



## Item No. 19 Town of Atherton

### **CITY COUNCIL STAFF REPORT – STUDY SESSION**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GEORGE RODERICKS, CITY MANAGER**

**DATE: MAY 16, 2018**

**SUBJECT: APPROVAL OF RESOLUTION GOVERNING TOWN COMMITTEES**

### **RECOMMENDATION**

Approve Resolution 18-xx rescinding Resolution 15-10, and Establishing and Governing Town Committees.

### **BACKGROUND**

At the February 21 City Council Meeting, the Council requested an opportunity to have a discussion of the Commission/Committee Resolution and discuss ways to more proactively engage committees in the Town's public engagement and feedback processes.

Staff reviewed Resolution 15-10 with the Council at their April 4 Study Session.

### **ANALYSIS**

Attached is the updated committee resolution which incorporates feedback from the April 4 study session. The resolution contains clean up language including terms lengths and charters, appointment of voting members, agenda preparation and future agenda items. Additionally, the Rail Committee policy issues has been updated to reflect current affairs.

### **POLICY FOCUS**

Commissions and Committees are a vital part of the Town's public engagement and review process. These groups have the ability to gather public input on an issue and provide feedback and recommendations to the City Council for consideration.

When providing a framework for the operation of committees, the City Council should consider the role of each committee, the amount of oversight needed, cost effectiveness, efficiency in decision-making, and the desire of the City Council for direct policy involvement on particular issues.

**FISCAL IMPACT**

None at this time.

**PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service provides (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_ has or \_\_\_X has not been before a Town Committee or Commission.

- \_\_\_ Audit/Finance Committee (meets every other month)
- \_\_\_ Bicycle/Pedestrian Committee (meets as needed)
- \_\_\_ Civic Center Advisory Committee (meets as needed)
- \_\_\_ Environmental Programs Committee (meets every other month)
- \_\_\_ Park and Recreation Committee (meets each month)
- \_\_\_ Planning Commission (meets each month)
- \_\_\_ Rail Committee (meets every other month)
- \_\_\_ Transportation Committee (meets every other month)
- \_\_\_ Tree Committee (meets each month)

**ATTACHMENT**

Commission/Committee Resolution

**RESOLUTION 18-XX  
RESCINDS RESOLUTION 15-10  
A Resolution of the City Council of the Town of Atherton  
Establishing and Governing Town Committees  
Amended May 16, 2018**

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
7. Bicycle and Pedestrian Advisory Committee \_\_\_\_\_

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

Principles: All committees shall follow the City Council Rules of Procedure, the Atherton Municipal Code, [the Political Reform Act](#), and the provisions of the California Open Public Meeting Law (Brown Act). [These resources may be found on the Town's website and/or via the City Clerk's Office.](#) All members shall attend an education and training session hosted by the [City Attorney and City Clerk upon appointment.](#)

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 [meeting with the Committee Chair and City Council Liaison in advance of each meeting to create creating an agenda; prepare the -and agenda packet;- take and prepare ing-minutes;- and conducting follow up from meetings.](#)

Committee Agenda Preparation: [In general practice, the staff liaison to each committee shall meet with the Committee Chair and the City Council Liaison in advance of each upcoming meeting to review the meeting agenda. Regular agenda items, such as approval of meeting minutes, follow-up staff reports, and general information reports shall be added to the agenda as needed. Other items shall be added through one of the methods described below. The agenda shall be prepared in accordance with the following guidelines.](#)

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One of the following methods may be ~~applied~~used 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 and City Council liaison. 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 as part of Future Agenda Items; or items created from staff follow up of previous Committee and/or staff meetings. These items may be added to ~~the a future~~ 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 a future a following~~ Agenda. Upon review of the colleagues' memo, the Committee shall not discuss the merits of the item itself; but shall solely discuss whether to add the item to a future agenda for discussion. Upon majority vote of the Committee, ~~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. Individual members are not authorized to make public statements or comments on matters within the purview of their committee outside of the normal committee process. It could be perceived as using the member's position to indicate some special knowledge or understanding of the matter, or to confuse members of the public with respect to whether the comments are being made to improperly influence an agency decision. Committee members should refrain from using their title when addressing other boards, commissions, committees, or the City Council to avoid creating an appearance of special status to the public. 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

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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 or~~ comments ~~that would amount to a~~ discussion of the matter under consideration ~~by a quorum of their own committee~~ unless authorized to do so by the committee to avoid a possible Brown Act violation.

**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 Town's 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:** ~~Staff All committees~~ shall prepare action minutes ~~for all committees~~. 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:** If desired by the City Council, ~~a~~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~~ shall be incorporated into the Town's website. If created, ~~w~~websites ~~need to~~ shall 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. With the exception of the Bicycle and Pedestrian Advisory Committee as described, ~~a~~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, the City Council shall continually recruit qualified individuals and town staff shall continue to advertise periodically.

Term expiration dates shall end on June 30<sup>th</sup>. Appointed committee 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**

Committees do not have authorization to expend Town resources. In the event funding for committee activity 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 makes recommendations to the City Council on issues related to the Town's audit and finances. The Committee typically meets every other month. Acting in an advisory capacity, t~~The Audit/Finance Committee shall have the following powers and duties:-

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~~Act in an advisory capacity to:~~

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- a. ~~Upon request, m~~Make recommendations to the City Council ~~\_upon request\_~~ in all matters pertaining to Town finances;
- b. ~~Discuss and consult~~ Consult with the City Manager ~~on any \_on\_~~ matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;
- c. ~~Upon request, 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. ~~Assist staff, as needed, in the provision of~~ Provide oversight ~~to~~ of the annual audit process; and, ~~assist in the presentation of the annual audit present and explain the audit~~ to the City Council with recommendations as to acceptance;
- e. ~~Upon request, a~~Advise the City Council regarding appointment of outside auditors ~~to complete the for~~ annual audit;
- f. ~~Assist staff, as needed, in the r~~Review of the proposed audit scope ~~with outside auditors~~ prior to commencement of annual audit.

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

~~The Committee c~~onsists of the Mayor, Vice Mayor and ~~two (2) Council Members and~~ five (5) appointed, ~~qualified~~ resident members. ~~Resident appointed members shall serve a term of . Two terms shall be for one year and three terms shall be for two (2) years. Thereafter terms~~Each term shall be for two (2) years ~~ending on June 30th. .The C~~ommittee meets in the Council Chambers or the Town Administrative Conference ~~R~~oom.

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

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

The Civic Center Advisory Committee (CCAC) ~~is established as an Advisory Committee specifically for the Town's Civic Center Project. Once the Civic Center Project is complete, the work of the Committee shall cease, and the Committee shall be dissolved. The Committee typically meets on an as-needed basis. Acting in an advisory capacity, the CCAC shall have~~ 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-CCAC consists of up to seven (7) appointed resident members and plus two (2) liaison City Council members. There are no established terms for the CCAC resident members. The Committee's 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.~~

~~The Public Works Department is assigned overall responsibility for the CCAC.~~

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### **3. Environmental Programs Committee**

~~The Environmental Programs Committee provides the City Council with recommendations, outreach programs, and education on environmental issues facing the Town's natural and built environment. The Environmental Programs Committee typically meets every other month. Acting in an advisory capacity, (The Environmental Programs Committee shall have the following powers and duties:-~~

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~~Act in an advisory capacity to:~~

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- a. Upon request, mMake 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. Pursuant to established City Council programs and policy, assist staff in the creation of ~~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 fivesix (56) appointed resident members and including one (1) City Council Member Member liaison and five (5) residents of the Town.~~ Resident appointed members shall serve a term of ~~The term of office shall be as follows: Appointed members shall be appointed to four year terms. Thereafter, e~~ Each term of office shall be four (4) years.- The Committee meets in the Council Chambers or the Town Administrative Conference Room.  
~~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 makes recommendations to the City Council on issues related to Holbrook Palmer Park and any active or passive recreational space within the Town. The Committee typically meets monthly. Acting in an advisory capacity, the Park and Recreation Committee shall have the following powers and duties:-

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Upon request, mAct in an advisory capacity to:

- a. Make recommendations to the City Council ~~upon request~~ in all matters pertaining to the Town's active and passive parks and public recreation services;
- ~~a.b.~~ Work with staff, as needed, to assist and to cooperate with other governmental agencies and public and private groups in the advancement of park and recreation planning and programming;
- ~~b.c.~~ Work with staff to dDevelop and maintain a Master Plan for active and passive recreational spaces parks within the Town; and, annually, in the month of April, present a report to the City Council;
- d. Work with staff to rReview of the annual budget for the Town's parks and recreation programs and services during the budget process of its preparation and make recommendations with respect thereto to the City Council.
- ~~e.e.~~ Assist staff with a review of fees and services within the Park 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.f.~~ Upon request, 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.g.~~ Assist Town staff in the planning of recreation programs for the community.

The Park and Recreation Committee consists of seven (7) appointed resident members and one (1) City 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 Friends of Holbrook Palmer Park (formerly Atherton Dames). Each of the foregoing representatives shall serve a term of two (2) years. ~~-When a vacancy arises, the City Clerk will contact each organization to request a new representative. If the organization submits more than one candidate, the City Council will~~ shall select the candidate to serve as the representative.~~decide.~~

~~Remaining resident appointed 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, Terms for the remaining members each term of office serve a term of 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 ~~and~~ Recreation Committee.

**5. Rail Committee.**

The Atherton Rail Committee makes recommendations to the City Council on issues related to the Town's Rail Corridor, High Speed Rail, and Caltrain consistent with the City Council's adopted Rail Related Policy Issues, attached hereto as Exhibit A. The Committee typically meets every other month. Acting in an advisory capacity, the Rail Committee shall have the following powers and duties;~~shall have the following powers and duties.~~

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Act in an advisory capacity to:

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- a. Advise the City Council on all matters pertaining to High Speed Rail (HSR), the Rail Corridor and Caltrain, consistent with the City Council's adopted Rail Related Policy Issues.
- b. Assist staff in the research of ~~With the assistance of appropriate Town staff, research and address~~ specific impacts that 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.c.~~ Rail Committee members are authorized to act as spokespersons to articulate and advocate the Town's Rail Related Policy ~~Positions~~ Issues, as they pertain to Rail

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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:~~

~~The Rail Committee consists of up to ~~ten~~ ~~eleven~~ (10+) appointed resident members and including one (1) City Council Member liaison and up to ten (10) appointed members. There are no established terms expirations for for resident Rail Committee members. The Committee meets in the – The committee meets in the Council Chambers or the Town Administrative Conference Room.~~

~~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~~ responsibility of the Rail Committee.

#### 6. Transportation Committee

The Transportation Committee makes recommendations to the City Council on issues related to transportation, traffic, and roadway safety. The Committee typically meets every other month. Acting in an advisory capacity, the Transportation Committee shall have the following powers and duties: ~~shall have the following powers and duties.~~

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Act in an advisory capacity to:

- a. Upon request, make recommendations to the City Council upon request in all matters pertaining to transportation, traffic, and roadway safety within the Town.
- b. As needed, assist staff in the identification and review of traffic and roadway safety enhancements.
- c. As needed, assist staff in the review of regional project impacts on local traffic and transportation corridors.
- d. As needed, assist staff in the review of traffic safety enforcement measures.
- ~~a-c.~~ As needed, assist staff in the review of Neighborhood Traffic Management Program requests.

The Transportation Committee consists of ~~six-five (56)~~ appointed resident members and including one (1) City Council Members liaison and five (5) appointed members. Resident appointed members shall serve a term of The term of office shall be four (4) years. The Chair of the Transportation Committee also serves as a non-voting liaison to the Bicycle and Pedestrian Advisory Committee. The Chair shall select another member as his or her alternate. The Committee meets in the Council Chambers or the Town Administrative Conference Room.

~~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~~ Public Works staff ~~are~~ are needed for the meeting.

**7. Bicycle and Pedestrian Advisory Committee (BPAC):**

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The Bicycle and Pedestrian Advisory Committee makes recommendations to the City Council on issues related to the Town's Bicycle and Pedestrian Master Plan and bicycle and pedestrian network. The Committee typically meets as needed. Acting in an advisory capacity, the BPAC -shall have the following powers and duties:-

~~Act in an advisory capacity to:~~

- a. Work with staff in providing ~~advice and~~ recommendations on issues related all matters relating to the Town's bicycle and pedestrian network and Bicycle and Pedestrian Master Plan facilities.
- b. Make recommendations to the City Council on the selection of bicycle and pedestrian projects to be submitted for state and federal funding opportunities.
- c. Work with staff to p~~Promote~~ing bicycling and walking as safe and healthy alternative modes of transportation.
- d. Assist Town staff in the planning, operations and maintenance of bicycle and pedestrian facilities in Town~~the community~~.

~~The BPAC shall have the following composition and terms:~~

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The BPAC consists of at least five (5) appointed members plus two non-voting liaisons, one (1) Transportation Committee Member and one (1) City Council Member. At least three (3) appointed members of the Committee must meet the requirements of the Metropolitan Transportation Committee and live or work in the Town of Atherton. Other members of the BPAC must be residents of the Town. Members shall be composed of both active bicyclists and pedestrians. The Chair and Vice Chair of the Committee shall be residents of the Town.

~~The Committee shall be composed of both active bicyclists and pedestrians.~~

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~~The term of office for BPAC appointed members shall serve terms of be four (4) years. Terms shall be staggered so that the term of office for three (3) members shall be four (4) years, and the term of office for the remaining members shall be four (4) years, starting at the mid-point of the staggered term.~~

The makeup of the Committee members is encouraged as follows:

- At least one member should represent schools.
- At least one member should represent an established bicycle and/or pedestrian related organization or coalition.

- At least one member should have knowledge and interest in Countywide pedestrian and bicycle facility planning and operations.

The Committee meets in the Council Chambers or the Town Administrative Conference Room.

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The Public Works Department is assigned overall responsibility of the Bicycle and Pedestrian Advisory Committee.

**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~~15-10 are hereby superseded and rescinded.

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the ~~21<sup>st</sup>~~<sup>16<sup>th</sup></sup> day of ~~October~~<sup>May</sup>, 201~~5~~<sup>8</sup>, by the following vote.*

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AYES: ~~5~~ Council Members: ~~DeGolia, Lewis, Widmer, Wiest, Lempres~~  
NOES: ~~0~~ Council Members:  
ABSENT: Council Members:  
ABSTAIN: Council Members:

\_\_\_\_\_  
~~Riek DeGolia~~<sup>Cary Wiest</sup>, 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
    - e. 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. Lloydlen 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~~

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**EXHIBIT A**  
**RAIL RELATED POLICY POSITIONS ISSUES**  
**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. At that time,~~

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~~• Town Resolutions, passed unanimously by the Council, opposed the HSR project, including the Program Environmental Impact Report (EIR), Business Plan and use of the rail corridor by HSR.~~

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~~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.~~

~~Due to its opposition to the HSR project, 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.~~

~~*The Town remains opposed to the HSR project and supports legislative initiatives to prevent the implementation of the HSR project, in its current form, through the Town. If the HSR project moves forward, the Town fully expects that the project will minimize and fully mitigate environmental impacts to the Town.*~~

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~~• 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:~~

- ~~○ Independent Ridership Survey reporting directing to the Legislature~~
- ~~○ Independent Verification of Sources claiming HSR projects have resulted in profitable operations~~
- ~~○ Business Plan deemed "investment grade and acceptable," by the following:
  - ~~• State Auditor, Legislative Analyst Office and Peer Review Group~~~~
- ~~○ 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.~~

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~~• 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

~~*The Town of Atherton has may take taken the position to use all-legal means, as deemed appropriate by the City Council, to delay, hinder or halt the implementation of Prop 1A which Atherton town residents and the City Council voted to oppose.*~~

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- ~~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 Town has~~ ~~The Council has~~ engaged a professional lobbyist, in conjunction with other ~~cities/communities~~, to represent the ~~Town/city's~~ ~~position/interests~~ on HSR matters.
- ~~The Council encourages members of the Town's Rail Committee~~ ~~the efforts of rail committee members~~ to advocate on behalf of ~~the Town~~ with respect to HSR in manners consistent with the above HSR Rail Policy. ~~Atherton~~ within approved Rail Policies.

**B. RAIL CORRIDOR AND CALTRAIN**

Rail Service

- ~~The Town~~ ~~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.~~
- ~~In years past, Caltrain provided the~~ ~~Up to (year?)~~ Atherton Station with ~~received~~ weekday and weekend rail service ~~from Caltrain~~ until it declared its first "fiscal emergency" ~~C?~~
- ~~Citing the need to fiscal emergency reasons for reducing/reduce~~ costs, including station stops. ~~As a result,~~ ~~the number of weekday rail stops~~ ~~in at the Atherton Station~~ 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~~ ~~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 a 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.~~

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- ~~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.~~

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#### 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.~~

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#### Town Priorities Regarding Caltrain Line

The Town recognizes that successful implementation of the Town's rail corridor priorities with Caltrain require a partnership with Caltrain. To that end, the Town will endeavor to work with Caltrain to address the following priorities for the Atherton Station and Rail Corridor:

- ~~Caltrain must r~~Restoration of weekday service.
- Caltrain must complete a capital project to remove the "hold out station" in Town.
- ~~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 the rail system must minimize and fully mitigate any environmental impact to the Town.
- ~~The Town seeks to perfect the Implementation of a Quiet Zone within the and on the Town's border through the areas.~~
- The addition of Quad Gates at the Watkins Avenue crossing and upgrading the Atherton Station. These measures require the support and partnership of Caltrain. facilitates qualifying for meeting Quiet Zone regulations.
- ~~Monitor Dumbarton Corridor developments.~~
- ~~Monitor Union Pacific service and relationship with Caltrain.~~

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