

TOWN OF ATHERTON



A HANDBOOK FOR MEMBERS OF THE CITY COUNCIL

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1. INTRODUCTION

Congratulations on your election to office! You have an exciting and very important job ahead of you. As a City Councilmember you are in a key position of leadership in dealing with the many challenges facing the Town of Atherton. Towns and cities perform many of the functions which are of most immediate concern to citizens. These include essential services public safety, sewer and storm drainage, and capital improvement projects.

As City Councilmember's, you share an authority which lends you great influence over the determination of the quality of life of your fellow citizens. The community looks to the City Council to help protect it against a host of natural, social and economic challenges; as well as for providing an attractive and healthy place to live. To fulfill these responsibilities, the City Council enacts local laws, sets policies that direct Town programs and establishes budget priorities.

This handbook has been prepared to provide a convenient source of information about the functions and activities of the City Council. It is intended to assist Councilmembers in carrying out their roles, as well as to provide useful information to prospective Councilmembers and other interested citizens.

2. GENERAL INFORMATION

2.1 Geography and Demographics

Atherton is a small, rural, and residential community, with no commercial or industrial land-use base. Native live oaks, white oaks, bays, redwoods, cedars, pines and other ornamental trees cover the six square miles of town.

Atherton's population is 6,995 according to the 2011 census. In October 2012, there were 5,052 registered voters and approximately 2,500 households. The median age is 48.2 years.

2.2 The History of Atherton

In 1866, Atherton was known as Fair Oaks, and was a [flag stop](#) on the California Coast for the Southern Pacific Railroad between [San Francisco](#) and [San Jose](#) for the convenience of the owners of large estates living north of [Menlo Park](#). The entire area was called Menlo Park. It was part of the [Rancho de las Pulgas](#), which is now southern [San Mateo County](#).

In 1923, Menlo Park wanted to incorporate its lands to include Fair Oaks. During a meeting of the representatives of the two communities, the Fair Oaks property owners maintained their community as a strictly residential area and they would incorporate independently. Both groups rushed to Sacramento but the Fair Oaks committee arrived first. It was at that time they realized that they could not keep the name Fair Oaks, as it was already the name of a town near Sacramento. It was decided to honor Faxon Dean Atherton who had been one of the first property owners in the south peninsula and name the Town for him. Atherton was incorporated on September 12, 1923.

[Faxon D. Atherton](#), originally from Massachusetts, had spent several years as a trader in tallow, hides and merchandise. His friend and business associate, Thomas Lark had written to him about the opportunities, for family and business, on the San Francisco peninsula. Atherton purchased over 600 acres in 1860. His home, "Valparaiso Park", was built several years later.

With the development of the railroad, other San Franciscans established summer homes further south. The dirt roads were usually treacherous in the winter and the families would only visit May through September.

The Mayor of San Francisco, Thomas H. Selby, purchased over 400 acres and called his estate "Almendra". John T. Doyle, an attorney, also built a home off Middlefield Road, "Ringwood". [James C. Flood](#), owner of "Linden Towers" is now known as Lindenwood. The Joseph A Donohoe estate was "Holmgrove" and is now the site of Menlo Atherton High School. James Thomas Watkins' home was "Fair Oaks" which stands today on Alejandra Avenue, after being moved twice.

Edward E. Eyre reigned as first Mayor and in 1928, the residents voted to build a Town Hall, which is still in use today. The early residents sought to build a Town that would be divided into large parcels and would not contain businesses. During the 1920s and 1930s a few of the large land holdings were subdivided, including James Floods' estate in 1938. In the 1940s and 1950s over eighty subdivisions were recorded bringing the era of large estates to a close. Atherton is still a "plain of oaks". Native live oaks, white oaks, bays, redwoods, cedars, pines

and other ornamental trees cover the six square miles of town. There are approximately 50 miles of roads. Ms. Olive Holbrook-Palmer left Holbrook-Palmer Park, a 22 acre parcel, to the Town in 1958. It is an open, tree-covered park, which offers recreational programs and has facilities for functions.

2.3 The General Plan

The General Plan guides the future development of the Town, describes the desired character and quality of the community, sets forth the goals that govern the Town, and states the policies that the Town government will follow to achieve those goals. The Plan's primary goals are to preserve and enhance Atherton as a scenic, rural residential community, to conserve the natural environment and its open space, to protect people and their property from exposure to hazards, to assure access to utility services, to abate noise, to manage and maintain the Town's system of roads, trails, and paths. A copy of the Plan is on file with the City Clerk and on the Town's website (<http://www.ci.atherton.ca.us>), and interested parties are encouraged to peruse it.

2.4 The Municipal Code

The Atherton Municipal Code is the systematized collection of regulatory, penal, and administrative laws of general application. The City Council modifies the Municipal Code by introducing and adopting ordinances in public meetings (see Chapter 1). The Municipal Code serves as the basic law of the Town. The Municipal Code is available for review from the City Clerk and is also on the Town's website.

3. THE STRUCTURE OF TOWN GOVERNMENT

Atherton is a general law city operating under a council-manager form of government. This provides the Town with policy direction from the City Council and professional administration and policy implementation through the City Manager. Approximately 80% of the towns and cities in California operate under general law, which means they are organized pursuant to state law concerning town government structure contained in the State of California's Government Code.

The general law system of municipal government provides that the Town has no powers except those it receives under a constitutional or statutory grant of authority. The powers so granted are enumerated in Article XI of the California Constitution, which provides two kinds of powers for general law towns. These kinds of powers are the power to regulate people's actions (known as regulatory power) and the power to provide services for the benefit of the Town's inhabitants (known as commercial power).

3.1 The City Council

The City Council is the legislative body of the Town of Atherton, with all the regulatory and corporate powers provided under California state law. The City Council provides the policy direction that guides the operation of the Town, adopts ordinances and resolutions that constitute the local laws of the Town, and sets the Town's priorities through the adoption of an annual budget and the provision of direction to the City Manager. The City Council represents the Town's residents through these actions and through the conveyance of constituent requests and concerns to the Town staff. The City Council also appoints members

to its advisory committees and commissions.

3.2 City Council Meetings

All meetings (except closed sessions as provided by State law) of the Council shall be open to the public. The regular meetings of the City Council are held on the third Wednesday of each month at 7:00 p.m. The regular meeting place of the City Council is 94 Ashfield Road, Atherton, California. If the regular meeting should fall on a legal holiday, the Council shall meet at a time and date so designated by the Council.

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.

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.

Closed Session Meetings

Authorized closed sessions may be held in accordance with the provisions of the Brown Act (Government Code Section 54954.5).

Study Session Meetings

The Council meets informally on an as-needed basis on the first Wednesday of the month at 4:00 p.m. for study session meetings. Further, 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.

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.

City Council has established Rules of Procedures for the conduct of Council meetings. These rules are included with the handbook as Appendix A.

3.3 Election of Councilmembers

The five members of the City Council are elected at-large to four year terms. Elections occur in November of even-numbered years and the terms are staggered so that no more than three City Council seats are up for election at any one time. New City Councilmembers are sworn in at the first regular meeting after election results are available for canvas, which is usually the December meeting.

3.4 Subcommittees

The Mayor may create and appoint members to standing subcommittees of the City Council with the approval of the Council for the purpose of studying specific issues in more detail and reporting back to the Council with data and recommendations, or ad hoc subcommittees for limited specific purposes without Council approval. All standing subcommittees are subject to the provisions of the Brown Act, while ad hoc subcommittees are not.

3.5 Vacancies

Vacancies occasionally occur as a result of death, resignation or the departure of a Councilmember from the Town. When a person has ceased to be a resident of the Town, that person's office immediately becomes vacant. The City Council must appoint a replacement or call for a special election within sixty days of the occurrence of the vacancy. The special election shall be held on the date of the next regularly established election (provided by State law) or the next regularly established general municipal election to be held throughout the Town. In either case, the special election may not be held less than 114 days from the call of the special election.

3.6 Election of Mayor and Vice Mayor

The Mayor and Vice Mayor are elected from among the Councilmembers by a majority vote of the members of the Council. They serve for a one-year period and at the pleasure of the Council. They may be relieved of their duties by a majority vote of the City Council taken at a duly noticed Council meeting.

3.7 Mayor

The Mayor presides at the City Council meetings and represents the Town as the official head of the Council on public and ceremonial occasions. Other than administrative duties set forth in the Municipal Code, the Mayor and Vice Mayor shall have no additional powers or authority different from other members of the City Council. The principal qualification for the position of Mayor is the ability to effectively preside at meetings. This requires tact, courtesy, and familiarity with parliamentary procedures. The responsibility of the Mayor is to direct the discussion and deliberation of the matters at hand. The Mayor should encourage the input of ideas, clarify ideas, and restate motions in order that all members understand the item on which they are voting. It is the Mayor's responsibility to ensure that the Council is operating within the confines of all applicable rules and regulations. Since the Mayor must preside over meetings, he or she must maintain a certain degree of impartiality and be sure to allow all views on an issue to be expressed. However, the Mayor may also participate in debate, expressing his or her own views, and may make or second motions.

3.8 Vice Mayor

The Vice Mayor acts in the Mayor's absence.

3.9 Presiding Officer

In the absence of both the Mayor and the Vice Mayor, the Councilmembers shall elect a temporary Presiding Officer by majority vote.

3.10 City Manager

The City Manager is appointed by the City Council and is responsible to the City Council as a whole, not to individual Councilmembers. The City Manager serves as the chief executive of the Town, administering its day-to-day affairs. The Manager's responsibilities include enforcement of the Town's laws; preparation and submission of the annual budget to the City Council for approval; hiring, discipline, and dismissal of staff; direction and organization of staff in the execution of Council policies; provision of information and recommendations to the Council; and investigation of complaints concerning the Town's administration. The City Manager attends all meetings of the Council and has the right to take part in all discussions of the Council, but has no vote.

3.11 City Attorney

The City Attorney is appointed by the City Council. The City Attorney acts as legal advisor to the City Council, City Manager, the various Town departments, and all Town commissions, committees and boards. The City Attorney prepares and approves for legality all proposed Town ordinances, resolutions, contracts and other legal documents. The Attorney also represents the Town in litigation and prosecutes violations of the Municipal Code.

3.12 City Clerk

The City Clerk is appointed by the City Manager. The Clerk serves as the Secretary to the City Council at meetings, performs the official recordation of City Council actions, and composes the minutes. The Clerk administers and organizes all municipal elections and coordinates the filing of Political Reform Act conflict of interest statements. The Clerk also manages the Town's records and is responsible for the care and custody of all official records and documents of the Town. Those records include all Town deeds, contracts, leases, ordinances, resolutions, minutes, and the Municipal Code. The Clerk publishes public notices and ordinances as required by law and assists staff and the public in researching information contained in the Town's official records. The Clerk is responsible for ensuring timely responses to Public Records Act requests.

4. VOLUNTEER POSITIONS

The voluntary participation of Atherton's citizens in the operation of the Town government is critical to the City Council's and the Town staff's success in serving the community. The City Council has established several commissions and committees composed mainly of volunteers. Volunteers to specific commissions or committees are appointed by the City Council and charged with the responsibilities of gathering, synthesizing, and analyzing the information relevant to their areas of responsibility and providing the City Council and Town staff with advice and recommendations. The Council and staff rely on this advice for the development and execution of Town policies. Citizen involvement is the hallmark of Atherton government, and the Town encourages all residents to participate.

4.1 Commissions and Committees

A resolution governing committees and commissions has been adopted by City Council and is periodically updated. The resolution includes principles and rules of procedures, appointment

and funding information, and powers and duties of each active committee and commission. The Planning Commission is established by Atherton Municipal Code Chapter 2.36 and the California Government Code.

A list of citizen advisory bodies can be found on the Town's website by accessing the Town Roster of Committees and Commissions and is set forth in a Resolution which establishes and governs Town Committees and Commissions. All citizen advisory bodies are subject to the provisions of the Brown Act. These bodies are charged with the following responsibilities:

- Advise the City Council and the City Manager on matters within their area of responsibility and interest, as prescribed by the City Council and its ordinances and resolutions.
- Help focus attention on specific issues and problems within their scope of responsibilities and recommend actions and alternatives for Council consideration.
- Act as channels of communication and information between Town government and the general public, including groups with interests related to the work of the advisory bodies.
- Consider and assist in reconciling contradictory viewpoints and provide direction toward achievement of Town-wide goals.
- Encourage citizen participation in the definition and formulation of Town goals and actions for their achievement.
- Balance community desires with municipal responsibilities and resources.

4.2 Qualifications and Appointment to Office

Interested citizens who live within the Town of Atherton are encouraged to submit applications for positions on committees and commissions. The application form is available from the Town staff and includes space for the applicant to state the qualifications, experience, and skills which he or she can bring to the service of the Town. Applications may be submitted at any time. Completed forms are kept on file at Town Hall and may be considered by the City Council when vacancies occur.

Notice of openings and requests for applications for committees and commissions are posted and published annually in "The Almanac", Town website, through e-mail blasts and, if timely, in "The Athertonian". Regular appointments to all bodies are made by the City Council in June of each year at a duly noticed meeting of the City Council. Requests for applications for candidates to fill unexpected vacancies, which occur from time to time, can be solicited when the vacancies arise, or during annual solicitation which typically begins 2-3 months before term expirations.

The members of committees and commissions are appointed by simple majority vote of the City Council.

When making commission and committee appointments, the City Council will favor applicants who do not already belong to another commission or committee. The Council seeks a diversely representative body of membership for each board, commission, and committee so that there will be a broad balance of views. Rather than fill an advisory panel with people who are all dedicated to the same ideas or goals, the Council will attempt to assemble groups of applicants with a variety of interests and experience. Similarly, the Council will attempt to select members from across the Town's geographically diverse make-up. For all of the Town's citizen advisory bodies, the City Council may decide to refrain from appointing candidate(s) if, in its judgment, the qualifications and/or experience of the candidate(s) are insufficient.

When this occurs, the City Clerk will again advertise the vacant position(s) involved and the appointment process will be included on a subsequent City Council agenda.

The Town is grateful for the service of members of a committee or commission, recognizing that the service to the community is voluntary. Even so, it is important to understand the legal requirements that apply to the role because failure to comply may result in stiff penalties. Committee/commission representatives: the City Clerk, the City Attorney, or the City Manager are available to assist with any questions. Their job is to ensure that representatives are able to do the job freely and without apprehension.

An updated list of volunteer committee members is included in the Town Roster, available at the front desk in Town Hall and on the Town's website. It also includes the latest information on the regular meetings days and times for the committees, as well as the approved committee sizes.

4.3 City Council Liaisons

Each of the Town's advisory committees is assigned a City Councilmember to serve as Liaison between the Council and the committee (excluding the Planning Commission and the Park & Recreation Commission). The Mayor makes these appointments in January of each new calendar year.

It is the Liaison's responsibility to attend each meeting of the committee to which he or she is assigned and to provide general guidance, as needed, to the committee as it moves through its meeting agenda. The primary role of the Liaison is to ensure the committee's compliance with the Brown Act and to provide information regarding City Council policy as it pertains to the work of the committee. It is not the role of the Liaison to advocate on behalf of or against items before the committee or to endorse positions or directions that the committee may be considering. If a Council Liaison is unsure how to advise his or her committee, he or she should consult with the City Manager. The Liaison should also report any operational problem his or her committee may be facing at the earliest opportunity so that staff can intervene and provide the needed assistance through the committee chair.

5. GENERAL RULES OF OFFICE

5.1 Code of Ethics and Conduct

Public officers owe an undivided duty to the public they serve and are not permitted to place themselves in a position that will subject them to conflicting duties or expose them to the temptation of acting in any manner other than the best interest of the public. Town officers may not, under any circumstances, use their official position to their own benefit or for the benefit of anyone except the Town itself, nor may they represent the Town in any transaction in which they are personally interested in obtaining an advantage.

A copy of the Council Code of Conduct has been included with this handbook as Appendix B

5.2 Conflict of Interest

In order to fulfill the Town government's undivided duty to serve the public, it is necessary for the Town's officers to diligently avoid any circumstance in which their personal and public interests or responsibilities could come into conflict, or in which Town officers could be

tempted to use their positions for personal gain. State law specifically regulates several areas:

Interests in Contracts: Members of the City Council and other public officers may not make any contract with the Town in which they have a financial interest. Such contracts are void and violation may constitute a felony. (Government Code §1090)

Discounted or Free Transportation Passes: Office holders in California are strictly prohibited from accepting free passes or discounts from transportation companies. Violation of this prohibition is punishable by forfeiture of office. (California State Constitution)

The Political Reform Act: The Political Reform Act (Government Code §§87100, et seq.) forbids a public official from participating in or attempting to influence any governmental decisions or actions in which he or she has a "material financial interest". The Act defines the kinds of interests (which includes interests owned by spouses, dependent children and agents, and certain businesses and trusts) which might cause a conflict and requires public officials to disqualify themselves from decisions which could affect those interests. The Fair Political Practices Commission (FPPC) enforces the Political Reform Act.

Common Law Doctrine Against Conflicts of Interest: There is a body of common law regarding conflicts of interest which prohibits a public official from acting, or failing to even avoid the appearance of acting, in an inappropriate manner with respect to his or her interest in any matter.

5.3 Statement of Economic Interest

As established in The Political Reform Act, Councilmembers must file Statements of Economic Interest upon assumption of office, on an annual basis, and when leaving office. The proper forms are supplied by the City Clerk. Members must disclose all investments, business positions, sources of income, and interests in real property which could be materially affected by the decisions made by their commission. The completed statements are kept on file by the City Clerk and are available for public inspection. Since the law permits the Fair Political Practices Commission to impose a penalty for failure to file such statements in a timely manner or correctly, elected officials should be certain the statements are complete, accurate, and submitted on time.

5.4 Relations with Town Staff

The Town staff works under the direction of the City Manager. While the Council as a whole may direct the City Manager, it is not appropriate for individual Councilmembers to provide such direction or to become involved in the administrative or operational concerns of the Town departments. However, the staff will be happy to answer questions and provide whatever assistance they can when authorized to do so by the City Manager.

It is expected that a mutually respectful and professional relationship will be maintained between the staff personnel and the Councilmembers. In the event that a conflict does arise, the problem should be brought to the attention of the Mayor or the City Manager.

5.5 Orientation for New Members

Shortly after election, a general orientation will be provided by the City Manager, City Attorney, and staff. This orientation is intended to acquaint newly elected Councilmembers with Town goals, the responsibilities of the office, current issues before the body, legal issues related to the position, and meeting schedules.

5.6 Meeting Attendance

Government Code Section 36513 (a) If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy. (b) Notwithstanding subdivision (a), if a city council meets monthly or less frequently than monthly and a city councilmember is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

5.7 Resignation

A Councilmember resigns from office before the end of his or her term by submitting a written resignation with the City Clerk. This information will be forwarded to the City Council and the City Manager. Such notice is effective based on its terms, and need not be accepted. It may be withdrawn prior to becoming effective, but once it takes effect, it may not be withdrawn.

5.8 Compensation

Service on Council is purely voluntary. None of the City Councilmembers are paid, although they may be reimbursed for expenses incurred in carrying out official Town business.

5.9 Benefits/Insurance/Immunity

Councilmembers are covered by the Town's Workers' Compensation policy and, in the event of an accident while serving in an official capacity, the member will be required to file an accident report. Members are also covered under the Town's general liability insurance policy for actions taken in the course and scope of their duties. The Tort Claims Act limits municipal liability and Councilmembers are granted immunity by the applicable sections of the California Government Code for good faith actions taken.

5.10 Travel Expenses

Councilmembers are entitled to reimbursement for their own personal reasonable expenses incurred in the performance of his or her duties as a Councilmember. If the reimbursement involves the costs of travel, such as hotels and/or airfare, a request for reimbursement shall be made to the City Manager prior to the occurrence of the travel, in order to ensure that budgetary authority exists. Councilmembers are required by State law to provide a brief report on their paid Town travel at the next available City Council meeting following their return.

5.11 Authority of Councilmembers

Individual members of the Council are not authorized to expend public funds, enter into agreements or contracts, employ staff, sign documents on behalf of the Town, or bind the Town in any way. This authority can only be granted by action of the City Council.

5.12 Use of E-mail

Each member of the City Council will be provided with an e-mail account on the Town's server. The Town's website provides the public with a link to these e-mail accounts and the business cards of each Councilmember includes the Town e-mail account/address. Members of the City Council may request set up of automatic forwards from their Town email account directly to their personal email account.

The Town will retain all incoming and outgoing e-mail messages from the City Council e-mail accounts on the Town's server for two years. These e-mail messages are public records and are subject to disclosure through the provisions of the Public Records Act, with rare exception.

5.13 Assignment to Outside Committees, Agencies, and Organizations and as Committee Liaisons

The Town is represented by individual Councilmembers on a wide variety of outside committees and organization, such as the City/County Association of Governments (C/CAG) and the Association of Bay Area Governments (ABAG). Additionally, each of the Town's standing committees is assigned one or two Councilmembers to serve as its Liaison to the City Council and the staff (see Section 4.3 "City Council Liaisons"). In January of each year, the Mayor makes Councilmember assignments as he or she deems appropriate. Coordination is provided by the City Manager and City Clerk to ensure that there are no schedule conflicts that would preclude a Councilmember from attending the meetings of the bodies to which he or she may be assigned.

6. OPERATING PROCEDURES

The City Council does most of its work in meetings which are open to the public. A detailed set of Rules of Procedure has been established for the conduct of such meetings - See Appendix A. Formal rules may occasionally appear arcane or inconvenient, but they are necessary to guarantee a fair and democratic process. The rules are designed to ensure Atherton's compliance with state law, to guarantee fair and equal treatment of citizens, to encourage citizen participation in civic affairs, and to foster a productive climate which encourages the communication of constructive ideas. Such rules may be temporarily set aside upon a vote of the Council where it is agreed that application of the normal rules may be inappropriate or unfair.

6.1 Ralph M. Brown Act

The Brown Act (Government Code §54950, et seq.) is a state law requiring that almost all local government business be conducted in open and public meetings. This requirement is based upon the belief that the people must remain informed about the activities of government in order that they may retain control over it. The Brown Act applies to the City Council, as well as all Town commissions and committees. Any time a majority of the

members of one of these bodies meets face-to-face or through intermediaries or technological devices (such as phone, fax, e-mail, or letters) to hear, discuss, or deliberate upon any public business, a "meeting" is taking place as defined by the Brown Act. Social events are exceptions to this, so long as public business is not discussed.

With very few exceptions, such meetings must be open to the public and must be announced at least 72 hours ahead of time for a regular meeting and 24 hours ahead of time for a special meeting, with a posted agenda indicating the time and place of the meeting and describing each item of business which is to be discussed with enough clarity to inform the public of what action may be taken. No action may be taken at any meeting unless a quorum is present. Action may be taken by the body only on items which properly and clearly appear on the meeting agenda unless a matter is added by a 4/5 vote where action is required to be taken and the item arose after the agenda was posted. In addition, minutes of the proceedings must be taken for entry into the public record.

The City Council may from time-to-time convene properly agendized Closed Sessions pursuant to Government Code §54954.5 where the public is excluded. Such sessions are allowed for a few limited purposes, including Personnel Sessions, to discuss pending or anticipated litigation, and real property negotiations.

A copy of the Brown Act is distributed to all new Councilmembers and additional copies are available for examination at Town Hall. All members should be sure to understand this law. Staff will be happy to assist in interpreting its requirements.

6.2 Limitations on Official Action of the City Council

While the City Council is the supreme legislative body of the Town, State and Federal law impose certain limitations and restrictions on the powers of the Council. These limitations include:

Preemption: As a general law town, the Town of Atherton must comply with state and federal laws and therefore cannot make any rule or regulation which conflicts with or duplicates state or federal law, or conflicts with policies or regulations of the state or federal governments.

Public Purpose: All public funds must be expended for a public or municipal purpose of the Town. An improper expenditure (not authorized by law) may result in personal liability of the individual Councilmember.

Expenditure Limitations: At present, a State-imposed spending limitation (Gann Appropriations Limit) restricts the expenditure of most revenues to the 1978-79 fiscal year level plus or minus cost of living and population changes. This limitation may be relaxed by vote of the electorate or through the use of funds not subject to the limitation.

Discrimination: The Town may not enforce its rules, regulations, or ordinances on a discriminatory basis based on any protected status of any person or group of people. All facilities, rules, regulations and ordinances must be applicable to everyone on an equal basis.

Civil Liberties: The state and federal constitutions guarantee certain civil liberties and civil rights, such as the right of peaceful protest, assembly, worship, speech, etc. Municipal

regulations which unreasonably impinge on the lawful exercise of these rights, whether by prior restraint, prohibition, arbitrary regulation or arrest, are invalid.

Reasonableness: No municipal action can be arbitrary or excessive in scope.

6.3 Tort and Constitutional Rights Liability

A town enjoys a variety of immunities from liability based on negligence claims. The State Tort Claims Act determines under what circumstances government will be liable for injuries to property and persons not involving constitutional violations, and requires that timely claims be filed ahead of any lawsuit in such matters.

6.4 Environmental Impact

The State Public Resources Code requires the Town to conduct an environmental review before undertaking any public project or approving discretionary private projects. If the environmental review discloses a reasonable probability that the project will have potentially significant environmental impacts, an Environmental Impact Report (EIR) must be prepared in accordance with the California Environmental Quality Act (CEQA). If mitigations can be made ahead of approval, it may be possible to permit a Negative Declaration to be filed indicating that the mitigation measure have reduced potential impacts to less than significant levels. The Planning Staff is generally charged with determining what level of compliance under CEQA is required.

6.5 Resolutions

Routine business and administrative matters are accomplished by motion and resolution. As with motions, resolutions are referenced in the minutes. Resolutions are also separately maintained, numbered in sequence, and preserved in a permanent collection by the City Clerk. Resolutions are usually prepared in advance by the City Manager or the City Attorney. Resolutions can be introduced and enacted at the same meeting.

6.6 Ordinances

Legislative acts of the City Council intended for long-term application or having to do with matters required by law to be created by ordinance, are enacted by ordinance. Pursuant to Government Code §41802, the City Attorney is responsible for the drafting of all ordinances. Ordinances must be adopted at a regular meeting or an adjourned regular meeting. The approval of an ordinance occurs in two stages: Introduction and Adoption.

6.7 Effective Date of Ordinances

Ordinances take effect 30 days from the date of adoption unless otherwise specified in the Ordinance, or in the case of an urgency ordinance which takes effect immediately.

6.8 Publication of Ordinances

The text and voting record of Ordinances are published or posted by the City Clerk within 15 days of adoption. Failure to do so may invalidate the Ordinance. Standard posting sites are the Atherton Library, Atherton's contracted US Post Office station, Atherton Town Hall lobby,

and the Almanac newspaper. An alternative to publishing the full ordinance is to publish a summary of the ordinance. Summaries are prepared by the City Clerk. They are published at least five days prior to City Council adoption and a certified copy of the full text is posted in the City Clerk's office. Within five days following adoption, the summary, including the Council's vote and date of adoption, is republished.

6.9 Quorum Requirements

A quorum must be present in order to conduct any business at a meeting. A quorum is present when a majority of the members of the Council are in attendance. The Mayor must determine that a quorum is present before business may be undertaken, and the quorum must be maintained throughout the meeting in order to continue to carry out business. If a Councilmember is recused from consideration of a certain matter, then he or she is generally not counted in order to achieve a quorum.

If it is known in advance that a quorum cannot be achieved, Councilmembers and interested parties should be notified. A notice must be posted by the City Clerk on the door of the meeting room within 24 hours of the cancellation, advising the public that the meeting has been canceled due to a lack of quorum.

6.10 Minutes

Written minutes constitute the official record of the Council's activities. Minutes are approved by a formal motion of the Council. The minutes should record the minimum required information. They should provide a clear and concise statement of Council actions, including the motions made and the vote thereon. Reasons for making a motion, Council debate and audience reactions should not be included. Minutes include a list of who is present, the times of convening and adjournment, a record of motions made and votes taken, and a description of items discussed.

City Council minutes are to be kept for all meetings. In addition, all meetings are also videotaped and archived. The City Clerk produces the written minutes from these recordings.

6.11 Agendas and Agenda Packets

The City Manager, in consultation with the Mayor and/or the City Staff, schedules items for City Council agendas. Other Councilmembers, as well as members of the public, may also request that certain topics be placed on the agenda; however, the agenda is ultimately the responsibility of the City Manager, and he or she is not required to add items simply because a request has been made. Because of the posting requirements of the Brown Act, requests for additions to the agenda must be made at least 72 hours prior to a meeting.

Prior to each regular or special meeting, the City Clerk compiles an agenda packet which contains the agenda, all staff reports, communications, resolutions, ordinances, and other relevant supporting materials. Agenda packets for City Council meetings will be available at Town Hall at least three days before each scheduled meeting. In addition, the Brown Act requires that the City Clerk print and post the agendas at least 72 hours before regular meetings and 24 hours before special meetings.

The City Clerk's Office posts the City Council agenda at the following locations: (a) Atherton

Town Offices, 91 Ashfield Road (lobby); (b) Atherton Branch Library, 2 Dinkelspiel Lane, (c) Town Council Chambers, 94 Ashfield Road, (d) on the Town's website and through the websites online newflash. The agenda specifies the time, date, and location of the meeting and contains a brief description and proposed action of each item of business to be transacted or discussed at the meeting.

Any citizen may submit written comments to the Council through the City Clerk or City Manager's office. Council will receive copies on the agenda packet provided such comments are received before the scheduled meeting. Written comments can be submitted to the City Clerk or City Manager's office up to the time of the meeting and distributed to the Council and the public at the meeting.

In order to be prepared for the meetings, Councilmembers should read the agenda packet and contact the City Manager with any questions regarding the information presented.

6.12 Actions Limited to Posted Agenda

In general, the City Council cannot take action on any item not appearing on the posted agenda except under rare exceptions permitted by the Brown Act, usually to add critical matters that arose after posting of the agenda.

6.13 Public Comments

Persons wishing to address the Council on any matter within the jurisdiction of the Town and not on the posted agenda are invited to do so during the Public Comment portion of the meeting. This period is limited three minutes per person. The Council is not able to undertake extended discussion of or act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda.

6.14 Public Hearings

Some actions must be preceded by a public hearing primarily for the purpose of soliciting testimony from the general public. The Municipal Code and state law require public hearings for the consideration of certain issues, such as zoning amendments, conditional use permits, and fee increases. Official notice of public hearings will be published in the "Almanac" at least ten days before the hearing. Members of the public who wish to submit written statements may do so. Members of the public may also speak during the hearing. However, if there are numerous people who would like to speak representing the same viewpoint, the Mayor may ask that a spokesperson be designated for the group and/or require that each speaker's comments be limited to a set amount of time. If a time limit is to be imposed the Mayor should announce it before any members of the public have begun speaking.

6.15 Consent Calendar

Items listed under the Consent Calendar are those items staff believes may not require Council discussion and are considered to be routine in nature. Ordinances introduced at a previous meeting which are brought back for adoption may also be included on the Consent Calendar. Before taking a vote, the Mayor will allow time for the Councilmembers, staff, and the public to read the list to determine if it includes any matters on which they may have a question, or which they would like to discuss or oppose. Any Councilmember, staff, or

member of the public has the right to remove any item from the Consent Calendar, in which case it is transferred to the regular agenda so that it may be considered, discussed, and voted on separately. All of the remaining items are then unanimously approved with one roll call vote.

7. CONCLUSION

This handbook is designed to provide a basic overview of the Town of Atherton and the duties associated with the office of City Councilmember. It is intended to familiarize you with the workings of your government and to help you prepare to serve. It is not an exhaustive work, nor the final authority on matters of procedure or conduct. If you have further questions regarding the specific details of your office or other aspects of the Town government, please feel free to contact the City Manager, City Clerk, or City Attorney.

8. APPENDICES

- A - City Council Rules of Procedures
- B - Code of Conduct
- C- Resolution Governing Committees and Commissions
- D- Rosenberg's Rules of Order
- E- City Council Approved Policies

Appendix A



TOWN OF ATHERTON

CITY COUNCIL

RULES OF PROCEDURE

APPROVED MARCH 19, 2014

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. It is the intent of these Rules to prevent inappropriate disruption, disturbance, or other disorderly conduct of Council meetings and to provide guidelines for conduct of members and procedures to be followed at such meetings.

2. General Rules

2.1 Rules of Order Except in cases of conflict with these Rules, Rosenberg's Rules of Order shall be used as a guide to govern the proceedings of this Council.

2.1 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.

2.2 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).

2.8 City Staff The City Manager, City Attorney, and City Clerk shall attend all meetings of the Council unless excused, and in the event of an 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.

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.

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.

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

3. Mayor - Duties

3.1 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.

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

3.3 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.

3.4 Call to Order The Presiding Officer shall call the meeting to order at the hour appointed.

3.5 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.

3.6 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?"

3.7 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 ordinances, and at the request of any member on any vote.

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

- Recognizing individuals and organizations whose contributions and achievements have community-wide significance;
- Calling public attention to a significant community event, service or program;
- 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.

4. Order/Preparation of Agenda

Order of Business

Call to Order

1. Pledge of Allegiance
2. Roll Call
3. Presentations
4. Public Comments
5. Closed Session Report
6. City Managers Report

Consent Items

Public Hearing Items

Regular Agenda Items

Council Reports/Comments

Future Agenda Items

Public Comments

Adjournment

4.1 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure below. Insofar as possible, the agenda shall be delivered to the Mayor, Councilmembers, and Library by 5:00 p.m. on the Friday preceding the Wednesday meeting. Council materials as much as possible shall be available for public review at the Library, and at the City Administrative Office beginning on the Friday afternoon, before the regular Wednesday Council meeting.

The agenda shall be prepared in accordance with the preparation procedures as directed by the City Manager with the following guidelines. One of the following methods may be applied for placing an item on a Council agenda:

- **City Manager:** The City Manager may add an item for Council consideration at a future meeting or may receive requests for agenda items from the public, staff, a committee member or a Council Member. The City Manager shall determine whether to add the request to an upcoming Council agenda. As a matter of practice, the City Manager may review the request with the Mayor prior to placing it on the agenda.

- **Staff and Committees:** There may be a need for agenda items which arise when a Town Committee or Commission passes a motion for Council consideration. These items may be added to the Council agenda by the City Manager no later than the second meeting following the request.
- **Colleagues' Memorandum:** If at least two councilmembers prepare a colleagues' memo, the City Clerk shall place the item on the Council agenda under the Future Agenda Items Section. A colleague's memo is a written request, no more than two pages in length, presenting an item to be added to the following Agenda. The item shall be added to the next Agenda or a specific designated Agenda by a majority vote of the Council.

4.2 Public Comments During Public Comments at a regular meeting, 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. Public Comments at special meetings shall be confined to the items for consideration on the agenda.

4.3 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.

4.4 Actions Limited to Posted Agenda The City Council shall not take action on any item not appearing on the posted agenda except as permitted by Government Code Section 54954.2 of the Brown Act.

5. Citizens' Rights

5.1 Addressing the Council

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

- Public Comments, as provided in Section 4.2.
- Public hearings, as provided in Sections 7 and following.
- When invited by the Mayor, prior to or during the hearing of all other portions of the agenda prior to the vote, if any, being taken.

(2) The following shall apply:

Each person addressing the Council shall step to the podium and may give their name and address for the record. The Council may require use of Speaker Cards.

It shall not be required that any person gives their name and address, but if they do not, they will not receive any follow-up response from staff or the City Council.

- A time limit may be imposed by the Council on each speaker depending on the subject matter.
- All remarks or questions shall be directed to the Mayor and Council as a body and not to any particular member.
- No person, other than members of the Council and the person having the floor shall be permitted to enter into the discussion.

5.2 Personal and Slanderous Remarks The Mayor shall discourage demonstrations before the Council, such as applauding or "booing". Upon instructions by the Mayor, a Sergeant-at-Arms may be appointed for the purpose of removing any person who, in the Mayor's judgment, has violated the rules of conduct and has disrupted, disturbed, or impeded the orderly conduct of the meeting.

6. Ordinances, Resolutions and Contracts

6.1 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.

6.2 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 unless the ordinance carries an urgency clause, in which case introduction and adoption may occur at the same meeting.

6.3 Majority Vote Required An affirmative vote of at least a majority of the total membership of the Council shall be necessary to adopt an ordinance, resolution, or any order to pay money. Urgency (emergency) ordinances must be adopted by the affirmative vote of at least four members of the Council. Motions and any other matters may be adopted by a majority of those present, assuming there is a quorum.

6.4 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.

7. Procedures Regarding Public Hearings

Introduction Mayor announces subject of the public hearing.

7.1 Staff and Written Material Presentation

- Written material not in the agenda packet, if any, (e.g. protests, etc.) are noted for the record and received and filed.
- Staff report, if any, is presented by staff member.
- Staff responds to Councilmember questions.
- Mayor declares the public hearing open/ opens public comment.

7.2 Public Comment

- Mayor instructs members of the audience: (a) speak from the podium; (b) they may 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.
- The applicant/representative will normally speak first.
- Questions by speakers will be noted prior to Council deliberation.
- Mayor declares the public hearing closed.

7.3 Council Deliberations

- 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.
- The Council may ask questions of speakers for clarification.
- The Council makes a motion and debates.

7.4 Council Action

- 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.
- Council may:
 - (a) Vote on the item;
 - (b) Offer amendments or substitute motions and re-open the hearing allowing additional public comment if needed;
 - (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).

8. City Council Committees

8.1 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 the Resolution Governing Committees and Commissions as amended.

8.2 Appointment of Council Members to City Council Committees Appointment of non-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 the Resolution Governing Committees and Commissions as amended. Councilmembers shall serve as liaisons to such committees but shall have no vote.

8.3. Ad Hoc Committees The Mayor may appoint ad hoc committees of less than a quorum of the City Council as deemed appropriate and necessary. Such committees shall have a defined task and be of limited duration. Such committees are exempt from provisions of the Brown Act.

9. Suspension and Amendment of These Rules

9.1 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.

9.2 Amendment These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Council.

10. Miscellaneous Rules

10.1 Roll Call Votes Upon demand by any Councilmember, made before the vote is 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.

10.2 Silence During a voice vote, silence by any member denotes an affirmative vote.

10.3 Continuance of an Item

Continuance by a Councilmember: Any Councilmember may, with the consent of the Council, continue an item not subject to a deadline to an 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.

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, (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, and (3) continuing the matter will not unduly impact any person interested in the decision.

10.4 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

10.5 Dissenting Opinion Any member shall have the right to enter into public record reasons for dissent or disagreement against any action carried by the majority.

10.6 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 who voted in the majority, 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 or at the next meeting.
3. The motion is debatable and has precedence over a pending motion.

10.7 Representations of Town and/or City Council policy. Councilmembers 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 reiterated or recalled without additional City Council approval.

11. Rules of Debate

11.1 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.

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

11.3 Rules of Parliamentary Procedure *Rosenberg's Rules of Order* shall govern parliamentary procedure. The City Attorney shall serve as parliamentarian.

APPROVED AS TO FORM:

/s/ William B. Conners, City Attorney



**TOWN OF ATHERTON
Council Code of Conduct**

Approved March 19, 2014

1. PREAMBLE

The citizens of Atherton are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The citizens of Atherton expect public officials, both elected and appointed, and city employees to comply with both the letter and spirit of the laws of the State of California, the United States of America, the Atherton Municipal Code, and the established policies of the Town of Atherton affecting the operations of local government.

Further, public officials, both elected and appointed, and city employees are expected to be independent, impartial and fair in their judgment and actions; and public office shall be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Atherton City Council has adopted a Code of Conduct and Procedures for members of the City Council, committees and commissions and City staff to assure public confidence in the integrity of local government and its effective and fair operation. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as a public official, elected or appointed, and city employees.

The Code of Conduct and Procedures shall be discussed at least annually, in either a regular meeting or a study session by the Council, Commissions, Committees and staff as an on-going means of developing a thorough understanding of the Code of Conduct and Procedures and the Brown Act.

RELATIONSHIP BETWEEN CITY COUNCIL, COMMITTEE AND COMMISSION MEMBERS AND TOWN STAFF

The Town of Atherton municipal government operates under a council-manager form of government as established by Atherton Municipal Code. Under this form of government, the Council provides legislative direction, sets policy and monitors its execution by Town staff. The City Manager serves as the Town's chief executive and administrative officer and is responsible for directing the day-to-day operations of the Town.

Except for the purpose of inquiry, the Council and its members shall deal with the administrative service of the Town solely through the City Manager and neither the Council nor any member

thereof shall give orders to any subordinate of the City Manager, either publicly or privately. A more formal procedure should be followed if Council needs staff support that requires more than thirty (30) minutes of a staff member's time. If a majority of the Council approves such a request, the City Manager will proceed with said request and report his/her findings back to the Council upon completion. The same procedure applies to Council requests of the City Attorney, except in instances involving personnel or sensitive issues.

The work of the Town is a team effort. Councilmembers, Commissions, Committees and staff shall work together in a collaborative process, assisting each other in conducting the affairs of the Town.

POLICY STATEMENT

The Atherton City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its fair and effective operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of Atherton and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

2. Comply with the Law

Councilmembers shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Atherton Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and Town policies.

3. Conduct of Members

Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, commissions, committees, ad-hoc committees, staff or the public. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the City Council, Commissions and Committees take action, members of the Council, Committee, Commission, and staff shall commit to supporting said action of the majority and not create barriers to the implementation of said action. Members of the City Council, Commissions, Committees and Staff 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 action may be made without additional City Council approval.

4. Respect for Process

Councilmember duties shall be performed in accordance with the processes and rules of procedures established by the City Council.

5. Conduct of Public Meetings

Councilmembers shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand. The City Council, Commissions and Committees will distinguish between free speech and malicious innuendo or personal, insulting, slanderous attacks and will not tolerate verbal abuse of any Council members, Commissions or Committee members, or staff, either from the floor or from each other. It is the responsibility of the Chair, and, if necessary, all the members of the Council, Commissions and Committees, to enforce and maintain decorum at meetings.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers.

8. Coordination with City Staff

Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed. Councilmembers may coordinate the use of staff support through the City Manager.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Town. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies or facilities) shall not be used by members of Council, Committees, and Commissions for private gain or personal purposes. Staff can be used by the City Council, Commissions and Committees as a valuable resource to provide routine information on ongoing projects and programs. Council members, Commissions and Committee members shall request information needed to supplement, upgrade or enhance their knowledge about Town projects and programs directly through the City Manager.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Councilmembers shall not appear on behalf of the private interests of a third-party before the City Council or any commission or committee or proceeding of the City.

15. Advocacy

To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Councilmembers shall refrain from using their position to improperly influence the deliberations or decisions of Town staff, commissions or committees.

17. Policy Role of Members

Councilmembers shall respect and adhere to the Council-Manager structure of the Atherton City government as provided in State law and the Atherton Municipal Code.

18. Positive Work Environment

Councilmembers shall support the maintenance of a positive and constructive environment for residents and Town employees.

19. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office shall sign a statement affirming they read and understood the Town of Atherton's City Council Code of Ethics.

20. Compliance and Enforcement

Councilmembers themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government.

RESOLUTION 14-27
RESCINDS RESOLUTION 14-26
A Resolution of the City Council of the Town of Atherton
Establishing and Governing Town Committees
Revised November 19, 2014

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

Section 1. Establishment of Committees

The following committees are established for the Town of Atherton:

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

Section 2. Committee Principles and Rules of Procedure

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

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

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

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

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

1. Council: A majority vote of the Council may direct staff to add an item to a Committee agenda.
2. City Manager: The City Manager may receive requests for agenda items from the public, staff, a committee member or a Council Member. The City Manager will review the request with the Committee Chair. The City Manager shall have sole discretion to refer the request to the City Council at the next available meeting, or schedule the item for the Committee agenda.

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

Committee Procedures for *placing items on Council agenda*:

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

The City Clerk has overall responsibility for posting committee agendas.

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

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

Meetings: The Committee shall establish a regular meeting schedule on an annual basis in July. The Department assigned to the committee shall update the website to reflect the meeting schedule. Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee.

Minutes: All committees shall prepare action minutes. *Action* minutes shall be presented to the City Clerk within 7 days following the meeting or as soon as feasible if there is a reason not to

produce them within that timeframe. Finalized minutes should be sent electronically to the City Clerk for posting, *after* the Committee has approved them. The City Clerk will share appropriate information received from the minutes with the City Manager and City Council.

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

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

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

Section 3: Appointment of Voting Members to Committees

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

Term expiration dates shall end on June 30th. Appointed committee members shall serve no more than two full consecutive terms on the committee to which they are appointed. A member may be reappointed to the committee following a minimum two (2) year hiatus. However, if a seat is vacant and no one applies, City Council may grant an exemption.

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

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

absences. The City Clerk shall alert the City Manager who shall decide how to inform City Council. City Council has the authority to override this rule based on the information received.

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

Section 4: Funding for Committees

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

Section 5: Committee Composition, Powers and Duties

1. Audit/Finance Committee

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

Act in an advisory capacity to:

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

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

Consists of two (2) Council Members and five (5) appointed, qualified resident members. Two terms shall be for one year and three terms shall be for two (2) years. Thereafter terms shall be for two (2) years ending on June 30th. The committee meets in the Council Chambers or the Town Administrative Conference room.

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

2. Civic Center Advisory Committee (CCAC)

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

Act in an advisory capacity to:

- a. Work with staff in finalizing the master planning process by identifying key issues that need to be addressed.
- b. Work with staff to solicit feedback through tools such as surveys, community gatherings, and workshops to disseminate information regarding the key issues and questions involved in the new Civic Center.
- c. Engage in public outreach to solicit substantive feedback and opinions on the Civic Center project. Support staff with updates for the Town website and periodic updates for residents.
- d. The CCAC may form Ad Hoc Subcommittees and/or host community workshops to involve a broader base of residents for the purposes of information gathering on specific issues, thus creating more community involvement and more in-depth visioning.
- e. Once the Council adopts a Master Plan, the CCAC will continue to work with staff through the design phase, to include coordination of public outreach, collection of resident input, and providing feedback on the design.
- f. Assist staff, as appropriate, in the review and recommendation of project professionals, to include, but not limited to environmental consultants, design professionals, project management professionals, and project contractor.
- g. Once the Civic Center Project is underway, the CCAC will continue to work with staff, as appropriate, to provide feedback on project priorities and direction.
- h. Assist staff and the City Council with the identification and development of donor recognition opportunities throughout the project.
- i. Assist in discussion about the short-term improvements needed for the Library and Town Center facilities.

The Civic Center Advisory Committee consists of up to seven (7) members plus two liaison City Council members. The Committee is setup for specific purposes listed above and when the purposes are accomplished the Committee will disband. The Civic Center Project consists of the Town's Administrative Offices, Police Department, Public Works, Building and Planning Departments, Council Chambers, Library, community meeting rooms and associated outdoor facilities. The Committee meets in the Council Chambers or the Town Administrative Conference Room.

3. Environmental Programs Committee.

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

Act in an advisory capacity to:

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

The Environmental Programs Committee consists of a minimum of six (6) members including one (1) Council Member liaison and five (5) residents of the Town. The term of office shall be as follows: Appointed members shall be appointed to four-year terms. Thereafter, each term of office shall be four (4) years. The committee meets in the Conference Room of the Town Administrative Offices.

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

4. Park and Recreation Committee.

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

Act in an advisory capacity to:

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

The Park and Recreation Committee consists of seven (7) appointed members and one (1) Council Member liaison. Of the appointed members, one member shall be a

representative of the Holbrook-Palmer Park Foundation and one member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. Terms shall be staggered so that the term of office for two (2) members shall be four (4) years, and the term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Committee meets in Holbrook-Palmer Park.

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

5. Rail Committee.

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

Act in an advisory capacity to:

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

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

Consists of eleven (11) members including one (1) Council Member liaison and up to ten (10) appointed members. There are no term expirations for Rail Committee members. The committee meets in the Council Chambers.

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

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

6. Transportation Committee.

The Transportation Committee shall have the following powers and duties.

Act in an advisory capacity to:

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

The Transportation Committee consists of six (6) members including one (1) Council Members liaison and five (5) appointed members. The term of office shall be four (4) years.

The committee meets in the Council Chambers.

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

Section 6: Advice.

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

This Resolution shall be effective immediately upon adoption. All previous resolutions governing Town committees and commissions including Resolution No. 14-26 are hereby superseded and rescinded on November 19, 2014.

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 15th day of October, 2014, by the following vote.

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

Cary Wiest, Mayor
Town of Atherton

ATTEST:

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney

RAIL RELATED POLICY POSITIONS ADOPTED BY THE TOWN OF ATHERTON

A. HIGH-SPEED RAIL (HSR)

Legislative

- In 2008, the Town voters decided against Prop. 1A which authorized the HSR project
 - Town Resolutions, passed unanimously by the Council, oppose the HSR project, including the Program Environmental Impact Report (EIR), Business Plan and use of the rail corridor by HSR
 - The Town has joined with other Peninsula cities as a member of the Peninsula Cities Consortium (PCC) to promote a unified response to HSR and other rail matters
 - Conditions that must be met, if the HSR project continues, before the Legislature approves the use of Prop 1A bond funds to implement the project:
 - a. Independent Ridership Survey reporting directing to the Legislature
 - b. Independent Verification of Sources claiming HSR projects have resulted in profitable operations
 - c. Business Plan deemed “investment grade and acceptable,” by the following:
 - State Auditor, Legislative Analyst Office and Peer Review Group
 - d. Completion of the environmental studies and reporting process for Certifying the Program and Project EIRs, without resorting to “streamlining” or shortcutting the process, in any manner
 - Support legislation to delay, hinder or halt the implementation of Prop 1A which town residents and Council voted to oppose (examples-AB 1455 (Harkey) and SB 985 (LaMalfa))

Litigation

- Town of Atherton has taken the position to use all legal means to delay, hinder or halt the implementation of Prop 1A which town residents and Council voted to oppose
- Atherton joined other agencies in litigation against HSR’s Program EIR recognizing certain legal environmental requirements were not being met and faulty information used in the environmental analysis led to incorrect conclusions (example – Ridership study forecasts)

Lobbying

- The Council has engaged a professional lobbyist, in conjunction with other cities, to represent the city’s position on HSR matters
- The Council encourages the efforts of rail committee members to advocate on behalf of Atherton within approved Rail Policies

B. RAIL CORRIDOR AND CALTRAIN

Rail Service

- Atherton was one of the earliest train stops on the rail corridor between San Francisco and San Jose. Families, and later commuters, used the Atherton station for rail service to and from ‘The City’ for over 100 years. Lloyd Park was developed for residents desiring easy access to public transportation provided by the train
- Atherton residents were very instrumental in the formation of the Joint Powers Board (JPB) and the purchase of the Southern Pacific right-of-way (ROW) by San Francisco, San Mateo and Santa Clara counties
- Up to (year?) Atherton received weekday and weekend rail service from Caltrain until it declared its first “fiscal emergency”
- Citing fiscal emergency reasons for reducing costs, including station stops, the number of weekday rail stops in Atherton were reduced to zero while weekend service is still being provided
- Atherton is the only city on the Caltrain line that receives no weekday train service
- The Town deserves the restoration of train service on the basis of “geographical fairness” and being treated equitably in being provided with weekday rail service
- Caltrain must complete the capitol project to remove the “hold-out station” designation for Atherton, including the engineering and construction to allow a passing train to pass a stationary train at the station

Electrification

- The current Caltrain electrification Draft EIR is out of date and must be updated and re-circulated
- The Town is opposed to the Memorandum of Understanding (MOU) between Caltrain, HSR, Metropolitan Transportation Commission (MTC) and other transit agencies which provides funding for electrification of Caltrain in exchange for allowing HSR to eventually use the rail corridor
- In the event that the HSR project is not implemented, Caltrain will have to seek other means to upgrade its system
- Caltrain should investigate alternatives to electrification, such as DMU’s, which could be implemented at much less capital costs while providing equal environmental and operational benefits, or better

Caltrain and JPB

- Correct capital and operational funding formula to reflect current user information and for a more equitable sharing between San Francisco, San Mateo and Santa Clara Counties
- Initiate study to consolidate Caltrain with Capitol Corridor system to create a more efficient system through the reduction of duplicate overhead and achieving greater economy of scale in operations and capital usage; also

provide permanent funding mechanism for Caltrain through direct state funding

- Creation of an Advisory Council composed of city representatives to create a more effective planning and working environment for Caltrain's future

Town Priorities Regarding Caltrain Line

- Restoration of weekday service
- Delay, hinder or halt the eventual use of the rail corridor by HSR, including undoing the MOU's between Caltrain and HSR
- Ensure any long term corridor rail plan limits two tracks through Atherton
- Modernization of rail system must minimize and fully mitigate any environmental impact on the Town
- Implementation of a Quiet Zone within and on the Town's border areas
- The addition of Quad Gates at the Watkins Avenue crossing facilitates qualifying for meeting Quiet Zone regulations
- Monitor Dumbarton Corridor developments
- Monitor Union Pacific service and relationship with Caltrain

Appendix D

Rosenberg's Rules of Order

Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules – “Robert’s Rules of Order” – which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time, and for another purpose. If one is chairing or running a Parliament, then “Robert’s Rules of Order” is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of, say, a 5-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of “Rosenberg’s Rules of Order.”

What follows is my version of the rules of parliamentary procedure, based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, Rosenberg’s Rules has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted Rosenberg’s Rules in lieu of Robert’s Rules because they have found them practical, logical, simple, easy to learn, and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars: (1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings. (2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate. (3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process. (4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. So, for example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the

body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais), and when that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body which establishes a quorum. So, for example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the Chair of the body who is charged with applying the rules in the conduct of the meeting. The Chair should be well versed in those rules. The Chair, for all intents and purposes, makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

Since the Chair runs the conduct of the meeting, it is usual courtesy for the Chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the Chair should not participate in the debate or discussion. To the contrary, the Chair as a member of the body has the full right to participate in the debate, discussion and decision-making of the body. What the Chair should do, however, is strive to be the last to speak at the discussion and debate stage, and the Chair should not make or second a motion unless the Chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. And each agenda item can be handled by the Chair in the following basic format:

First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the Chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).

Fifth, the Chair should invite a motion. The Chair should announce the name of the member of the body who makes the motion.

Sixth, the Chair should determine if any member of the body wishes to second the motion. The Chair should announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote. Simply asking for the “ayes”, and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain”. Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated later in these rules) then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision-making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the Chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move" So, a typical motion might be: "I move that we give 10-day's notice in the future for all our meetings."

The Chair usually initiates the motion by either (1) Inviting the members of the body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the body. "A motion would be in order that we give 10-day's notice in the future for all our meetings." (3) Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them. As a practical matter, more than three motions on the floor at one time tends to be too confusing and unwieldy for most everyone – so keep the maximum at three at three for the sake of clarity.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee

to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a 5-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be 5 members or 10 members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold”. The motion can contain a specific time in which the item can come back to the body: “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: “I move the previous question” or “I move the question” or “I call the question” or simply “question.” (As a practical matter, when a member calls for the “question” the chair can expedite things by simply asking the body if anyone wishes to continue discussing the underlying matter. If no one wishes to discuss it further, the chair can proceed to a vote on the underlying matter – without having to vote on the “question”. On the other hand, if even one member of the body wishes further discussion and debate on the underlying matter, then the chair has to treat the call for the “question” as a motion and proceed accordingly.) When a member of the body makes such a motion for the “question”, the member is really saying: “I’ve had enough debate. Let’s get on with the vote”. When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

Majority and Super-Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

Motion to limit debate. Whether a member says “I move the previous question” or “I move the question” or “I call the question” or “I move to limit debate”, it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

Motion to close nominations. When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a 2/3 vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50% of the body is required. So, for example, in a five-member body, if the vote is 3 in favor and 2 opposed, the motion passes. If it is 2 in favor and 3 opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. So, for example, in a seven-member body, if 2 members vote "no" then the "yes" vote of at least 4 members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie vote, the motion always fails since an affirmative vote is required to pass any motion. So, for example, in a five member body, if the vote 2 in favor and 2 opposed, with 1 member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. California Government Code Section 25005. Typically, this means 3 of the 5 members of the board must vote affirmatively in favor of the action. A vote of 2 to 1 would not be sufficient. A vote of 3 to 0 with two abstentions would, be sufficient. In general law cities in California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city

council. California Government Code Section 36936. Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting”. Accordingly, under the “present and voting” system you would NOT count abstain votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstain votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice? Let’s look at a few examples.

Let’s assume that we have a five-member city council voting on a motion that requires a simple majority vote to pass, and let’s assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting”. If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with 1 abstention, the motion fails.

Let’s assume we have a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and let’s further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of 3 “yes”, 1 “no” and 1 “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed – so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, let’s change the scenario slightly. Let’s assume the same five-members city council voting on a motion that requires a two-thirds majority vote to pass, but let’s now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present”. Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the vote were 3 “yes”, 1 “no” and 1 “abstain”, then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

And, how, exactly, does a member cast an “abstention” vote? Any time a member votes “abstain” or says “I abstain”, that is an abstention. However, if a member votes

“present” that is also treated as an abstention (the member is, essentially, saying, “count me for purposes of a quorum, but my vote on the issue is abstain”). In fact, any manifestation of intention to vote neither “yes” nor “no” on the pending motion may be treated by the chair as an abstention. And if written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent”? Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent”. That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body – including a member who voted in the minority on the original motion - may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: “point of privilege.” The Chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be: “point of order.” Again, the Chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “Let’s return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did



TOWN OF ATHERTON

Banner Policy

Purpose and intent:

The Town of Atherton recognizes the community-wide benefit in publicizing cultural, recreational, social and other special events of local nonprofit organizations promoting events in Atherton which would be of interest to the local community, and it is the intent of this policy to establish guidelines for hanging banners at Marsh and Middlefield Road.

Banner construction and materials:

Banners shall be made of a durable, flexible material, such as canvas or vinyl, have a total of (6) grommets (3 on top and 3 on bottom) for installation. Preferred banner size is 5 feet high and 12 feet long, not exceeding 25 feet long. The height requirement ensures that two banners for separate events may be hung together at the same time. No banners shall be hung exclusively, unless no other banners are scheduled.

Designation of site, priorities, and one event per banner:

Marsh and Middlefield Road is the only site where banners may be displayed. All banners must be associated with the Town of Atherton or a Town sponsored event taking place within Atherton Town limits.

The following shall be the priority for display of banners in order as follows: Town of Atherton; Atherton Standing Committees, Council, Community Designated Group and Town sponsored events; Only one (1) event may be advertised in a banner.

Application for permit:

Apply in the Town Hall Administration Department for a banner permit. Banner applications are accepted for the following year beginning in December. Applicant is hereby advised that early filing of an application is recommended to ensure a space for the calendar year.

Application content:

The permit application shall include:

1. The title of event
2. Contact person
3. Name of organization and organization address
4. Applicant telephone number and email and/or facsimile number, if any

5. The date(s) and location of the event
6. The name and description of the event to be publicized and a statement of the purpose of the event
7. The requested dates for banner display, not to exceed fourteen (14) days
8. Banner measurements
9. Exact wording on banner
10. Applicant signature and today's date.

Application fee:

A \$75 nonrefundable application fee shall be charged to process each banner permit application and for the cost of installation, removal and storage of the banner.

Action on permit:

Once a completed banner permit application is received, the City Manager will review the application for final approval or denial. The decision shall be made within ten (10) working days subsequent to the receipt of the completed application. Applicant will be notified of the decisions verbally or by email. Any deviation from the approved policy will be at the City Manager's discretion.

Banner installation, removal, and retrieval:

The Town shall perform the installation and removal of all banners. No longer than fourteen (14) days after the banner has been hung, the banner will be removed by Town staff. Exceptions are made when no other banner is scheduled for hanging. Applicant is responsible for retrieving the banner within ten (10) business days from Town Hall or banner will be disposed of.



TOWN OF ATHERTON

Fee Waiver Policy

1. Purpose

The purpose of this policy is to establish guidelines to be used to evaluate requests for fee waivers and to implement a structure and process through which consistent information for fee waiver requests will be collected and evaluated.

This policy is only applicable to fees related to events at Holbrook Palmer Park and the display of banners in Town-authorized locations.

2. Background

Fee waivers are an expense to the Town's General Fund. Fees are established to pay for the cost of a service provided by a Town department. When a fee waiver is granted, the Town General Fund pays the department in an amount equal to the fee waived. Only the City Council may grant a fee waiver request.

3. Policy

The City Council, may, at their sole discretion, approve or disapprove fee waiver requests. Effective July 1, 2013, the following general guidelines will be used to assist in the determination of whether a requested fee waiver is eligible or ineligible.

Fee waiver requests will be reviewed in the context of the overall Park budget.

Direct Town costs associated with any service or event may not be waived.

The City Council may establish a cap on the amount of fee waivers that may be granted during any fiscal year.

Eligible for fee waivers

- Atherton Standing Committees, Council, and Community Designated Groups. These groups are providing a direct service that is similar to or complementary to a Town policy goal or direct service that the Town is typically responsible for providing.
- Governmental agencies that do not receive tax funding and can demonstrate an inability to pay a Town fee.

Ineligible for fee waivers

- For-profit organizations.
- Vendors.
- Fund raising events - where attendees pay a fee for admission to the event or in the case of festivals where vendors pay to participate in the event.
- Other governmental agencies – unless they can demonstrate an inability to pay the Town fee.

5. Fee Waiver Request Form

All fee waiver requests must include a Fee Waiver Request form. The form may be obtained via the Town website and/or the City Clerk's Office. Fee Waiver Request Forms must be complete, signed, and accompanied by supporting documentation to demonstrate eligibility for the requested fee waiver. Demonstrated eligibility does not assure approval of a fee waiver request.

Fee Waiver Requests will be presented to the City Council for consideration at a Council meeting.

**TOWN OF ATHERTON
CITY COUNCIL
USE OF COMPUTER HARDWARE AND SOFTWARE POLICY
Policy Approved by 5-0 vote of City Council on February 20, 2013**

I. BACKGROUND

Council approved a budget to purchase iPads for use to distribute agenda materials to the City Council. This action was put into effect to reduce the amount of paper used and number of copies made in preparing agenda materials for City Council meetings.

The policy covers the following areas:

- How computer hardware and software will be issued to members of the City Council
- Use of iPads and associated software
- Legal requirements, including Brown Act, Public Records Act, and prohibition on use for campaign purposes
- Personal use of iPad
- Disposal of iPad at end of term on the Council

II. POLICY

This policy is intended to guide the use of computer hardware and software by the City Council. However, it does not cover every situation that may arise. All existing Council policies and parliamentary laws continue to apply to Council Member conduct while using iPads.

III. PURPOSE

The use of iPads will assist members of the City Council in the efficient performance of their duties and will also help enhance environmental sustainability by reducing the amount of paper needed for the operations of the Council.

IV. PROCEDURE

All Council Members are requested to use an iPad to access agendas, agenda packets, and other agenda materials. Paper copies will only be available on request.

All Council Members using iPads for Town business will sign the attached agreement acknowledging understanding of and compliance with this policy.

All referenced to “iPad” include iPad2 and other iPad-series devices. The two options for obtaining an iPad are listed below:

Option A: Town-issued device(s)

The Town will provide Council Members with a Town owned iPad, protective case, and necessary applications and accessories. Council Members are responsible for the general care of any Town-issued equipment. Any iPad or accessory that is broken, damaged, or fails to work properly must be taken to the City Clerk who will have IT evaluate it.

Option B: Council Member-owned device(s)

Council Members may choose to purchase or utilize their own iPads. These devices must support the applications required by the Town. The Town will not provide any hardware support for Council Member purchased and/or owned devices.

A. Software and Use:

1. The following apply to both Town-issued and Council Member-owned devices

Council Members will be provided with the applications needed to conduct Town business. The Council Member is responsible for updating the applications and operating system(s) as updates are released. Training on the basic use of the device as well as the applications and software required by the Town for conducting Town businesses will be provided by the Town. All Town-provided data, applications, and services (such as email and calendars) will remain the property of the Town and may be accessed, altered, or removed by the Town at any time. Information on any iPad used for Town business may (with limited exceptions) be subject to the provisions of the Public Records Act.

If a Council Member believes the security of his or her device has been compromised, he or she shall immediately notify the City Manager or City Clerk. The device should be password protected and used only by the authorized Council Member. Internet use, email and other activities carried out on the iPad may be traceable to the Town of Atherton, and may impact the reputation of the Town.

Council Members shall not use the iPad in any way as to violate the public meeting requirements of the Brown Act. Council Members may not use the computer hardware and software in violation of Government Code § 54964, which prohibits the expenditure or authorization to expend public resources to "...support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters."

Cellular data use (not Wi-Fi) outside of the continental USA is extremely expensive. Town-issued iPads may only be used outside of the continental USA in Wi-Fi mode. The Town will not pay data fees for Council Member purchased devices incurred when used outside of this area.

2. The following applies to Town-issued computer hardware and software

Town-issued iPads and accessories are tools for Council Members to conduct Town business. Only personal use which is lawful, and which does not result in a gain or advantage to the user or a loss to the Town is permitted.

Town-issued iPads may be backed up, remotely wiped, restored from a backup, or restored to factory settings as necessary to maintain the technical viability of the device and/or the Town's network. The Town does not accept responsibility for loss of files or software lost due to a wipe and backup. The Town may add, upgrade or remove software/information on the device(s) as necessary to maintain the technical viability and/or the Town's network. In addition, the Town will retain access to and ownership of backups of the computer hardware and software's content. Any user ID's and cloud backup accounts used to manage the device will be maintained by the Town.

3. The following applies to Council Member-owned computer hardware and software

Council Member-owned devices can be used without restriction, but Council Members are responsible for backing up their own devices. The Town takes no responsibility for maintaining backups of Council Member-owned devices. Town Staff will not provide any support for hardware, except for software that is required and provided for conducting Town business.

4. Data

The Town may purchase a data plan for all Town-issued devices. Use of the data plan is subject to the same restrictions as use of the device itself.

Data plans for Council Member owned devices shall be provided by the Council Member at their sole expense.

5. Return of Device

Town issued iPads shall be returned to the City Clerk when the individual Council Member's term and service on the City Council has ended. Upon return of the iPad to the Town and following the preparation of any appropriate backup files, the device will be wiped clean of any and all information at the end of a Council Members term and service.

Town of Atherton

Computer Hardware and Software Policy Agreement for City Council Members

I, the undersigned City Council Member of the Town of Atherton, have been provided a copy of City Council Computer Hardware and Software Policy and understand its contents fully. I accept and understand the terms of the policy and agree to abide by all terms contained in it.

Signature:

Title:

Print Name:

Date:

Permitted Apps for iPads

Must Have Free Apps



Dropbox – Online cloud storage. Needed to access agendas and packet material



Adobe Acrobat Reader – Open agenda and access items by bookmarks



Dragon Dictator – Converts spoken words to text

Google Docs – Cloud storage. Word processor, spreadsheets, presentation software; Records audio

Permitted Apps (not Free)



GoodReader – For reading and annotating PDF documents



QuickOffice or



Apples Pages – Comparable to Microsoft Office Suite



Notability – Records audio, creates timestamps and matches those to your typed notes; Useful for meetings



Town of Atherton

TOWN OF ATHERTON Approved March 19, 2014

NEPOTISM POLICY

I. PURPOSE

The residents of Atherton are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. Town officials must be permitted to fulfill their duties to represent the public to the greatest extent possible unless circumstances exist where such engagement is impermissible.

II. POLICY

It is the policy of the Town to restrict the hiring and/or employment of relatives of Town employees and restrict the appointment of relatives of City Council members to committees or commissions or other appointed positions.

A "relative" is defined as a spouse, domestic partner, child or step-child.

An "employee" is defined as any person who receives a Town payroll check for services, full or hourly rendered to the Town.

Applicants for employment may not be denied the right to file an employment application and to compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he/she may not be employed in a department or office in which a relative, as defined above, is employed if they:

- Perform joint duties; or
- Share responsibility or authority; or
- Report to the same Supervisor; or
- Would be supervised by or would supervise a relative; or
- Are related to the cognizant City Council Member, City Manager, or Committee Member within the department or area of responsibility of such City-appointed Board, or Committee Member.

When the eligible applicant is refused employment by virtue of this provision, the name of the eligible applicant shall remain on the eligibility list for openings in the same classification as otherwise provided in these Rules, where no relative is employed, is supervised or supervising the vacant position.

When two employees of the Town become married so as to create a situation in which they perform joint duties, share responsibility or authority, report to the same Supervisor, or supervise each other, then every attempt will be made to offer a transfer to another department. In the event a transfer to another department is not accepted and/or unavailable, the employee shall make the decision as to which one shall resign. In the event that neither employee resigns, the least senior employee shall be terminated.

With respect to appointment of relatives of City Council members to committees or commissions or other appointed positions, it shall be the policy of the City Council to prohibit the appointment of relatives of the City Council to the Town's Planning Commission.

However, with respect to appointment of relatives of City Council members to bodies other than the Planning Commission, nothing in this policy shall prevent the appointment of a qualified candidate to a committee or commission by a majority vote of the City Council absent other qualified candidates.

Permitted Apps for iPads

Must Have Free Apps



Dropbox – Online cloud storage. Needed to access agendas and packet material



Adobe Acrobat Reader – Open agenda and access items by bookmarks



Dragon Dictator – Converts spoken words to text

Google Docs – Cloud storage. Word processor, spreadsheets, presentation software; Records audio

Permitted Apps (not Free)



GoodReader – For reading and annotating PDF documents



QuickOffice or



Apples Pages – Comparable to Microsoft Office Suite



Notability – Records audio, creates timestamps and matches those to your typed notes; Useful for meetings

Atherton Social Media Policy



1. Purpose

This Social Media Policy (“Policy”) establishes guidelines for the establishment and use by the Town of Atherton (“Town”) of social media sites as a means of conveying information to members of the public.

The intended purpose of Town social media sites is to disseminate information from the Town about the Town’s mission, meetings, activities, and current issues to members of the public.

The Town has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the Town and its officials.

2. Definitions

A “social media site” is a site on the internet with its content created through and on the Internet. At this time, examples of social media include, but are not limited to, Facebook, Twitter, Nixle, Blogs, RSS, YouTube, LinkedIn, Instagram, GooglePlus, Pinterest, Delicious, and Flickr. For the purposes of the application of this Policy, a social media site shall not include the Town’s Official website.

A “Town social media site” means official social media sites which the Town establishes and maintains, and over which it has control over all postings, except for advertisements or hyperlinks by the social media site’s owners, vendors, or partners developed for the purpose of sharing information via the internet. Town social media sites shall supplement, and not replace, the Town’s required notices and standard methods of communication.

“Posts” or “postings” mean information, articles, pictures, videos or any other form of communication posted on a Town social media site.

3. General Policy

- a. The Town’s official website at www.ci.atherton.ca.us (or any domain owned by the Town) will remain the Town’s primary means of internet communication.
- b. The establishment and maintenance of Town social media sites is subject to approval by the City Manager or his/her designee. Upon approval, Town social media sites shall bear the name and/or official logo of the Town.
- c. Town social media sites shall clearly state that such sites are maintained by the Town for official use only.
- d. Town maintained social media sites shall have a “no comment” policy and all sites established and maintained by the Town shall be configured to allow only the dissemination of information for official use only.



- e. All established sites shall comply with the Town's Social Media Policy.
- f. Town social media sites shall link back to the Town's official website for forms, documents, online services and other information necessary to conduct business with the Town.
- g. Staff shall monitor content on Town social media sites to ensure adherence to both the Town's Social Media Policy and the interest and goals of the Town.
- h. Town social media sites shall be managed consistent with the Brown Act. Members of the Town Council, Commissions and/or Boards shall not respond to, comment on, post, "like", "share", "tweet", "re-tweet" or otherwise participate in any published postings, or use the site or any form of electronic communication to respond to, blog, or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.
- i. The Town reserves the right to terminate any Town social media site at any time without notice.
- j. Town social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
- k. The Town's Social Media Policy shall be displayed to users or made available by hyperlink.
- l. All Town social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
- m. Town social media sites are subject to the California Public Records Act. Any content maintained on a Town social media site that is related to Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on Town social media sites shall be sent to an official Town email account and maintained consistent with the Public Records Act.
- n. Employees representing the Town on Town social media sites shall conduct themselves at all times as a professional representative of the Town and in accordance with all Town policies.
- o. All Town social media sites shall utilize authorized Town contact information for account set-up, monitoring and access. The use of personal email accounts or phone numbers by any Town employee is not allowed for the purpose of setting-up, monitoring, or accessing a Town social media site.
- p. Town social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the Town has no control. The Town does not endorse any hyperlink or advertisement placed on Town social media sites by the social media site's owners, vendors, or partners.
- q. The Town reserves the right to change, modify, or amend all or part of this policy at any time.

4. Content Guidelines



- a. The content of Town social media sites shall only pertain to Town-sponsored or Town-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
- b. Content posted to the Town's social media sites must contain hyperlinks directing users back to the Town's official website for in-depth information, forms, documents or online services necessary to conduct business with the Town of Atherton, whenever possible.
- c. The Town shall have full permission or rights to any content posted by the Town, including photographs and videos.
- d. Any employee authorized to post items on any of the Town's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.
- e. Any employee authorized to post items on any of the Town's social media sites shall not express his or her own personal views or concerns through such postings. Postings on any of the Town's social media sites by an authorized Town employee shall only reflect the views of the Town.
- f. Postings must contain information that is freely available to the public and not be confidential as defined by any Town policy or state or federal law.
- g. Postings may NOT contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- h. Postings to Town social media sites shall NOT contain any of the following:
 - o Comments that are not topically related to the particular posting being commented upon;
 - o Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
 - o Profane language or content;
 - o Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
 - o Sexual content or links to sexual content;
 - o Solicitations of commerce;
 - o Conduct or encouragement of illegal activity;
 - o Information that may tend to compromise the safety or security of the public or public systems; or
 - o Content that violates a legal ownership interest of any other party.
- i. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available.
- j. The Town reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Town Manager or his/her designee. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a Town social media site.



- k. Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable Town policies pertaining to communications and the use of the internet by employees, including email content.

5. LAW ENFORCEMENT INFORMATION RELEASE GUIDELINES

The release of information is subject to restrictions governed by applicable local, state, and federal laws. No employee shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons. Release of information must conform to existing policies and procedures for release, including, but not limited to, review by the City Attorney prior to release.

In general:

(a) Employees may release the following information on crime/criminal activity:

1. Basic information about a crime or incident
2. Basic information about victims, except as excluded below
3. Description of suspects
4. Basic description of weapons and vehicles used
5. Basic description of stolen items
6. Basic description of injuries and condition of victims
7. The name, age, address, and other basic information about arrestees and the charges against them
8. Information contained in arrest affidavits and other applicable crime or incident reports
9. Booking photographs
10. Suspect photographs or sketches necessary to identify an unknown offender

(b) Employees shall not release the following information:

1. Names, addresses, and any other information that would identify the victim of any crime
2. Names, addresses, or identifying information related to juvenile arrestees
3. Active criminal investigative information, active criminal intelligence information, surveillance techniques, or personnel deployment
4. Names of informants and information provided by them
5. Active Internal Affairs investigations, as governed by state law
6. Names of witnesses
7. Information concerning on-going Town of Atherton litigation
8. The identity of critically injured or deceased persons prior to notification of next-of-kin
9. Home address, telephone numbers, and familial information of law enforcement personnel



10. Any other information prohibited by state law from public disclosure

6. LAW ENFORCEMENT USE OF NIXLE

(a) When authorized/directed to send a message via NIXLE, employees will access the Town's authorized NIXLE web page at, example "<https://agency.nixle.com>" and log on using the Town email address and NIXLE password. From the "control panel" on the left side of the page, choose one of three message types: Alert, Advisory, or Community. The following describes each type of message:

1. Alert

- (a) intended for "urgent, must know" and time-sensitive information, including:
 - 1. Missing person (at-risk) alerts
 - 2. Major building or area evacuations
 - 3. Imminent life threatening weather/Natural disaster advisory
 - 4. Shooting just occurred and shooting suspect is at large
 - 5. Shelter in place advisories
- (b) Alert information is sent to every user registered in the jurisdiction or defined geographic area and users cannot opt out of receiving these messages; therefore, Alert messages must be sent prudently.
- (c) Posting Authority: Due to the emergent nature of Alerts, they should only be posted with the approval of a PIO, Watch Commander, or member of the police management team.

2. Advisory

- (a) Intended for less urgent, need to know information, both time-sensitive and non-time-sensitive messages, including:
 - 1. Crime patterns
 - 2. School lock-downs
 - 3. BOLs (Be On the Lookout)
 - 4. Increased terror warnings
 - 5. Suspicious activity
 - 6. Time-sensitive traffic messages, including:
 - a. A traffic collision that will either impact traffic or shut down a route for a specific period of time
 - b. Implications during commute hours, high traffic areas, or during special events
- (b) Posting Authority: Advisory notifications may be posted by the PIO, Sergeant or above, or member of the police management team. Investigative implications should be taken into consideration on advisory postings, and de-conflicted with the Investigations Unit whenever possible.

3. Community

- (a) Non-time—sensitive messages, news, and information including:



1. Police/Town sponsored Events
 2. Community police meetings
 3. General proactive announcements
- (b) Posting Authority: General community-level notifications may be posted by the PIO, Sergeant or above, member of the police management team, or designee, with posting authority.