



AGENDA
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
MARCH 26, 2009

9:00 A.M
TOWN COUNCIL CHAMBERS
94 Ashfield Road
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. Please arrive well in advance of the time listed for any item in which you are interested.*

- 9:00 A.M. 1. **PLEDGE OF ALLEGIANCE**
- 9:02 A.M. 2. **ROLL CALL** Lewis, Dobbie, Marsala, J. Carlson, McKeithen
- 9:05 A.M. 3. **PUBLIC COMMENTS** *(This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances. Speakers' time is limited to three minutes.)*

REGULAR AGENDA (Items)

- 9:15 A.M. 4. **DISCUSSION AND POSSIBLE ACTION REGARDING COMMITTEE/COMMISSION PROCESS AND SCHEDULING A SPECIAL MEETING FOR INTERVIEWS** *(Continued from the Regular City Council meeting of March 18, 2009)*

Recommendation: Staff recommends scheduling a Special City Council meeting to interview applicants for the Arts, Audit, General Plan, and Rail Committees and the Transportation Subcommittee.

- 9:30 A.M. 5. **ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2008-2009** *(Continued from the Regular City Council meeting of March 18, 2009)*

Recommendation: Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2008-09; Consider Options to Balance the General Fund.

- 10:00 A.M. 6. **PROCEDURES FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA** (*Continued from the Regular City Council meeting of March 18, 2009*)
- Recommendation:** Consider revisions to the Town of Atherton City Council Rules of Procedure paragraphs 5.1 and 5.2 regarding Agenda preparation.
- 10:15 A.M. 7. **REVISE CITY COUNCIL RESOLUTION 09-09 BY AMENDING THE RESOLUTION TO REQUIRE REGULARLY SCHEDULED MONTHLY FINANCE COMMITTEE MEETINGS** (*Continued from the Regular City Council meeting of March 18, 2009*)
- Recommendation:** Amend Resolution No. 09-09 to require regularly scheduled monthly Finance Committee Meetings
- 10:30 A.M. 8. **APPOINTMENT OF AN AD HOC SUBCOMMITTEE OF TWO COUNCIL MEMBERS FOR LEGAL TRANSITION**
- Recommendation:** The Atherton City Council to consider selecting and appointing a legal transition Ad-Hoc Council Subcommittee.
- 10:40 A.M. 9. **ATHERTON CITY COUNCIL TO CONSIDER ENDING CITY COUNCIL MEETINGS AT A DESIGNATED TIME**
- Recommendation:** Consider ending City Council meetings at a designated time.
- 10:55 A.M. 10. **APPOINTMENT OF DESIGNATED CITY COUNCIL REPRESENTATIVES FOR NEGOTIATIONS WITH THE CITY MANAGER** (*Continued from the Regular City Council meeting of March 18, 2009*)
- Recommendation:** Appoint two members of the City Council as the Council's representatives to discuss possible modifications to the Town's contract with the City Manager.
- 11:10 A.M. 11. **COUNCIL REPORTS**
- 11:20 A.M. 12. **PUBLIC COMMENTS**
- 11:30 A.M. 13. **ADJOURN**

PLEASE NOTE THE FOLLOWING INFORMATION:

If you challenge a Town zoning, planning, or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any Town administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection by 5:00 p.m. the Friday before each regularly scheduled City Council meeting at the Atherton Library, 2 Dinklespiel, Station Lane, and the Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027. Additionally, agendas and staff reports may be accessed on the town website at: www.ci.atherton.ca.us

In compliance with SB 343, materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the Town Administrative Offices, 91 Ashfield Road, during normal business hours.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)

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
JEROME GRUBER, CITY MANAGER**

FROM: KATHI HAMILTON, ACTING CITY CLERK

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: STATUS REPORT OF CURRENT OPENINGS ON
COMMITTEES/COMMISSIONS AND REQUEST TO SCHEDULE
A SPECIAL CITY COUNCIL MEETING TO INTERVIEW
APPLICANTS**

RECOMMENDATION:

Staff recommends scheduling a Special City Council meeting to interview applicants for the Arts, Audit, General Plan, and Rail Committees and the Transportation Subcommittee.

BACKGROUND:

In June of 2008, the City Council adopted Resolution No. 08-24 governing Town Committees and Commissions. While the resolution was under discussion, some Committee terms were extended while others expired. The Screening Committee recommended procedures for implementing the Resolution No. 08-04. The Resolution had changed the number of members of the Audit Committee and provided for staggered terms on other committees. These procedures were approved on the Consent Calendar at the September 2008 City Council meeting. In most cases, sitting members continued to serve on a "hold-over" basis until new appointments could be made.

State law generally requires that openings on the Committees and Commissions must be advertised to the general public before appointments, or re-appointments, can be made upon the expiration of a term. (Government Code Section 54970-54975, commonly known as the Maddy Act.) When a vacancy occurs mid-term, special vacancy notices must be published or posted.

Following the Council's action in September, staff began a recruitment process. Letters were sent to the current members of the Transportation and Audit Committees asking if they wished to reapply for new terms, and applicants were solicited from the general

public for the Arts, Audit, and Rail Committee and the Transportation Subcommittee. A vacancy notice was given for Elizabeth Lewis's unexpired term on the General Plan Committee. The Town is currently advertising for applicants for the Planning Commission, Environmental Programs Committee, and the additional vacancies on the Arts and Rail Committees.

ANALYSIS:

Staff has prepared a matrix of all committees/commissions showing current members, when they were first appointed, when their terms expire/expired, and what vacancies exist. This matrix includes members continuing to serve the Town on a hold-over basis after the expiration of their current terms.

Based on the recruitment process, the following people are available to be interviewed for appointment to the following committees:

- Arts Committee: (7 vacancies) Larry Colof
- Audit Committee: (3 vacancies) Dr. Sam Goodman, Randy Lamb, Rose Hau
- Rail Committee: (4 vacancies) Jim Janz, Julia Quinlan
- Transportation Subcommittee:
(3 vacancies) Katherine Morganroth, Louis Paponis,
John Ruggeiro, Richard Moore, Larry
Sweeney, Erv Ericksen

General Plan Committee: (1 vacancy) Jim Massey, Thom Bryant, David Henig

On the regular annual schedule of appointments, one term on the Planning Commission is expiring April 30, 2009. The terms of the three current members of the Environmental Programs Committee will also expire on April 30, 2009; there are also seven vacancies on that committee. A recruitment process is underway and potential applicants have until Friday, March 27, 2009, to apply. The current members of the Environmental Programs Committee have been sent letters asking if they would like to reapply. Council will need to schedule a special meeting sometime in April in order to make timely appointments to terms that begin on May 1, 2009.

FISCAL IMPACT:

Cost for advertising openings in the *Almanac*.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Attachments: Committee/Commission Matrix
 Recruitment Ads
 Vacancy Notice
 Resolution No. 08-24
 Staff Report from August 20 and September 17, 2008 City Council
 meeting

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

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Arts Committee	Five members appointed to a four-year term commencing in 2008 and ending April 30, 2012. Remaining five terms for three years, commencing in 2008 and ending on April 30, 2011. Current members' terms were extended for a four-year term.	
Members	First Appointed	Term Expires
Jean Schaaf	05/09/01	04/30/2012
Samira Nawas-Plesman	07/18/01	04/30/2012
Betty Ullman	10/21/04	04/30/2012
Vacant		04/30/2012
Vacant		04/30/2012
Vacant		04/30/2011

Audit Committee	Consists of five members, including the two Council Members of the Finance Committee, and three members appointed by Council. One term shall be for four years expiring April 30, 2010. One Term for four years ending April 30, 2012.	
Members	First Appointed	Term Expires
Michael G. Barsotti	05/01/04	04/30/2008
Mason Brutschy	05/01/04	04/30/2008
Alfred M. Dau	05/01/05	04/30/2008
Dr. Sam Goodman	05/01/04	04/30/2008
Monica Ip	05/01/05	04/30/2008

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

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Environmental Programs Committee		
Five members appointed to a two-year term commencing in 2007 and ending April 30, 2010. Remaining five terms for four years, commencing in 2007 and ending on April 30, 2011. Current members' terms were extended for a two-year term.		
Members	First Appointed	Term Expires
Todd Beardsley	10/18/06	04/30/2009
Valerie Gardner	11/15/06	04/30/2009
Frank Merrill, Jr.	07/25/07	04/30/2009
Vacant (Bob Jenkins)	Unexpired term	04/30/2009
Vacant		04/30/2009
Vacant		04/30/2011

General Plan Committee		
Consists two Council Members, two Planning Commissioners, and up to five appointed members who are not members of the City Council or Planning Commission.		
Members	First Appointed	Term Expires
Randy Lamb	05/01/06	04/30/2010
Todd Beardsley	11/17/04	04/30/2010
Carol Smith	06/20/07	04/30/2011
Elizabeth Plaschke	06/20/07	04/30/2011
Vacant (Elizabeth Lewis)	Unexpired term	04/30/2010

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

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Park and Recreation Commission	Consists of seven appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames.	
Members	First Appointed	Term Expires
John P. Davey	05/01/03	04/30/2011
David Wright	12/19/07	04/30/2012
Shirley Carlson	12/18/02	04/30/2012
Diane Crittenden (Dames)	05/01/07	04/30/2009
Clarice Merrill (HPPF)	05/01/07	04/30/2009
William Awbrey	07/18/07	04/30/2011
Marylue Timpson	07/18/07	04/30/2011

Planning Commission	Five members, each a resident of the Town, appointed by and serving at the pleasure of the City Council	
Members	First Appointed	Term Expires
Marion Oster	05/09/01	04/30/2009
Kristi Waldron	05/01/04	04/30/2012
Herman Cristensen	05/01/07	04/30/2011
Philip Lively	05/01/07	04/30/2011
William Grindley	06/18/08	04/30/2012

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

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Rail Committee*	Consists of up to ten members, each a resident of the town. Five members shall be appointed to a four-year term commencing in 2007 and ending on April 30, 2011. The remaining five members shall be four-year terms.	
Members	First Appointed	Term Expires
Mike McPherson	11/19/03	04/30/2011
Philip Lively	11/19/03	04/30/2011
Greg Conlon	02/18/04	04/30/2011
Arthur (Jack) Ringham	12/17/03	04/30/2011
Rosemary Maulbetsch	12/17/03	04/30/2011
Malcolm Dudley	12/17/03	04/30/2011
Vacant		04/30/2011

*The Resolution did not specify how to stagger terms; terms are for four years commencing in 2007.

Transportation/Traffic Subcommittee*	Consists of three appointed members whose terms expired in January 2008. Terms are for four years. New appointments would be for terms commencing in 2008 and ending April 30, 2012.	
Members	First Appointed	Term Expires
John Ruggeiro	04/2003	01/08
Louis Paponis	04/2003	01/08
A. Erwin Ericksen	05/21/08	01/08



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

**FROM: KATHI HAMILTON, ACTING CITY CLERK
MARC G. HYNES, CITY ATTORNEY**

DATE: FOR THE MEETING OF AUGUST 20, 2008

**SUBJECT: RECOMMENDATIONS FROM THE SCREENING COMMITTEE
REGARDING A PROCESS FOR COMMITTEES/COMMISSIONS
APPOINTMENTS/RECRUITMENT TO CONFORM TO
RESOLUTION 08-24**

RECOMMENDATION:

Approve the recommendations of the Screening Committee on a process to fill those terms that have expired or have been extended and/or recruit for new members on Committees/Commissions.

BACKGROUND:

Council adopted Resolution No. 08-24 to govern Committees/Commissions at its June 18, 2008, meeting. While the resolution was under discussion, some Committee Members' terms were extended while Council determined the composition of the resolution, while others' terms expired. The next step is to develop a process to recruit for those vacancies and/or expiration of terms for some committees. Staff sent a memo to the Screening Committee outlining Alternatives one and two for each of the subject committees (attached) and asking for recommendations on how to proceed. The Screening Committee has made the following selection of the respective alternative (either one or two) as listed below.

ANALYSIS:

Arts Committee: Resolution No. 08-24 established that membership can be up to ten members, five members appointed to a four-year term commencing in 2008 and ending April 30, 2012, and the remaining members' terms shall be three years commencing in 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are three members on the Arts Committee.

Alternative one: Extend the current members' terms for four years and recruit for two members for a four-year term and five members for a three-year term, to be interviewed by the Screening Committee and approved by Council.

Atherton Rail Committee: Resolution No. 08-24 established that membership consists of two Council Members and up to 10 residents of the Town. The term of office for appointed members shall be a four-year term commencing in 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four-years. Currently, there are six appointed residents on the Rail Committee.

Alternative one: Since the four-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2011. Recruit for new members.

Audit Committee: Resolution No. 08-24 established that the Audit Committee consists of five members, including two Council Members of the Finance Committee, and three members appointed by Council. The term of office for all members ended on April 30, 2008. Thereafter, one term shall be for two years ending April 2010. The remaining terms shall be for four years ending April 2012; thereafter, the term office shall be four years. Currently, there are five appointed members of the Audit Committee.

Alternative two: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

Environmental Programs Committee: Resolution No. 08-24 established that the EPC consists of up to 12 members, including two Council Members and ten residents of the Town appointed by Council. Five of the appointed members shall be appointed to a two-year term commencing in 2007 and ending April 20, 2009. The remaining members' terms shall be four years commencing in 2007 and ending April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are four appointed members on the EPC.

Alternative one: Since the two-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2009. Recruit for new members, one term for two years ending in 2009, four terms for four years, ending in 2011.

Transportation/Traffic Subcommittee: The Transportation/Traffic Subcommittee consists of five members including two Council Members and three appointed members. The term of office is for four years. Currently, there are three appointed members on the Subcommittee. One member was appointed in May 2008. The other two terms expired in 2008.

A New Alternative: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

If Council approves the Screening Committee's recommendations, staff will proceed with a recruitment process with publication of a notice in the Almanac, on the Town's website, in posting locations.

FISCAL IMPACT:

If Council approves the Screening Committee's recommendations, cost for advertising in the *Almanac* will be incurred, as well as staff's time to administer the process.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Marc G. Hynes
City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

**FROM: KATHI HAMILTON, ACTING CITY CLERK
MARC G. HYNES, CITY ATTORNEY**

DATE: FOR THE MEETING OF SEPTEMBER 17, 2008

**SUBJECT: RECOMMENDATIONS FROM THE SCREENING COMMITTEE
REGARDING A PROCESS FOR COMMITTEES/COMMISSIONS
APPOINTMENTS/RECRUITMENT TO CONFORM TO
RESOLUTION 08-24**

RECOMMENDATION:

Approve the recommendations of the Screening Committee on a process to fill those terms that have expired or have been extended and/or recruit for new members on Committees/Commissions.

BACKGROUND:

At the City Council meeting of August 20, 2008, this item was removed from the Consent Calendar for discussion. Council discussion and subsequent direction was for the Screening Committee to submit all the candidates for the Audit Committee and the Traffic/Transportation Subcommittee to the full Council for consideration and appointment. The Council did not, however, approve the recommended process for recruitment for those committees with vacancies and expiration of terms.

ANALYSIS:

The item is being returned on this agenda for Council approval of the Screening Committee's recommendations. Staff will proceed with a recruitment process with publication of a notice in the Almanac, on the Town's website, and in posting locations.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Attachments



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

**FROM: KATHI HAMILTON, ACTING CITY CLERK
MARC G. HYNES, CITY ATTORNEY**

DATE: FOR THE MEETING OF AUGUST 20, 2008

**SUBJECT: RECOMMENDATIONS FROM THE SCREENING COMMITTEE
REGARDING A PROCESS FOR COMMITTEES/COMMISSIONS
APPOINTMENTS/RECRUITMENT TO CONFORM TO
RESOLUTION 08-24**

RECOMMENDATION:

Approve the recommendations of the Screening Committee on a process to fill those terms that have expired or have been extended and/or recruit for new members on Committees/Commissions.

BACKGROUND:

Council adopted Resolution No. 08-24 to govern Committees/Commissions at its June 18, 2008, meeting. While the resolution was under discussion, some Committee Members' terms were extended while Council determined the composition of the resolution, while others' terms expired. The next step is to develop a process to recruit for those vacancies and/or expiration of terms for some committees. Staff sent a memo to the Screening Committee outlining Alternatives one and two for each of the subject committees (attached) and asking for recommendations on how to proceed. The Screening Committee has made the following selection of the respective alternative (either one or two) as listed below.

ANALYSIS:

Arts Committee: Resolution No. 08-24 established that membership can be up to ten members, five members appointed to a four-year term commencing in 2008 and ending April 30, 2012, and the remaining members' terms shall be three years commencing in 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are three members on the Arts Committee.

Alternative one: Extend the current members' terms for four years and recruit for two members for a four-year term and five members for a three-year term, to be interviewed by the Screening Committee and approved by Council.

Atherton Rail Committee: Resolution No. 08-24 established that membership consists of two Council Members and up to 10 residents of the Town. The term of office for appointed members shall be a four-year term commencing in 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four-years. Currently, there are six appointed residents on the Rail Committee.

Alternative one: Since the four-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2011. Recruit for new members.

Audit Committee: Resolution No. 08-24 established that the Audit Committee consists of five members, including two Council Members of the Finance Committee, and three members appointed by Council. The term of office for all members ended on April 30, 2008. Thereafter, one term shall be for two years ending April 2010. The remaining terms shall be for four years ending April 2012; thereafter, the term office shall be four years. Currently, there are five appointed members of the Audit Committee.

Alternative two: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

Environmental Programs Committee: Resolution No. 08-24 established that the EPC consists of up to 12 members, including two Council Members and ten residents of the Town appointed by Council. Five of the appointed members shall be appointed to a two-year term commencing in 2007 and ending April 20, 2009. The remaining members' terms shall be four years commencing in 2007 and ending April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are four appointed members on the EPC.

Alternative one: Since the two-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2009. Recruit for new members, one term for two years ending in 2009, four terms for four years, ending in 2011.

Transportation/Traffic Subcommittee: The Transportation/Traffic Subcommittee consists of five members including two Council Members and three appointed members. The term of office is for four years. Currently, there are three appointed members on the Subcommittee. One member was appointed in May 2008. The other two terms expired in 2008.

A New Alternative: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

If Council approves the Screening Committee's recommendations, staff will proceed with a recruitment process with publication of a notice in the Almanac, on the Town's website, in posting locations.

FISCAL IMPACT:

If Council approves the Screening Committee's recommendations, cost for advertising in the *Almanac* will be incurred, as well as staff's time to administer the process.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Marc G. Hynes
City Attorney



DEADLINE EXTENDED!

TOWN OF ATHERTON COMMITTEES RECRUITMENT WE NEED YOU!

The Town of Atherton invites dedicated volunteers to submit an application for the following committees:

ARTS COMMITTEE (2 terms expiring April 30, 2012; 5 terms expiring April 30, 2011):

The Arts Committee assists the City Council and the Park and Recreation Department in matters that pertain to arts programs, classes, workshops, performances, and other arts activities, as may be directed by the City Council. Each member serves at the pleasure of the City Council. The committee meets monthly.

AUDIT COMMITTEE (2 terms expiring April 30, 2010; 1 term expiring April 30, 2012):

One example of the Audit Committee's duties is to act in an advisory capacity and make recommendations to the City Council, upon request, in all matters pertaining to the Town's annual audit.

ENVIRONMENTAL PROGRAMS COMMITTEE (1 term expiring April 30, 2009; 5 terms expiring in April 30, 2011):

One example of the Environmental Programs Committee's duties is to 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.

RAIL COMMITTEE (4 terms expiring April 30, 2012)

The Rail Committee acts in an advisory capacity to the City Council, upon request, in all matters pertaining to rail service in and through Town and researches and addresses the specific impact that high-speed rail and other rail improvements may have on the Town.

TRANSPORTATION/TRAFFIC SUBCOMMITTEE (1 terms expiring April 30, 2011; 2 terms expiring April 30, 2012)

The Transportation/Traffic Subcommittee shall act in an advisory capacity and make recommendations to the City Council, upon request, in all matters pertaining to transportation within the Town.

Applicants must be Atherton residents and registered voters of the Town of Atherton. **Please submit your application to the City Clerk's office. Positions will be open until filled.**

For more information or to obtain an application, contact Kathi Hamilton, Acting City Clerk, Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027, phone (650) 752-0529, e-mail: khamilton@ci.atherton.ca.us. Applications may be downloaded from the Town website at <http://www.ci.atherton.ca.us/armm.html>



PUBLIC NOTICE
NOTICE OF VACANCIES

Notice is hereby given that the Town of Atherton encourages residents to apply for a position on the Environmental Programs Committee to fill an unexpired term of a Committee Member as noted below. Additionally, there is a position available on the General Plan Committee. The positions have been vacated.

ENVIRONMENTAL PROGRAMS COMMITTEE

Robert Jenkins appointed 10/06 vacated 11/01/08

The unexpired term expires on April 30, 2009. Members of the committee 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. Regular meetings are scheduled quarterly on the first Wednesday at 10:00 a.m., in the Conference Room of the Town Administrative Offices, at 91 Ashfield Road.

GENERAL PLAN COMMITTEE

Elizabeth Lewis appointed 05/06 vacated 12/02/08

The unexpired term expires on April 30, 2010. Members of the committee act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town planning, as well as 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. Meetings are held quarterly on the first Wednesday, at 6:00 p.m., in the Council Chambers, at 94 Ashfield Road.

Applications are available on the Town website at:

http://www.ci.atherton.ca.us/COMM_APP_Master_2005.pdf or in the Town Administrative Offices and will be accepted in the Town Administrative Offices, 91 Ashfield Road, until the positions are filled.

Dated: December 5, 2008

Kathi Hamilton
Acting City Clerk



TOWN OF ATHERTON COMMITTEES/COMMISSIONS RECRUITMENT

Join us and Make a Difference

The Town of Atherton invites dedicated volunteers to submit an application for the following committees:

ARTS COMMITTEE (7 vacancies, 5 terms expiring April 30, 2011; 2 term expiring April 30, 2012):

The Arts Committee assists the City Council and the Park and Recreation Department in matters that pertain to arts programs, classes, workshops, performances, and other arts activities, as may be directed by the City Council. Each member serves at the pleasure of the City Council for an indefinite term. The committee meets monthly.

ENVIRONMENTAL PROGRAMS COMMITTEE (7 vacancies; 5 terms expiring April 30, 2009; 5 terms expiring April 30, 2011)

The Environmental Programs Committee acts in an advisory capacity and makes recommendations to the City Council 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

PLANNING COMMISSION (1 term expiring April 30, 2009):

The Planning Commission is authorized by the California Government Code. The powers and duties of the Planning Commission as set forth in the Government Code. The Commission is the Town's administrative agency for zoning issues. Each commissioner must file a public "Statement of Economic Interests" form annually.

RAIL COMMITTEE (4 Vacancies, terms expiring April 30, 2011)

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.

Applicants must be Atherton residents and registered voters of the Town of Atherton. **Applications must be received in the City Clerk's Office by Friday, March 27, 2009.**

For more information or to obtain an application, contact Kathi Hamilton, Acting City Clerk, Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027, phone (650) 752-0529, e-mail: khamilton@ci.atherton.ca.us. Applications may be downloaded from the Town website, <http://www.ci.atherton.ca.us/armm.html>



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR
BUDGET ADJUSTMENTS FOR FY 2008-09; CONSIDERATION OF
OPTIONS TO BALANCE THE GENERAL FUND**

RECOMMENDATION

Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2008-09; consider Options to Balance the General Fund.

DISCUSSION

The first mid-year budget review for FY 2008-09 was conducted on the February 18, 2009, City Council meeting. At the meeting, the City Council directed staff to bring back proposals to reduce the projected \$2,147,416 budget shortfall in the General Fund. Since then, the Management Team worked hard and is pleased to report that with the additional increase in revenues of \$101,313 and reductions in operating expenditures of \$534,276, the projected General Fund budget shortfall is decreasing by \$635,589 to \$1,511,827.

Change in General Fund Revenues

Excess Educational Revenue Augmentation Fund (ERAF) has been increased by \$79,162 to reflect the actual amount received from the County of San Mateo.

Planning Department is projecting a \$10,000 increase in the zoning and planning fees.

Changes in General Fund Expenditures

With the combined efforts of various General Fund Departments, staff was able to reduce General Fund expenditures by \$534,276 (or \$431,228, net of legal and non-department expenditures increase).

Changes in Expenditures – Other Funds

Administrative Services

To pay for the assistance provided by MuniServices in the business license refund process, staff is seeking City Council approval for a \$25,000 flat fee to MuniServices. The refund process is complex and time consuming.

Road Impact Fees

Expenditures have been increased by \$1,319 to cover the 10% contingency approved on January 21, 2009, for the Road Impact Fee Study.

Special Parcel Tax

The polling and consulting cost has decreased from \$40,000 to \$20,000.

Storm Drainage

If the City Council would like to go forward with a fee study, the estimate cost including engineering consultation is \$40,000. Since the storm drainage fee is a property related-fee under Proposition 218, the study is a pre-requisite to any change in the fee.

Tennis Fund

The Public Works Director is requesting an additional appropriation of \$13,852 to cover the ongoing operating expenditures. The use of \$13,028 from the reserve fund is necessary to fund the appropriation.

FISCAL IMPACT

The attached exhibits provide a review of revenues and expenditures history for the Town. In sum, staff is projecting a deficiency of General Fund revenues over expenditures by \$1,516,827. In order to have a balanced budget as required by law, the use of General Fund reserve (fund balance) will be necessary to make up for the deficiency unless alternative can be developed. Five options are listed in Exhibit D for City Council consideration. Option #5 was added after discussion with the Vice Mayor on March 12, 2009.

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome Gruber, City Manager

Attachment:

- Resolution of the City Council of the Town of Atherton Approving Mid-year 2008-09 Budget Adjustment
- Exhibit A General Fund Mid-Year 2009 Revenues & Expenditures Review
- Exhibit B General Fund Mid-Year 2009 Supplemental Expenditure Request
- Exhibit C Other Funds Mid-Year 2009 Supplemental Request
- Exhibit D General Fund Balancing Options
- Staff Report and Exhibit A, B, and C from February 18, 2009

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON APPROVING MID-YEAR BUDGET ADJUSTMENTS
FOR FY 2008-09**

WHEREAS, it is the goal of the City Council to continue to provide the highest level of cost-effective service to Atherton's residents within the funds available; and,

WHEREAS, the City Council annually conducts a mid-year budget review to ascertain the performance of all City departments in meeting their budget objectives, review revenue trends and make budgetary adjustments for unforeseen and emergency expenses; and,

WHEREAS, the City Council wishes to modify the FY 2008-09 budget to reflect that mid-year budget review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2008-09 Town Budget to enact the changes identified on Exhibit A, B, and C, attached hereto.

This Resolution shall be effective immediately upon adoption.

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 _____th day of _____, 2009, by the following vote.

*AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:*

ATTEST:

Jerry Carlson, MAYOR
Town of Atherton

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 18, 2009

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR
BUDGET ADJUSTMENTS FOR FY 2008-09**

RECOMMENDATION

Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2008-09.

DISCUSSION

To prepare for the mid-year budget review for FY 2008-09, staff is using a very conservative approach in projecting revenues and is relying on financial data which is still being reconciled. As a result, the projection may be the best estimate at the present time.

Revenues

Due to the current economic climate and the need to refund two years of business license tax, staff is recommending that the General Fund revenues for FY 2008-09 be adjusted down by (\$2,049,004). The most significant revenue adjustments are to reduce the business license revenue by (\$1,105,000) and building permit revenue by (\$500,000).

In addition, supplemental property tax projection and document transfer tax are being reduced by (\$85,000) and (\$50,000) to reflect the current housing market condition. Sales tax projection is reduced by (\$68,000) to reflect the level of sales activities. Investment income is projected to be lower by (\$200,000) due to the low interest rate.

SMIP fee is a fee collected on behalf of other agency and should not be considered as income. Therefore, the SMIP fees projected for FY 2008-09 is being adjusted to zero.

Due to the funding cut for the REACT Task Force, (\$84,180) is being reduced from the REACT reimbursement income. To make up for the loss of revenue, the Police Department is reducing their expenditure budget by the same amount.

When the City Council approved the CA State 911 phone upgrade, \$96,606 was the total cost of the Zetron system which was budgeted in the Police Department expenditure budget, with a \$54,500 reimbursement income to be received from the State of California. Staff found out that the State is going to reimburse the \$545,00 directly to the vendor. As a result, the reimbursement revenue projected and the Police Department expenditure budget are being reduced to reflect the change.

Expenditures – General Fund

Based on the seven month actual expenditures data, all the City departments with the exception of Legal (City Attorney) are expected to come within budget approved. Although the City Manager Department consisting of City Manager, City Clerk, and Human Resources is showing a higher expenditures at January 31, 2009. This department is managing the budget and is expected to come within budget.

To ensure that legal invoices can be paid, staff is requesting an additional \$100,000 to fund the remaining months of legal services till June 30, 2009.

Planning budget will be increased by \$5,783 for Pacific Municipal Consulting expanded services for zoning code update which have been approved previously by City Council.

Police Department is participating in the “Click IT or Ticket” program and is requesting an additional overtime budget of \$15,000 which will be reimbursed by the program grant.

It seems that the retiree health care costs have not been properly budgeted in FY 2008-09. Staff is recommending that the City Council appropriate \$97,200 to cover the costs in the Non-Department budget.

In addition, a \$23,745 budget is needed for the interim work to be performed by Maze & Associates for the FY 2008-09 audits which will occur in June 2009.

Expenditures – Other Fund

To pay for the approved Disaster Preparedness Committee request for communication van and other accessories, staff is recommending that the City Council appropriate \$40,000 from the Equipment Operation Fund #610.

To pay for the NBS cost allocation plan and fee study, business license refund assistance from MuniServices, and Nicolay Consulting to perform the GASB 45 (retiree health care cost) study,

staff is recommending that the City Council appropriate \$67,400 from the Administrative Services Fund #612 to pay for these services which have been previously approved by the City Council.

The Town is in desperate need for a new financial software to replace the current DOS software that is cumbersome and not efficient. Both the Finance staff and management team could not get accurate financial information to make informed decision. Staff is recommending that the City Council appropriate \$64,300 from the Computer Services Fund #611 to cover the first installment and training costs for the acquisition of Springbrook, two servers to replace outdated servers, a tracking system for internet use. For the Springbrook purchase, staff is submitting a separate staff report and contract on the February 18, 2009 agenda for City Council review and approval.

To prepare for the upcoming expiration of the Special Parcel Tax and the issue with Road Impact Fee, staff is recommending that the City Council appropriate \$40,000 from the Special Tax Fund #201 to pay for the polling and consulting services to assist the Town. Discussion will be made with City Council before the fund is used. Staff is also recommending that the City Council appropriate \$13,190 from the Road Impact Fee Fund #204 to engage the service of Kimley-Horn for the road impact study.

FISCAL IMPACT

The attached exhibits provide a review of revenues and expenditures history for the Town. In sum, staff is projecting a deficiency of General Fund revenues over expenditures by (\$2,147,416). In order to have a balanced budget as required by law, the use of General Fund reserve (fund balance) will be necessary to make up for the deficiency unless alternative can be developed. It is important that as a sound fiscal policy, the Town continues to maintain a healthy fund balance to weather down turn in the economy.

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome Gruber
City Manager

Attachment:

- Resolution of the City Council of the Town of Atherton Approving Mid-year 2008-09 Budget Adjustment
- Exhibit A General Fund Mid-Year 2009 Revenues & Expenditures Review
- Exhibit B General Fund Mid-Year 2009 Supplemental Expenditure Request
- Exhibit C Other Funds Mid-Year 2009 Supplemental Request



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY ATTORNEY

DATE: FOR THE MEETING OF MARCH 18, 2009

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

RECOMMENDATION:

Consider revisions to the Town of Atherton City Council Rules of Procedure paragraphs 5.1 and 5.2 regarding Agenda preparation.

INTRODUCTION:

At its special meeting of January 30, 2009, the City Council adopted three motions concerning the preparation of the agenda and directed the City Attorney to propose modifications to the Council's *Rules of Procedure*. The three modifications concerned:

- Written requests from a Council Member for placement of an item on a future agenda for discussion and possible action.
- Placement of items on the agenda by a committee or commission [other than those described in Section 9.3 of the *Rules of Procedure*].
- Joint requests from two Council Members to the City Manager for placement of an item on the agenda for discussion and possible action. The motion specifies that:
 - the item will be placed on the agenda "for discussion" within two meetings
 - it will consume no more than thirty minutes of staff time [before the meeting]
 - there will be no more than one such item per meeting
 - there will be an "up or down" vote at the meeting

At its February 2009 meeting, the Council considered proposed amendments to Section 5 of its *Rules of Procedure* on Order/Preparation of Agenda. After discussion, a motion was made:

to request that the City Attorney review the issue of Council Members and committees requesting items to be placed on the agenda with the intent that items can be placed on an agenda for consideration by the Council, but with the understanding to clear up the language to make it consistent and understandable to the Council and the public.

An amendment was proposed:

to direct the City Attorney to take the three motions voted on and passed at the January 30, 2009, Special City Council meeting and wordsmith such that they are clearer but the intent is left intact.

Both the amendment and main motion passed unanimously.

ANALYSIS:

California's Open Meeting Law, (the Brown Act) has for some years forbidden the Council to discuss or act on an item not listed on an agenda published before its meeting, except in very limited situations. This amendment to the Brown Act was to make sure that the public and the press has a chance to address the Council before important decisions were made. It had the unintended consequence of reducing the ability of a Council to respond promptly to matters of community concern. This is especially marked in a Town like Atherton, which has one regularly scheduled meeting a month. (The Council frequently holds additional special meetings, but they, too, are limited to matters published on an advance agenda.)

In revising its procedure, the Council is working within an existing legal and organizational framework in which:

- The City Manager is responsible for the preparation of the Council Agenda. (*Rules of Procedure Section 5.2*).
- Any Council Member (or member of the public) may make a request at a Council meeting to add an item to a future agenda. Council Members may not discuss the subject matter of the request but may vote on whether to place it on a future agenda (The Brown Act).
- The Mayor or any three Council Members may call a special meeting to discuss a matter specified in the call for the special meeting (The Brown Act and Section 3.3 of the *Rules of Procedure*.)
- Only the Council as a whole may direct expenditures of staff time and other city resources. (Atherton Municipal Code Chapter 2.12.).

After reviewing the Council's previous directions and the draft minutes of the February meeting, and consulting with the City Manager, the following proposed modifications have been drafted:

A. Modification of Section 5.1 - Order of Business

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 Round Table
7. Consent Agenda
8. Regular Agenda/Public Hearings
9. Public comments.
10. **Future Agenda Items**
11. Adjournment.

Analysis: Every Council Member has the right to request, at a Council Meeting, that the Council schedule consider one or more items on a future agenda. However, the Brown Act forbids any consideration of the item itself. This prohibition includes extensive discussion of *placing* an item on the agenda, whether by the proposer or by the rest of the Council. We suggest that the Council add a new section to its Order of Business, Item 10, "Council Consideration of Future Agenda Items," at the end of the meeting. In this section of the meeting, the Mayor would ask if any member had any requests for additions to future agendas. Any member with such a request would describe the matter briefly and move that it be placed on a future agenda. If the proposal received a second, the Council would vote on adding the matter to a future agenda. By law, discussion would be limited to brief requests for any needed clarification and inquiry to the city manager on the availability of time on upcoming agendas. If a majority of the council members present voted in favor, the item would be added to a future agenda. Unless otherwise directed by City Council, Town staff would prepare a staff report for the agenda item when it returned to the Council.

Because the Brown Act permits any two members of the Council to discuss a matter of City business with each other, so it would also be permissible for two members to decide in advance that they would request placement of an item under this provision.

B. First Modification of Section 5.2 -Agenda Preparation (Committee/Commission Request)

5.2 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager.

1. When a Town Committee or Commission passes a motion at its meeting requesting Council consideration of an item that is within that Committee or Commission's powers and duties, the City Manager shall place

the item on a Council agenda no later than two regular meetings following the date of the request.

Analysis: Section 9.5 of the Rules of Procedure authorizes a Council Member who sits on a Committee to bring any decision of the Committee to the Council for a decision. The proposed amendment addresses a request from a Committee, or a Commission, to have the Council consider a matter that is within its area of responsibility but on which it has not made a decision. The request would be made by motion at a scheduled meeting of the Committee or Commission.

C. Second Modification of Section 5.2 – Agenda Preparation (Colleagues' Memo).

5.2 Agenda Preparation. The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager.

2. If two or more Council Members prepare a colleagues' memo, the City Manager shall place the item on the Council's agenda within two meetings. The item shall be placed at the end of the Regular Agenda/Public Hearings portion of the Agenda. A colleague's memo is a written request, no more than two pages in length, presenting an item for consideration and action by the entire Council. Council Members are encouraged to share a draft of the memo with the City Manager prior to final review and shall consult with the City Attorney on the legal adequacy of the title. Completed colleague's memos shall be provided to the City Clerk noon on the Tuesday of the week before the Council meeting at which the item is to be placed on the agenda. It is the Council's policy that colleagues' memos should be analytic and informative. No Council Member shall participate in the preparation of more than one colleague's memo per Council meeting.

Analysis: This procedure enables any two Council Members to place an item on the agenda for discussion and possible action. Consultation with the City Attorney is intended to insure that the agenda item's title gives adequate notice to the public. Review by the City Manager is to permit him to provide relevant information for consideration by the colleagues in their drafting of the request. The procedure does not contemplate any significant use of staff time in preparing the colleagues' memo.

A direction on an "up or down" vote has not been included. This appears to be a matter more appropriately handled by the Council's Rules of Debate in Section 12.

FISCAL IMPACT:

No fiscal impact is anticipated.

Prepared By:

Approved by:

/s/ Wynne Furth

Wynne Furth
City Attorney

Jerry Gruber
City Manager

Attachments:

City Council Rules of Procedure.



**Town of Atherton
Office of the Mayor and
City Council**

91 Ashfield Road
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**TO: HONORABLE MAYOR CARLSON AND CITY COUNCIL
MEMBERS DOBBIE AND MCKEITHN**

**FROM: ELIZABETH LEWIS, COUNCILMEMBER
CHARLES MARSALA, COUNCILMEMBER**

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: AMEND CITY COUNCIL RESOLUTION 09-09 BY AMENDING
THE RESOLUTION TO REQUIRE REGULARLY SCHEDULED
MONTHLY FINANCE COMMITTEE MEETINGS**

RECOMMENDATION:

Amend Resolution No. 09-09 to require regularly scheduled monthly Finance Committee Meetings

BACKGROUND:

As stated at recent City Council study sessions and meetings, Council Members Elizabeth Lewis and Charles Marsala believe it would be in the best interests of the Town to have regularly scheduled Finance Committee meetings. Interested residents would be able to plan ahead and attend. Further, it would be beneficial to the majority of resident's schedules to have these meetings begin no earlier than 6:00 p.m. in the evening.

FISCAL IMPACT:

None.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER CITY MANAGER

DATE: FOR THE MEETING OF MARCH 26, 2009

SUBJECT: SELECT AND APPOINT A LEGAL TRANSITION AD-HOC COMMITTEE.

RECOMMENDATION

The Atherton City Council to consider selecting and appointing a legal transition Ad-Hoc Council Subcommittee.

INTRODUCTION

The Atherton City Council recently hired McDonough Holland & Allen PC and Wynne Furth as the Town's new City Attorney. Wynne and I met to discuss what tools could be implemented to ensure that the transition for the new attorney was effective, efficient, cost-conscious and allowed for effective communication between the City Council and the new City Attorney. It was agreed that to accomplish these goals, a good method would be to form a Legal Transition ad-hoc subcommittee of the Council.

ANALYSIS

The Legal Transition ad-hoc subcommittee could meet monthly for a limited period of time to discuss matters such as Council priorities for its legal staff, legal costs, budget and updates. We propose that the subcommittee be in place for approximately six months. The City Attorney would continue to inform the entire Council, either in public or closed sessions, and through public and privileged written reports, of all matters of legal concern. The subcommittee would be a valuable resource for the new City Attorney in learning more about Atherton and its government. Meetings would be

scheduled at a regular time convenient to Council Members that does not require the City Attorney to make a special trip from Oakland to Atherton.

FISCAL IMPACT

The Town pays for legal services outside of its monthly retainer at the hourly rates specified in its contract with McDonough Holland and Allen PC. The City Attorney does not propose to bill for subcommittee meeting time during its anticipated six-month duration.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME GRUBER, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 26, 2009

**SUBJECT: ATHERTON CITY COUNCIL TO CONSIDER ENDING
CITY COUNCIL MEETINGS AT A DESIGNATED TIME**

RECOMMENDATION:

Consider ending City Council meetings at a designated time.

INTRODUCTION:

At the March 18, 2009, City Council meeting, Councilmember Dobbie made a motion that was passed to end the City Council meeting at 10:15 p.m. The following day, I received a message from Vice Mayor McKeithen voicing her concerns regarding the length of the City Council meetings and requested that ending the City Council meetings at a designated time be placed on the next agenda. On Friday March 20, 2009, I spoke with Councilmember Dobbie who also voiced his concerns regarding the length of the meetings and asked if the item could be placed on the next agenda for discussion. Since the Council only meets once a month and the agendas are historically very full, Council may want to consider a methodology that does not create a back log of agenda items that need further discussion. These items in many instances need immediate attention and could be addressed by conducting an additional Council meeting.

ANALYSIS:

The Atherton City Council could consider the following options:

1. Starting the City Council meetings earlier.

2. Ending the City Council meetings earlier.
3. Specifically allocated and designated amount of time for Council meetings.

FISCAL IMPACT:

There would be no fiscal impact unless staff was required to schedule and coordinate a second Council meeting to complete items that were addressed at the first Council meeting.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: WYNNE FURTH, CITY ATTORNEY

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: APPOINTMENT OF DESIGNATED REPRESENTATIVES
FOR NEGOTIATIONS WITH CITY MANAGER**

RECOMMENDATION:

Appoint two members of the City Council as the Council's representatives to discuss possible modifications to the Town's contract with the City Manager.

BACKGROUND:

The Ralph M. Brown Act (Government Code Section 54950 and following) authorizes the City Council to meet in closed session to evaluate the City Manager. However, the evaluation process may not include discussion of compensation. A separate clause of the Brown Act, Government Code Section 54957.6 authorizes the City Council to meet in closed session with its designated representatives regarding the compensation of represented and unrepresented employees.

Staff recommends that the City Council appoint two members of the Council to serve as the Council's designated representatives in negotiation with the City Manager following its recent evaluation of the City Manager.

FISCAL IMPACT:

None.

Prepared By:

Approved:

Wynne Further
City Attorney

Jerome D. Gruber
City Manager