



# COMMISSIONER'S HANDBOOK

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**COMMISSIONERS HANDBOOK**  
 For Members of Commissions, Committees, Task Forces and Boards

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## INTRODUCTION

Welcome to public service!

The City of Pleasanton prides itself with having a large number of residents and community members like you who are volunteering and doing something for the betterment of the entire community. As a member of a commission, committee, task force or other board (collectively a “commissioner”), you’ll find your role requires time, effort and sometimes lengthy evening meetings. However, it also provides an opportunity for genuine public service which enables you to help shape the City’s future.

Because of a long-standing community value and tradition of public engagement, the City Council has established a number of commissions and committees that act as vehicles for channeling public input to the City Council, City staff and community organizations. In addition to regular commissions created by City ordinance and codified in the Pleasanton Municipal Code, the City Council regularly establishes committees, task forces and boards which are designed to address specific issues and/or programs.

The purpose of this handbook is to provide you with information on the City’s government and commission structure, and to introduce you to your role as a commissioner. This handbook also reviews the history, government and administrative organization of the City and provides general operating guidelines for all commissioners. A detailed description of each commission and information outlining meeting procedures and commission conduct is also included.

As a commissioner, you are essential to the City's commitment to developing policies and services that reflect the needs and values of our community. In carrying out your responsibilities, you will work closely with your fellow commissioners, the City Council and the City staff -- all of whom play a critical role in improving our community. It is hoped that this handbook will provide you with the information necessary to understand your role as a commissioner so that your experience can be positive and productive.

To help you with your role, the City has assigned a staff liaison to each commission, committee, task force and board. Please feel free to contact that individual at any time if you have questions regarding information in this handbook.

# Section I

## HISTORY

The area that grew to be the city of Pleasanton played a significant role in California history. The City's environs were first settled 4,000 years ago by the Ohlone peoples and later became a thriving agricultural area when the Spanish arrived in the 1770s.

Pleasanton's history has been largely shaped by its geographic location. Located along the first transcontinental railroad, the area was known as Alisal in the 1850s when it served as a main mercantile stopover during the Gold Rush era during which it enjoyed the nickname, "The Most Desperate Town in the West," due to a proliferation of bandits who ambushed unsuspecting gold miners returning with their riches.

The rolling grasslands were dotted with cattle and the area was home to the largest hops crop in the United States. The town was also home to a 500-acre ranch purchased in the 1880s by George and Phoebe Apperson Hearst. During his time in the area, George Hearst served as a United States senator.

Pleasanton was incorporated on June 18, 1894, and named for Major General Alfred Pleasanton of the Union Army. A typographical error by the U.S. Post Office is believed to be responsible for the current spelling of the city's name.

Pleasanton enjoys a strong equestrian heritage as home to the nation's oldest one-mile racetrack, built in 1858 by the Bernal family. This racetrack is located at the current day Alameda County Fairgrounds. The city also enjoyed brief celebrity as "Hollywood of the North", after serving as the location for the 1917 film, *Rebecca of Sunnybrook Farm*.

Pleasanton's rural character underwent unprecedented population growth in the 1960s joining other burgeoning Bay Area cities. During the 1980s, Pleasanton's modern-day position as a center of commerce given its location at the intersection of Interstates 580 and 680 was defined with the development of the Tri-Valley's first large business center – Hacienda Business Park – as well as the Stoneridge Shopping Center. By the mid-1980s, Pleasanton was the third fastest growing city in California.

During this same timeframe, the City of Pleasanton offered a vacant building on Main Street in downtown to the Amador-Livermore Valley Historical Society (ALVHS), known now as the Museum on Main. The Museum on Main building once housed the old Town Hall, Police Department, and the first library, and now serves the community by enhancing the knowledge and preservation of its history.

During the 1990s and 2000s, the city continued to grow its employment base, leveraging access to BART services, along with attracting high-value employers and a skilled talent pool. Over time, Pleasanton has developed a solid economic base with large employers like Workday, Oracle, Kaiser Permanente, Roche Molecular Systems, Thermo Fisher, and 10x Genomics establishing facilities and investing in the community.

Pleasanton now occupies a land area of 24.2 square miles. Pleasanton's population has grown at a slower pace since 2010, when it had 70,537 residents. According to the city's 2020 decennial census count, Pleasanton is currently home to 78,252 residents. Today, Pleasanton enjoys a rich blend of historic turn-of-the century charm, and a high quality of life and economic well-being desired by both residents and businesses.

# **Section II - City Government**

## **CITY GOVERNMENT**

The City of Pleasanton incorporated in 1894. Pleasanton is a general law city operating with a City Council/City Manager form of government. This form of government provides the City with public policy direction from its City Council (the Mayor and four Councilmembers) and professional administration from its City Manager.

The City Council is the governing body of the City and is vested with all the regulatory and corporate powers of a municipal corporation provided for by State law governing general law cities. As a general law city, Pleasanton's Council structure, planning procedures and many other aspects of local government are controlled by State law. The City does, however, maintain a Pleasanton Municipal Code which sets forth Pleasanton's own specific regulations and laws.

## **CITY COUNCIL**

The City Council acts as the governing body of the City with all the regulatory and corporate powers of a municipal corporation provided under State law. In general, the Council establishes policies and programs, as well as appropriates funds for each City service.

The City Council consists of four elected City Councilmembers and one elected Mayor. Councilmembers are elected to represent one of four Council districts for a four-year term. The Mayor is elected city-wide for a two-year term. The Mayor and Council are subject to term limits as provided in the Municipal Code.

The City Council is the policy-making body of the City and is responsible for approving ordinances, resolutions, contracts, developments and reviewing major service proposals for meeting community needs, and determining the funding amounts and sources for all City services and facilities.

The City Council approves a City Budget consisting of the biennial (two year) operating budget and the Four-Year Capital Improvement Program (CIP) which establishes program expenditures and revenues on a yearly basis. For the CIP in particular, State law and City practice involves several commissions forwarding their recommendations to the City Council for capital expenditures and programs. The final adoption of the budget occurs only after holding a public hearing for the purpose of receiving public comment on City programs and expenditures.

The Mayor and City Councilmembers are not full-time City officials or City employees and generally hold positions in private industry, business or other professions or personal enterprise. The City Council holds regular meetings on the first and third Tuesday of each month at 7:00 p.m. at 200 Old Bernal Avenue. All regular Council meetings are open to the public.<sup>1</sup>

## **CITY ADMINISTRATION**

City Administration is divided into 12 departments and the Livermore-Pleasanton Fire Department which provide service to the entire community. A summary of each department follows

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<sup>1</sup> Limited Closed Sessions are not open to the public based on the parameters of State law.

**City Manager's Office** The City Manager provides the overall administration, leadership, and direction for the City organization. The City Manager's Office identifies for the City Council community issues and needs requiring legislative policy decisions, assures that programs and services are effectively and efficiently provided, and fosters public awareness of municipal programs, services and goals. In addition to the City Manager Administration, the department includes the City Clerk's Office.

**City Attorney's Office** The City Attorney advises the City Council and City staff on all legal matters pertaining to City business, frames all ordinances, resolutions and other City documents, and performs all legal services required by the City Council. Staff attorneys work closely with the City Council, City Manager, department heads, and all City staff to carry out certain administrative duties as well as providing advice on sensitive issues. The City Attorney serves as the City's Risk Manager and handles most of the City's litigation.

**City Clerk's Office** The City Clerk's Office is responsible for ensuring the safeguarding of City records, preparing City Council minutes and processing City ordinances, resolutions and contracts. In addition, the City Clerk's Office coordinates municipal elections, oversees City compliance with public official reporting requirements, provides public information services, and coordinates central services, including mailing and duplicating.

**Community Development Department** The Community Development Department helps provide a sustainable, well-designed physical environment and transportation network to preserve and enhance the quality of life in Pleasanton. The Department includes Planning, Building and Safety, Housing, Code Enforcement, Transportation/Traffic Engineering, Construction Services and Permit Center staff who combine to form a professional team that provides exceptional customer service and collaborative, innovative approaches to managing Pleasanton's long-term and short-term development, and ensuring a safe and efficient transportation system for all users.

**Economic Development & Community Engagement Department** The Economic Development and Community Engagement Department is responsible for programs that help promote a positive community climate and stable economic base to sustain the city's exceptional quality of life. Economic Development staff provides business retention and attraction services, collaborates on local, regional and state business-supporting activities, and administers an active business license program. Communications staff oversees the City's communications and community engagement program and manages media channels, prepares informational materials, serves as a primary liaison with media, and develops communications outreach and strategies for strategic projects and programs.



**Engineering Department** The Engineering Department designs, bids, and constructs public infrastructure and other public facilities. The projects include new improvements as identified in the Capital Improvement Program as well as major maintenance of aging infrastructure. The department also reviews, approves, and inspects public infrastructure designed and constructed in conjunction with the development of private property. The department includes four divisions: General Engineering (including Administration and Capital Improvement), Private Development, Construction Management and Inspection, and Landscape Architecture. The department also manages the City's public right of way by issuing permits and monitoring the work of all utility companies operating within Pleasanton and the City's Heritage Tree Preservation Program.

**Finance Department** The Finance Department is responsible for the safekeeping, management, and accounting of the City's financial assets. The department provides financial information and analyses to the public, the City Council, the City Manager and other departments. The department processes cash receipts, payroll, accounts payables, administers assessment districts and other debt, invests the City's funds, coordinates preparation of the City's operating and capital budgets, issues the annual financial report, and coordinates the City's audits.

**Human Resources and Labor Relations Department** The Human Resources and Labor Relations Department supports the City and its vision by providing services in employee and labor relations, recruitment, classification and compensation, benefits, training and organizational development, workers' compensation and City policy development. The Department's mission is to provide exceptional services by recruiting the best talent, developing that talent and providing the workforce with a gratifying, safe and supportive work environment. Human Resources supports the organization by providing an inclusive workplace and endorses personal accountability. These services are provided with an emphasis on respect and consideration for the workforce and all customers.

**Information Technology Department** The Information Technology Department is responsible for the technology needs of the City. The department administers and maintains all end point computing devices, software applications, data center infrastructure, and network. The Department also maintains all City web sites, electronic communications, and voice telephony systems, and cybersecurity technologies – for the protection of the City's systems and data from being compromised.

**Library and Recreation Department** The Library and Recreation Department oversees library services; senior services; the City's performing, literary, visual, cultural and public art activities; environmental education; facility rentals; a variety of indoor and outdoor camps, classes, events, sports and aquatics for all ages; as well as cemetery, homeless and paratransit services.

**Livermore-Pleasanton Fire Department** The Livermore-Pleasanton Fire Department's (LPFD) core purpose is to make the communities of Livermore and Pleasanton safe for all citizens to live and work through the protection of life, property and the environment. The department, through the Fire Prevention Bureau, is responsible for minimizing fire risk through

positive fire code enforcement and weed abatement. The Operations Bureau prepares for and responds to all emergency fire, medical, rescue and hazardous materials incidents. Five of the department's ten fire companies are based in the City of Pleasanton. The LPFD also trains at the City's training facility in east Pleasanton. The department provides training to citizens in order to improve their safety and self-reliance in emergencies, plus the department plays a key role in the citywide Emergency Preparedness Plan.

**Operations Services Department** The Department provides essential services that improve and maintain public infrastructure to protect and enrich the lives of our residents. This is accomplished through six major divisions: Administration, Business Services, Operations (Facilities, Fleet, Streets and Traffic Maintenance), Parks, Environmental Services and Utilities (water and sewer) and Utilities Planning. The Department is also responsible for managing the operator agreement for the Callippe Preserve Golf Course, and implementing the City's Climate Action Plan and overseeing many of the City's environmental programs.

**Police Department** The Police Department is responsible for protecting the legal rights of individuals, minimizing crime and enhancing community safety. The department's personnel dispatch and respond to calls for service, conduct investigations, operate crime and drug abuse prevention programs, provide animal service and rescue, enforce parking limits, and manage crowds and traffic at special events. The police station serves as the Emergency Operations Center in the event of a disaster.

## **PLEASANTON MUNICIPAL CODE**

The *Pleasanton Municipal Code* sets forth the regulatory, penal and administrative laws of general application to the City pursuant to the authority granted in the *California Government Code* for general law cities. Amendments to the *Pleasanton Municipal Code* can only be made through the approval of an ordinance by the City Council, or a voter initiative. The *Municipal Code* is available from the City's website at:

[https://library.qcode.us/lib/pleasanton\\_ca/pub/municipal\\_code](https://library.qcode.us/lib/pleasanton_ca/pub/municipal_code)

## **PLEASANTON GENERAL PLAN**

The Pleasanton General Plan is the adopted document used by decision makers and citizens to guide and interpret the City's long-range plans for development of land and conservation of resources. Each city and county in California is required by State law to adopt a general plan documenting its intentions for future development and conservation. The general plan must contain a land use map, adopted policies and supporting information adequate to make informed decisions concerning future change in the community.

The Pleasanton General Plan is general and flexible enough to allow for future change, but specific enough to inform citizens and decision makers of the City's policy regarding the future use of individual properties. The Pleasanton General Plan identifies methods for improving public facilities and services to meet community needs and establishes a framework within which zoning, subdivision and other government regulations are implemented. In addition, the Pleasanton General Plan provides a long-term perspective including projections for accommodating growth based on the most current available information. Finally, the Pleasanton General Plan is written in a manner which guides local decision-making and is available to all those concerned with the future of the community.

The Pleasanton General Plan meets all requirements for general plans stipulated in State laws including the mandatory elements: land use, circulation, housing, public safety, conservation, open space, environmental justice, air quality and noise. The Plan also includes optional elements covering public facilities and community programs, water, energy, air, community character, economic and fiscal matters, and subregional planning.

The Pleasanton General Plan is structured to facilitate access to information concerning the community. It documents existing conditions and projects future trends. It explains City policy and offers specific programs to alleviate potential problems. It serves as a reference document to help locate information from diverse sources. Finally, it provides a concise guide to making decisions about the future of Pleasanton.

Copies of the Pleasanton General Plan may be obtained by contacting the City's Planning Department.

# Section III – City Commissions

## SUMMARY OF COMMISSIONS

To take advantage of community resources, the City utilizes a number of commissions, committees and/or task forces<sup>2</sup> to advise the City Council on a wide range of activities.

Commissions are standing bodies established by City ordinance or resolution for long-term service and are not connected with one particular project. These bodies are usually ongoing and meet on a regular basis each month. Copies of the ordinances establishing each City commission, the Bicycle, Pedestrian and Trails Committee, Economic Vitality Committee, and Committee on Energy and the Environment are included in *Section V* of this Handbook. A summary of existing commissions and committees are as follows.

### **Bicycle, Pedestrian and Trails Committee**

**Duties:** Advises the Parks and Recreation Commission and the City’s Traffic Engineering Division on bicycle, pedestrian and trails related items including reviewing and prioritizing potential projects, policy recommendations, and the promotion of community awareness regarding non-motorized forms of transportation.

**Members:** 12 regular members and one alternate

**Term:** Three years with a maximum of two terms

**Meetings:** Fourth Monday of the month, 6:30 p.m., Senior Center, 5353 Sunol Boulevard

### **Civic Arts Commission**

**Duties:** Promote the acquisition and installment of works of public art in Pleasanton and makes recommendations to the City Council regarding the City’s Civic Arts Program, including regarding grants.

**Members:** Seven regular members, one youth member and one alternate member.

**Term:** Four years with a maximum of two terms

**Meetings:** First Monday of each month at 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Committee on Energy and Environment**

**Duties:** Advise the City Council on energy and environmental matters, strategies, planning and protections and opportunities for conservation. Support the intent of the Pleasanton General Plan and Climate Action Plan’s environmental goals, develop measurable energy

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<sup>2</sup> Task forces and some committees are generally formed on an ad hoc basis to provide assistance to the City Council for a specific project, and as a result, have a term limited to the particular project. Past examples of these groups include the East Pleasanton Specific Plan Task Force and Youth Master Plan Implementation Committee. If you are a member of an ad hoc group, City staff will provide you with information detailing your group’s responsibilities and goals.

strategies related to preservation, enhancement and conscientious utilization of environmental resources, and other energy related matters.

**Members:** Six regular members and one youth member

**Term:** Four year terms with a maximum of two terms

**Meetings:** Fourth Wednesday of every other month, 5:00 p.m., Operation Services Center, 3333 Busch Road

### **Economic Vitality Committee**

**Duties:** Assess the current and ongoing business climate in the City of Pleasanton and offer suggestions and recommendations to the City Council intended to maintain a strong economic development base in the City.

**Members:** 22 members

**Term:** Four year terms with a maximum of two terms

**Meetings:** Third Thursday of the month, as needed, 7:30 a.m., Operation Services Center, 3333 Busch Road

### **Housing Commission**

**Duties:** In cooperation with the community and the development industry, the commission is responsible for initiating and pursuing opportunities for developing, promoting and retaining affordable housing within the community and the region. This commission recommends policies related to affordable housing, makes grant recommendations and provides oversight of City affordable housing developments.

**Members:** Five regular members and one alternate member

**Term:** Four years with a maximum of two terms

**Meeting:** Third Thursday of each month, 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Human Services Commission**

**Duties:** Advise the City Council on the human service needs of the community and methods of fulfilling these needs. Particular emphasis is given by the commission to the human service needs of the socially and economically disadvantaged, the elderly and the youth of the community. Also makes grant recommendations to the City Council.

**Members:** Seven regular members, one youth member and one alternate member

**Terms:** Four years with a maximum of two terms

**Meeting:** First Wednesday of each month, 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Library Commission**

**Duties:** Advise the City Council on matters related to the Pleasanton Library and library services including policy, rules, capital projects, service levels and ongoing operations. This commission also promotes the use of library services to the community.

**Members:** Seven regular members, one youth member and one alternate member  
**Terms:** Four years with a maximum of two terms  
**Meeting:** First Thursday of each month, 7:00 p.m., Pleasanton Library  
400 Old Bernal Avenue

### **Parks and Recreation Commission**

**Duties:** Advise the City Council on matters related to the development and provision of services pertaining to parks and recreation facilities, programs and services, including capital budgeting for park development and improvements.

**Members:** Five regular members, one youth member and one alternate member  
**Terms:** Four years with a maximum of two terms  
**Meeting:** Second Thursday of each month, 7:00 p.m., City Council Chambers,  
200 Old Bernal Avenue

### **Planning Commission**

**Duties:** Prepare, adopt and administer the Pleasanton General Plan and specific plans; prepare recommendations to the City Council regarding amendments to the City's zoning ordinance; review and advise the City Council regarding subdivision maps; and investigate, hear and determine use permits, specified variances, permits and zoning ordinances.

**Members:** Five regular members and one alternate member  
**Term:** Four years with a maximum of two terms  
**Meeting:** Second and fourth Wednesdays of each month, 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Youth Commission**

**Duties:** Act as the liaison between Pleasanton's youth community and the City Council; advise the Council on youth-related issues; promote an understanding and appreciation of community affairs among the youth of Pleasanton.

**Members:** Eleven regular members and three alternate members  
**Term:** Youth Members -- two years, with maximum of two terms  
Adult Members – four years, with maximum of two terms  
**Meetings:** Second Wednesday of each month from September through  
May, 7:00 p.m., Operation Services Center, 3333 Busch Road

The ordinance/resolution setting forth the establishment of each of the above bodies is included in *Section V. Municipal Code Sections Describing City Commissions*.

## **APPOINTMENT TO COMMISSIONS**

The City has established guidelines for the appointment of members to City commissions, which are set forth in a resolution and included in *Section VI City Commission Related Resolutions* of this handbook.

In an effort to streamline the commissioner appointment process, appointments generally are made in April and September of each year. With the exception of certain appointments to the Youth Commission that have a term of two years, commission appointments are for a term of four years with a term limit of eight years, with some committee appointments for 3 year terms with six year maximum. The term limit does not apply to any time served as an alternate commissioner. Appointments to committees and task forces are determined by resolution based on the subject matter involved.

The commission appointment process includes an advertising period requiring interested candidates to submit an application to the City.<sup>3</sup> The Mayor, and sometimes interested City Councilmembers, will interview the candidates. At a City Council meeting, the Mayor will make an appointment and the Council will vote to approve or disapprove the appointment. A majority vote of the City Council is required to finalize the appointment. If no candidate received the required majority affirmative vote, the vacancy may be readvertised for a 15-day period and the review and appointment procedure will be repeated. Any person appointed but not approved by the City Council for a particular committee or commission is not eligible to reapply for that particular term of office or vacancy.

In addition to the procedures for appointment, the City maintains a process for orienting commissioners to their position and leaving office. This process is outlined in *Section VI City Commission Related Resolutions*. In general, the orientation process involves a meeting with the staff liaison to review the commission's role, meeting procedures, key issues and may include a tour of the City.

## **APPOINTMENT OF OFFICERS**

Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year.<sup>4</sup> No commissioner shall serve more than two consecutive full terms as chairperson.

The chairperson shall:

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<sup>3</sup> Current members of a commission or committee (an incumbent) seeking reappointment may be subject to a different process.

<sup>4</sup> The Youth Commission has a different schedule for the selection of officers and terms.

1. Preside at all meetings;
2. Appoint commissioners as needed to serve on subcommittees and ad hoc committees, and
3. Call special meetings.

The vice chairperson shall preside in the absence of the chairperson.

The City Manager shall appoint a City employee to serve as a commission Staff Liaison who usually serves as secretary to the commission. The Staff Liaison/secretary to the commission shall keep true and accurate accounts of all actions of the commission at the commission's regular and special meetings.

## **MAINTENANCE OF MEMBERSHIP**

Every member of a committee or commission is required to regularly attend the scheduled meetings of his/her particular committee or commission. Meeting attendance and maintenance of membership guidelines are set forth in various sections of the *Pleasanton Municipal Code* which are included in *Section VI City Commission Related Resolutions* of this handbook.

In general, the ordinance states that if a member is absent from one-third or more of the regular meetings during a six-month period, that member may be removed from the commission subject to the following procedures:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the City Manager, who shall transmit a report to the City Council.
2. The City Manager shall notify in writing any member who has been absent from one-third of the regular meetings during the course of a six-month period of that fact and request that the member submit to the City Council in writing the reasons for the absences.
3. The City Council shall determine if the member's reasons for the absences were justified. If the City Council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the City Council shall terminate the term of office of the member and declare the office vacant.
4. If the City Council declares such office vacant, the City Council shall take appropriate steps to appoint a qualified person to fill such vacancy for the unexpired term and the City Clerk shall notify the member that the member's term has been officially terminated.



Subject to the above provisions, a commissioner will maintain membership until<sup>5</sup>:

1. The member's term has expired.
2. The member voluntarily resigns.
3. The member fails to maintain residence in the City.<sup>6</sup>
4. The position has been filled with another candidate.
5. The member becomes employed with the City in a capacity related to the duties of the commission.
6. The City Council removes a member. (A majority vote of Council is required to remove a member of a City commission or committee. The recommendation for removal may be made by the Mayor or any Councilmember.)

## **COMPENSATION FOR COMMISSIONERS**

City-appointed commissioners (including alternates) on the Planning Commission, Parks and Recreation Commission, Civic Arts Commission, Youth Commission, Human Services Commission, Housing Commission and Library Commission receive \$50 for each commission meeting attended, with a maximum of \$100 per month.

The payment is subject to withholding taxes. Immediately after the appointment of a commissioner, contact will be made from the City related to the selection of withholding options.

The resolution establishing the commissioner payments is included in *Section VI – City Commission Related Resolutions*.

## **TRAVEL POLICY**

The City Council has adopted an administrative regulation governing reimbursement for business travel, training and meetings. This information is included in *Section VI City Commission Related Resolutions* of this handbook. Please refer to this section for detailed information.

In general, the City may provide a full or partial level of reimbursement for travel and training related to commission activities. However, any commissioner desiring to participate in travel, training and meetings (other than commissioner meetings) must have prior approval of the City Manager. No reimbursement will be provided without prior City Manager approval.

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<sup>5</sup> Section III – Code of Conduct, and the *City Council Meeting Rules of Procedure* also provide that a commissioner must timely file the commissioner's Statement of Economic Interest.

<sup>6</sup> Excepting members of the Economic Vitality Committee, youth members of commissions, and non-voting members of the Bicycle, Pedestrian and Trails Committee who represent specific agencies.

## CODE OF CONDUCT

To minimize conflict of interest exposure and to maintain a high level of trust with the community, a Code of Ethics is established as follows:

The Political Reform Act of 1974 , as amended, establishes conflict of interest guidelines for elected officials and some appointed officials. In addition, the City Council has adopted a local *Conflict of Interest Code* for itself, City committee members and commissioners and City employees. The following *Code of Ethics* guidelines are established to highlight and augment the Political Reform Act and the adopted local *Conflict of Interest Code*.

1. No elected or appointed official (including committee and commission members) or employees of the City of Pleasanton shall engage in any business or transaction or shall have financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties, or which would tend to impair his/her independence, judgment or action in the performance of such duties. Examples of such activities include, but are not necessarily limited to, the following:

- a. Using the prestige or influence of the City office or employment for private gain or advantage of him/herself or another, unless so specified by contract.
- b. Using time, facilities, equipment or supplies of the City of Pleasanton for the private gain or advantage of him/herself or another.
- c. Using official information not available to the general public for his/her private gain or advantage or that of another.
- d. Receiving or accepting money or other personal consideration from anyone other than the City of Pleasanton for the performance of work done or actions taken in the regular course of employment or duties for the City of Pleasanton.
- e. Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the City of Pleasanton under circumstances from which it could reasonably be inferred that such was intended to influence him/her in his/her official employment or duties, or as a reward for official action.
- f. Engaging in or accepting private employment or rendering services for private interests that may inhibit the proper discharge of his/her official employment or duties.

3. Elected and appointed officials shall comply with the *Ralph M. Brown Act (Brown Act, various State of California open meeting laws)* and all applicable open meeting laws to ensure that information is available to the public regarding the public's business.
4. Every elected official, officer, appointee, consultant or contract personnel of the City of Pleasanton shall disclose completely the nature and extent of any interest, direct or indirect, which conflicts with his/her responsibility or duty.
5. The City Council and the City Attorney shall administer this *Code of Ethics* for all elected and appointed officials.

In addition to the above, the *Political Reform Act* requires State and local agencies to adopt and promulgate conflict of interest codes. The City's code is currently included in Section VI – City Commission - Related Resolutions and City Policies.

In general, the code requires specified commissioners to submit annual statements of economic interest as prescribed by the State's Fair Political Practices Commission. The City's code in Section VI details the economic interest disclosure requirements for each commission. It is important that you review this information and complete the necessary material. The City Clerk will provide you with the necessary forms consistent with the submittal deadlines.

The State of California also requires that all officials who receive a stipend for attending public meetings complete ethics training totaling two hours every two years. The City Clerk's Office will advise you of in-person and on-line training opportunities to meet this requirement.

The failure to comport with the Code of Conduct, Conflict of Interest Code, and or the above State law requirements constitutes grounds for removal from office.

## **RESPONSIBILITY OF COMMISSIONERS**

To be selected as an active member of a commission provides an opportunity for meaningful public service. Although the duties of each commission vary widely, there are certain responsibilities that are common to all commissioner. The following is a summary of the important responsibilities of commissioners:

### **1. Understand the Role and Responsibilities of the Commission**

One of the first responsibilities of a new member is to understand the commission's scope of responsibility and operating procedures. This information may be obtained by referring to the section of the Municipal Code related to your particular commission

included in this section. The Planning Commission should be familiar with the Pleasanton General Plan; similarly the Youth Commission knowledgeable about the Youth Master Plan, and every other commission familiar with the ordinance or resolution that created it. City staff will provide copies of this information upon your appointment to the commission.

City staff responsible for the programs within each commission's scope of interest are available to assist new members in becoming familiar with their roles and duties and will provide information about City policies, minutes of past meetings and other helpful data.

2. **Be Careful to Represent the Entire Commission**

Individual members should refrain from representing their views or recommendations as those of the entire commission unless the commission has officially voted to approve the recommendation. Commissioners making recommendations or expressing views not approved by the majority of the commission should indicate that they are representing only themselves as individuals. When making statements to the press, posting on social media or writing letters to the editor, commissioners should indicate which actions are only recommendations and indicate when final action will be taken by the City Council or the commission. Most commission actions are recommendations to the City Council.

Minority reports may be submitted by individual commissioners on actions taken by the commission. The disagreement should be stated in the minutes and a copy of the minority report should be placed in the commission's records. If the commissioner was absent at the time action was taken, he/she may state the desire to submit a minority report at the next meeting.

3. **Be Representative of the Whole City**

Although commissioners may be selected, in part, because they represent certain groups or interests, once selected each commissioner should represent the entire public interest of the City and not just his/her respective group or interest. The question "What is best for the entire community?" should take precedence over "What is best for my interest group?"

4. **Keep the Lines of Communication Open**

As an influential member of the community, a commissioner is in the unique position of serving as a liaison between the City and the general public in helping to reconcile contradictory viewpoints and building a consensus around common goals and objectives. A commissioner must serve as a link between the community, staff and the City Council by presenting City programs and recommendations and also providing a channel for citizen expression. A primary role of the commission is to determine the interests of the citizens concerning City programs, and make recommendations to the City Council.

5. **Do Your Homework and Be Thorough in Your Recommendations**

Commissioners, in connection with their role, often spend many hours in research on a particular problem. Commissioners should thoroughly review staff reports, plans and material provided in advance of meetings. This information (or links to it) will be provided to you by the staff liaison assigned to your commission.

6. **Be Conscious of Your Relationship to the City Council, Other Commissions and City Staff**

It is important to remember that City staff works for the City Manager, and through the City Manager, for the City Council and the community at large. Staff does not work for commissioners. It is, therefore, not appropriate for commissioners to direct staff or to become involved in the administrative or operational concerns of City departments. While staff can provide routine information on ongoing projects, a formal request to the City Council must be made for staff involvement in major projects.

If commissioners have questions or are concerned with staff services provided to the commission, the City Manager should be contacted to review the matter.

City staff is required by the City Council to make individual professional recommendations which may, or may not, agree with those of a commission. The staff is required to present fairly a commission's recommendations and explain them, but will not defend them if in disagreement.

Your commission is not a substitute for regularly constituted government. The responsibility for allocating scarce public resources rests with the community's elected representatives, the City Council, and cannot be designated to an outside group, however capable and interested it might be.

Commissions should review City policies related to programs under their scope of interest and make recommendations for changes to the City Council. There are regular opportunities to do this when making proposals for City Council Priorities, which generally occurs every two years. However, commissions must adhere to the policies approved by the Council as expressed in the General Plan, Municipal Code, and other official documents.

7. **Establish a Good Working Relationship with Other Commissioners**

On many occasions, the success or failure of the efforts of a commissioner is largely dependent on the degree of cooperation among the individual commissioners. To help build a consensus around common goals and objectives, commissioners will often have to reconcile contradictory viewpoints. While commissioners are encouraged to become

more familiar with each other during your service, be mindful that a majority of commission should not meet outside of scheduled commission meetings to discuss matters within your jurisdiction. That could give rise to a violation of State law regarding open meetings, as public business should not be conducted outside of meetings that are open to the public.

Each commissioner should do his/her part to ensure that meetings proceed in an orderly and constructive manner. The chair is primarily responsible for seeing that consideration of items on the agenda move along without delay, but with reasonable time allocated to each item. Each commissioner can assist the chair by becoming familiar with the basic rules of parliamentary procedure and by adequately preparing any presentations he/she makes to the commission.

8. **Political Participation**

Serving as a City commissioner does not restrict an individual from participating in political activities at any level of government, whether local, state or federal. However, if a commissioner takes a position on a political issue outside of the role of commissioner, he/she must take steps to assure a distinction between personal viewpoints and positions of the commission. If commissioners use the title of their appointed office when participating in these activities, they must make it clear that they are not representing or speaking for the commission, but rather using the title for identification purposes only. Further, a commissioner may not use public resources for personal gain, including political gain, or support of campaign activity for a candidate or ballot measure. Please contact your staff liaison or the City Attorney's Office if you have questions regarding political activity by individual commissioners or your commission.

## **MISCELLANEOUS COMMISSION MATTERS**

A. **Use of Staff for Outside Activities**

Requests that involve change of policy, detailed research or analytical work or use of significant staff time shall be submitted to the full commission for consideration, which may then be forwarded to the Department Head, City Manager, or City Council for approval, depending on the scope.

B. **Press Releases**

All press releases pertaining to the commission shall be issued on City letterhead on behalf of the entire commission. No press releases pertaining to commission action shall be released by individual commissioner(s). Only the City Manager's Office is authorized to make press releases pertaining to City activities and events of public importance as the

City Manager's Office determines necessary and appropriate to keep the public informed.

C. **Reimbursement Policy and Procedures**

Any activity, including travel and attendance at seminars, resulting in a request for reimbursement must be requested prior to incurring personal expenses. Any request must be preapproved by the City Manager. The City will not reimburse any expense not preapproved by the City Manager.

D. **Commission Equipment/Supplies**

Any special equipment or supplies purchased by the City for the use of a commissioner shall remain the property of the City, and shall be returned to the City upon leaving office.

# Section IV – Meeting Procedures

## OPEN MEETING REQUIREMENTS

### Purpose

The *Brown Act* is California's "sunshine" or open meetings law for local government. In a nutshell, it requires local government business to be conducted in open and public meetings. The *Brown Act* is based upon State policy that the public must be informed so it can keep control over its own government.

### Who is Covered

Legislative bodies are the basic local governmental unit subject to the *Brown Act*. A legislative body includes a commission or committee, whether the commission or committee is decision-making or advisory in nature.

### Public Meetings

The *Brown Act* requires that all commission meetings shall be open to the public. A meeting, generally, occurs when a majority of the legislative body gathers at the same time and in the same place to hear, discuss or deliberate upon anything that is within the subject matter jurisdiction of the legislative body or city. In order to be lawful, a meeting must be noticed, have an agenda and follow other procedural rules.

While at a public meeting of your commission, be mindful of your electronic devices, such as smart phones, laptops and tablets. Do not use such devices to communicate with other commissioners, members of the public, or undertake ad hoc research while your commission is considering a matter. Doing so results in parts of the decision making process occurring outside of the public's view (and also implicates due process concerns for some commission decisions).

What commissioners also must be careful about are "serial meetings". These are meetings by which a quorum of your commission uses any direct communication or technological device, such as telephone, e-mail, blog, etc., to develop collective concurrence on actions outside of a public meeting. These serial meetings are by definition unlawful because there is no way to notice such meetings or to provide for public participation. Something as simple as pressing "Reply All" to an email sent by City staff to all commissioners can inadvertently trigger such a serial meeting violation. For example, if your "Reply All" message tries to convince other commissioners to join your point of view on an issue coming before your commission, that is a *Brown Act* violation because commissioners are considering an issue outside of the public's view. State law also prohibits commissioners from using social media platforms to hold an unnoticed virtual meeting. You may not respond to another commissioner's social media



posts regarding items in the jurisdiction of your commission; which prohibition includes even a thumbs up or emoji indicating agreement or disagreement.

A majority of your commission, however, may attend a purely social gathering or attend conferences or seminars without running afoul of the *Brown Act*, so long as a majority does not discuss among themselves city business of a specific nature.

Finally, a legislative body, such as the City Council, can meet in closed session for certain express purposes such as to discuss litigation or labor or property negotiations. Those exceptions, however, will rarely apply to commissions.

### **Private Meetings**

Persons with applications or other matters pending before a commission may approach individual commissioners. Whether to meet privately with such persons is always a decision for a commissioner to make. To help make that decision, commissioners should consider the following points:

- The public's business should be discussed in public whenever possible.
- City staff can advise you regarding the legality and/or propriety of private meetings.
- The commission will make better decisions when all commissioners have access to the same information.
- You should inform the full commission at the public meeting when you have held such a private meeting.

### **Penalties**

There are civil remedies and criminal misdemeanor penalties for *Brown Act* violations. The civil remedies include injunctions against further violations, orders nullifying any unlawful action and orders determining the validity of any rule to penalize or discourage the expression of a member of the commission. Criminal penalties may result if a person is found guilty of a wrongful deliberate intent to deprive the public of information to which it is entitled under the *Brown Act*.

Certainly the best way to avoid these type penalties is to conduct the commission's meetings in public, keep to matters on the agenda and check with the City Attorney if you have any questions or doubts about whether an action may run afoul of the *Brown Act*.

## **GENERAL MEETING PROCEDURES**

In order to serve the public's interest and to assure continuity of public meetings, the City has adopted procedural policies for commission meetings as follows.

### **A. Types of Meetings**

Commission meetings shall be confined to the following categories:

1. Regular Meetings

Commissions shall meet for all regular meetings at a specific time and location. (See Section III for a listing of meeting days and times.)

If the meeting date should fall on a legal holiday, the commission shall meet at another time and date so designated by the commission.

2. Adjourned Meetings

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

3. Special Meetings

Special meetings may be called by the commission chairperson or by a majority of the commission. The call for a special meeting must specify the day, hour and place and shall specify the subject/subjects to be considered as required by law. Twenty-four hours' notice must be given prior to meetings. Only specified matters may be discussed at special meetings.

4. Study Sessions /Workshops

The commission may meet informally in study sessions or workshops called by the commission chair or by a majority of the commission. Study sessions shall be held to receive briefings and background information and hold general discussions on major issues before formal commission action is required. Study sessions are open to the public and are subject to the *Brown Act*, thus, they must be noticed and open to the public. Other than providing direction to staff, the commission may not take any formal action on items agendaized for a study session.

5. Joint Meetings

Joint meetings with outside governing bodies may be called or authorized by the commission chair or by a majority of the commission.

**B. Meetings Open to the Public**

1. All commission meetings, except closed session meetings as permitted by law, will be open to the public in accordance with the *Brown Act*.
2. During the “Meeting Open to the Public” portion of the agenda, no action or discussion shall be taken on any matter except that the commission may briefly respond to a statement, ask a question for clarification, provide a reference to staff for factual information, or request staff to report back at a subsequent meeting.

**C. Media Attendance**

All meetings that are open to the public shall be open to the media, and may be recorded, provided such recordings do not interfere with orderly conduct of the meetings.

## **AGENDA FOR COMMISSION MEETINGS**

**A. General**

Each commission meeting shall follow a written agenda.

**B. Setting of Agenda**

1. The staff liaison, with input from the commission chair, shall prepare the agenda.
2. A commissioner may place an item on the agenda as provided in *Section D.5* below.
3. A member of the public may request that an item be placed on a future commission agenda. If the staff liaison does not schedule the item, a commissioner can raise the request as provided in *Section D.5* below.

**C. Order of Agenda Items**

Regular commission meetings begin at a time agreed upon by the commissioners and include each of the following items, in order:

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Call to Order and Pledge to Flag | 5. Meeting Open to the Public        |
| 2. Roll Call                        | 6. Public Hearings and Other Matters |
| 3. Agenda Amendments                | 7. Matters Initiated by Commission   |
| 4. Consent Calendar                 | 8. Commissioner Reports              |
|                                     | 9. Adjournment                       |

D. **Format of Agenda**

The agenda for regular meetings shall include, at a minimum, the following sections:

1. **Call to Order and Pledge of Allegiance**

The chairperson shall call the meeting to order at the designated date and time specified on the agenda.

2. **Meeting Open to the Public**

a. During the “Meeting Open to the Public” portion of a meeting, any person may address the commission provided that the item: (1) is of interest to the public and is within the subject matter jurisdiction of the commission; and (2) is not otherwise on the agenda. State law does not allow the chairperson to require that a speaker state his or her name or address.

b. The commission shall take no action or discuss any item raised under this portion of the agenda except that the commission may briefly respond to statements made or questions posed, and in addition, either on its own initiative or in response to such questions, may ask a question for clarification, provide a reference to staff or other resources for factual information or request staff to report back at a subsequent meeting.

3. **Consent Calendar**

Items listed under the “Consent Calendar” are those items that staff believes will not require commission discussion and that are routine in nature.

Any commissioner may remove any item from the consent calendar to another portion of the agenda for discussion. Prior to taking action on the Consent Calendar, a commissioner may ask questions about, or comment on, a Consent Calendar item without moving the item from the Consent Calendar.

4. **Public Hearings and Other Matters**

Items requiring a public hearing will comply with State law and City ordinances as to notice. Procedures for conducting public hearings are

described later in this section.

5. Matters Initiated by Commission for Discussion/Action

The purpose of the “Matters Initiated by Commission” portion of the meeting is to allow commissioners to raise issues and, if necessary, to request information from staff or to request that items be scheduled on future agendas. A commissioner may request that an item be placed on a future agenda, if a majority of the commission present agrees.

6. Commission Reports

Commissioners may provide brief summaries of meetings attended in a liaison capacity, or of programs, trainings or conferences paid for by the City.

E. Agenda Posting

City staff shall post an agenda at least 72 hours before any commission meeting at City Hall offices at 200 Old Bernal Avenue, 123 Main Street, at the meeting location, and also on the City's website

The agenda shall specify the time and location of the meeting and contain a brief description of each item of business to be transacted or discussed at the meeting.

F. Delivery of Agenda Material to Commissioners and Use of Technology Equipment

City staff shall endeavor to deliver all agenda materials, including all staff reports and exhibits, to the commission no later than one week preceding a regular commission meeting. In the event that agenda materials are not delivered as provided above, the commission may request continuance for the item until the next regularly scheduled commission meeting.

City staff may elect to provide agenda material through electronic media in a format suitable for computers and/or tablets. Because the use of electronic media raises concern regarding Brown Act, due process and Public Records Act requirements, the following policy applies to the use of these electronic devices.

Commissioners are required to use their own electronic devices during public meetings to review agenda materials. The City will not provide computers or tablets to commissioners.

Commissioners should not communicate privately with each other, the public, or City staff, or browse the Internet or use email or social media, during meetings.

G. **Minutes of Meetings**

Staff shall record an account of all public regular and special commission meetings. These minutes, following approval by the commission, will be considered the City's official record of the meeting.

1. **Preparation of Minutes**

To ensure uniformity of minute entries and to save time composing the record, all minutes will be prepared in a standardized format.

Minutes will include a statement of all commission actions, including motions made and vote thereon. Communication by members of the public shall include name and address (if provided) and subject matter.

Oral and written presentations by members of the commission or the public will be paraphrased unless written materials are specifically requested to be included by reference.

2. **Recordings of Meetings**

It is the policy of the City to record its regular meetings.

a. **Not official records**

The recordings of the commission meetings are not the official record of those meetings. The approved minutes constitute the only official record.

b. **Maintenance of Recordings**

Recordings shall be maintained for five years. Arrangement for review or recordings may be made with the staff liaison. The City is not required to provide verbatim transcripts of any recording.

## **MEETING ORDER AND ATTENDANCE**

A. **Presiding Officer**

The commission chairperson, if present, shall preside. In the absence of the commission chairperson, the vice chairperson shall preside. In the absence of both, the commissioners present shall select a presiding officer.

The presiding officer shall preserve order and decorum at all meetings of the

commission, announce the decisions on all subjects and decide all questions of order.

B. **Right of Floor**

Any commissioners desiring to speak shall first be recognized by the presiding officer and shall confine any remarks to the subject under consideration.

C. **Points of Order, Privilege and Personal Privilege**

See *Rosenberg's Rules of Order* page 7.

D. **Quorum**

Except as otherwise provided in a commission's formation ordinance or resolution, a majority of the commission shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes and shall adjourn the meeting to a later set time.

## **MEETING PROCEDURES**

In addition to the requirements of State law and procedures described herein, *Rosenberg's Rules of Order*, attached, shall govern the conduct of commission meetings.

A. **Call To Order**

The commission chairperson or vice chairperson shall call the meeting to order at the hour appointed. In the absence of both, the meeting shall be called to order by the staff liaison and those commissioners present shall proceed to select a temporary presiding officer.

B. **Preservation of Order**

The presiding officer shall preserve order and decorum, shall prevent verbal attacks on commissioners, staff and/or citizens, and shall confine debate to the item under discussion. Commissioners shall not delay or interrupt the proceedings nor disturb another commissioner while speaking.

C. **Speaker Cards**

All speakers are requested to complete a speaker card and to submit the card to the commission prior to the item being heard. (Again, speakers may not be required to provide this information.)

D. **Disorderly Conduct**

Any person whose conduct disrupts the commission meeting or its orderly consideration of the public's business may be barred from the meeting by the presiding officer, unless permission to continue is granted by a majority vote of the commission.

E. **Point of Order**

The presiding officer shall determine all points of order, subject to the right of any commissioner to appeal as herein defined.

F. **Motion to Be Stated**

The presiding officer shall state all motions submitted for a vote and announce the result of all persons who vote in favor, against, recuse or abstain.

G. **Actions Limited to Posted Agenda/Items Too Late For Agenda**

The commission shall not take action or discuss any item not appearing on the posted agenda except as permitted by the *Brown Act*. The *Brown Act* permits the commission to take action on an item not appearing on the posted agenda under the following situations:

1. If any emergency situation (as defined by law) exists as determined by a majority vote of the commission;
2. If there is a need for immediate action that came to the City's attention after the agenda was posted as determined by a two-thirds vote of the commissioners present (or if less than two-thirds of the commissioners are present, a unanimous vote of those commissioners present); or
3. The item was posted pursuant to *Section IV* for a prior meeting of the commission occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

When an item arises during a regular meeting which requires commission action, but which is not listed on the posted agenda and cannot be added to the agenda as described above, commission may request staff to report back on the item at a subsequent meeting, as provided for in *Section IV Matters Initiated by Commission*.

H. **Items Considered After 11:00**

Prior to or by 10:30 p.m., the commission, in consultation with staff liaison, shall determine by vote which agenda items, if any, it will take up that evening, with the intent of completing those items by 11:30 p.m. At 11:30 p.m. the commission shall determine by vote whether it will complete action on the current agenda item and any others. Any other agenda items scheduled for the evening but not taken up or completed shall be continued to a future date, unless subject to a legal deadline.



## **PROCEDURES REGARDING PUBLIC HEARINGS AND COMMENTS BY THE PUBLIC ON OTHER AGENDA ITEMS**

### **A. Commencement**

Noticed public hearings shall commence at the time specified in the notice of hearing or as soon thereafter as is reasonably possible, and shall continue until completed, unless continued under *Subsection H* of this section.

Public comment on other agenda items shall commence when the presiding officer so indicates and may continue until all persons have spoken, unless continued in accordance with this *Commissioner's Handbook*.

Any item may be continued to any subsequent meeting by majority vote of the commission, unless subject to a legal deadline. This may be done if additional information is deemed necessary.

### **B. Procedures**

The presiding officer shall announce the subject of the item, declare the public hearing open when applicable or ask for public comments. If necessary to assure completion of the item, the presiding officer may establish time limits for the presentations by individual speakers. If the public hearing is opened but continued to a date specific, the item does not have to be re-noticed.

To assure due process, all agenda items other than those on the Consent Calendar shall be conducted as follows:

#### **1. Review of Written Material/Oral Presentations**

- a. Generally, this includes review of staff reports and other written material included in the commission agenda packet. Written material from staff shall be submitted to the commission in accordance with *Delivery of Agenda Materials to Commissioners...*, *Subsection F* above. Members of the public are encouraged to provide any written material to the commission in advance of the commission meeting. Whenever possible, commissioners shall try to obtain from staff clarification or answers to questions before the meeting. Responses provided by staff may be shared with the entire commission as supplemental agenda material.
- b. An oral report may be presented by a City staff member.

- c. Staff responds to commissioner questions, comments and concerns, if any.

## 2. Public Hearing/Comment

- a. The purpose of the public hearing and public comment is to provide an opportunity for the public to be heard regarding the matter. In general, the order of speakers for public hearings should be:
  - 1. Project/issue applicant or spokesperson
  - 2. Members of the public speaking on the project/application
  - 3. Rebuttal by applicant or spokesperson
- b. No person may speak without first being recognized by the presiding officer. The presiding officer shall instruct speakers to:
  - 1. Complete a speaker card (but cannot be required);
  - 2. Speak from the podium;
  - 3. Give the speaker's name before starting the presentation (again, may not be required, but failure to provide goes to credibility of speaker);
  - 4. Keep comments within specified time limits, if any;
  - 5. Avoid repetition; and
  - 6. Direct any questions or comments to the commission.
- c. Commissioners may ask questions of speakers, of each other, or of staff during the public hearing or during the public comment portion of the agenda. Commissioners are limited to asking technical or clarifying questions on the items, and shall not at this portion of the meeting express personal opinion or debate the merits of an item under consideration.
- d. Prior to commission deliberation, an effort will be made to answer questions from all speakers.

## 3. Commission Deliberation and Action

- a. After determining that no other member of the public wishes to speak, the presiding officer shall declare the public hearing and comment opportunity closed, and return the matter to commission for comments, deliberation and action. Thereafter, no additional testimony shall be received by the commission as to the item except the commission may direct questions to staff, the applicant or to other members of the public before taking action or upon reopening the public hearing or comment opportunity.

- b. The commission shall take action, if appropriate, on the matter. The commission may discuss/debate the matter before taking action. The commission may at any time (unless prohibited by law) continue the matter if additional information is necessary.
- 4. Permitting Public Comment After a Motion
  - a. After a motion has been made and seconded, the presiding officer may permit further public comment on the motion, provided no commissioner objects. The purpose of this opportunity shall be for the public, including the applicant/appellant, to address matters specific to the motion and not to restate prior testimony.
  - b. After all such comment is heard, the presiding officer shall reclose the public comment opportunity and then follow the procedures in *Section 3.b.*, above.

## **RULES OF DEBATE**

### **A. General**

The presiding officer shall request a motion. If a motion is made and seconded, all commissioners will have an opportunity to state an opinion on the motion. Once all commissioners who wish to be heard on the motion have spoken, the presiding officer shall call the question.

### **B. Commissioners/presiding officer Right to Debate**

Any commissioner, including the presiding officer, may make, second and debate motions.

### **C. Types of Motions**

Motions shall be made and amended in accordance with *Rosenberg's Rules of Order*, attached. Generally, once a motion has been made and seconded, the commission may consider further motions to amend, substitute, postpone or table the original motion.

### **D. Debate of Motions**

#### **1. Getting the Floor**

Every commissioner desiring to speak on a motion that has been seconded shall

address the presiding officer, and, upon recognition, shall confine him/herself to the question under debate, avoiding personalities and indecorous language. Once recognized, the commissioner shall not be interrupted unless to call him/her to order, or as herein otherwise provided.

2. Privilege of Closing Debate

After reasonable debate has been conducted, the presiding officer shall call for the question that will begin the voting procedure.

E. Voting Policies

1. Presence for Vote

- a. Any commissioner, once having answered the call of the roll or having been noted as being present at a meeting, shall advise the presiding officer prior to leaving the meeting room for the remainder of a meeting.
- b. A commissioner, once having answered the call of the roll as being present at a meeting, and not excused as herein provided, has an obligation to vote on each and every matter considered by the commission even though he or she may temporarily be absent from the meeting room.
- c. The vote on any matter being considered by the commission may be delayed by the presiding officer until all commissioners who are present for a meeting and not excused as herein provided are present at the meeting room.
- d. Notwithstanding other provisions of these policies, no commissioner can be forced to vote.
- e. No commissioner with a statutory financial conflict of interest should vote on the matter creating such conflict.

2. Majority Vote Required

A majority of the commissioners present and eligible to vote is required to take action.

3. Silence and Abstention

The City has adopted the rule for counting votes as “those present and voting” as described in *Rosenberg’s Rules of Order* (see pages 5 and 6). Under this rule, a

commissioner who abstains or is silent counts as “present” for determining a quorum, but when counting votes is treated as if the commissioner is not voting.

F. **Tie Votes**

Generally, a motion fails if there is a tie vote. After a tie vote, the commission should try to reach consensus, and the presiding officer may solicit additional discussion and another motion in an attempt to break the tie.

1. If there are no vacancies on the commission, and if all commissioners are not present, a tie vote on a motion shall be carried forward to the next meeting at which a quorum of commissioners are present.
2. If all commissioners are present, but one or more commissioners abstain, or if there is a vacancy on the commission:
  - a. As to any matter which the commission is required by law to take final action, a tie vote on a motion shall be considered no action.
  - b. As to any matter which the commission is considering on appeal, a tie vote on a motion shall be deemed no action and the decision which was appealed shall stand.
3. Any person whose application is not approved or is denied as a result of this policy may reapply in accordance with the *Pleasanton Municipal Code*. Nothing contained in this policy shall prohibit a commissioner who could not participate in a decision involving a resubmitted application if the commissioner is no longer required to abstain.

G. **Continuation of an Item**

1. After calling the meeting to order, the presiding officer may ask City staff if there are any agenda amendments. City staff shall advise if any items should be continued and the presiding officer shall identify such item and announce that it has been continued.
2. A majority of the commission may continue an item (not subject to a legally or City-imposed deadline) to the next commission meeting or to another date agreeable to a majority of the commission.
3. A majority of the commission may table an item (not subject to a legally or City-imposed deadline). To “table” an item means to put the matter on hold; it is not

scheduled to return on a specific date.

4. Any commissioner may continue an item (not subject to a legally or City-imposed deadline) to the next commission meeting or to another date agreeable to a majority of the commission. A commission using this procedure shall state the reason for such continuance. An agenda item may be continued only once using this procedure.<sup>7</sup>
5. An applicant may request that its item be continued to the next commission meeting or another date. A majority vote by the commission may grant such request so long as the item is not subject to a legally or City-imposed deadline.
6. Once an item has been taken up for consideration, City staff, a Councilmember, or an applicant may request a continuance of the item(not subject to a legally or City-imposed deadline). The item may only be continued following a majority vote of the commissioners present.
7. If the opportunity for the public to address the commission has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the commission for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the commission.

H. **Protests**

Any commissioner shall have the right to enter into the record reasons for opposing any motion carried by the majority.

I. **Motion to Reconsider**

Any commissioner who voted with the majority may move reconsideration of any action at the same meeting or at the next regular meeting, providing no legal rights have intervened to create an estoppel. A majority of the commission present must approve the motion to reconsider. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous approval.

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<sup>7</sup> The same item may not be continued another time by a different individual commissioner. A commission majority may continue the item an additional time (so long as not subject to legally or City-imposed deadline).

## SUMMARY OF MOTIONS

Business is conducted by acting on motions. This summary is a complement to *Rosenberg's Rules of Order*, attached, which controls in the event of a conflict. A subject is introduced by a **basic motion**. Once this has been seconded and stated by the presiding officer, nothing else should be taken up until it is disposed of. Once a motion has been stated, the mover may not withdraw it without the consent of the commission. Most motions must be seconded.

While a basic motion is being considered, other **motions**, which affect either the basic motion or the general conduct of the meeting, may be made. The ones most frequently used are described in general below.

**Motion to Amend** takes the basic motion that is before the commission and seeks to change the basic motion in some way.

**Substitute Motion** is when a commissioner wants a completely new motion (effectively do away with the basic motion).

# Section V

## **MUNICIPAL CODE SECTIONS DESCRIBING CITY COMMISSIONS AND COMMITTEES**

The following Municipal Code sections and City resolutions set forth the roles, duties and responsibilities of City Commissions and Committees. Commissioners are encouraged to become familiar with this information as a means of carrying out the duties of their respective commissions.



**RESOLUTION NO. 10- 384**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ESTABLISHING THE FORMATION OF THE BICYCLE, PEDESTRIAN AND TRAILS COMMITTEE (BPTC)**

**WHEREAS**, the Trails Ad Hoc Committee was established on September 16, 2003 to recommend and prioritize trail improvement projects and related matters; and

**WHEREAS**, the Bicycle, Pedestrian Advisory Committee was established on September 4, 2007 to develop a city-wide Pedestrian and Bicycle Master Plan; and

**WHEREAS**, the Bicycle, Pedestrian Advisory Committee's work is complete with the approval by the City Council of the city-wide Pedestrian and Bicycle Master Plan at the Council's February 16, 2010 meeting; and

**WHEREAS**, it is recognized and recommended by staff, the Parks and Recreation Commission and both Committees that merging the two advisory bodies will provide a more capable group with broader focus that can provide recommendations and resolution of issues in areas of overlapping interest.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1:** A Bicycle, Pedestrian and Trails Committee (BPTC) is established which shall combine and encompass all of the tasks of the former Bicycle, Pedestrian Advisory Committee and the Trails Ad Hoc Committee.

**SECTION 2:** The City Council does hereby establish the Bicycle, Pedestrian and Trails Committee which shall have the following duties and responsibilities:

- a. Assist the Parks and Recreation Commission in researching reviewing and prioritizing potential trail projects.
- b. Offer recommendations for trail improvements in or out of the public right-of-way.
- c. Advise the Parks and Recreation Commission on activities by other entities (e.g., EBRPD, City of Dublin, City of Livermore, Zone 7 Water Agency, DSRSD trail advocacy groups) that may impact Pleasanton's trail system.
- d. Recommend access and connectivity points from trails within the community such as parks major arterials transit points shopping areas essential services, etc.
- e. Coordinate trail education efforts with the Parks and Recreation Commission and staff.
- f. Advise the Parks and Recreation Commission regarding accessibility and potential use of trails by a variety of users (e.g., pedestrians, bicyclists physically challenged, equestrians etc.)

g. Assist the Parks and Recreation Commission in maintaining community awareness and importance of trails.

h. Assist the Parks and Recreation Commission and staff with an Adopt-A-Trail or similar program.

i. Advise the Parks and Recreation Commission, City Council, and Traffic Engineering Division on matters related to the Pedestrian and Bicycle Master Plan.

j. Provide recommendations pertaining to off-street facilities or on-street facilities to the Parks and Recreation Commission or the Traffic Engineering Division respectively.

**SECTION 3:** The BPTC shall be composed of 12 regular members and 1 alternate member:

- One (1) member of the Parks and Recreation Commission who will serve as chair
- One (1) member of the Planning Commission who will serve as vice-chair
- One (1) representative from the Youth Commission
- Six (6) at-large members (membership to be balanced to provide geographic diversity and a balance between on-road/off-road bicycle and pedestrian interests, equestrian interests, balance between commute vs. leisure users, and both regional and local interests)
- One (1) at-large alternate member
- One (1) non-voting member from the East Bay Regional Park District
- One (1) non-voting member from the Pleasanton Police Department
- One (1) non-voting member from Zone 7 Water Agency

The committee will have one staff representative from the Parks & Community Services Department and the Traffic Engineering Division respectively.

**SECTION 4:** The Committee shall serve as follows:

- a. Members shall serve three-year terms with a maximum of two terms.
- b. In case of a vacancy, an appointment shall be made for the remainder of the term in the same manner as the original appointment.
- c. Persons appointed to the Committee shall continue to serve as members except when:
  - i. The member's term expires;
  - ii. The member voluntarily resigns from the Committee;
  - iii. The member is absent from one-third (1/3) of the regular meeting within a six (6) month period;
  - iv. Any other reason the City Council deems reasonable.

**SECTION 5:** The Committee shall hold regular meetings as follows:

- a. The Committee shall meet once per month as needed.
- b. Special meetings may be called by the Committee chairperson or by a simple Committee majority.

c. All meetings shall be public; and shall comply in all respects with Section 549650 et seq., of the Government Code, known commonly as the Ralph M. Brown Act. Agendas and minutes shall be prepared and maintained by the Parks and Community Services Department or the designee.

**SECTION 6:** A simple majority of the current membership shall constitute a quorum. A simple majority of the quorum shall be required to take action.

**SECTION 7:** This resolution shall become effective immediately upon its passage and adoption.

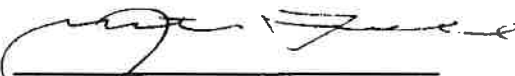
**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on June 1, 2010.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 1st day of June, 2010 by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman  
Noes: None  
Absent: None  
Abstain: None

  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

  
Jonathan P. Lowell, City Attorney

**RESOLUTION NO. 18-989**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AMENDING RESOLUTION 10-384 TO CHANGE THE BICYCLE, PEDESTRIAN AND TRAILS COMMITTEE QUORUM REQUIREMENT TO FIVE VOTING MEMBERS**

**WHEREAS**, Bicycle, Pedestrian and Trails Committee (BPTC) was formally established on June 1, 2010 by Resolution 10-384, when membership was set as twelve regular members and one alternate, of which nine are voting members; and

**WHEREAS**, as Resolution 10-384 states that: "A simple majority of the current membership shall constitute a quorum," seven members is a quorum. However, when non-voting members do not attend the BPTC is challenged to have a quorum; and

**WHEREAS**, as the Human Services and Parks & Recreation commissions set quorum requirements on a majority allowed to vote, the BPTC recommended at its November 27, 2017 meeting that its quorum be changed to five of nine voting members.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1.** Section 6 of Resolution No. 10-384 is amended to provide that:

Section 6. Five voting members need to be present to constitute a quorum, and a vote to approve or deny shall only occur on a majority vote of the members present who are allowed to vote.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on January 16, 2018.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 16<sup>th</sup> day of January 2018, by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Pentin, Mayor Thorne  
Noes: None  
Absent: None  
Abstain: None

  
\_\_\_\_\_  
Karen Diaz, City Clerk

Dated: 1/24/18

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel G. Sodergren, City Attorney

## Chapter 2.39

## CIVIC ARTS COMMISSION\*

## Sections:

2.39.010	Commission created.
2.39.020	Duties.
2.39.030	Membership—Appointments.
2.39.040	Term of membership.
2.39.050	Maintenance of membership.
2.39.060	Commissioner vacancies.
2.39.070	Organization.
2.39.080	Meetings.

\* Prior ordinance history: Ords. 1674 and 1768.

**2.39.010 Commission created.**

There is created a civic arts commission (commission). (Ord. 1819 § 1, 2001)

**2.39.020 Duties.**

The commission shall have the power and duty to:

A. Act in an advisory capacity to the city council in all matters pertaining to the arts and culture of the city.

B. Recommend to the city council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation of fine arts and performing arts.

C. Work cooperatively with city boards and commissions, city departments, and other public and private organizations in creating and promoting art and cultural programs and activities within the city.

D. Review and recommend grant funding to arts-related, non-profit organizations in the community that are providing additional non-competitive arts programming.

E. Serve as the art and culture ambassadors to the general public.

F. Advocate to the public about the city's arts programs and policies.

G. Review and make recommendations upon all works of art to be acquired by the city, either by purchase, gift, or otherwise pursuant to art in public places Chapter 13.16.

H. Review and make recommendations with reference to any existing work of art in the public art collection in connection with: (1) the relocation or alteration thereof; or (2) the removal of; pursuant to the deaccession policy generally described in the Pleasanton Downtown Public Art Master Plan, as may be amended.

I. Recommend the promulgation of policies and procedures for the development and implementation of public art in the city.

J. With city council approval, apply for and accept gifts, grants, funds, contributions and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations and other organizations or institutions that are arts and culture related.

K. Other powers and responsibilities as outlined in other sections of this chapter and as may be appropriate in carrying out the purposes and goals of this chapter and as set forth in reports or recommendations adopted by the city council. (Ord. 2132 § 1, 2016; Ord. 1819 § 1, 2001)

**2.39.030 Membership—Appointments.**

A. The commission shall have seven regular commissioners, one youth member, and one alternate commissioner all of whom shall be residents of the city.

B. The youth member shall be a minimum age of a high school freshman.

C. The regular commissioners, the youth member, and alternate commissioner shall be appointed by the mayor, subject to ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

D. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular commissioners, and the youth member shall not vote.

E. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the commission's representative to other boards and commissions.

F. Commissioners shall be compensated as established by city council resolution. (Ord. 2132 § 1, 2016; Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

**2.39.040 Term of membership.**

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The youth member shall be eligible to serve a two-year term.

D. The terms of commissioners shall be consistent with and subject to city council resolution concern-

2.39.050

ing limiting service on boards and commissions. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

**2.39.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;
2. The commissioner voluntarily resigns from the commission;
3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;
4. The commissioner fails to maintain a primary residence in the city;
5. The commissioner is employed with the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.
2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.
3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.
4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

**2.39.060 Commissioner vacancies.**

Vacancies on the commission shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

**2.39.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;
2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and
3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 9, 2003; Ord. 1819 § 1, 2001)

**2.39.080 Meetings.**

A. The commission shall attempt to meet on a monthly basis at a predetermined time and place, but shall meet at least four times each calendar year.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council, provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Four commissioners allowed to vote need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present who are allowed to vote. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

**RESOLUTION NO. 15-778**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON  
CONCERNING THE ECONOMIC VITALITY COMMITTEE**

**WHEREAS**, at its meeting of July 21, 2015, the City Council received the report from the Economic Development Director regarding suggested changes to the meeting schedule of the Economic Vitality Committee:

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1:** Resolution No 12-559 is hereby rescinded.

**SECTION 2:** The City Council does hereby establish the Economic Vitality Committee which shall serve as follows:

- a. The mission of the Economic Vitality Committee shall be to assess the current and ongoing business climate in the City of Pleasanton and to offer suggestions and submit recommendations to the City Council intended to maintain a strong economic base in the city.
- b. The Committee will focus on general trends, issues and governmental processes in an attempt to identify opportunities to assist and promote economic vitality in the City of Pleasanton.
- c. The Committee's role in retaining and attracting business is limited to providing general information regarding available resources within the business community and governmental agencies which may be beneficial toward attracting new businesses to the community and/or retaining existing businesses. Unless otherwise directed by the City Council, the Committee shall not engage in any negotiations relative to the relaxation, expansion or modification of any City regulations, fees, or services.
- d. The Committee shall recommend to the City Council the general types of business and/or markets that would be beneficial to the overall economic condition of the city. The City Council shall take this information into consideration when determining active attraction and retention efforts by the Economic Development Director.

**SECTION 3:** The Economic Vitality Committee shall have one representative from each of the following groups. The members shall serve without compensation. Members shall be reimbursed for appropriate expenses incurred when attending conferences if budgeted and approved by the City Council.

1. Chamber of Commerce – A representative assigned by the board of directors of the Pleasanton Chamber of Commerce whose membership in the organization is expected to be at least two years from the time of the appointment to the Committee.

2. **Commercial Real Estate Developer** – A representative from a commercial builder or developer with an office located in Pleasanton or who directly serves the Pleasanton community.
3. **Commercial Real Estate Broker** – A representative from a business specializing in commercial real estate leasing or sales with an office located in Pleasanton or who directly serves the Pleasanton community.
4. **Stoneridge Shopping Center** – A representative assigned by Stoneridge Shopping Center.
5. **Pleasanton Downtown Association** – A representative from a business located in the city's downtown district and assigned by the board of directors of the Pleasanton Downtown Association.
6. **Residential Real Estate Developer** – A representative from a residential builder or developer with an office located in Pleasanton or who directly serves the Pleasanton community.
7. **Residential Real Estate Broker** – A representative from a business specializing in residential real estate leasing or sales with an office located in Pleasanton or who directly serves the Pleasanton community.
8. **Financial Services** – A representative from a financial institution or financial services company or business with an office located in Pleasanton.
9. **Citizen At Large** – A resident of Pleasanton.
10. **Tri-Valley Convention and Visitors Bureau/Visit Tri-Valley** – A representative assigned by the board of directors of Tri-Valley Convention and Visitors Bureau and whose membership in the organization is expected to be at least two years from the time of the appointment to the Committee.
11. **Education Community** – A representative assigned by the Pleasanton Unified School District Board of Trustees.
12. **Green Economy/Environmental Industry** – A representative from a green economy or environmentally related business that provides materials, supplies or services with an office located in Pleasanton.
13. **City Council** – A representative from the Pleasanton City Council.
14. **High Technology** – A representative from a high technology business that provides materials or services with an office located in Pleasanton.
15. **Medical Technology** – A representative from a business involved with the research, development or application of medical technology with an office located in Pleasanton.
16. **Alameda County Fairgrounds** – A representative assigned by the Alameda County Fair Association.



17. Hacienda – A representative from the owners or management of Hacienda.
18. Commercial Service Firm – A representative from a business specializing in commercial services with an office located in Pleasanton.
19. Professional Service Firm – A representative from a business that provides professional services with an office located in Pleasanton.
20. Medical Services – A representative from a business that provides or is involved with the provision of medical services with an office located in Pleasanton.
21. Business At Large – A representative from a business or company with an office located in Pleasanton.
22. Non-Profit or Community-Based Organization – A representative recommended by the board of directors of a local non-profit or community-based organization whose membership in the organization is expected to be at least two years from the time of the appointment to the Committee.

**SECTION 4:** Members shall be appointed to the Committee in accordance with City Resolution No. 97-18, A Resolution Establishing Procedures for Appointments to City Boards and Commissions, except specific groups or organizations as identified by the City Council (i.e., the Pleasanton Chamber of Commerce, the Tri-Valley Convention and Visitors Bureau, the Pleasanton Downtown Association, Hacienda, Stoneridge Shopping Center, Alameda County Fairgrounds and the Pleasanton Unified School District) may choose their own representatives, subject to ratification by the City Council.

**SECTION 5:** The Committee shall hold regular meetings as follows:

- a. The Committee shall meet monthly with the time and place and date set by the Committee.
- b. Special meetings may be called by the Committee chairperson or by any twelve members, provided written notice is given twenty-hour hours in advance of the special meeting to the following: each Committee member, local newspapers of general circulation, and to anyone who has filed with the City Clerk or the Economic Development Director a written request for notice. Notice of meetings shall comply in all respects with Section 54950 et seq. of the Government Code, known commonly as the Ralph M. Brown Act.
- c. All meetings shall be public; an agenda shall be prepared; minutes of all meetings shall be kept and filed by the Economic Development Director.

**SECTION 6:** A simple majority of current membership shall constitute a quorum. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of members, if any action is approved by at least a majority of the required quorum. A simple majority of the quorum shall be required to conduct business.


**SECTION 7:** Committee officers shall be selected and serve as follows:

- a. The Committee by majority vote shall elect for a term of one year a chairperson and vice chairperson from among its members. Officers shall be elected at the last meeting of each calendar year and assume office at the first meeting of the next calendar year.
- b. The chairperson shall be responsible for the conduct of the meetings, the preparation of agenda and other duties normally associated with a chairperson.
- c. The vice chairperson shall perform those duties assigned by the chairperson and act for the chairperson in the latter's absence.
- d. No member of the Committee shall serve more than two successive full terms as chairperson.
- e. The Economic Development Director or his/her designated representative shall serve as secretary to the Committee.


**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on July 21, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of July, 2015, by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Pentin, Mayor Thorne  
Noes: None  
Absent: None  
Abstain: None

  
\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jonathan P. Lowell, City Attorney

**RESOLUTION NO. 08-234**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON,  
ESTABLISHING A COMMITTEE ON ENERGY AND THE ENVIRONMENT**

**WHEREAS**, on July 15, 2008 the City Council issued direction to staff to develop the duties and responsibilities for a Committee on Energy and the Environment; and

**WHEREAS**, preservation of environmental quality and conservation of energy are issues of overriding concern at state and local levels; and

**WHEREAS**, to further enhance the City's commitment to the environment, the City of Pleasanton is establishing a Committee on Energy and the Environment to advise the City Council on energy and environmental related issues, strategies, planning and protections and opportunities for conservation; and

**WHEREAS**, the Committee shall have the following duties and responsibilities:

1. Work closely with City staff to prepare an Energy and Environmental Priorities Plan focusing on energy and environmental issues and strategies reflecting community opportunities, needs and interest;
2. Promote and recommend strategies toward preservation, enhancement and conscientious utilization of environmental resources for use by residents and businesses of the City of Pleasanton;
3. Identify and give special consideration to issues that may adversely affect those natural resources within the City of Pleasanton
4. Develop strategies that are measurable in a quantitative and qualitative fashion;
5. Support the intent of the General Plan's environmental goals, policies and programs; and

**WHEREAS**, neither review nor approval by the Committee shall be a requirement for approval of construction of residential, commercial, office or industrial developments by the City of Pleasanton; and

**WHEREAS**, the Plan shall not conflict or cause overlap with existing commission functions.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**Section 1:** The City Council does hereby establish a Committee on Energy and the Environment.

**Section 2:** The term of the Committee shall be two years. During the second year, the City Council shall review the duties and responsibilities of the Committee and determine whether to continue the Committee, either as provided by this resolution or otherwise, or to disband the Committee.

**Section 3:** Meetings shall be held at least once per month, at a time and place as the Committee determines, unless the Committee determines that meetings may be held less frequently. All meetings shall comply with the requirements of the Ralph M. Brown Act.

**Section 4:** The Committee shall be comprised of seven members appointed in a manner consistent with the adopted city council resolution establishing procedures for appointments to boards and commissions. Each member must be a resident of Pleasanton and have knowledge and experience associated with energy and environmental issues.

**Section 5:** The City Manager shall assign the appropriate City personnel to coordinate agendas and reports and provide technical and administrative assistance. Such staff shall be assigned by the City Manager.

**Section 6:** The Committee officers are to be selected from among the group membership by vote of a quorum present and designated as Chair and Vice Chair. Those selected shall serve as the officers for one year, unless reappointed.

**Section 7:** All other existing rules and regulations governing City of Pleasanton advisory boards, committees and commissions that are not inconsistent with this resolution shall apply to the Committee.

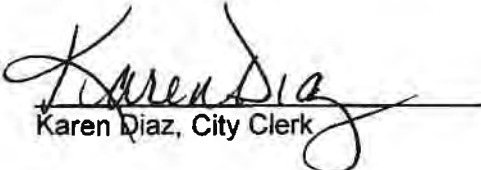
**Section 8:** The resolution shall become effective immediately upon its passage and adoption.

**Section 9:** The City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

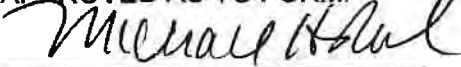
**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on the 2<sup>nd</sup> day of September, 2008.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on September 2, 2008, by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman  
Noes: None  
Absent: None  
Abstain: None

  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney

**RESOLUTION NO. 21-1201**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON TO MAKE THE COMMITTEE ON ENERGY AND THE ENVIRONMENT A PERMANENT COMMITTEE**

**WHEREAS**, on July 18, 2008, the City Council established the Committee on Energy and the Environment for an initial term of two years to advise it on energy and environmental issues, strategies, planning and protections, and opportunities for conservation; and

**WHEREAS**, the City Council extended the Committee's term again on February 16, 2016, February 17, 2017 and June 4, 2019, with the current term ending on September 30, 2021; and

**WHEREAS**, the duties of the Committee include supporting the intent of the City's General Plan environmental goals, developing measurable, energy strategies related to preservation, prudent use of natural resources, and other energy and water related matters; and

**WHEREAS**, the Committee is currently working on developing the Climate Action Plan 2.0; and

**WHEREAS**, the Committee will provide oversight of the Climate Action Plan 2.0 implementation.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1.** That the Committee on Energy and the Environment shall be made a permanent Committee commencing on October 1, 2021.

**SECTION 2.** That the Committee shall have six regular members and one youth member all of whom shall be residents of the city.

**SECTION 3:** That the youth member shall be a minimum age of a high school freshman.

**SECTION 4.** That the regular committee members and the youth member shall be appointed by the mayor, subject to ratification by the city council, as provided in the adopted city council resolution establishing procedures for boards and commissions.

**SECTION 5.** That the regular committee members shall be eligible to serve a maximum of eight years with two four-year terms and the youth member shall be eligible to serve a two-year term.

**SECTION 6.** That the current committee member's terms will be extended to conform to terms identified in Section 5 as shown in Exhibit A.

**SECTION 7.** That the Committee on Energy and the Environment holds its regular meetings every other month.


**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on February 16, 2021.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 16<sup>th</sup> day of February 2021 by the following vote:

Ayes:	Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

  
\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel G Sodergren, City Attorney



## Chapter 2.38

## HOUSING COMMISSION\*

## Sections:

<b>2.38.010</b>	<b>Commission created.</b>
<b>2.38.020</b>	<b>Duties.</b>
<b>2.38.030</b>	<b>Membership; appointments; voting.</b>
<b>2.38.040</b>	<b>Term of membership.</b>
<b>2.38.050</b>	<b>Maintenance of membership.</b>
<b>2.38.060</b>	<b>Commissioner vacancies.</b>
<b>2.38.070</b>	<b>Organization.</b>
<b>2.38.080</b>	<b>Meetings.</b>

\* Prior ordinance history: Ords. 1674, 1768.

**2.38.010 Commission created.**

There is created a housing commission (commission). (Ord. 1819 § 1, 2001)

**2.38.020 Duties.**

A. The commission shall be responsible for advising the city council on both the affordable housing needs of the community and the methods for meeting these needs.

B. The duties of the commission shall include the following:

1. Initiate and pursue opportunities for developing affordable housing within the city.
2. Cooperate with the private housing industry, city commissions and regional agencies to produce new affordable housing and/or to maintain existing affordable housing.
3. Make recommendations to the city council and/or establish policies regarding affordable housing projects affiliated with the city and the housing authority including preference and eligibility criteria for city assisted housing, informational documents, available grant applications, and new affordable housing programs.
4. In cooperation with the human services commission, review and make recommendations to the city council regarding community development block grant applications for capital improvement and rehabilitation projects.
5. Review and make recommendations to the city council regarding the annual operating budget for the city's lower income housing fund.
6. Appoint the resident representatives to the housing authority commission and commission liaisons to affordable housing projects. (Ord. 2192 § 2, 2019; Ord. 1819 § 1, 2001)

**2.38.030 Membership; appointments; voting.**

A. The commission shall have five members, and one alternate, all of whom shall be residents of the city.

B. The five regular commissioners and the one alternate commissioner shall be selected from the community at large. The regular commissioners and alternate commissioner shall be appointed by the mayor subject to the ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners are eligible to participate in all discussions of the commission except that the alternate commissioner shall vote only if one of the regular commissioners is absent or has a financial conflict of interest.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the housing commission representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution. (Ord. 1901 § 2, 2004; Ord. 1887 § 7, 2003; Ord. 1819 § 1, 2001)

**2.38.040 Term of membership.**

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1901, 2004; Ord. 1819 § 1, 2001)

**2.38.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;
2. The commissioner voluntarily resigns from the commission;
3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;
4. The commissioner fails to maintain a primary residence in the city;
5. The commissioner is employed with the city in a capacity related to the duties of the commission.



2.38.060

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

**2.38.060 Commissioner vacancies.**

Vacancies on the commission shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

**2.38.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 8, 2003; Ord. 1819 § 1, 2001)

**2.38.080 Meetings.**

A. Regular meetings shall be held on the third Thursday of each month at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, the staff liaison and/or the city council provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Three commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 2093 § 1, 2014; Ord. 1819 § 1, 2001)

## Chapter 2.28

### HUMAN SERVICES COMMISSION\*

#### Sections:

<b>2.28.010</b>	<b>Commission created.</b>
<b>2.28.020</b>	<b>Duties.</b>
<b>2.28.030</b>	<b>Membership—Appointments—Voting.</b>
<b>2.28.040</b>	<b>Term of membership.</b>
<b>2.28.050</b>	<b>Maintenance of membership.</b>
<b>2.28.060</b>	<b>Commissioner vacancies.</b>
<b>2.28.070</b>	<b>Organization.</b>
<b>2.28.080</b>	<b>Meetings.</b>

\* Prior code history: prior code §§ 1-3.32.05, 1-3.32.10, 1-3.32.15, 1-3.32.20, 1-3.32.25, 1-3.32.30, 1-3.32.35, 1-3.32.40, 1-3.32.45, 1-3.32.50, 1-3.32.55, 1-3.32.60; Ords. 1418, 1507, 1674, 1768, 1785.

#### **2.28.010 Commission created.**

There is created a human services commission (“commission”) originally established by Resolution 76-21. (Ord. 1819 § 1, 2001)

#### **2.28.020 Duties.**

A. The commission shall be responsible for advising the city council on both the human service needs of the community and the methods for meeting these needs. Particular emphasis shall be given to the human services needs of the socially and economically disadvantaged, the elderly and the youth of the community.

B. The duties of the commission shall include the following:

1. Identify and prioritize the human service needs of the community;
2. Develop and recommend to the city council specific programs and/or actions designed to meet the identified human service needs of the community and evaluate the success of the programs and/or the actions undertaken;
3. Identify and be informed of programs providing human services to the community, their purpose, the type and nature of services they provide, and the effectiveness of their services;
4. Review and evaluate requests from human service providers for financial assistance, endorsements, and other types of assistance; make recommendations to the city council regarding such requests;
5. Develop and recommend actions designed to coordinate the delivery of human services within and to the community;

6. Represent the city and/or serve as liaisons with governing boards of public and private human service agencies/programs of interest to the community;

7. Inform and advise the city council concerning actions by federal, state and other public or private human service agencies of interest to the city. (Ord. 1819 § 1, 2001)

#### **2.28.030 Membership—Appointments—Voting.**

A. The commission shall have seven regular commissioners, one youth member, and one alternate commissioner, all of whom shall be residents of the city.

B. The seven regular commissioners and the one alternate commissioner shall be selected from the community at large. The youth member shall be the minimum age of a high school freshman. The regular commissioners, the youth member, and alternate commissioner shall be appointed by the mayor, subject to ratification by the city council as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners are eligible to participate in all discussions of the commission except that the alternate commissioner shall vote only if one of the regular commissioners is absent or has a financial conflict of interest, and the youth member shall not vote.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the commission’s representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution, unless the youth member is unable to qualify for a work permit that allows for compensation. (Ord. 2059 § 1, 2013; Ord. 1901 § 1, 2004; Ord. 1887 § 1, 2003; Ord. 1851 § 1, 2002; Ord. 1819 § 1, 2001)

#### **2.28.040 Term of membership.**

A. Regular commissioners shall be eligible to serve a maximum term of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The youth member shall be eligible to serve a two-year term.

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 2059 § 1, 2013; Ord. 1901, 2004; Ord. 1819 § 1, 2001)

**2.28.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;
2. The commissioner voluntarily resigns from the commission;
3. The commissioner is absent from one-third of the regular meetings within a six month period as provided in subsection C of this section;
4. The commissioner fails to maintain a primary residence in the city;
5. The commissioner is employed by the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

**2.28.060 Commissioner vacancies.**

Vacancies shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

**2.28.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The elec-

tion shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;
  2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and
  3. Call special meetings.
- D. The vice chairperson shall perform in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 2, 2003; Ord. 1819 § 1, 2001)

**2.28.080 Meetings.**

A. Regular meetings shall be held on the first Wednesday of each month at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Four commissioners allowed to vote need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present who are allowed to vote. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

## Chapter 2.34

### LIBRARY COMMISSION\*

#### Sections:

<b>2.34.010</b>	<b>Commission created.</b>
<b>2.34.020</b>	<b>Duties.</b>
<b>2.34.030</b>	<b>Membership—Appointments.</b>
<b>2.34.040</b>	<b>Term of membership.</b>
<b>2.34.050</b>	<b>Maintenance of membership.</b>
<b>2.34.060</b>	<b>Commissioner vacancies.</b>
<b>2.34.070</b>	<b>Organization.</b>
<b>2.34.080</b>	<b>Meetings.</b>

\* Prior ordinance history: Ords. 1357, 1418, 1507, 1675, 1780.

#### **2.34.010 Commission created.**

There is created a library commission (commission). (Ord. 1819 § 1, 2001)

#### **2.34.020 Duties.**

A. The commission shall be responsible for advising the city council on matters related to the Pleasanton library and library services in general.

B. The duties of the Pleasanton library commission shall include the following:

1. Make recommendations to the city council and the Pleasanton library board of trustees regarding policies, services and operating and capital budgets for the Pleasanton library.
2. Recommend rules, regulations and services necessary for the administration of the Pleasanton library.
3. Assist with the planning of library services.
4. Promote the use and support of library services within the community, including working in cooperation with citizen and business groups, foundations, charitable trusts, school districts and governmental agencies.
5. Recommend rules and regulations regarding the use of the Pleasanton library building.
6. Recommend acceptance or rejection of proposed donations to the Pleasanton library. (Ord. 1819 § 1, 2001)

#### **2.34.030 Membership—Appointments.**

A. The commission shall have seven regular commissioners, one youth member, and one alternate commissioner all of whom shall be residents of the city.

B. Six regular commissioners and the one alternate commissioner shall be selected from the community at large. One regular commissioner shall be selected

from a recommendation made by the Pleasanton library league. The youth member shall be the minimum age of a high school freshman. The regular commissioners, the youth member, and alternate commissioner shall be appointed by the mayor subject to the ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular commissioners, and the youth member shall not vote.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the commission's representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution, unless the youth member is unable to qualify for a work permit that allows for compensation. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

#### **2.34.040 Term of membership.**

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The youth member shall be eligible to serve a two-year term.

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

#### **2.34.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;
2. The commissioner voluntarily resigns from the commission;
3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;
4. The commissioner fails to maintain a primary residence in the city;
5. The commissioner is employed with the city in a capacity related to the duties of the commission.

2.34.060

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

**2.34.060 Commissioner vacancies.**

Vacancies on the commission shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

**2.34.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;
2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 6, 2003; Ord. 1819 § 1, 2001)

**2.34.080 Meetings.**

A. Regular meetings shall be held on the first Thursday of each month at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chair or by a majority of the commissioners, the city manager, and/or the city council provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Four commissioners allowed to vote need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present who are allowed to vote. (Ord. 2170 § 1, 2017; Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

## Chapter 2.32

### PARKS AND RECREATION COMMISSION\*

#### Sections:

<b>2.32.010</b>	<b>Commission created.</b>
<b>2.32.020</b>	<b>Duties.</b>
<b>2.32.030</b>	<b>Membership—Appointments.</b>
<b>2.32.040</b>	<b>Term of membership.</b>
<b>2.32.050</b>	<b>Maintenance of membership.</b>
<b>2.32.060</b>	<b>Commissioner vacancies.</b>
<b>2.32.070</b>	<b>Organization.</b>
<b>2.32.080</b>	<b>Meetings.</b>

\* Prior history: prior code §§ 1-3.23—1-3.30; Ords. 1418, 1507.

#### **2.32.010 Commission created.**

There is created a parks and recreation commission. (Ord. 1819 § 1, 2001)

#### **2.32.020 Duties.**

A. The parks and recreation commission shall advise the city council in matters related to city parks and recreational services.

B. The duties of the commission shall include the following:

1. Act in an advisory capacity to the city council in all matters pertaining to public parks and recreation, and to cooperate with other governmental agencies and civic groups in the advancement of sound recreation programming and park planning. The commission is jointly charged with the planning commission, to establish harmonious and effective relationships, as both of these bodies have designated functions of an interrelated nature in the area of recreation facilities as they relate to the general plan.

2. Formulate recommended policies regarding recreation services for consideration by the city council.

3. Advise the city council, regarding the development of recreation areas, facilities, programs and services.

4. Make periodic inventories of recreation services that exist or may be needed and interpret the needs of the public to the city council, and all other governmental agencies and civic groups as required.

5. To facilitate in every appropriate manner the establishment and maintenance of formal and informal cooperative relationships with all entities that have resources to promote local recreation services. Such entities may include, but not be exclusive of, public and private businesses and institutions; local, regional, state and national agencies; and private, public or quasi-

public foundations, associations and corporations; all of which individually have either in part or total as their function the promotion and/or provision of some phase of recreation.

6. Take an active role as community leaders in soliciting from the general public the desires and wishes of the people, in making the needs for recreation facilities and programs known along with the best possible methods of achieving such.

7. Advise the city council, regarding the emphasis and priorities in the preparation of the annual recreation budget and a long-range capital improvement program. (Ord. 1819 § 1, 2001)

#### **2.32.030 Membership—Appointments.**

A. The commission shall have five regular commissioners, one youth member, and one alternate commissioner all of whom shall be residents of the city.

B. The five regular commissioners and the one alternate commissioner shall be selected from the community at large. The youth member shall be the minimum age of a high school freshman. The regular commissioners, the youth member, and alternate commissioner shall be appointed by the mayor, subject to the ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular commissioners, and the youth member shall not vote.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the commission's representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution, unless the youth member is unable to qualify for a work permit that allows for compensation. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

#### **2.32.040 Term of membership.**

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The youth member shall be eligible to serve a two-year term.

2.32.050

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)

**2.32.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;
2. The commissioner voluntarily resigns from the commission;
3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;
4. The commissioner fails to maintain a primary residence in the city;
5. The commissioner is employed by the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

**2.32.060 Commissioner vacancies.**

Vacancies on the commission shall be filled as provided in the city council resolution establishing pro-

cedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

**2.32.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson or vice chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures are amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;
2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and
3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 2038 § 1, 2012; Ord. 1887 § 5, 2003; Ord. 1819 § 1, 2001)

**2.32.080 Meetings.**

A. Regular meetings shall be held on the second Thursday of each month at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council, provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Three commissioners allowed to vote need to be present to constitute a quorum and a vote to ap-

prove or deny shall only occur upon a majority vote of the commissioners present who are allowed to vote. (Ord. 2059 § 1, 2013; Ord. 1819 § 1, 2001)



## Chapter 2.30

### PLANNING COMMISSION\*

#### Sections:

<b>2.30.010</b>	<b>Commission created.</b>
<b>2.30.020</b>	<b>Duties.</b>
<b>2.30.030</b>	<b>Membership; appointments.</b>
<b>2.30.040</b>	<b>Term of membership.</b>
<b>2.30.050</b>	<b>Maintenance of membership.</b>
<b>2.30.060</b>	<b>Commissioner vacancies.</b>
<b>2.30.070</b>	<b>Organization.</b>
<b>2.30.080</b>	<b>Meetings.</b>

\* **Prior code history:** Prior code §§ 1-3.07-1-3.19; Ord. 1507, 1991.

#### **2.30.010 Commission created.**

There is created a planning commission (commission). (Ord. 1819 §§ 1, 3, 2001)

#### **2.30.020 Duties.**

A. The planning commission shall perform functions as outlined in this chapter.

B. The duties of the commission shall include the following:

1. Prepare, adopt and administer a general or master plan for the city and for land adjacent to the city for long-term growth, subject to revision as conditions and land uses change;

2. Prepare, adopt and administer precise plans in accordance with the general plan, regulating land and building uses, height and bulk of buildings, open spaces about buildings, lot percentages, lot sizes and locations of buildings and rights-of-way;

3. Recommend to the city council amendments to the zoning ordinance to carry out the general plan and precise plans;

4. Investigate, hear and determine applications for use permits and for variance permits made pursuant to the zoning laws of the city;

5. Investigate, hear and determine disputes and controversies regarding the zoning ordinance;

6. Review subdivision maps filed with the city council, act as "advisory agency" pursuant to the subdivision map act of the state of California in making recommendations concerning said maps to the council. (Ord. 1819 §§ 1, 3, 2001)

#### **2.30.030 Membership; appointments.**

A. The commission shall have five regular commissioners, and one alternate commissioner all of whom shall be residents of the city.

B. The five regular commissioners and the one alternate commissioner shall be selected from the community at large. The regular commissioners and alternate commissioner shall be appointed by the mayor, subject to ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular commissioners.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the commission's representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution. (Ord. 1819 §§ 1, 3, 2001)

#### **2.30.040 Term of membership.**

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The terms of commissioners shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1819 §§ 1, 3, 2001)

#### **2.30.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;

2. The commissioner voluntarily resigns from the commission;

3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;

4. The commissioner fails to maintain a primary residence in the city;

5. The commissioner is employed with the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

2.30.060

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 §§ 1, 3, 2001)

**2.30.060 Commissioner vacancies.**

Vacancies on the commission shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 §§ 1, 3, 2001)

**2.30.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures", as those rules and procedures are amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as

secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 4, 2003; Ord. 1819 §§ 1, 3, 2001)

**2.30.080 Meetings.**

A. Regular meetings shall be held on the second and fourth Wednesday of each month at a predetermined time and place. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council, provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Three commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 1819 §§ 1, 3, 2001)

## Chapter 2.29

### YOUTH COMMISSION

#### Sections:

<b>2.29.010</b>	<b>Commission created.</b>
<b>2.29.020</b>	<b>Duties.</b>
<b>2.29.030</b>	<b>Memberships—Appointments.</b>
<b>2.29.040</b>	<b>Term of membership.</b>
<b>2.29.050</b>	<b>Maintenance of membership.</b>
<b>2.29.060</b>	<b>Commissioner vacancies.</b>
<b>2.29.070</b>	<b>Organization.</b>
<b>2.29.080</b>	<b>Meetings.</b>

#### **2.29.010 Commission created.**

There is created a youth commission (commission). (Ord. 1819 § 2, 2001)

#### **2.29.020 Duties.**

A. The commission shall advise the city council on matters related to the youth of the community.

B. The duties of the Pleasanton youth commission shall include the following:

1. Make recommendations to the city council regarding policies, services and issues related to the youth of the community.

2. Act as the “voice” of the community.

3. Act as a communication liaison between Pleasanton’s youth community and the city council.

4. Research the needs and interest of Pleasanton’s youth. Promote an understanding and appreciation of community affairs among the youth of Pleasanton.

5. Identify and report to the city council on youth needs and priorities in the city of Pleasanton and remain informed regarding the programs providing youth services to the community.

6. Research and formulate proposed policies, programs and services designed to meet the needs of the youth community in Pleasanton.

7. Review and evaluate requests received by the city for youth related policies and services.

8. Represent the city and maintain liaison with the youth commissions in other cities and with youth related agencies in Pleasanton and other cities. (Ord. 1819 § 2, 2001)

#### **2.29.030 Memberships—Appointments.**

A. The commission shall have 11 regular commissioners and three alternate commissioners all of whom shall be residents of the city.

B. The 11 regular commissioners shall include: three students from middle school; three students from

high school; four at large student representatives from grades six through 12; and one adult commissioner from the community at large.

C. The two alternate youth commissioners shall be from grades six through 12 and shall be selected from the community at large. The one alternate adult commissioner shall be selected from the community at large.

D. The regular commissioners and the alternate commissioners shall be appointed by the mayor subject to ratification by the city council, as provided in the adopted city resolution establishing procedures for appointments to boards and commissions.

E. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular youth commissioners.

F. The alternate commissioners may serve as a voting member on any subcommittee of the commission.

G. Commissioners shall be compensated as established by city council resolution or as allowed by state law. (Ord. 2120 § 1, 2015; Ord. 2093 § 1, 2014; Ord. 2065 § 1, 2013; Ord. 2059 § 1, 2013; Ord. 1853 § 1, 2002; Ord. 1819 § 2, 2001)

#### **2.29.040 Term of membership.**

A. Regular youth commissioners shall be eligible to serve a maximum of six years with three terms of two years.

B. The regular adult commissioner shall be eligible to serve a maximum term of eight years with two four-year terms.

C. The alternate youth commissioners shall be eligible to serve two-year terms and are not subject to a limit in the number of years served provided that their grade level does not exceed the 12th grade. The alternate adult member shall be eligible to serve four year terms and is not subject to the limit in the number of years served.

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1853 § 2, 2002; Ord. 1819 § 2, 2001)

#### **2.29.050 Maintenance of membership.**

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;

2. The commissioner voluntarily resigns from the commission;

2.29.060

3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;

4. The commissioner fails to maintain a primary residence in the city;

5. The commissioner is employed by the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1836 § 1, 2001; Ord. 1819 § 2, 2001)

**2.29.060 Commissioner vacancies.**

Vacancies on the commission shall be filled as provided in the city resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 2, 2001)

**2.29.070 Organization.**

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be a majority vote of the commission, to be held in September of each year. The term of service for these offices shall be one year, from September to May. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Commissioner's

Handbook as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 2192 § 2, 2019; Ord. 1887 § 3, 2003; Ord. 1819 § 2, 2001)

**2.29.080 Meetings.**

A. Regular meetings shall be held on the second Wednesday of each month, September through May, at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Seven commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 2065 § 1, 2013; Ord. 1819 § 2, 2001)

# **Section VI**

## **CITY COMMISSION RELATED RESOLUTIONS AND CITY POLICIES**

The following information includes adopted City policies and procedures related to City Commissions. Commissioners are encouraged to become familiar with this information as a means of carrying out the duties of a City Commissioner.

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 97-18

**RESOLUTION ESTABLISHING PROCEDURES FOR  
APPOINTMENTS TO CITY BOARDS AND  
COMMISSIONS**

WHEREAS, Government Code §40605 provides that in a general law city where the office of Mayor is elected by the voters, the Mayor, with the approval of the City Council, shall make all appointments to boards and commissions; and

WHEREAS, the City Council desires to be more involved in the interviewing and appointment process with respect to such appointments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: Resolution No. 95-114 (A Resolution Establishing Procedures for Appointment to City Boards and Commissions) is rescinded.

Section 2: The City Council hereby adopts the following procedures for appointments to City Boards and Commissions:

- A. When a term of office for a commissioner or board member is up, or when a vacancy for such office otherwise occurs, the Mayor shall direct that notice thereof be advertised for a minimum of 30 days, except as provided in Subsection F. The Council shall also decide whether the full Council, or only a Council subcommittee, shall interview all candidates. Generally, the procedure shall be the full Council (or a quorum thereof) to conduct the interviews.
- B. Following the close of the advertised period, the City Manager shall distribute to the Council the resumes and letters of interest and shall schedule the interviews of the candidates by the Council or its subcommittee.

- C. After Council has received the resumes/letters of interest and/or after the candidates are interviewed, any Councilmember of Council subcommittee may make to the Mayor a recommendation as to the appointment.
- D. At a City Council meeting, the Mayor shall make an appointment to the commission or board. The City Council shall then vote to approve or disapprove such appointment. If such appointment receives three affirmative votes, the appointment shall be approved and the person so appointed shall assume the office. If the Mayor's appointment is disapproved, the Mayor shall continue to make appointments until an appointment receives at least three affirmative votes.
- E. If no candidate receives three affirmative votes, the matter shall be readvertised for a period of 15 days and the procedure herein shall be repeated. Any person appointed but not approved by the Council shall not be eligible further for that particular term of office or vacancy.
- F. The Mayor may waive the procedures in Subsections A, B and C as follows:
  - 1. If (a) any commissioner's and/or board member's term is about to expire or has expired, (b) the commissioner/board member is eligible to serve additional time on the commission/board, (c) the Mayor receives written notice from the commissioner/board member stating an interest in being reappointed, and (d) the Mayor intends to reappoint the commissioner/board member;

2. If (a) any commissioner's or board member's term is about to expire or has expired, (b) the commissioner/board member is not eligible to serve an additional term on the commission/board or has informed the Mayor in writing that the commissioner/board member does not wish to serve an additional term, (c) there is an alternate who is eligible for a regular appointment to the commission/board and who has informed the Mayor in writing that the alternate is interested in being so appointed, and (d) the Mayor intends to appoint the alternate as a regular member to the commission/board.

The Mayor shall notify other Councilmembers of the Mayor's intention to waive the procedures of Subsection A, B, and C in a reasonable time prior to such procedures being waived.

Section 2: This resolution shall become effective immediately upon its passage and adoption.

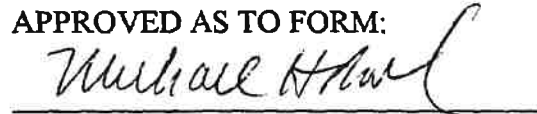
I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON MARCH 18, 1997 BY THE FOLLOWING VOTE:

AYES: Councilmembers - Ayala, Dennis, Michelotti, and Mayor Tarver  
NOES: None  
ABSENT: Councilmember Pico  
ABSTAIN: None

ATTEST:

  
Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney



CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 95-115

**RESOLUTION ESTABLISHING A FORMAL  
ORIENTATION AND LEAVING OFFICE PROCESS  
FOR COMMISSIONERS**

WHEREAS, the members of the City's commissions play an important role in the development of City policy; and

WHEREAS, an understanding of the role of the commissions, its procedures, key issues, and the legal responsibilities of commissioners is necessary for commissioners to effectively discharge their duties; and

WHEREAS, a formal orientation process for new commissioners will ensure that all commissioners begin their assignment with at least a common basic understanding of the key aspects of their role as a commissioner; and

WHEREAS, it is appropriate to recognize outgoing commissioners for their contributions to the community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: Resolution No. 94-63 (Resolution establishing a formal orientation process for commissioners) is rescinded.

Section 2: The City shall establish a formal Commissioner Orientation Program, to include the following components:

- A. An official Oath of Office ceremony, held at a City Council meeting, if possible. If the commissioner must take his or her seat before the Council meeting following appointment, a separate Oath of Office ceremony and reception will be held.
- B. A meeting with the City Manager and key staff members, including the department head responsible for the commission and the primary staff contact for the commission, if other than the department head. The commissioner will review the Commissioner Handbook and be briefed on:

- (1) The commission's formal role and relationship to the City Council,
  - (2) The commission's meeting procedures and typical interactions with staff and Council,
  - (3) The Brown Act,
  - (4) Technical aspects of the commission's jurisdiction, such as the types of issues that will be faced, and
  - (5) Key issues or projects that the commission is or will be considering.
- C. A tour of City Hall and relevant city facilities, introductions to other key staff members, and signing of the Loyalty Oath.
- D. An opportunity to be introduced to the other members of the commission, either as a group or individually.
- E. The holding of periodic Commissioner Forums, open to all commissioners, to disseminate information and provide training opportunities, in order to enhance the knowledge and skill of all commissioners.

Section 3: At the conclusion of his/her service on a commission, the City Council may recognize the outgoing commissioner at a City Council meeting for the commissioner's service to the community.

Section 4: This resolution shall become effective immediately upon its passage and adoption.

Resolution No. 95-115  
Page 3

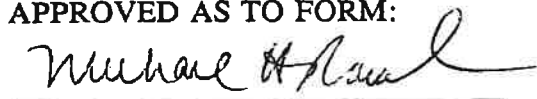
I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND  
REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
PLEASANTON, AT A MEETING HELD ON OCTOBER 3, 1995 BY THE  
FOLLOWING VOTE:

AYES: Councilmembers - Michelotti, Mohr, Pico, and Mayor Tarver  
NOES: None  
ABSENT: Councilmember Dennis  
ABSTAIN: None

ATTEST:

  
Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 95-113

**RESOLUTION ESTABLISHING THE POLICY OF  
LIMITING SERVICE ON BOARDS AND  
COMMISSIONS TO EIGHT YEARS**

WHEREAS, in order to maintain a fresh outlook and to obtain new input from its members, it is appropriate to limit the time a regular member of any regularly appointed Board or Commission member of the City of Pleasanton serves to eight years only; and

WHEREAS, by putting this limit on service, it will allow more members of the community to serve on these Boards and Commissions and encourage more citizen participation in the government of their city; and

WHEREAS, as a result of commissioner resignations, it may be necessary to adjust the term of a commissioner to assure that scheduled expiration dates occur on May 1 or October 1 of each year;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: Resolution No. 83-17 (A Resolution Reaffirming the Policy of Limiting Service on Boards and Commissions to Two Terms) is rescinded.

Section 2: Any regularly appointed member of a Board or Commission shall serve no more than eight years.

Section 3: The Council may adjust the term of a commissioner to assure that a majority of a commission's members terms do not expire during one particular year or to realign the scheduled term expiration dates for members of a commission.

Resolution No. 95-113  
Page Two

Section 4: This resolution shall become effective immediately upon its passage and adoption.

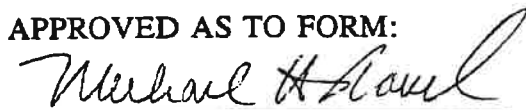
I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON OCTOBER 3, 1995 BY THE FOLLOWING VOTE:

AYES: Councilmembers - Michelotti, Mohr, Pico, and Mayor Tarver  
NOES: None  
ABSENT: Councilmember Dennis  
ABSTAIN: None

ATTEST:

  
Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 02-046

**RESOLUTION ESTABLISHING COMPENSATION FOR  
CITY OF PLEASANTON COMMISSIONERS**

WHEREAS, on January 17, 1989, the City Council adopted Resolution No. 89-36, establishing compensation for City of Pleasanton Commissioners; and

WHEREAS, since that time, several new Commissions have been created and it is deemed appropriate to amend Resolution No. 89-36 to include those new Commissions; and

WHEREAS, when the Youth Commission was formed, the Youth Commissioners did not receive a stipend, but Council now deems it appropriate to pay the Youth Commissioners the same as other City Commissioners.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: City appointed commissioners (including alternates) on the Planning Commission, Parks and Recreation Commission, Housing Commission, Human Services Commission, Library Commission, Civic Arts Commission, and Youth Commission shall receive \$50 for each regular or special meeting attended, with a maximum of \$100 per month.

Section 2: This resolution shall become effective immediately upon its passage and adoption.

Resolution No. 02-046

Page Two

I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON MAY 7, 2002 BY THE FOLLOWING VOTE:

AYES: Councilmembers - Campbell, Dennis, Michelotti, and Mayor Pico

NOES: Councilmember Ayala

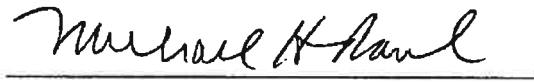
ABSENT: None

ABSTAIN: None

ATTEST:

  
Peggy L. Ezandro, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney

RESOLUTION NO. 22-1329

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AMENDING THE LOCAL CONFLICT OF INTEREST CODE, AND UPDATING THE LIST OF DESIGNATED POSITIONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS**

**WHEREAS**, the California Political Reform Act requires each public agency to adopt a local Conflict of Interest Code (see Cal. Government Code §§87306 and 87306.5); and

**WHEREAS**, the California Fair Political Practices Commission ("FPPC") has a Model Local Conflict of Interest Code at Title 2 Cal. Code of Regulations §18730 that can be incorporated by reference by any city or county as its Local Conflict of Interest Code, which the City did by Resolution No. 18-1048; and

**WHEREAS**, such local Conflict of Interest Code designates employees and elected and appointed officials who are involved in governmental decision-making, and requires some of them to make certain public disclosures regarding their sources of income (such as investments, interests in real property and business positions), in order to avoid potential conflicts of interest.

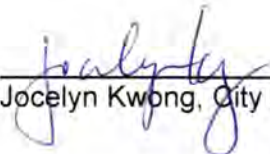
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pleasanton, that the FPPC's Model Code, attached as Exhibit A and any amendments to it duly adopted by the FPPC, and Appendices A and B, are hereby incorporated by reference and shall constitute the Local Conflict of Interest Code for the City.

**BE IT FURTHER RESOLVED** that persons holding designated positions listed in the Appendices shall file Statements of Economic Interest pursuant to Section 5 of the Local Conflict of Interest Code with the information required for the disclosure categories assigned to them. The City Clerk shall retain the statements and make them available upon public request.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on November 1, 2022.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 1<sup>st</sup> day of November 2022 by the following vote:

Ayes: Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown  
Noes: None  
Absent: None  
Abstain: None

  
\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel Sodergren, City Attorney



## EXHIBIT A

### Adoption by reference of the FPPC Model Local Conflict of Interest Code

#### 2 C.C.R. § 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

**(1) Section 1. Definitions.**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

**(2) Section 2. Designated Employees.**

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

**(3) Section 3. Disclosure Categories.**

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

**(A)** The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

**(B)** The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

**(C)** The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

**(4)** Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

**(5)** Section 5. Statements of Economic Interests: Time of Filing.

**(A)** Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

**(B)** Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

**(C)** Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

**(D)** Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

**(5.5)** Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

- (1) File a written resignation with the appointing power; and
  - (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.
- (6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

**(B) Personal Income Disclosure.** When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

**(C) Business Entity Income Disclosure.** When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

**(D) Business Position Disclosure.** When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

**(E) Acquisition or Disposal During Reporting Period.** In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

**(8) Section 8. Prohibition on Receipt of Honoraria.**

**(A)** No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if

the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

**(B)** This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

**(C)** Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

**(D)** This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

**(8.1)** Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520 [in 2022 with amount subject to regular adjustment per 2 C.C.R. 18940.2].

**(A)** No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 [in 2022; with amount subject to adjustment per 2 C.C.R. 18940.2] in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

**(B)** This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

**(C)** Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

**(8.2)** Section 8.2. Loans to Public Officials.

**(A)** No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

**(B)** No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

**(C)** No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made

or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

**(D)** No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

**(E)** This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

**(8.3)** Section 8.3. Loan Terms.

**(A)** Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

**(B)** This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

**(8.4) Section 8.4. Personal Loans.**

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

**(9) Section 9. Disqualification.**

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

**(B)** Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

**(C)** Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

**(D)** Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

**(E)** Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

**(9.3)** Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

**(9.5)** Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

**(A)** Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

**(B)** Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

**(10)** Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

**(11)** Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

**(12)** Section 12. Violations.



This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

**Appendix A**

CITY OF PLEASANTON LOCAL CONFLICT OF INTEREST CODE  
LIST OF DESIGNATED POSITIONS<sup>1</sup>

<b>Position</b>	<b>Disclosure Category</b>
(renamed business manager)	
Assistant Building Official	4
Assistant City Attorney	1
Assistant City Manager	1
Assistant Director of Library and Recreation	2
Assistant Director of Engineering	1
Assistant Director of Operations Services	1
Assistant Fire Marshal	4
Assistant Planner	2
Assistant to the City Manager	3
Associate Planner	2
Battalion Chief	3
Building Inspector	2
Building Inspector, Lead	2
Building Inspector, Senior	2
Business Manager – Fire	2
Chief Building Official	1
City Clerk	1
(now Lib/Rec)	
Construction Inspectors	2
Construction Services Manager	2
Consultant	.
Deputy City Attorney	1
Deputy Director Community Development/Traffic Engineer	1
Deputy Director of Community Development/Planning Manager	1
Deputy Fire Chief	1
Director of Community Development	1

<sup>1</sup> The positions of mayor, councilmember, planning commissioner, city manager and city attorney are governed directly by state statutes under the Political Reform Act.

<b>Position</b>	<b>Disclosure Category</b>
Director of Engineering/City Engineer	1
Director of Finance	1
Director of Human Resources and Labor Relations	1
Director of Information Technology	1
Director of Library & Recreation	1
Director of Operations and Water Utilities	1
Economic Development Manager	3
EMS Manager - Fire	3
Emergency Preparedness Manager	3
Emergency Services Manager	3
Environmental Services Manager (filled position, previous filer in 2018)	2
Financial Services Manager/Accounting	2
Financial Services Manager/Treasury	1
Fire Chief	1
Fire Inspector	4
Fire Marshal	4
Hazardous Materials Coordinator	4
Hazardous Materials Inspector	4
Hearing Officer (including alternates)	1
Housing Division Program Manager	3 & 5
Human Resources Manager	3
Library Manager	3
Management Analyst	3
Managing Director of Utilities and Environment	2
Members Bicycle, Pedestrian and Trails Committee (except representative from the Youth Commission and other non-voting members)	3 & 5
Members Civic Arts Commission (except youth member)	3
Members Committee on Energy and the Environment (except youth member)	3
Members Housing Commission	3 & 5
Members Human Services Commission (except youth member)	3
Members Library Commission (except youth member)	3
Members Parks & Recreation Commission (except youth member)	3

Position	Disclosure Category
Operations Superintendent	3
Parks Maintenance Superintendent	3
Police Captain	1
Police Chief	1
Police Lieutenant	1
Principal Planner	1
Recreation Manager	3
Senior Civil Engineer	1
Senior Plan Checker	1
Senior Planner	2
Senior Transportation Engineer	1
Special Projects Manager	2
Utilities Division Manager	3
Utilities Planning Manager	3
(duplicate)	

\* Consultant would be advised regarding disclosure requirements specific to consultant's scope of work.

## Appendix B

### CITY OF PLEASANTON LOCAL CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

#### GENERAL PROVISIONS

Any person holding a designated position is required to disclose any financial interests which include some or all of the following: investments, real property interests and other sources of income. An employee needs only to disclose investments of business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two years, unless otherwise specifically changed in the disclosure categories specified below. Income from the City need not be disclosed. In addition to other activities, a business entity is doing business with the City if it owns real property in the City. Business position disclosure included businesses in which the employee is a director, officer, partner, trustee, employee, or holds any position of management. When a person holding a designated position is required to disclose interests in real property, that person need only disclose real property which is located in whole or in part within or not more than two miles outside the boundary for the City or within two miles of any land owned by the City of Pleasanton. The principal residence or any other property used as a personal residence of the employee need not be disclosed. Persons holding a designated position shall disclose their financial interest pursuant to the appropriate disclosure categories as described in Appendix A.

#### DISCLOSURE CATEGORIES

- Category 1: Designated officials and employees in this disclosure category shall disclose all sources of income, interests in real property and investments and business positions in business entities.
- Category 2: Designated officials and employees in this disclosure category shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the city.
- Category 3: Designated officials and employees in this disclosure category shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment of the type utilized by the designated employee's department or division.

Members of the Civic Arts Commission (except the youth member) shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to fine arts, crafts and performing arts.

Members Bicycle, Pedestrian and Trails Committee (except representative from Youth Commission and non-voting members) shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to architecture, design, and engineering related to bicycle and pedestrian trails, paths, and bike lanes.

Members of the Committee on Energy and the Environment (except the youth representative) shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to water and energy conservation, alternative fuels, environmental consulting, waste and pollution reduction, and clean energy.

Members of the Housing Commission shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to rental housing management and/or development, for sale housing development, and affordable housing.

Members of the Human Services Commission (except youth member) shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to services for food insecure, homeless, disadvantaged youth, low-income seniors, and persons with special needs.

Members of the Library Commission (except youth member) shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to services for library book circulation, library furniture, book publishers, and library architects.

Members of the Parks and Recreation Commission (except youth member) shall disclose all investments and business positions in business entities and sources of income which provide services, supplies, materials or equipment related to playground equipment, artificial turf, landscape supplies, landscape architects, playground architects, and sports and activities program providers.

Category 4: Designated officials and employees in this disclosure category shall disclose all investments and business positions in business entities and sources of income, interests in real property which are subject to the regulations, permits or licensing authority of the city.

Category 5: All designated officials and employees in this disclosure category shall disclose all investments and business positions in business entities, and sources of income which engage in land development, construction, acquisition or sale of real property, and all interests in real property.

# Section VII

## CITY VISION STATEMENT

Pleasanton is a well-planned, balanced community with desirable neighborhoods, an award-winning downtown with its smalltown character, a diversified economic base, excellent schools, and a wide variety of community facilities. Pleasanton is a great place to live, raise a family, work, and do business. As our city approaches buildout in the next few years, we will strive to maintain these desirable qualities by continuing to develop a safe, convenient, and uncongested circulation system; by providing a comprehensive system of bicycle and pedestrian trails; by providing additional recreational and cultural facilities for the health and well-being of our residents; by strengthening our outreach to business of all sizes; and by preserving our natural resources, including water and air quality, and our community's environmental sensitivity. We will seek to minimize health and safety hazards.

Pleasanton is committed to sustainable community principles and will meet the needs of the current generation without compromising the ability of future generations to meet their needs. Pleasanton will maintain a positive and productive relationship with the Tri-Valley region, working collaboratively to address traffic and land use issues. We will continue to emphasize community participation and model the principles of the "Community of Character" of respect, responsibility, compassion, self-discipline, honesty, and integrity. The City's future, this vision, will depend upon maintaining a balanced budget, using our financial resources wisely, and continuing to promote Pleasanton as the premier place to live, work, and do business.

## CITY VALUES STATEMENT

We value **communication** by actively listening and sharing information through open and honest conversation.

We value **service** by being professional, courteous and responsive to others internally and externally.

We value **leadership** by setting the example, being visionary, thoughtful, strategic, supportive, and public service oriented.

We value **collaboration** by engaging in cooperative work across departments and promoting teamwork.

We value **integrity** by doing what is right, being accountable for our actions and demonstrating trust and transparency.

We value **compassion** by keeping an open mind, assuming the best of others, and taking actions

that promote a safe and supportive work environment.

We value **learning** by providing opportunities for professional growth and development throughout the organization.





# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### **About the League of California Cities**

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### **ABOUT THE AUTHOR**

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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

Hence, the birth of *Rosenberg's Rules of Order*.

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

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

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

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

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

### The Role of the Chair

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

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

### The Basic Format for an Agenda Item Discussion

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



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

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

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

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

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

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

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

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

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

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

## Motions in General

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

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

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

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

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

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

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

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

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

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

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

### To Debate or Not to Debate

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

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

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

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

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

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

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

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

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

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

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

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

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

## Counting Votes

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

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

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

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

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

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

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

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

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

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

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

## The Motion to Reconsider

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

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

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

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

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



## Courtesy and Decorum

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

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

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

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

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

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

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

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

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

## Special Notes About Public Input

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

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

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

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



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