



[Issue](#) | [Background](#) | [Findings](#) | [Conclusions](#) | [Recommendations](#) | [Responses](#) | [Attachments](#)

Interim Report

Governmental Effectiveness In The Town Of Atherton

Issue

How can the Town of Atherton (Atherton or the Town) ensure efficiency, independence and transparency in Town operations?

Background

In 2005 and 2006, a series of audit reports about some aspects of Atherton's governance were issued by the Town's finance department. Some members of the Town Council (Council) and Town staff disagreed with the conclusions reached. Conflicts ensued among staff and Council members which have yet to be fully resolved. As the controversy over these reports continued, a personnel investigation was initiated and the finance director's employment was terminated. During the course of these events, members of the Council, the audit committee, and the Town administration publicly aired their opinions to local newspapers about the actions of the Town and its staff. The furor about the reports and investigations took up a great deal of staff's time and energy, impeding government efficiency.

Contentious reports are not uncommon during the governing process in any city. The public demands and expects that its governing institutions be open to public scrutiny. The 2007-2008 San Mateo County Civil Grand Jury (Grand Jury) believes that no matter how controversial a report or personnel action might be, open discourse can and should be exercised in a civil manner better than that observed in Atherton's response to the audit reports and the personnel action.

According to Atherton ordinance §2.12.070, the Town Manager has very broad powers and responsibilities, some of which are given in the attached Appendix. The essence of these laws setting up the Town Manager form of government is that the Council provides policy guidance to the Town Manager, whereas the Council is generally constrained from interfering with the Town Manager in the execution of his or her day-to-day duties. The Grand Jury did not observe adherence to this constraint.

A permanent Town Manager has been hired, thereby providing an opportunity for a fresh start in Atherton's governance.

The Grand Jury hopes to prevent past events from having a chilling effect on any staff who might otherwise be inclined to report future government irregularities or offer constructive suggestions. The motivation for this report is to provide an outside viewpoint and some recommendations that may help avoid future disruptive events similar to those outlined above. All cities must be open to continual public review. The Grand Jury believes that this report can benefit other city administrations. Therefore, a copy of this report is being sent to all cities in the County.

Investigation

The Grand Jury conducted 17 separate interviews with Atherton elected and appointed officials, management, employees, and concerned citizens. Four people were interviewed twice. In some cases, the accounts of the events differed.

The Grand Jury requested and received from the Town numerous policy documents and copies of informal notes taken by various staff members. Those notes described various meetings, incidents and staff interviews. In addition to material provided by the Town, other documents and website resources relating to good management practices were analyzed. Local news reports and the reports from last year's 2006-2007 Grand Jury were also taken into account.

Findings

The Grand Jury finds that:

- There was a considerable difference of opinion within the Council and Town administration regarding the above-mentioned audit reports.
- The public pronouncements to local newspapers by individual members of the Council, audit committee and staff exacerbated animosity among the Council, Town administration and staff. These pronouncements also created considerable uncertainty among the Town's constituents about the nature of the dispute and the Town's position.
- The Grand Jury's interviews with staff and Council members revealed considerable rancor, tension, antagonism and lack of collegiality among individuals.
- The Town currently has no finance director, but has retained a finance consultant.
- The position of Town Manager has been filled.

Conclusions

The Grand Jury concludes that:

- Strident public statements by Council members and appointed officials inhibit the management independence that is necessary to ensure effectiveness and constructive criticism within Town administration.
- There is an opportunity for the Council and the new Town Manager to address the causes of the recent turmoil in the Town in a constructive manner.
- Personnel openings in the Town's management will provide an opportunity to develop a more cohesive management team.

Recommendations

The Council of the Town of Atherton should:

- Review their procedures for safeguarding the independence of the Town management team, so that department heads and staff can freely investigate, discover and report any perceived improprieties or inefficiencies that may arise.
- Revise those procedures as necessary to make them more effective.
- Establish a new policy whereby Council members, Town staff and appointed officials are encouraged to carefully consider the ramifications of their public pronouncements when sensitive Town matters are being investigated.
- Meet periodically with the Town Manager to ensure an ongoing mutual understanding of the respective roles of the Town Council and Town Manager.

Appendix: Powers And Responsibilities Of The City Manager And Council Members (Selected Excerpts)

By ordinance, the Town of Atherton created “a city manager form of government and creates the office of city manager.” (Atherton Municipal Code §2.12.010) Among other responsibilities, the City Manager is the Town’s personnel officer. (§2.12.020) Atherton’s Municipal Code provides broad powers to the City Manager.

Among other things, Section 2.12.070 provides the “... city manager shall be the administrative head of the government of the town under the direction and control of the city council, except as otherwise provided in this chapter. He shall be responsible for the efficient administration of all the affairs of the town which are under his control. ... In addition to his general powers as administrative ..., it shall be his duty and he shall have the powers set forth in the following subsections:”

“...To control, order and give directions to all heads of departments, except the city attorney, and to subordinate officers and employees of the town through their department head, and consolidate or combine offices, positions, departments or units under his direction;”

“...To appoint, remove and demote any and all officers and employees of the town except the mayor, councilmen, chairman and members of the planning commission and the city attorney;”

“...To make investigations into the affairs of the town or any department or division thereof and any contract for the proper performance thereof;”

“...To investigate all complaints in relation to matters concerning the administration of the town government and in regard to the service maintained by public utilities in such town;”

The role of individual City Council Members in personnel matters is described in the Atherton Municipal Code (§2.12.080), which provides (partial list with emphasis added):

“The city council and its members shall deal with the administrative services of the town through the city manager, **except for the purpose of inquiry**; and neither the city council nor any member thereof shall give orders to the subordinates of the city manager, except in the event of an emergency endangering life or property.”

“... It shall be the duty of all subordinate officers, including the city attorney, to cooperate with and assist the city manager in administering the affairs of the town

most efficiently, economically and harmoniously, so far as may be consistent with their duties as prescribed by the law and ordinances of the town.”

“ ... Upon appointment of the city manager, the terms of subordinate officers over whom he has power of appointment or removal shall cease unless they are reappointed by him. **All powers heretofore vested in the city council or in any other officer or employee of the town ordinance, resolution or other action of the council which are by this chapter vested in the city manager, shall be deemed to be transferred to the city manager as though all such ordinances, resolutions or other actions had been specifically amended.**”

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REPLY TO:

MARC G. HYNES

J.M. ATKINSON (1892-1982)

L.M. FARASYN (1915-1979)

July 2, 2008

Hon. Joseph C. Scott
Judge of the Superior
County of San Mateo
400 County Center
Redwood City, CA 94063 -1655

Re: Response to Grand Jury Report
Governmental Effectiveness in the Town of Atherton

Dear Judge Scott:

This letter responds to the report of the San Mateo County Civil Grand Jury entitled "Governmental Effectiveness in The Town of Atherton."

The Town's response is made in line with expressions by the Grand Jury regarding its motivation for its report, making recommendations as described on page 3 of the report to the effect that the City Council for the Town of Atherton should:

- "Review their procedures for safeguarding the independence of the Town management team, so that department heads and staff can freely investigate, discover and report any perceived improprieties or inefficiencies that may arise.
- Revise those procedures as necessary to make them more effective.
- Establish a new policy whereby Council members, Town staff and appointed officials are encouraged to carefully consider the ramifications of their public pronouncements when sensitive Town matters are being investigated.
- Meet periodically with the Town Manager to ensure an ongoing mutual understanding of the respective roles of the Town Council and Town Manager."

As recognized in the Grand Jury report, a permanent City Manager has been hired by the Town.

Hon. Joseph C. Scott
Judge of the Superior Court

July 2, 2008
Page Two

The City Council has participated in two leadership workshops conducted by an outside facilitator Carl H. Neu, Jr. The workshops were conducted on March 7 and 8, 2008, and on May 2, 2008. The workshops focused upon the role of the City Council and Town staff in line with the City Manager form of government as embodied in Chapter 2.12 of the Atherton Municipal Code and including the powers and duties of the City Manager as set out in Section 2.12.070. (Exhibit A, attached, is a summary of the workshop on March 7, 2008.)

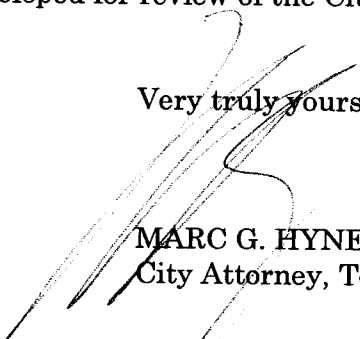
As a result of the workshop on May 2, 2008, goals and objectives for the City Council and Town staff in conformance with existing laws have been discussed and adopted by the City Council on June 18, 2008. (See Exhibit B attached).

The City Council has developed a comprehensive re-evaluation of its advisory committees and commissions and has adopted a resolution which incorporates in one document a description of these bodies, along with a statement of their powers and duties. (See Exhibit C attached.)

Exhibit C specifically identifies the issue of public pronouncements on Town matters and the manner in which announcements concerning Town policy will be made. The City Council will be considering revisions to its rules of procedure at its meeting on July 16, 2008, to further address these issues. Particular attention will be given to requirements for officials appointed to Boards and Commissions as well as City Councilmembers concerning the Brown Act and the procedures to be followed for communicating Town policy to the public.

The retreat process will be continued so that an ongoing mutual understanding of the respective roles of the City Council and City Manager will be enhanced and maintained. A formal evaluation process will be developed for review of the City Manager and City Attorney by the City Council.

Very truly yours,


MARC G. HYNES
City Attorney, Town of Atherton

MGH:cwb

Enclosure: Exhibit A: NEU & Company Summary for March 7, 8
Exhibit B: City Council High Priority Goals (1 page)
Exhibit C: Resolution

C: City Manager
City Council



**TOWN OF ATHERTON, CALIFORNIA
CITY COUNCIL LEADERSHIP WORKSHOP**

MARCH 7-8, 2008

**SUMMARY OF KEY OBSERVATIONS AND
CONCLUSIONS MADE BY THE PARTICIPANTS**

Submitted by

Carl H. Neu, Jr.

March 11, 2008

TOWN OF ATHERTON, CALIFORNIA
CITY COUNCIL LEADERSHIP WORKSHOP

MARCH 7-8, 2008

**SUMMARY OF KEY OBSERVATIONS AND CONCLUSIONS
MADE BY THE PARTICIPANTS**

**Submitted by
Carl H. Neu, Jr.
March 11, 2008**

I. INTRODUCTION

On March 7-8, 2008, the members of the Town Council and the Town Manager conducted a City Council Leadership Workshop. The objectives and agenda for the workshop are attached to this report as Appendix A.

**II. SUMMARY OF KEY OBSERVATIONS AND CONCLUSIONS MADE BY
THE PARTICIPANTS**

A. Introduction to the Workshop

The facilitator started the workshop by reviewing the key concepts of strategic leadership processes and performance characteristics of highly-effective city councils and council-manager partnerships. Once this overview was completed, the participants engaged in a series of discussions which are outlined in the materials listed below. Interspersed throughout these discussions were observations provided in the pre-workshop questionnaires completed by the Town Council and the Town's Management Team.

B. Major Issues Facing the Town of Atherton

One of the questions in the pre-workshop questionnaire focused on what are the major challenges and issues facing the Town of Atherton over the next two to four years. The participants identified what they considered to be the similarities between the observations of the Town Council and staff and the differences in the observations.

Major Issues Facing the Town of Atherton

Similar Issues in Council and Staff Responses

- Finances and revenue sources
- Staffing issues
- Facilities
- Drainage
- Zoning and land use issues
- “New Players”

Areas Where Differences Appeared Between the Observations of Council and Staff Responses

- Image/publicity (Town Council)
- Values of employees and their contribution to the Town. (Employees)
- Trust (Employees)
- Micromanaging (Employees)
- Code of Conduct (Employees)
- Service levels – maintaining levels of service (Employees)
- Impact of rail on the Town of Atherton (Town Council)
- Greening of Atherton (Town Council)
- Incorporating other areas into the Town (Town Council)
- Property rights issues. (Town Council)

In parenthesis () in the differences column is the attribution as to source of the comment. It was noticed that the employees, in addition to being concerned about many of the issues that also concerned the Town Council, had a number of concerns that pertained to how they were seen and their contributions valued by the Town Council and the community.

The facilitator pointed out that this dichotomy is not unusual because the members of the governing body will tend to see issues from a

perspective that will differ from the executive or employee function of the community, i.e., employees.

C. Respective Roles of the Town Council and the Town Manager in the Council-Manager Partnership.

The council-manager model consists of two primary functions: the *governing body* and the *executive*. These two functions are highly interactive and interdependent for the total success of the community but each has distinctly different roles that are to be carried out. For example, the governing body's primary role is leadership and policy direction that defines the ends to be achieved for whom, within what resource allocations. In contrast, the role of the executive is to define the means by which the ends prescribed by the council are to be achieved consistent with policy guidelines established by the council.

Role consists of two primary elements: Function (primary duties associated with the role) and Performance (the specific style or behaviors exhibited by the incumbent within the role).

1. Role of the Town Council
 - a. Perspective of the Town Council Members

WHAT (Functions)	HOW (Specific Performance)
1. Exhibit a professional image	1. <ul style="list-style-type: none"> • Be positive with the public • No lone rangers • Circle the wagons • Support the group's decisions • Respect each other and work together.
2. Provide leadership and vision.	2. <ul style="list-style-type: none"> • Share information and keep each other informed through the Town Manager. • Have a goal-setting retreat.

- | | |
|---|---|
| 3. Establish goals and set policies | 3. Have a goal-setting retreat |
| 4. Hire a Town Manager and Town Attorney and oversee their performance. | 4. Provide regular evaluations of the performance of the Town Manager and Town attorney. |
| 5. Hear the people. | 5. <ul style="list-style-type: none"> • Provide adequate notice of meetings and issues • Respect other people's opinions and have open minds • Let everybody speak – establish and follow rules. |
| 6. Encourage engagement of residents | 6. <ul style="list-style-type: none"> • Shorter meetings • Encourage broad representation/ different views. |
| 7. Facilitator volunteers | 7. --- |
| 8. Maintain fiscal viability | 8. Work for long-term financial solutions. |
| 9. Comply with law and mandates. | 9. --- |
| 10. Ensure public safety. | 10. --- <ul style="list-style-type: none"> • Establish policies • Preparedness • Fire Department relations |
| 11. Interact with other governmental agencies | 11. --- <ul style="list-style-type: none"> • Attend meetings • Develop relationships • Be aware of |

	regional issues.
12. Maintain infrastructure.	12. ---
13. Budget approvals	13. ---

b. Perspective of the Town Manager

WHAT (Functions)	HOW (Specific Performance)
1. Set policy.	1. Provide well-thought-out policies to Town Manager and Staff.
2. Establish vision for the Town's future.	2. Establish the vision through collaborative effort by all Council Members
3. Establish goals and objectives to achieve the vision.	3. Provide clear and Consistent direction to The Town Manager and through the Town Manager to the Town Staff.
4. Prepare budget for submission to Town Council for action and approval.	4. Participate in the budget formulation process.

2. Role of Town Manager

a. Perspective of the Town Council

WHAT (Functions)	HOW (Specific Performance)
• Supervise and manage staff	• Suggest changes for better and more efficient operations
• Implement Town Council directives	• Conduct evaluations

- Interface with other agencies
- Be responsive to citizens
- Keep Town Council informed
- Advise Town Council through:
 - Advance warning
 - Making suggestions
 - Providing opportunities for improvement
 - Providing criticisms
 - Suggesting priorities
 - Feasibility studies
 - On issues and mandates.
- Be the screen between Town Council and the staff.
- Responsible for management of Town finances.
- Town spokesperson.
- Submit a budget to Town council for approval.
- Provide regular oversight and accountability
- Seek grants
- Communicate with staff
- Deal with issues and problems where they don't have to rise to the Council level
- Prioritization and plans
- Report back regularly on status of things that Council has established for the Town Manager to accomplish.
- Attend meetings
- Be the Town spokesperson
- Develop contacts and relationships
- Stay abreast of development

- Meet with citizen groups
- Provide public outreach
- Be a good frequent communicator through e-mail and phone
- Say “no” to Council members.
- Be the funnel for communication among Council members
- Seek efficiencies and innovations for the Town
- Involve the Town Council as you consider appropriate
- Cost accountability
- Develop relationships with the press
- Update the Town’s website
- Develop e-mail lists.

c. Perspective of the Town Manager

WHAT (Functions)	HOW (Specific Performance)
1. Implement Council policy	1. Have resources and staff to carry out council policy.

2. Support and implement Council vision for the Town	2. Same as above.
3. Support goals and objectives and work to accomplish them	3. Establish and maintain consistent and valid evaluation process for Town Manager with a facilitator for the Process.
4. Be a "front man" for the Town	4. Support the council and staff throughout the Town.

D. Items for further discussion based upon review of role issues.

1. The Brown Act

California, like all other states, has an open meetings law known as the Brown Act. One of the questions that continuously arises is how can town councils operate effectively in the glaring sunshine of open meetings laws? The answer: focus on issues rather than personalities and understand that open meeting laws are here to stay because the public has an expectation that it has the right to be present and observe meetings in which elected officials conduct their business. There are exceptions to this know as provisions for executive sessions.

2. How do we communicate

- among ourselves?
- between the Town Manager and the staff?
- and with the public?

- a. The focus of this discussion moved toward the proper methods and channels for communication among the Town Council, Town Manager, and Town staff.

In the council-manager model, all communications technically between the council and the staff should go through the town manager because of his role as the chief executive officer of the town. However, a practical reality is that such a concept becomes burdensome if every

communications item has to go through the town manager from council to staff. The general rule of thumb is that any item that directly or indirectly implies direction from the council to a member of the town staff should be directed through the town manager who has responsibility for supervising and directing the work function of the town staff. However, requests for information which do not have within them implications of direction, can go between council members and the staff. In the event, that a staff member foresees that such a request might exceed certain time limits or could be directional in nature, the issue needs to be considered between the council and the town manager who will then provide appropriate direction to the staff.

The basic rule is to respect the accountability that the town manager has to the council for the performance of the entire administrative function of the town. Council should not in any way interact with staff in a manner that might degrade or circumvent the town manager's authority or accountability.

The next item that arose is how do members of the town council communicate their concerns about staff performance? The general consensus is that those concerns should be directed to the town manager for evaluation and appropriate resolution. Furthermore, these concerns should be communicated privately, to the extent possible, rather than openly in public forums where inferences could be made by the public or media that could be detrimental to the town or its employees, especially if the concerns have not been validated.

3. How does the town manager keep town council informed and disseminate information to council members about general topics and communiqués that occur between the town manager and council members. Council members indicated that they would like to receive information on the actions made by various committees in a timely manner. Part of the suggested resolution of this concern was:

- Establish a standardized format to be followed by the committees in the preparation of their minutes.
- Establish reportable actions minutes which focus basically on the item under consideration and the action

taken by the committee in terms of specific outcomes and votes,

- Possibly publishing unapproved minutes shortly after the meetings occur so council members and citizens could have rapid and timely information on actions taken by the committees.

4. Town Manager being the screen between Council and the Staff.

The participants agreed that given the advent of a new town manager, the town council members and the town manager would interact with each other in a manner consistent with the principles inherent in the Council-Manager form of government. Town council members indicated a strong desire for the town manager to be the chief executive officer of the town who would oversee the administrative functions of Atherton. Town council would direct their issues to him and through him to the town staff through policy direction and guidance. Conversely, the town manager indicated to the council a strong desire that they provide him good policy direction and hold him responsible for the supervision of the staff's performance.

5. How to handle citizen concerns and criticisms through a consistent communications and resolutions process.

Jerry Gruber indicated that he would review this issue and propose a process to town council that can be followed to insure that citizens' concerns and criticisms were dealt with in a timely and consistent manner and that council members would be informed of how these issues were handled. Secondly, the process would identify methods for follow-up with citizens to evaluate their satisfaction with both the process and the response provided.

E. Review of Town Committees and Commissions.

The Town of Atherton has a number of various committees and commissions to provide the town council with information and advice in furtherance of its ability to carry out its duties as the governing body of Atherton.

Questions that typically arise relative to committees and commissions are:

- What does the council want and need from these committees and commissions?
- How does the council charter them in terms of defining their specific role and how they will carry it out?
- How will these groups be expected to prepare their agenda's minutes and ensure attendance of their members at their meetings?
- How are members of these committees and commissions selected by the town council?
- How does the council assign specific issues and tasks to each of the committees and commissions?
- How is staffing provided to each of the committees and commissions and what are the fiscal impacts on the town of supporting each of the committees and commissions?
- How does the town council evaluate the performance of each committee and commission relative to the council's expectations and direction given to them?
- When is it appropriate to use ad hoc groups as an alternative to standing committees and commissions?

It was determined that the town council would hold a workshop to address the questions listed above and to provide more specific direction on the wording of a resolution pertaining to the Town of Atherton committees and commissions.

City Council Re-Evaluation of Committees before members are appointed:

1. Arts Committee

The Town of Atherton has approximately \$130,000 that was provided to it by an estate. Also there is an Arts Foundation which operates as a separate group from the town. Council decided that this issue needs to be studied and resolution made as to the role of the Arts Committee and what if any disposition eventually should be made of the funds bequeathed to the city consistent with grantor's wishes.

2. Atherton Channel Drainage:

It was decided to abolish the committee.

3. Atherton Rail Committee: (an ad hoc committee)

It was decided to keep this group functioning as it is now. However, further guidance was provided including:

- Ensure the actions and recommendations from the committee go through the city council or the town manager before being disseminated through to the public or other agencies. The city council has to decide if it wants to take a position on the forthcoming high-speed rail bond election. Also, does it want the committee to engage in educational activities to the community pertaining to this issue?

4. Audit Committee

It was concluded that the Audit Committee function would be to:

- review the audit process
- make recommendations to the town council on an RFP and possible selection of auditors
- review audit reports and management letter findings
- make recommendations to the town council based on the audit report and management letter findings which in turn will give specific direction to the town manager on actions to be taken.

The Committee is to consist of three residents having two-year overlapping terms and two council members.

5. Budget and Finance Committee

It was decided:

- the committee will consist of two town council members
- town council provides guidance to the committee on what it wants the committee to do on behalf of the council
- the committee will report to the town manager and through him to the town council
- the committee will conduct a workshop with town council at least twice a year on budget issues and status
- the committee may wish to include financial experts as an ad-hoc advisory committee to assist it in its work.

6. Buildings and Facilities Committee

It was decided that any actions taken relative to this committee would be deferred until the completion of the vision and goal-setting workshop to be conducted by council in April or early May. The outcome of this workshop would provide the perspective council needs to provide further direction relative to this committee.

7. Crime Prevention Committee

It was decided this committee actually is a group that assists the Police Department and should not be included in the list of official town committees and commissions.

8. Emergency Preparedness Committee

It was decided to abolish this committee.

9. Environmental Programs Committee

The following observations were made:

- this committee provides reports to the town council.
- there are questions as to what are the staffing requirements necessary to support this committee and the town manager will need to address these issues and make recommendations pertaining to staffing requirements.
- this committee, while acting in an advisory capacity, needs to focus on assisting the city council in providing achievable environmental program goals and policy directions for the Town of Atherton.

10. General Plan Committee

A definitive budget for this committee is to be prepared.

11. Heritage Committee.

It was decided to abolish this committee.

12. Parks and Recreation Committee

It was decided this committee would continue to function as it does currently.

13. Screening Committee

This committee will continue to function as it does currently.

14. Transportation Committee

This committee will continue to function as it does currently, however, an additional member needs to be appointed.

15. Tree Committee

It was decided to abolish this committee.

F. Conducting a Vision and Goal-Setting Workshop for the Town Council.

The workshop conducted on March 7-8, 2008, focused primarily on team-building and clarifying the respective roles and relationships to exist between the town council and the town manager. The next task then is for the town council to define its leadership vision, priorities and goals for the Town of Atherton. This workshop will be scheduled for a date in April or early May. Specifics are to be negotiated by the town manager with the facilitator for council review and approval.

City Council High-Priority Goals

Once the 17 proposed goals were identified, each of the workshop participants (4 council members and 7 senior staff members) were given an opportunity to select 7 of the 17 proposed goals as their choice for High-Priority Goals. For a goal to be selected as a High-Priority Goal, it had to be supported by a majority of the council. Staff members were given an opportunity to indicate their preferences, but the selection of High-Priority Goals is the prerogative of the town council as the Atherton governing body of elected officials. The following proposed goals were identified by a majority of the council members as High-Priority Goals.

- Obtain approval by residents of long-term financing mechanism for the Town of Atherton (Town Council – 3; Senior Management Staff – 7)
- Obtain Town of Atherton Housing Element State Certification. (Town Council – 4; Senior Management Staff – 6)
- Determine feasibility (political, economic, and operational) of a new or remodeled Atherton Town Center, and implement recommendations from the Feasibility Study. (Town Council – 4; Senior Management Staff – 7)
- Fund and build quad gates at train crossing, and implement quiet zone or get CALTRAN/high Speed Rail to accommodate Town concerns in running high speed rail through Atherton. (Town Council – 3; Senior Management Staff – 2)
- Determine feasibility of annexation (commercial and residential) and if feasible, pursue annexation of designated areas. (Town Council – 3; Senior Management Staff – 2)

EXHIBIT B

RESOLUTION NO. 08-___

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

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

Now, therefore, the City Council of the Town of Atherton hereby resolves as follows:

Section 1. Establishment of Committees. The following committees and commissions are established for the Town of Atherton:

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

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

- All committees and commissions shall follow the City Council Rules of Procedure and the provisions of the California Open Public Meeting Law (Brown Act).
- Each committee or commission shall annually select one of its members to act as Chair and one of its members to act as Vice Chair. In the event a committee or commission is unable to appoint a Chair and/or Vice Chair, the Mayor shall have the authority to make such appointment.
- The City Manager shall have the authority to appoint any Town staff member(s) to serve Town committees and commissions.
- All committees and commissions shall prepare action minutes for the City Council. Draft minutes, that is unapproved minutes, shall be presented to the City Council as soon as possible following the meeting they report.
- Members of committees and commissions are encouraged to advocate to the City Council their position on matters under the purview of their committee or commission. Otherwise, no committee or commission or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee or commission without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval.

- Committees and commissions may provide educational materials to the public regarding the functions and actions of the committee or commission, but shall not engage in advocating to the public any particular position which is contrary to City Council policy.
- Upon request, an annual report shall be provided to the City Council of committee and commission activities for the preceding year.

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

Members other than City Council Members shall be appointed following recommendation of the Screening Committee and approval by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the expiration of their terms set out below. Vacancies in any committee or commission arising from any reason, including expiration of term, shall be filled by appointment of the City Council based upon recommendations of the Screening Committee.

Section 4. Powers and Duties - Composition – Terms.

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

- City Council representatives on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term.
- Appointed members shall serve no more than two full consecutive terms on the committee or commission to which they are appointed. A member may be reappointed to the committee or commission following a minimum two (2) year hiatus.
- Each January, an annual report shall be provided to the City Council of attendance at committee and commission meetings for the preceding calendar year.
- Unexcused absences of members, other than City Councilmembers, from two or more consecutively scheduled meetings shall result in the automatic vacation of the member's office.
- In the event funding for the committees or commissions is desired, a budget shall be prepared and presented to the City Council for review and approval as part of the Town's regular budget process.
- Any requests by a committee or commission for staff work, information, or assistance from Town Staff shall be made to the City Manager.
- Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee or commission.

1. Arts Committee.

The Arts Committee shall have the following powers and duties:

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

- Atherton;
- iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts as well as crafts.

The Arts Committee shall have the following composition and terms:

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

2. Atherton Rail Committee.

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

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

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

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

3. Audit Committee.

The Audit Committee shall have the following powers and duties:

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

The Audit Committee shall have the following composition and terms:

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

4. Environmental Programs Committee.

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

- a. Act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.
- b. Develop and propose to the City Council timely and appropriate action plans for the Town to:
 - (i) environmental issues or threats that become matters of concern for the community;
 - (ii) any regulatory statute or legislative changes or policies coming from the county, state or Federal governments on matters of environmental protection or performance; and
 - (iii) technological advancements that can help the Town address environmental issues, threats or legislative requirements. Such issues would include but not be limited to global warming and carbon dioxide emissions, green building guidelines, conservation and diversion, ABAG policies, PG&E and Allied Waste programs or services, e-waste collection and Earth Day and other environmental events.
- c. Create pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction for presentation to and consideration and approval by, the City Council.

The Environmental Programs Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and ten (10) residents of the Town. The term of office shall be as follows: Five (5) of the appointed members shall be appointed to a two-year term commencing 2007 and ending April 30, 2009. The remaining members' terms shall be four (4) years commencing 2007 and ending April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets quarterly on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

5. Finance Committee.

The Finance Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town finances;
- b. Consult with the City Manager on matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;

The Finance Committee shall have the following composition and terms:

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

6. General Plan Committee.

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

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

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

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

7. Park and Recreation Commission.

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

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

- recreation areas, activities and facilities such as playgrounds, buildings, parks, open space and other centers of recreation;
- e. Assist Town staff in the planning of recreation programs for the community, and promote and stimulate public interest therein.

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

Consists of seven (7) appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. The term of office for the two (2) members ending April 30, 2008 shall be four (4) years. The term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Commission meets on the first Wednesday of each month at 6:30 p.m. in Holbrook-Palmer Park unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

8. Screening Committee.

The Screening Committee shall have the following powers and duties:

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

The Screening Committee shall have the following composition and terms:

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

9. The Town Center Committee.

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

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

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

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

10. Transportation Committee.

The Transportation Committee shall have the following powers and duties:

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

The Transportation Committee shall have the following composition and terms: Consists of five (5) members including two (2) Council Members and three appointed members. The term of office shall be four (4) years. The committee meets on the second Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

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

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 18th day of June, 2008, by the following vote.

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

James R. Janz, Mayor, Town of Atherton

ATTEST:

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney