor, and is staffed by the appropriate staff members. The standing committees are:

1. Atherton Channel Drainage District Committee.

Consisting of three members including two Council Members, and one resident of the Town. The committee meets on an as needed basis in the City Council Chambers.

2. Audit Committee. Consisting of seven members,

including two Council Members of the Finance Committee, and five residents of the Town. The committee meets quarterly in the Conference Room of the Town Administrative Offices.

3. Budget and Finance Committee. Consisting of two

Council Members. The Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

4. Buildings and Facilities Committee. Consisting of two

Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

5. Transportation Committee. Consisting of five members

including two Council Members and three residents of the Town. The committee meets quarterly on the second Tuesday of the month at 6:00 p.m. in the City Council Chambers.

6. Screening Committee. Consisting of two Council

Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

7. Waste Reduction and Recycling Committee.

Consisting of five members including two Council Members and three residents of the Town. The committee also includes the City Manager, Town Arborist, a SBWMA representative, and a representative of the franchise waste hauler. 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.

b. Ad Hoc Committees. Any ad hoc committee of the Council shall be subject to the same rules of procedure as the City Council. Each ad hoc

committee is comprised of two Council Members appointed by the Mayor, and is staffed by the appropriate staff members. The ad hoc committees are:

1. Cal Train Corridor Committee. Consisting of thirteen members including two Council Members and up to eleven residents of the Town. The committee meets on the first Tuesday of each month at 7:00 p.m. in the City Council Chambers.

9.5 City Council Review of City Council Committee Decisions. City Council Members on City Council-appointed committees may bring any decision of the committee to the full City Council for final determination. Pending such action by the full City Council, any such decision shall be suspended.

10. Suspension and Amendment of These Rules

10.1 Suspension Any provision of these rules not already governed by the Atherton Municipal Code may be temporarily suspended by a majority vote by the Council.

10.2 Amendment These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Council provided the proposed amendment or new rules are introduced into the record at a prior Council meeting.

11. Miscellaneous Rules

11.1 Roll Call Votes Upon demand by any Councilmember, made before the "Nays" are called for, a roll call vote shall be taken on the motion before the Council. The Mayor's name shall be called last with other members' names called at random by the City Clerk. Members shall not give explanations for their vote during roll call.

11.2 Silence During a collective vote ("Ayes", "Nays" or "Abstain"), silence by any member denotes an affirmative vote.

11.3 Continuance of an Item

1. Continuance by a Councilmember: Any Councilmember may, with the consent of the Council, continue an item (not subject to a deadline) to the next agreed upon meeting. If the Councilmember will not be in attendance at the meeting, the Councilmember's request to continue an item should be personally conveyed to the Mayor or City Manager prior to the meeting.

2. **Continuances Requested by Someone Not a Councilmember:**
Anyone may request a continuance of an item by the Council. A request for a continuance may be granted by vote of the Council only if it finds that (1) the need for the continuance was beyond the control of the person requesting it, and (2) the need for the continuance arose after (a) the date of the notice of public hearing was published if the item is subject to a public hearing, or (b) the time the Council agenda was posted for items not subject to a public hearing.

11.4 **Personal Privilege** The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the Councilmember is in question, or where the welfare of the Council is concerned. The Councilmember may not interrupt the speaker, however, until recognized by the Mayor

11.5 **Protests** Any member shall have the right to enter into public record reasons for dissent or protest against any action carried by the majority.

11.6 **Motion to Reconsider** A motion to reconsider any action taken by the Council may be made in accordance with the following:

1. The motion must be made by a member of the prevailing side, although it may be seconded by any Councilmember.
2. The motion must be made prior to the adjournment of the meeting at which the original action was taken.
3. The motion is debatable and has precedence over a pending motion.

11.7 **Representations of Town and/or City Council policy**

Council members shall not represent themselves as speaking on behalf of the Town and/or the City Council without prior approval of the City Council. The statements of previously approved City Council policy may be made without additional City Council approval.

12. Rules of Debate

12.1 **Mayor as Presiding Officer** The Mayor may move, second, and debate from the Chair, and shall not be deprived of any rights and privileges of a Councilmember.

12.2 **Appeals** Any ruling of the Mayor may be appealed at the request of a Councilmember. The Mayor shall call for a roll call vote to determine if the ruling is upheld.

12.3 Precedence of Motions When a motion is before the Council, no motion shall be addressed except for the following:

- Motion to Amend
- Motion to Postpone
- Motion to Table

1. A Motion to Amend may be debated on the subject of the amendment. An amendment which modifies the motion before the Council is proper. If the intent of the Motion before the Council is changed by the amendment, a substitute Motion should be made. Amendments are voted on first. Upon the completion of these votes, the original motion as amended is voted upon. A motion may be amended more than once. Each amendment to a motion is voted on separately. There shall be only one motion to amend on the floor at any one time.
2. A Motion to Postpone. Adoption of a Motion to Postpone ends discussion of the matter which is postponed. A Motion to Postpone an item to a definite time is debatable. The motion also may be amended. Debate and the subject of the amendment must relate to the propriety of postponement and/or the time set for the postponement.
3. A Motion to Table results in temporarily passing by the item which is the subject of the motion. An item which has been tabled may be returned to the agenda at any time before the adjournment of the next regular meeting. If the item has not been taken from the table by that time, the item is deemed rejected.

APPROVED AS TO FORM:

/s/ Marc G. Hynes

Marc G. Hynes, City Attorney