



## AGENDA

SAN RAFAEL CITY COUNCIL - TUESDAY, FEBRUARY 21, 2023

REGULAR MEETING AT 7:00 P.M.

### In-Person:

San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901

### Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2023-02-21>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 444-9171

ID: 844 3204 9611

One Tap Mobile: US: +16694449171,,84432049611#

### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms.
- Face coverings are recommended for attendees.
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and press \*9 to raise your hand, and \*6 to unmute yourself, then provide verbal public comment.

If you experience technical difficulties during the meeting, please contact [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

### **OPEN SESSION**

1. None.

### **CLOSED SESSION**

2. None.

### **OPEN TIME FOR PUBLIC EXPRESSION**

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

### **CITY MANAGER AND COUNCILMEMBER REPORTS:**

**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

3. City Manager and Councilmember Reports:

### **CONSENT CALENDAR:**

The opportunity for public comment on consent calendar items will occur prior to the City Council's vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the City Council Special Meetings of January 30, 2023 and February 2, 2023 and the City Council Regular Meeting of February 6, 2023 (CC)

*Recommended Action - Approve minutes as submitted*

b. **Use of Teleconferencing for Public Meetings During State of Emergency**

Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the COVID-19 Pandemic (CA)

*Recommended Action - Adopt Resolution*

c. **Vacancies on San Rafael Boards and Commissions**

Announcement of Vacancies on the Fire Commission, Planning Commission and Pickleweed Advisory Committee (CC)

*Recommended Action - Receive and file*

d. **Pickleweed Advisory Committee Appointment**

Reappoint Janet Sanchez to Fill One Four-Year Term to the End of December 2026 on the Pickleweed Advisory Committee Due to the Expiration of Term of Janet Sanchez (CC)

*Recommended Action - Approve Appointment*

e. **Report on 2022 Fire Prevention Inspections of Certain Occupancies**

Resolution Acknowledging Receipt of a Report Made by the Fire Chief Regarding the 2022 Annual Fire Department Inspection of Certain Occupancies Pursuant to Section 13146.4 of the California Health and Safety Code (FD)

*Recommended Action - Adopt Resolution*

f. **The Taxpayer Protection and Government Accountability Act**

Resolution Opposing the Proposed Ballot Measure: The Taxpayer Protection and Government Accountability Act (CM)

*Option - Adopt Resolution*

### **OTHER AGENDA ITEMS**

5. Other Agenda Items:

a. **Citywide Parks and Recreation Master Plan Update**

Report on the Progress of the Citywide Parks & Recreation Master Plan (LR)  
*Recommended Action - Accept report*

b. **Boards, Commissions & Committees Rules and Procedures Update**

Update on Boards, Commissions & Committees Rules and Procedures and Provide Feedback on an Annual Appointment Process (CC)  
*Recommended Action - Accept report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: None.

**ADJOURNMENT:**

*Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online and at City Hall, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.*

## MINUTES

### SAN RAFAEL CITY COUNCIL SPECIAL STUDY SESSION MONDAY, JANUARY 30, 2023 AT 4:30 P.M.



#### In-Person:

San Rafael City Hall, Third Floor Conference Room  
1400 Fifth Avenue, San Rafael, CA 94901

#### Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/CCSS-2023-01-30>

Listen by phone: (669) 444-9171

ID: 822-3440-0524#

One Tap Mobile: US: +16694449171,,82234400524#

Present: Councilmember Bushey  
Councilmember Hill  
Councilmember Kertz  
Vice Mayor Llorens Gulati  
Mayor Kate

Absent: None

Also Present: City Manager Jim Schutz  
Assistant City Attorney Genevieve Coyle  
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 4:30 p.m. and requested City Clerk Lindsay Lara call the roll. All members of the City Council were present. Mayor Kate announced that the public comment would be held at the end of the Study Session.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

### STUDY SESSION

#### **1. City Council Discussion of Interim Housing in San Rafael**

Jim Schutz, City Manager provided opening comments about the Study Session. He introduced Chris Hess, Assistant Community Development Director.

Staff went around the table and introduced themselves.

Chris Hess, Assistant Community Development Director and Marc Sabin, Homeless Program Manager gave a presentation.

Jim Schutz, City Manager provided clarifying comments, and Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Joanne Webster, San Rafael Chamber of Commerce, Mike Ghilotti, Ghilotti Bros, Inc., Richard Merlau, Bruce Burtch, Marguerite, Marin Organizing Committee, Bruce Burtch, Ivaldo Lenci, Nick Morris, The Street Chaplaincy, Brian, John Reynolds, Kate Powers, Name withheld, Mark, Ritter Center, Michelle Eastman, Laurel, Downtown Streets Team, Zoe Neil, Downtown Streets Team

Mayor Kate provided comments on the informational item presented.

City Manager provided comments on the next steps.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 6:13 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

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KATE COLIN, Mayor

MINUTES



SAN RAFAEL CITY COUNCIL SPECIAL MEETING  
CITY COUNCIL RETREAT  
THURSDAY, FEBRUARY 2, 2023 AT 12:30 P.M.

In-Person:

San Rafael Community Center  
618 B Street, San Rafael, CA 94901

Participate Virtually:

Listen by phone: (669) 444-9171

ID: 842-3259-1851#

One Tap Mobile: US: +16694449171,,84232591851#

Present: Councilmember Bushey  
Councilmember Hill  
Councilmember Kertz  
Vice Mayor Llorens Gulati (arrived 12:33 p.m.)  
Mayor Kate

Absent: None

Also Present: City Manager Jim Schutz

Mayor Kate called the meeting to order at 12:30 p.m.

STUDY SESSION

**a. Mayor Kate to Open Public Comment on Agenda Items**

Mayor Kate opened the public comment period.

**Speaker:** Amy Likover

There being no further comment from the audience, Mayor Kate closed the public comment period.

**b. City Council Discussion on Work Styles and Team Approach**

Ali Giudice, Community Development Director, commented on key projects for 2023 to kick-off the discussion on work styles and team approach of the City Council.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 5:03 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

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KATE COLIN, Mayor



## Minutes

SAN RAFAEL CITY COUNCIL - MONDAY, FEBRUARY 6, 2023

REGULAR MEETING AT 7:00 P.M.

### In-Person:

San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901

### Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2023-02-06>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 444-9171

ID: 860-6190-5675#

One Tap Mobile: US: +16694449171,,86061905675#

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If you experience technical difficulties during the meeting, please contact [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

Present: Councilmember Bushey  
Councilmember Hill  
Councilmember Kertz  
Vice Mayor Llorens Gulati  
Mayor Kate

Absent: None

Also Present: City Manager Jim Schutz  
City Attorney Rob Epstein  
City Clerk Lindsay Lara

### **OPEN SESSION**

1. None.

## **CLOSED SESSION**

2. None.

Mayor Kate called the meeting to order at 7:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included gratitude to City staff, gun safety and noting the 5<sup>th</sup> Annual National Gun Violence Survivors Week and a land acknowledgement.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

## **OPEN TIME FOR PUBLIC EXPRESSION**

- Damien Oyobio, expressed gratitude and appreciation to the City for the Arbor Park community-led project for social justice work.
- Eva Chrysanthe addressed the City Council regarding the recent use of force incident by San Rafael Police Officers in the Canal neighborhood.
- Amy Likover, The San Rafael Tree Group, addressed the City Council regarding a Street Tree Ordinance relating to the General Plan 2040.
- Barry Taranto, addressed the City Council regarding the misbehavior of some Police Officers and expressed appreciation for Councilmember Kertz for getting involved with recent antisemitic behavior.
- Richard Olive, addressed the City Council regarding recent San Rafael Police activity, including dropping off a person experiencing homelessness in San Francisco and the use of force incident in the Canal neighborhood.

## **CITY MANAGER AND COUNCILMEMBER REPORTS:**

**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

3. City Manager and Councilmember Reports:

City Manager Jim Schutz announced/reported:

- City Council Study Session on interim housing held on January 30<sup>th</sup>
- City Council Retreat focused on teamwork held on February 2<sup>nd</sup>. It particularly focused on councilmembers representing districts and working together across districts.
- New transportation funding update

Councilmember reports:

- Vice Mayor Llorens Gulati reported on Climate Change Action Plan (CCAP), Sea Level Rise Subcommittee, 400 Canal Street landlord and BayWAVE Executive Steering Committee meetings. She attended the dedication of B Street Station.
- Councilmember Bushey reported on a Pt. San Pedro Road Coalition Loch Lomond Development Oversight Committee meeting, a San Rafael Sanitation District retreat and a Marin County Council of Mayors and Councilmembers (MCCMC) Marin Transit District meeting.
- Councilmember Kertz reported on the Police Department Award Ceremony, the Northgate Open House, and the Kaiser Permanente briefing. She announced the Age-Friendly San Rafael Celebration to be held on February 19<sup>th</sup>, 3–4:30 p.m. at the San Rafael Community Center.



- Councilmember Hill reported on a Downtown Business Improvement District (BID) meeting and the Lunar New Year Celebration at the San Rafael Community Center.
- Mayor Kate reported on Marin Gun Safety Collaborative, Bay Adapt Local Electeds Regional Task Force, and SMART meetings.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

**CONSENT CALENDAR:**

Mayor Kate invited public comment; however, there was none.

Vice Mayor Llorens Gulati moved and Councilmember Kertz seconded to approve the Consent Calendar.

4. Consent Calendar Items:

- a. **Approval of Minutes**  
**Approve Minutes of the City Council Regular Meeting of January 17, 2023 (CC)**  
*Approved minutes as submitted*
- b. **Use of Teleconferencing for Public Meetings During State of Emergency**  
**Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)**  
*Resolution 15186 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic*
- c. **Award of Public Works Contracts**  
**Adoption of Ordinance 2025: An Ordinance of the City of San Rafael City Council Amending Chapter 11.50 of Title 11 of the San Rafael Municipal Code, Titled Public Works Contract Policy (CC)**  
*Final adoption of Ordinance 2025*
- d. **2021 Affordable Housing NOFA Funding Recommendation - Canal Alliance Alternative Site Acquisition**  
**Resolution Amending Resolution 15041 by Authorizing the Expenditure of Funds for Acquisition of an Alternative Site at 105 Canal Street, in Fulfillment of the Affordable Housing Trust Fund 2021 Notice of Funding Availability (NOFA) (CD)**  
*Resolution 15187 - Resolution Amending Resolution 15041 by Authorizing the Expenditure of Funds for Acquisition of an Alternative Site at 105 Canal Street, in Fulfillment of the Affordable Housing Trust Fund 2021 Notice of Funding Availability (NOFA)*
- e. **Creek Maintenance Agreement for Marin County Flood Control Zone No. 6**  
**Resolution Authorizing the City Manager to Enter into the Creek Maintenance Agreement for the Five-Year Maintenance of Drainage Channels Within the City of San Rafael and Flood Control Zone No. 6 of the Marin County Flood and Water Conservation District (CD)**

*Resolution 15188 - Resolution Authorizing the City Manager to Enter into the Creek Maintenance Agreement for the Five-Year Maintenance of Drainage Channels Within the City of San Rafael and Flood Control Zone No. 6 of the Marin County Flood and Water Conservation District*

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**SPECIAL PRESENTATIONS**

5. Special Presentation:

Mayor Kate invited public comment on the Special Presentation.

**Speaker:** Eva Chrysanthe

a. **Presentation of Proclamation Supporting Black History Month (HR)**

Mayor Kate presented the proclamation.

David Spiller, Police Chief, accepted the proclamation on behalf of the City and provided comments.

**OTHER AGENDA ITEMS**

6. Other Agenda Items:

a. **[Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes](#)**

i. **Fiscal Year 2022-2023 Interim Financial Update**

ii. **Resolution Adopting Amendments to the 2022-2023 Budget and Approving Mid-Year Personnel Changes (Fin)**

Shawn Plate, Principal Accountant, presented the Staff Report

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Bill Carney, Sustainable San Rafael

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 15189 - Resolution Adopting Amendments to the 2022-2023 Budget and Approving Mid-Year Personnel Changes*

b. **B Street Two-Way Conversion**

**Informational Report on the Conversion of B Street to Two-Way from Fifth Avenue to Second Street (PW)**

April Miller, Public Works Director commended on the project and introduced Nhat Phan, Traffic Engineer who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Phil Mooney, Frank Lindh, Susan, Name withheld, Barry Taranto, Warren Wells, Marin County Bicycle Coalition.

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to accept the report.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Accepted report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 8:46 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

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KATE COLIN, Mayor



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Attorney

Prepared by: Genevieve Coyle,  
Assistant City Attorney

City Manager Approval: \_\_\_\_\_

A handwritten signature in black ink, appearing to be the initials 'AS'.

**TOPIC: USE OF TELECONFERENCING FOR PUBLIC MEETINGS DURING STATE OF EMERGENCY**

**SUBJECT: RESOLUTION PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR THE USE OR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF THE CITY'S LEGISLATIVE BODIES DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC**

**RECOMMENDATION:**

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for the use or continued use of teleconferencing to hold public meetings of the City's legislative bodies during the continuing state of emergency relating to the COVID-19 pandemic.

**BACKGROUND:**

The Ralph M. Brown Act ("Brown Act") requires that except as specifically provided, "meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body". (Gov. Code §54953(a).) For many years, the Brown Act has authorized members of a local agency's legislative body to attend a public meeting by teleconference in compliance with strict procedural requirements. Under Government Code section 54953(b)(3), to use teleconferencing, at least a quorum of the legislative body must participate from locations within the agency's boundaries, and the agency must give notice of each teleconference location, post an agenda at each teleconference location, provide for public access to each teleconference location, and allow members of the public to address the Council at each teleconference location.

On March 4, 2020, Governor Newsom declared a statewide state of emergency in connection with the COVID-19 pandemic. Subsequently, on March 18, 2020, the Governor issued Executive Order [No. N-29-20](#) suspending the Brown Act's requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the state of emergency. The Executive Order authorized public meetings to be held by teleconference only, provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and there is a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. This order allowed the City Council and the City's other formal boards and commissions to hold their public meetings using teleconferencing technologies until the order expired on

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

## **SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

September 30, 2021. On September 16, 2021 Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. [AB 361](#) amended the Brown Act provisions governing the use of teleconferencing for public meetings of a local agency's legislative bodies, allowing more liberal teleconferencing requirements to continue during the current and future state-declared emergencies. Therefore, since October 1, 2021, the City has relied on the amendments enacted by AB 361 as its authority to continue to hold meetings using teleconferencing technologies.

Government Code section 54953, as amended by AB 361, now provides in new subsection (e)(1), that during the current and any future state-declared state of emergency, the legislative body of a local agency may use teleconferencing without complying with the procedural requirements of Government Code section 54953(b)(3) in any of three circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Certain additional requirements would apply under the new law, however, including specific requirements as to how public comment must be allowed and heard, with which the City already complies. In addition:

- In the event of a disruption which prevents the City from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:
  - The legislative body has reconsidered the circumstances of the state of emergency.
  - Any of the following circumstances exist:
    - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
    - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

**ANALYSIS:**

The City Council has determined that it is now safe to hold in person meetings in the City Council Chambers, and the Council held its first such meeting on April 18, 2022. Other boards and commissions that meet in the City Council Chambers will also be able to meet in person. The City Council Chambers are roomy enough to allow for social distancing in most cases and are now equipped with teleconferencing equipment that also allows participation in public meetings from other locations. This hybrid meeting model provides an alternative means to attend for those persons who feel they cannot safely attend in person, as well as for those persons who may find it more convenient to participate in the meetings through teleconferencing.

However, the City Council also holds special meetings at locations not in the City Council Chambers and staff has determined that the hybrid meeting model set up for these meetings has not provided sufficient space for social distancing and negatively impacts public participation through virtual means. Additionally, not all City boards and commissions meet in the City Council Chambers. Staff has not yet been able to make comparable arrangements for hybrid meetings in those other meeting locations. Therefore, staff recommends that the City Council continue to adopt the resolution required by AB 361, so that the City's legislative bodies meeting outside the City Council Chambers can meet or continue to meet using teleconferencing technology. These include special meetings of the City Council and meetings of the City's boards and commissions.

The resolution before the City Council is intended to comply with the requirement to make specified findings every 30 days. The resolution finds that the state of emergency continues in effect, that measures to promote social distancing are still being imposed or recommended by the state and county, and that the state of emergency directly impacts the ability of the public and the members of the City's Council, boards, and commissions to meet safely in person. The proposed resolution confirms the City Council's determination that all public meetings of the City's legislative bodies (the Council and all formal boards and commissions) may continue to be held using only teleconferencing technology.

**FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of the attached resolution.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Adopt the resolution as proposed.
2. Adopt a modified resolution.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt the resolution pursuant to Assembly Bill 361 making findings and confirming the need for use or continued use of teleconferencing to hold public meetings of the City's legislative bodies during the continuing state of emergency relating to the COVID-19 pandemic.

**ATTACHMENTS:**

1. Resolution

## RESOLUTION NO.

### RESOLUTION OF THE SAN RAFAEL CITY COUNCIL PURSUANT TO ASSEMBLY BILL 361 MAKING FINDINGS AND CONFIRMING THE NEED FOR THE USE OR CONTINUED USE OF TELECONFERENCING TO HOLD PUBLIC MEETINGS OF THE CITY'S LEGISLATIVE BODIES DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-19 PANDEMIC

**WHEREAS**, on March 4, 2020 Governor Newsom issued a proclamation pursuant to Government Code Section 8625 declaring a state of emergency in California due to the COVID-19 pandemic; and

**WHEREAS**, the Ralph M. Brown Act (Gov. Code §§ 54950 et seq.) (hereafter, the "Brown Act") provides in Government Code section 54953 that "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by this chapter"; and

**WHEREAS**, Government Code section 54953(b)(3) permits the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law, subject to specified procedural requirements including, but not limited to, the posting of agendas at all teleconference locations, the opportunity for members of the public to address the legislative body directly at each teleconference location, and that at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the legislative body exercises jurisdiction; and

**WHEREAS**, Government Code section 54953(e), added by Assembly Bill 361 effective September 16, 2021, provides, in section 54953(e)(1), that during a state of emergency proclaimed pursuant to Government Code section 8625, the legislative body of a local agency may hold a meeting using teleconferencing without complying with the procedural requirements of section 54953(b)(3), provided that the legislative body complies with the requirements of section 54953(e)(2); and

**WHEREAS**, pursuant to Government Code section 54953(e)(3), if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, then in order to continue to teleconference without compliance with the requirements of section 54953(b)(3), the legislative body shall make specified findings at least every 30 days; and

**WHEREAS**, the City Council has reconsidered the circumstances of the proclaimed COVID-19-related state of emergency and finds that it remains active; and

**WHEREAS**, the City Council finds that state and/or local officials continue to impose or recommend measures to promote social distancing, including masking in certain indoor public settings; and

**WHEREAS**, the City Council finds that the state of emergency directly impacts or continues to directly impact the ability of the City's legislative bodies to meet safely in person,

including special meetings of the City Council and meetings of the City's boards and commissions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael that in order to protect the safety of the members of the public and its legislative bodies, for the 30 days following adoption of this resolution, public meetings of the City's legislative bodies may continue to be held using teleconferencing technology in compliance with the requirements of Government Code section 54953(e)(2) and all other applicable laws.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Tuesday, the 21<sup>st</sup> day of February 2023 by the following vote, to wit:

AYES:            Councilmembers:

NOES:           Councilmembers:

ABSENT:        Councilmembers:

Lindsay Lara, City Clerk





**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Clerk's Office

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: \_\_\_\_\_

**TOPIC: VACANCIES ON SAN RAFAEL BOARDS AND COMMISSIONS**

**SUBJECT: ANNOUNCEMENT OF VACANCIES ON THE FIRE COMMISSION, PLANNING COMMISSION, AND PICKLEWEED ADVISORY COMMITTEE**

**RECOMMENDATION:**

Receive and file the announcement of upcoming vacancies on San Rafael's Boards and Commissions.

**BACKGROUND:**

The City Clerk's office is currently recruiting to fill upcoming vacancies on our boards and commissions. Community members can apply online to serve on our boards and commissions, and more information and eligibility requirements are as follows:

**Fire Commission**

*Board Description:* The Fire Commission consists of five members and two alternate members who advise and support the goals and objectives of the San Rafael Fire Department. In concert with the Fire Chief, Fire Commission Members contribute their experience and expertise with department-related initiatives, such as Public Education and Information, Emergency Preparedness, support of the San Rafael Fire Foundation, Essential Facilities Project, Photography and documenting Fire Service History.

*Term:* Appointment through March 2027

*2023 Meeting Schedule:* 2<sup>nd</sup> Wednesday of each month at 4:00 p.m.

*Eligibility Requirements:* Members of the Committee shall reside in city limits.

*Application Deadline (subject to extension):* February 27, 2023, or open until filled.

**Planning Commission**

*Board Description:* The Planning Commission consists of citizen volunteers appointed by the City Council to make decisions or advise the Council on land use and property development issues. The Commission assures that new development is consistent with our long-range General Plan, State laws and other public policies that advance the interests of our community.

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**FOR CITY CLERK ONLY**

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

- Term:* Appointment through June 2025
- 2023 Meeting Schedule:* Second and Fourth Tuesdays at 7 p.m., Council Chambers
- Eligibility Requirements:* Must reside in District 1
- Application Deadline:* Open until filled

**Pickleweed Advisory Committee (Alternate Member)**

*Board Description:* The Pickleweed Advisory Committee provides valuable input in representing and advocating for the Canal area resident’s needs and wishes for programs and services; and is a primary public networking resource between the Canal residents, representatives from governmental, non-profit agencies, and others. The Pickleweed Advisory Committee works in conjunction with the City of San Rafael.

- Term:* Upon Appointment through December 2026 (Alternate Member)
- 2023 Meeting Schedule:* To be determined.
- Eligibility Requirements:* Must reside in city limits.
- Application Deadline:* Open until filled.

**COMMUNITY OUTREACH:**

The recruitment for applications is being advertised through mass email notification, the City’s website, social media platforms, as well as physically posted at City facilities and the City Clerk’s office. Additionally, the City Clerk’s office publishes information about how residents can learn about vacancies in the In Your Town section of the Marin IJ on a quarterly basis.

**RECOMMENDED ACTION:**

Receive and file the announcement of upcoming vacancies on San Rafael’s Boards and Commissions.



**SAN RAFAEL CITY COUNCIL STAFF REPORT**

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: 

**TOPIC: PICKLEWEED ADVISORY COMMITTEE APPOINTMENT**

**SUBJECT: REAPPOINT JANET TANCHEZ TO FILL ONE FOUR-YEAR TERM TO THE END OF DECEMBER 2026 ON THE PICKLEWEED ADVISORY COMMITTEE DUE TO THE EXPIRATION OF TERM OF JANET TANCHEZ**

**RECOMMENDATION:**

Appoint Janet Sanchez to fill one four-year term to the end of December 2026 on the Pickleweed Advisory Committee due to the expiration of term of Janet Sanchez.

**BACKGROUND:**

On November 29, 2022, the City Clerk called for applications for the Pickleweed Advisory Committee to fill one four-year term and one alternate four-year term to the end of December 2026 due to the expiration of terms of Salvador Avalos; however, Janet Sanchez's term also expired at that time. Only one application was received by the deadline, and Jairo Ceballos was appointed on January 17, 2023. Member Janet Sanchez is interested in reappointment, submitted an application, and staff recommends the reappointment of Janet Sanchez to the end of December 2026, and to continue recruiting to fill the Alternate Member term.

The [Pickleweed Advisory Committee](#) provides valuable input in representing and advocating for the Canal area resident's needs and wishes for programs and services; and is a primary public networking resource between the Canal residents, representatives from governmental and non-profit agencies, and others. The Pickleweed Advisory Committee works in conjunction with the City of San Rafael.

**FISCAL IMPACT:** There is no fiscal impact associated with this action.

**COMMUNITY OUTREACH:**

The call for applications was advertised through mass email notification, the City website, social media platforms, and physically posted at City facilities.

**RECOMMENDED ACTION:**

Reappoint Janet Sanchez to fill one four-year term to the end of December 2026 on the Pickleweed Advisory Committee due to the expiration of term of Janet Sanchez.

**ATTACHMENT:**

1. One (1) application
2. Bylaws

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, February 01, 2023 2:22:12 PM  
**Last Modified:** Wednesday, February 01, 2023 2:32:29 PM  
**Time Spent:** 00:10:17  
**IP Address:** 173.11.91.169

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Page 1

**Q1**

Contact Information

First and Last Name	Janet Tanchez
Address	[REDACTED]
City/Town	San Rafael
State/Province	CA
ZIP/Postal Code	94901
Email Address	[REDACTED]
Phone Number	[REDACTED]

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**Q3** Pickleweed Advisory Committee

What Board would you like to apply to?

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Page 3

**Q7**

How long have you lived in San Rafael?

32yrs

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**Q8** Respondent skipped this question

Business Information

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**Q9** Other (please specify):

How did you hear about this vacant position?

Already a member of the Pickleweed Advisory Board so I'm reapplying.

---

**Q10**

Do you participate in any civic activities? If so, what are they?

Not at this time.

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**Q11**

List any civic organizations of which you are a member:

Pickleweed Advisory Board

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**Q12**

Education:

Bachelors degree in Business Administration from Sonoma State University

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**Q13**

Why are you interested in serving on a board or commission?

I have served on this board for the last few years and want to continue to do so as it keeps me informed as to what is going on in my community.

---

**Q14**

Describe possible areas in which you may have a conflict of interest with the City:

N/A

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**Q15**

Upload your resume.

**Resume\_jt.pdf (307.2KB)**

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Page 4: Demographics

**Q16**

Ethnicity

[REDACTED]

---

**Q17**

To which gender do you most identify?

[REDACTED]

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**Q18**



How old are you?

---

# Janet Tanchez

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## Janet Tanchez

[REDACTED]  
San Rafael, CA 94901

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### Skills

Bilingual, fluently speaks and writes English and Spanish.

CPR/AED Certified

Proficient in Word, Excel, Power Point, MS Office

10+ years of Customer Service Experience

16 years of Supervisory Experience

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### Experience

#### Rafael Racquet Club Inc/ Assistant Manager

2013 - PRESENT, San Rafael

- Responsible for hiring, onboarding, training and coaching staff; including front desk and camp personnel.
- Supervises a team of 20+ employees, assigns tasks, regularly evaluates staff work performance and conducts reviews on a bi-annual basis.
- Ensures all staff, members and guests adhere to club policies and procedures
- Utilizes ClubAutomation to manage member accounts, including reconciling billing for 500+ member and non-members
- Collects monthly payments, manually enters payments into ClubAutomation and makes bank deposits using a Panini
- Manage all company-wide calendars; online member calendars and manual calendars
- Coordinates and plans company wide events for up to 300+ guests, such as Annual Holiday Party, Summer BBQs, Tennis Tournaments, Summer Camp, ad-hoc events.
- Manages and oversees day-to-day activities of operations, including planning and coordinating with General Manager and other departments leaders
- Conducts informational tours for new members and prospective members
- Creates presentations and conducts safety meetings for employees

#### Rafael Racquet Club Inc/ Member Services Representative

2012- 2013, San Rafael

- Utilized ClubAutomation to check in members and guests
- Responsible for front desk assistance, answering phones and

- transferring calls to the appropriate department
- Accurately processed payment transactions for sales of goods and charged member accounts through POS System
- Ensured all members and guest adhere to club policies

**The Marin Youth Center ("The MYC")/ Front Desk Supervisor**

MARCH 2010 - SEPTEMBER 2011, LOCATION

- Hired, trained and supervised interns; staffing busy front desk
  - Successfully trained interns to provide excellent customer service, give facility tours and to promptly handle service inquiries
  - Use computer skills (MS Office) to coordinate scheduling and assist MYC staff
  - Coordinated and planned Middle School Dances for 50+ teens
- 

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**Education**

**San Rafael High School /High School Diploma**

San Rafael CA 94901

AP Spanish, Advanced Algebra. Honor Roll

**Sonoma State University / Bachelor of Science: Business Administration Concentration in Management**

Rohnert Park CA 94928

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**Professional References**

**Ariel Gutierrez, General Manager**

Rafael Racquet Club Inc

95 Racquet Club Drive

San Rafael, CA 94901

Office: (415)456-5522 Ext. 113

Cell: (415) 497-2370

NOTE: Ariel Gutierrez has been my supervisor for the past 10 years.

**Lisa Berg, Tennis Director**

Rafael Racquet Club Inc

95 Racquet Club Drive

San Rafael, CA 94901

Office: (415)456-1837

Cell: (415)297-5368

NOTE: I have worked closely with Lisa Berg for the last 9 years.



# PICKLEWEED ADVISORY COMMITTEE BYLAWS

## ARTICLE I. NAME AND PURPOSE

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Pickleweed Advisory Committee, hereinafter referred to as the "Pickleweed Advisory Committee," or the "Committee."

**Section 1.2. Purpose.** The Pickleweed Advisory Committee provides valuable input in representing and advocating for Canal area resident's needs and wishes for programs and services; and is a primary public networking resource between the Canal residents, representatives from governmental and non-profit agencies, and others. The Pickleweed Advisory Committee works in conjunction with the City of San Rafael.

**Section 1.3. Committee Responsibility.** The Pickleweed Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Pickleweed Advisory Committee's authority is advisory only. The Pickleweed Advisory Committee has no power to act on behalf of the City of San Rafael or any other entity.

The duties of the Pickleweed Advisory Committee shall include the following:

1. The Advisory Committee shall be responsible for advising the Park and Recreation Commission, City Council and City Staff on all matters pertaining to the facilities, programs and services of the Albert J. Boro Community Center and Pickleweed Park;
2. As needed, make recommendations on policies and procedures governing the use of the Albert J. Boro Community Center and Pickleweed Park in accordance with the mission of the City of San Rafael;
3. Assist the City with reviewing and evaluating "Use Agreements for Co-Sponsored Programming" at the Albert J. Boro Community Center and Pickleweed Community Park;
4. Promote the use and support of the Albert J. Boro Community Center and Pickleweed Park within Canal area neighborhood, including working in cooperation with citizen and business organizations, foundations, school districts and other governmental agencies.
5. The Committee shall have no authority to direct, nor shall it direct, City staff, officials or volunteers;

**Section 1.4. Brown Act.** All meetings of the Pickleweed Advisory Committee shall be open and public, and all persons shall be permitted to attend any meeting of the Pickleweed Advisory Committee, except as otherwise provided in Government Code Section 54952.

## ARTICLE II. MEMBERSHIP

**Section 2.1. Number of Members.** The Pickleweed Advisory Committee shall consist of a total of ten (10) members as follows: seven (7) voting members, one (1) alternate member, one (1) non-voting representative from the Park and Recreation Commission and one (1) non-voting City staff member who will act as the Committee Chairperson. The City staff member will typically be the Albert J. Boro site supervisor, but in all instances shall be appointed by the City Manager.

**Section 2.2. Eligibility.** The Committee shall be composed of seven (7) regular voting members which may include up to two (2) youth members, plus one (1) alternate member. Each shall have the same duties and responsibilities and shall consist of the following:

1. Members of the Committee shall be at least 18 years of age, except for the youth members who shall be a minimum age of a high school 9<sup>th</sup> grade student
2. At least six (6) regular voting members of the Committee shall reside within the Canal neighborhood
3. One (1) member of the Committee must be a City of San Rafael resident but may reside outside of the Canal neighborhood.

**Section 2.4. Appointment of Committee Members.** With exception of the representative of the Park and Recreation Commission and City staff, all other regular voting members and alternate member shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time. The representative from the Park and Recreation Commission will be selected by the Park and Recreation Commission on an annual basis.

**Section 2.5. Terms of Appointment.** With exception of the representative from the Park and Recreation Commission, each Committee member shall serve a minimum term of four (4) years but not more than two consecutive terms. However, if there is a vacancy on the Committee, the City Council has the authority to extend a current Committee member's term at their discretion. Members may also reapply to Committee following an absence of at least one term. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year. A Committee member whose term is expiring should notify the Chairperson at least thirty (30) days before the end of his/her term whether he/she wishes to continue his/her membership.

The representative from the Park and Recreation Commission shall serve a term of one (1) year, but not more than two consecutive terms. However, if there is a vacancy, the Park and Recreation Commission has the authority to extend the current representative's term at their discretion.

**Section 2.6. Resignation.** All resignations from the Pickleweed Advisory Committee shall be submitted in writing to the Chairperson. The resigning Committee member should provide as much notice as possible.

**Section 2.7. Absence and Removal.** Attendance at any regularly scheduled meeting is a necessary part of being an effective Committee member. If a member is unable to attend a regularly scheduled meeting, the member should notify the Chairperson at least twenty-four (24) hours in advance of a regularly scheduled meeting to have an excused absence. An unexcused absence from two (2) consecutive Pickleweed Advisory Committee meetings without notification to the Chairperson, or six absences (whether excused or unexcused) in any term, shall result in immediate removal from membership on the Committee. Previously dismissed Committee members may be eligible for reappointment to the Committee in accordance with Section 2.4.

**Section 2.8. Vacancies.** Vacancies, no matter how arising, shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

**Section 2.9. Compensation.** Committee members serve without compensation.

**Section 2.10. Duties of the Chairperson.** The Chairperson shall preside over all Pickleweed Advisory Committee meetings and shall be responsible for preparing agendas and meeting minutes. If the Chairperson is unable to attend a regularly scheduled meeting, the regularly scheduled meeting shall be cancelled and resumed at the next regularly scheduled meeting.

### **ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. A minimum of five (5) meetings shall be scheduled annually, on a consistent day of the month; the schedule for the upcoming year will be set by November of the previous year; staff will contact the Committee one week prior to scheduled meetings to determine if a quorum will be present; lack of quorum will result in the cancellation of the scheduled meeting.

**Section 3.2. Agenda.** Items may be placed on the agenda by the Chairperson or at the request of a member if approved by the Chairperson. The Chairperson will be responsible for preparing an agenda item cover sheet and for the initial presentation at the meeting. Items to be included on the agenda should be submitted to the Chairperson no later than two weeks before the scheduled Committee meeting; lack of agenda items will result in the cancellation of the scheduled meeting. Agenda packets for regular meetings will be provided to the Committee members at least three (3) business days before the scheduled meeting.

**Section 3.3. Special Meetings.** Special meetings may be called by the Chairperson.

**Section 3.4. Quorum.** Four (4) voting members of the Committee shall constitute a quorum for the transaction of business at any regular or special meeting of the Pickleweed Advisory Committee.

**Section 3.5. Voting.** A majority vote of those present and constituting a quorum shall be required to agree to any business of the Committee, including making any input that will be presented to the City Council, City Manager or Library and Recreation Director provided that any Committee member who abstains due to a legal conflict of interest shall not be counted in determining the existence of a quorum or a majority vote.

The Alternate Member serves only in the absence of a voting member. When a voting Committee member is absent from a regularly scheduled meeting, the Chair shall call upon an alternate to be seated at the table to participate in a voting role at the meeting. If a regular voting Committee member arrives subsequently, that person shall not participate as a voting member.

**Section 3.6. Public Participation.** All meetings of the Pickleweed Advisory Committee shall be open to the public. Meetings will be accessible to all, with accommodations for accessibility issues made upon request. Any person who disrupts the meeting may be asked to leave and be removed.

#### **ARTICLE IV. ADOPTION AND AMENDMENT**

**Section 4.1. Effective Date.** The Bylaws shall become effective immediately upon a majority vote of approval by the City Council.

**Section 4.2. Amendments.** These Bylaws may be amended by majority vote of the City Council at any regular meeting of the City Council. All proposed amendments to the Bylaws shall be made available to the membership at least ten (10) days prior to the meeting at which the City Council will vote on the proposed changes. The effective date of the amendment shall become effective immediately upon a majority vote of approval by the City Council.



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Fire

Prepared by: Darin White, Fire Chief

City Manager Approval: \_\_\_\_\_

**TOPIC: REPORT ON 2022 FIRE PREVENTION INSPECTIONS OF CERTAIN OCCUPANCIES**

**SUBJECT: RESOLUTION ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE CHIEF REGARDING THE 2022 ANNUAL FIRE DEPARTMENT INSPECTION OF CERTAIN OCCUPANCIES PURSUANT TO SECTION 13146.4 OF THE CALIFORNIA HEALTH AND SAFETY CODE**

**RECOMMENDATION:** Adopt the attached resolution acknowledging receipt of a report made by the Fire Chief regarding the 2022 annual fire department inspection of certain occupancies pursuant to Section 13146.4 of the California Health and Safety Code.

**BACKGROUND:** Section 13146.4 of the California Health and Safety Code requires every fire department or district to report annually to its administering authority on their compliance with the annual inspection requirements of the California Health and Safety Code. The law also requires the administering authority to formally acknowledge receipt of the compliance report in a resolution or a similar formal document.

**ANALYSIS:** Sections 13146.2 and 13146.3 of the California Health & Safety Code require every fire department or district providing fire protection services to annually inspect every structure used as a public or private school. This annual inspection requirement is applicable to hotels, motels, lodging houses, and apartment houses containing three or more living units. The required reporting provides an avenue for policy makers to understand the annual inspection requirements as well as compliance so they can understand full compliance or shortcomings.

During calendar year 2022, the Fire Department completed all inspections in accordance with the mandate.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report and resolution. The inspection program is included in the Fire Department budget.

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**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Adopt the resolution.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Adopt the resolution.

**ATTACHMENTS:**

1. Resolution acknowledging receipt of a report made by the Fire Chief regarding the 2022 annual fire department inspection of certain occupancies pursuant to section 13146.4 of the California Health and Safety Code

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE  
CHIEF REGARDING THE 2022 ANNUAL FIRE DEPARTMENT  
INSPECTION OF CERTAIN OCCUPANCIES PURSUANT TO SECTION  
13146.4 OF THE CALIFORNIA HEALTH AND SAFETY CODE.**

**WHEREAS**, California Health & Safety Code Sections 13146.2 and 13146.3 require all fire departments, including the San Rafael Fire Department, that provide fire protection services to perform annual inspections of all structures used as a public or private school, hotel, motel, lodging house, or apartment house for compliance with building standards and other regulations; and

**WHEREAS**, California Health & Safety Code Section 13146.4 requires the fire department to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

**WHEREAS**, the City Council of the City of San Rafael intends this Resolution to fulfill the requirements of the California Health & Safety Code Section 13146.4.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** that it has received the annual inspection report required pursuant to Section 13146.4 of the California Health and Safety Code, as follows:

**A. EDUCATIONAL GROUP E OCCUPANCIES:**

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the City of San Rafael, there lie twenty Group E occupancies, buildings, structures and/or facilities.

During calendar year 2022, the San Rafael Fire Department completed the annual inspection of Group E occupancies, buildings, structures and/or facilities.

**B. RESIDENTIAL GROUP R OCCUPANCIES:**

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including several residential care facilities). These residential care facilities have a few different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden.

During calendar year 2022, the San Rafael Fire Department completed the annual inspection of the Group R occupancies, buildings, structures and/or facilities.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Tuesday, the 21<sup>st</sup> day of February 2023 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk





**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Manager**

**Prepared by: Bernadette Sullivan  
Senior Management Analyst**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT**

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL OPPOSING THE PROPOSED BALLOT MEASURE: THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT**

**BACKGROUND:**

On February 1, 2023, California Secretary of State Shirley Weber issued a memo to all county clerks/registrars of voters announcing that proponents of Initiative [21-0042A1](#) had filed the necessary number of valid signatures to make it eligible for the November 5, 2024 General Election ballot.

The “Taxpayer Protection and Government Accountability Act,” a statewide initiative measure to amend the California Constitution sponsored by the California Business Roundtable (“CBRT”), is a proposal that would limit the ability of state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges, among other things.

**ANALYSIS:**

Ballot Initiative [21-0042A1](#) would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies and the State of California to fund services and infrastructure by:

- Adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees.
- Amending the State Constitution, including portions of Propositions 13, 218, and 26, and creating new grounds to challenge local and state funding sources, disrupting fiscal stability.

---

**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

- Restricting the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

**FISCAL IMPACT:**

There is no fiscal impact and the City has expended no resources associated with the adoption of the attached resolution.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Adopt the resolution.
2. Do not adopt the resolution.

**ATTACHMENTS:**

1. Resolution

## RESOLUTION NO.

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL OPPOSING THE PROPOSED BALLOT MEASURE: THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

**WHEREAS**, California's cities, counties and special districts follow strict guidelines and existing state law regarding the establishment of reasonable fees and voter-approved local taxes; and

**WHEREAS**, the state ballot measure, “The Taxpayer Protection and Government Accountability Act”, sponsored by the California Business Roundtable would restrict the ability of local governments to continue to provide essential services by imposing new onerous roadblocks to raising local revenue to address community needs, services and infrastructure improvements; and

**WHEREAS**, the measure would add new and stricter rules for local governments to raise taxes, fees, assessments, and property-related fees; and

**WHEREAS** the measure would amend the State Constitution, including portions of Propositions 13, 218, and 26, and create new grounds to challenge local and state funding sources, disrupting the fiscal stability of local governments; and

**WHEREAS**, the measure would restrict the ability of local governments to issue fines and penalties to corporations and property owners that violate laws governing the environment, water quality, public health, public safety, fair housing, and nuisance and other laws and ordinances; and

**WHEREAS**, the impact of the proposed ballot measure would be to reduce all types of public funds, both state and local, and thereby threaten public agencies’ ability to adequately fund police, fire, park, planning, and other community services.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
RESOLVES** as follows:

1. The City Council of the City of San Rafael does hereby oppose “The Taxpayer Protection and Government Accountability Act” on the grounds that this measure would harm the ability of local governments to adequately provide essential services to our communities.
2. The City Manager of the City of San Rafael is authorized to email a copy of this adopted resolution to the League of California Cities at [BallotMeasures@calcities.org](mailto:BallotMeasures@calcities.org).
3. No public funds of the City of San Rafael shall be used in the campaign for or against the ballot measure.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Tuesday, the 21<sup>st</sup> day of February 2023 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

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LINDSAY LARA, City Clerk




**Agenda Item No: 5.a**  
**Meeting Date: February 21, 2023**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Library & Recreation**

**Prepared by: Catherine Quffa,**  
**Library & Recreation Director**

**City Manager Approval:** \_\_\_\_\_ 

**TOPIC: CITYWIDE PARKS & RECREATION MASTER PLAN UPDATE**

**SUBJECT: REPORT ON THE PROGRESS OF THE CITYWIDE PARKS & RECREATION MASTER PLAN**

**EXECUTIVE SUMMARY:**

The General Plan 2040 and City Council’s Goal and Objectives established the creation of a Citywide Parks & Recreation Master Plan (CPRMP) as an important priority to help the City better plan for the changing recreational needs of the community. In November 2021, the City of San Rafael contracted with RHAA Landscape Architects (RHAA) to launch a comprehensive Parks & Recreation Master Planning process to analyze the use of existing parks and facilities, assess their condition, gather community input, provide recommendations for improvement, and suggest funding/implementation strategies. RHAA and staff are in the final stages of drafting the CPRMP and are on track to bring the plan to City Council for review in Spring, 2023. This informational report provides an overview of the process involved in developing the CPRMP and a summary of the key themes, trends, and recommendations that emerged through the process.

**RECOMMENDATION:**

Accept the informational report on the progress of the Citywide Parks & Recreation Master Plan.

**BACKGROUND:**

As the City of San Rafael grows and the needs of residents evolve over time, there has been a significant growth in the demand for park and recreation facilities and programs. To help the City plan for the needs of the community, the City Council Goals and Objectives and the City of San Rafael’s General Plan 2040 identified the creation of a Citywide Parks & Recreation Master Plan as a key priority. Parks & Recreation Master Plans are a critical tool for local agencies in identifying community and infrastructure needs, prioritizing projects and funding allocation, strategically developing parks and recreational programs, and creating a vision for the future.

\_\_\_\_\_  
**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_  
**Council Meeting:** \_\_\_\_\_  
**Disposition:** \_\_\_\_\_

In November 2021, the City of San Rafael contracted with RHAA to launch a comprehensive Parks & Recreation Master Planning process that would analyze the use of existing parks and facilities, assess their condition, gather community input, provide recommendations for improvement, and suggest funding/implementation strategies. Based on the 2040 General Plan, the CPRMP will provide a foundation for the future development and maintenance of parks, recreation facilities, programs, and amenities. The below outlines the actions taken to gather data on the current state of the City's park and recreation system as well as to collect input on community needs.

### **Park and Recreation System Assessments**

Staff began working with RHAA in early 2022 to conduct a thorough assessment of the City's existing parks, recreation facilities, and previous planning efforts in citywide recreation. This included the following assessments:

#### *Park Inventory and Assessment*

In January 2022, City staff and RHAA toured the City's 25 existing park sites documenting the following at each site:

- Location
- Size
- Park Type – pocket park, neighborhood park, community park, special-use park, community garden
- History – construction date (if known) and development over time
- Current Condition – poor, fair, good, or excellent
- Amenity, Furnishings, and Facility Inventory
- Recreation Provided
- Constraints
- Estimated Maintenance

#### *Facility Inventory and Assessment*

In January and February 2022, City staff and Mack5 – consultants to RHAA in architecture, cost, and construction management – toured the City's recreation facilities documenting architectural, mechanical, electrical, structural, and accessibility (ADA) deficiencies. The facilities assessed include the San Rafael Community Center, Albert J. Boro Community Center, Albert Park Stadium, Terra Linda Community Center and Pool, and Falkirk Cultural Center.

#### *CASp Report*

Throughout Spring 2022, Steven Hall – consultant to RHAA as a Certified Access Specialist (CASp) – conducted a CASp assessment of the City's park sites. A CASp inspection report identifies violations of accessibility standards and lists necessary improvements for their correction, to support the City's due diligence in removing accessibility barriers on public property. The CASp report generated for the CPRMP is an extensive document with barrier removal recommendations that will be folded into larger development projects as the City's resources allow.

#### *Document Review*

RHAA provided a review of the City's previous planning efforts, related to San Rafael's park and recreation network to ensure that the goals and recommendations of the CPRMP build upon and support previous planning. The following master planning documents were reviewed and incorporated into the CPRMP.

- San Rafael General Plan 2040, 2021

- Downtown Precise Plan, 2021
- Climate Change Action Plan, 2019
- San Rafael Bicycle and Pedestrian Master Plan, 2018
- Canalfront Conceptual Design Plan and Guidelines, 2009

### **Community Engagement**

In the Spring of 2022, the City launched a community engagement campaign to gather input on the recreation amenities, activities, and programs that are most important to them. The community engagement process included a statistically valid survey, a community questionnaire, interviews with stakeholder groups, and a series of community meetings held at different times and locations throughout the City, as well as online. The below details the community engagement activities undertaken as part of the CPRMP process.

#### *Community Surveying*

To assess community needs and interests in San Rafael's recreation services, a statistically valid survey was conducted from March 7 through March 10, and an online questionnaire was initiated on March 30 and closed on May 3, 2022.

The Statistically Valid Survey, conducted by Godbe Research – consultant to RHAA specializing in opinion research - collected 575 responses from City residents and registered voters reflecting the City's demographic profile. The Statistically Valid Survey was conducted in English (559 respondents) and Spanish (16 respondents).

The Parks and Recreation Questionnaire, conducted by RHAA through Survey Monkey as well as via paper copies distributed throughout City facilities and partner organizations, collected 1,131 responses between March 30<sup>th</sup> and May 31<sup>st</sup>. The questionnaire was provided in English (1,046 respondents), Spanish (84 respondents), and Vietnamese (1 respondent).

#### *Stakeholder Group Interviews*

With City staff support, RHAA interviewed stakeholder groups in the Arts, City Leadership, Homeowner and Neighborhood Associations, Older Adults and Special Populations, and Sports and Leisure. These interviews offered the opportunity for key stakeholder groups to provide focused input and perspectives on issues related to San Rafael's park and recreation system. Interviews were held online with input collected from a total of 37 interest groups.

#### *Community Meetings*

Community Meeting #1 was held 4 times in Spring 2022:

- March 30<sup>th</sup> – San Rafael Community Center
- April 28 – Terra Linda Community Center
- May 5 – Zoom/Online
- May 11 – Albert J. Boro Community Center (conducted in Spanish, with English translation available)

At this first community meeting, RHAA presented the CPRMP team, project goals and scope, and a review of existing park and facility conditions. A significant portion of Community Workshop #1 was also dedicated to collecting community input on desires for improvements throughout San Rafael's park and recreation system. More than 100 community members shared their thoughts at these community meetings.

Community Meeting #2 was held online on September 8, 2022. At this meeting RHAA presented findings from the community outreach process (Statistically Valid Survey and Parks and Recreation Questionnaire survey results), a summary of the park and facility inventory, a summary of the recreation planning and operations assessment, and the prioritization criteria to be used to prioritize proposed recommendations from the CPRMP. Community Meeting #2 included breakout sessions to solicit feedback on the prioritization criteria and approximately 25 community members participated in the meeting.

**ANALYSIS:**

RHAA gathered significant amounts of data through the system assessment and community engagement process. The CPRMP will incorporate this information throughout the plan and will provide site-by-site recommendations as to the specific needs of each park and facility as well as opportunities to address systemwide deficiencies.

While the needs of each site were evaluated individually, there were certain common trends that emerged. From the system assessment, RHAA determined the following common needs across the City's park system:

- Updating playground amenities per code and accessibility
- Renovation of sport courts
- Infrastructure repairs and replacement, such as replacing irrigation systems, repaving pathways, and repairing failing structures
- Addressing ADA deficiencies that create a high barrier to access
- Improved signage

For the City's recreation facilities, the common deficiencies identified throughout that facilities include:

- Water intrusion
- Aging mechanical equipment
- Outdated electrical distribution
- Door and window replacement needs
- Moveable partition repairs
- Degraded paint and finishes
- Deficient exterior wood decking

A key component to the CPRMP assessment process is not only the physical needs of the amenities and facilities, but also the community needs and priorities. The community engagement process resulted in significant feedback from the community. Overall, the community is satisfied with the City's existing supply of, and access to, parks and recreation facilities and programs. 73% of respondents from the Statistically Valid Survey and 56% of respondents to the Community Questionnaire reported satisfaction with the City's parks and recreation facilities. Beyond that, there were a number of themes that emerged from the community engagement process that will be used to shape the CPRMP.

The following are some of the key themes from the community surveying process:

- There is strong support for prioritizing renovating and maintaining the City's existing park amenities over adding new amenities (60% from the Statistically Valid Survey and 75% from the Community Questionnaire). There is a particular desire to modernize playgrounds and recreation amenities such as benches, picnic tables, etc. as well as repair failing infrastructure.



- There is a strong desire for improved maintenance and cleanliness of the City's parks, particularly restroom maintenance and refuse pick up.
- The community is interested in pedestrian access throughout the City's recreation network – walking is a priority.
- The community is interested in supporting self-directed recreation activities.
- Many community members are unaware of the City's programmatic offerings (approximately 30% of respondents to the community surveys).

The community surveys also identified the City's most frequently used parks and facilities, which park improvements and amenities are most important to residents, and which recreation and leisure activities residents most value.

Building on the community surveys, input collected from the community meetings is in alignment with the identified themes. Input collected from the stakeholder groups is more nuanced and oriented to stakeholder interests. However, stakeholder groups largely expressed interest in supporting more formal connections with the City to advance partnership opportunities as well as seeing recreation maintenance improved.

Based on this evaluation process, RHAA and City staff have identified approximately 150 different recommendations for the CPRMP. These recommendations focus on the following areas:

1. Improvements to existing park sites and amenities: common park capital improvement recommendations include replacing aging playgrounds, resurfacing sports courts, and repairing pathways.
2. Improvements and deferred maintenance needs for recreation facilities: the CPRMP will include a comprehensive list of recommended improvements for the Albert J. Boro Community Center, Albert Park Stadium, Falkirk Cultural Center, San Rafael Community Center, Terra Linda Community Center, and Terra Linda Pool House. These recommendations are categorized into three tiers, based on Mack5's assessment of their relative priority.
3. Policy-level recommendations: these recommendations focus on Citywide and site-specific policy actions that will help the City to better manage and maintain the park and recreation system and to meet the recreation needs of the community.
4. ADA Access: given the age of most of San Rafael's park, the CASp assessment identified areas for improvement and barrier removal throughout the park and recreation system.
5. Benches and picnic tables: systemwide the site assessment identified replacement of benches and picnic tables as a need that also is a high community priority.
6. Irrigation improvements: a number of parks were identified as having significant irrigation issues.
7. System expansion recommendations: given the City's limited resources and the community's strong prioritization of addressing existing infrastructure over adding new amenities, the CPRMP has focused on improvements to current sites. However, there were a few recommendations that touched on adding new or expanded amenities, particularly in areas of the City that are currently deficient in park space or have high density.

A more detailed outline of the recommendations can be found in the Recommendation Overview, included as Attachment 1.

With the significant number of recommendations identified through the process, a critical output of the CPRMP is a strategic approach for prioritizing recommendations. The goal of the prioritization strategy

is to create an implementable action plan for the CPRMP and also to provide the City with a framework for decision-making in the future.

RHAA and City staff worked to develop a set of weighted criteria that could be applied to help prioritize projects. These criteria were shared in the second community engagement meeting as well as reviewed by the Parks & Recreation Master Plan Steering Committee and Park & Recreation Commission. After incorporating feedback, the CPRMP project team developed the following weighted criteria to prioritize park and recreation projects:

- Health and Safety (5 points): addresses issues of public health, such as sanitation, and physical safety
- Community Priorities (3 points): identified through the CPRMP surveys as a community priority
- Service Area (3 points): within 0.5 miles of a frequently visited park or high density neighborhood
- General Plan 2040 Guiding Principles (2 points): addresses the General Plan 2040 guiding principles of Opportunity for All or Adapting to the Future
- Accessibility (2 points): addresses a barrier(s) identified in the CASp Assessment
- Operational Efficiency (1 point): will lead to significant savings in City staff time and resources
- Included in Previous Planning documents (1 point)

These criteria were applied to the list of CPRMP recommendations, which were further categorized into near, medium, and long-term priorities. These time-bound categorizations will be further refined once the financial and funding analysis is complete. In January, these recommendations were presented to the Parks & Recreation Master Plan Steering Committee and the Parks & Recreation Commission for their review and feedback. Input from those meetings has been incorporated into the draft Recommendation Overview.

Typically, Parks & Recreation Master Plans are designed to last approximately ten years. As such, it is important that they are flexible enough to adapt to changing needs and circumstances, while also providing sufficient guidance to support decision making. The prioritization criteria are one tool to support future decision making, a second tool developed through the CPRMP is a set of goals, policies, and actions. The draft goals, policies, and actions provided in Attachment 2 provide an overarching framework to guide future decision-making processes in San Rafael's park and recreation system and provide higher level principles for future project implementation and prioritization. They are designed to reflect the priorities articulated in San Rafael's General Plan 2040 and to be used in conjunction with the detailed recommendations provided in the Citywide Parks and Recreation Master Plan.

### **Next Steps**

RHAA is in the final steps of wrapping up all analysis for the CPRMP. Currently, they are finalizing the program and operations assessment and recommendations as well as the funding and financial analysis. Those components will be included in the final Master Plan document.

In addition to the information summarized above, the CPRMP will have additional context and analysis to provide a thorough review of the current state of the City parks and recreation system, the current and future needs of San Rafael residents, and to lay out a plan of action with clear priorities and funding opportunities. Below is a summary of the sections of the Master Plan and the information that each will include.

*1\_Executive Summary:* Lays out the purpose of Master Plan and provides a high-level overview of the recommendations.

*2\_Introduction:* Details the project history, regional setting, and planning process.

*3\_Existing Framework:* Provides information on the existing conditions of San Rafael's parks, facilities, programs, and operations as well as the City's demographic profile.

*4\_Needs Assessment:* Presents the results of the community outreach process, demographic, and recreation trends, and compares community desires with existing City services to identify where gaps in recreation can be filled.

*5\_Plan:* Provides the high-level Goals, Objectives, and Actions to guide future decision making; the detailed park, facility, and policy recommendations; and an estimate of recommendation costs for planning purpose. This section will discuss all proposed recommendations at each park and facility site, as well as the Citywide and Policy recommendations.

*6\_Implementation:* Includes the prioritization of recommendations, implementation action plan, and financial/funding plan. This section will discuss in more detail the prioritized recommendations and the prioritization criteria established to refine the implementation process.

*7\_Appendices*

- MACK5 Facility Assessment Report
- Park Inventory Report
- Document Review
- Community Outreach Summary - Survey Results, Community Meeting Summaries
- Recreation Trends

The full CPRMP report is on track for Council review this Spring.

**COMMUNITY OUTREACH:**

In addition to the community engagement process outlined previously in this report, the City also worked with a 15-member CPRMP Steering Committee to provide ongoing feedback on the planning process. This Steering Committee was approved by City Council on [July 16, 2021](#), and included individuals from diverse backgrounds to represent a broad cross-section of the community. The Steering Committee met four times throughout the process to provide feedback and input. The Park & Recreation Commission also reviewed progress on the CPRMP during their meetings on June 22 and September 15, 2022, and January 19, 2023.

**FISCAL IMPACT:**

There is no fiscal impact associated with accepting this report.

**ENVIRONMENTAL DETERMINATION:**

Accepting this informational report is not a project under the California Environmental Quality Act.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Accept the informational report.
2. Direct staff to return with more information.
3. Take no action.

**RECOMMENDED ACTION:**

Accept the informational report on the progress of the Citywide Parks & Recreation Master Plan.

**ATTACHMENTS:**

1. CPRMP Recommendations Overview
2. CPRMP Draft Goals, Policies, and Actions

DRAFT RECOMMENDATIONS OVERVIEW

In February 2022, City staff began working with RHAA Landscape Architects on the San Rafael Citywide Parks & Recreation Master Plan. Major outcomes of the Master Planning process thus far include the development of Goals, Policies, and Actions to drive higher level decision making, and a comprehensive list of specific recommendations for future improvements to the City’s parks and recreation system. These draft documents were developed utilizing a thorough review of the City’s existing infrastructure, planning documents, and community input.

In developing the recommendations, staff and RHAA created a set of evaluation criteria to help prioritize the individual recommendations. Those evaluation criteria were shared at the Master Plan’s third community meeting, on September 8<sup>th</sup>, as well as with the Parks & Recreation Master Plan Steering Committee and the Park & Recreation Commission. Feedback from those meetings was incorporated into the below weighted evaluation criteria, which have been applied to prioritize the recommendations:

- Health and Safety (5 points)
- Community Priorities (3 points)
- Service Area (3 points)
- General Plan 2040 Guiding Principles (2 points)
- Accessibility (2 points)
- Operational Efficiency (1 point)
- Included in Previous Planning (1 point)

To organize the recommendations, they were organized into type as well as priority.

Recommendation Type	Description	Total
<b>Deficiency Improvement</b>	Recommendations improves existing condition in a deficient area such as replacing or enhancing amenities at end of lifecycle, and ADA improvements to remove accessibility barriers	<b>83</b>
<b>Expansion</b>	Recommendation supports new recreation amenities, expanding San Rafael’s recreation system	<b>36</b>
<b>Policy</b>	Recommendation is administrative and supports the City’s delivery of parks and recreation services	<b>31</b>
<b>Total number of recommendations</b>		<b>150</b>

Recommendation Priority	Description	Total
<b>Near Term</b> <ul style="list-style-type: none"> <li>• 14 park improvements (deficiencies and expansions)</li> <li>• 13 policies</li> <li>• 5 ADA barrier removal to be folded in with projects</li> <li>• 15 recreation facility improvement recommendations to be folded in with other projects</li> </ul>	Potentially achievable in <b>0-5 years</b>	<b>46</b>
<b>Medium-Term</b> <ul style="list-style-type: none"> <li>• 15 park improvements</li> <li>• 9 policies</li> </ul>	Potentially achievable in <b>5-10 years</b>	<b>25</b>

<b>Long-Term</b> • 21 park improvements	Potentially achievable in <b>10 + years</b>	<b>58</b>
	<b>Total number of recommendations</b>	<b>150</b>

**PARK RECOMMENDATIONS**

The below are park-by-park recommendations based on an assessment of the current needs of the City’s parks system. They have been broken down into near, medium, and long-term recommendations, generally based on the score received utilizing the evaluation criteria. Staff predicts using this list, and the priority order established, to determine the allocation of Measure A and other park funding to be identified through the financial planning portion of the Master Plan. Additional considerations can be made as changes or needs arise, but this may provide the roadmap for completing future park improvements. The exact timeline will be further refined as RHAA works through the financial analysis and gathers additional feedback.

<b>Near-Term Park Recommendations</b>	
<b>Pickleweed Park</b>	Continue development of the Pickleweed Park Enhancement Project with support of public grant funds
<b>Albert Park Stadium</b>	Address fencing deficiencies around Albert Stadium and Field
<b>Peacock Gap Park</b>	Update play areas - replace playground structures, replace sand with fibar
<b>Terra Linda Park</b>	Prepare a master plan for Terra Linda Park and Community Center to determine future improvements based on planning efforts
<b>Boyd Memorial Park</b>	Evaluate historic water cistern system for structural integrity
<b>Gerstle Park</b>	Update play areas - replace play structures, replace sand with fibar
<b>Oleander Park</b>	Update play area - replace play structure, replace sand with fibar
<b>Peacock Gap Park</b>	Resurface tennis courts
<b>Freitas Park</b>	Resurface tennis court
<b>Gerstle Park</b>	Evaluate and improve pathways
<b>Albert Park</b>	Improve tennis courts – restroom access, padding around tennis lights (4), lighting
<b>Terra Linda Community Garden</b>	Explore options to increase plot capacity and improve infrastructure of garden plots
<b>Citywide</b>	Repair identified priority physical deficiencies at park restrooms
<b>Falkirk Cultural Center</b>	Develop a comprehensive assessment of the Falkirk Cultural Center’s unique historic and architectural qualities to guide future planning and programming

Medium-Term Park Recommendations	
<b>Santa Margarita Park</b>	Resurface tennis court and pathways for ADA accessibility
<b>Boyd Memorial Park</b>	Replace play structure
<b>Oleander Park</b>	Resurface asphalt and concrete paving
<b>Peacock Gap Park</b>	Resurface asphalt paving
<b>Riviera Park</b>	Evaluate best recreational purpose for this site – playground structure is near end of life span and should be addressed
<b>Oliver Hartzell Park</b>	Evaluate best recreational purpose for this site – playground structure is near end of life span and should be addressed
<b>Albert Park</b>	Address parking lot paving for safety and tripping hazards
<b>Gerstle Park</b>	Evaluate feasibility of and pursue tennis court renovation
<b>Boyd Memorial Park</b>	Evaluate recreation options for tennis court – resurface or repurpose
<b>Boyd Memorial Park</b>	Resurface asphalt paving
<b>Freitas Park</b>	Resurface asphalt paving
<b>Falkirk Cultural enter</b>	Evaluate alternative uses for reflection pond
<b>Canal Community Garden</b>	Consider options for improved maintenance
<b>Terra Linda Community Garden</b>	Consider options for improved maintenance
<b>Citywide</b>	Explore locations for self-directed fitness equipment

Long-Term Park Recommendations	
<b>Gerstle Park</b>	Resurface asphalt paving at basketball court and play areas
<b>Boyd Memorial Park</b>	Consider long term solution for restroom
<b>Jean and John Starkweather Park</b>	Implement interpretive signage plans
<b>Peacock Gap Park</b>	Repair and/or replace parcourse equipment
<b>Boyd Memorial Park</b>	Pursue pathway and trail improvements on site and continuing up San Rafael Hill
<b>Bernard Hoffman Field</b>	Evaluate potential recreation uses for former playground
<b>Bret Harte Park</b>	Resurface asphalt paving, including basketball court



<b>Canal Community Garden</b>	Potential location for bio-preventative pest management practices
<b>Munson Park</b>	Potential location for bio-preventative pest management practices
<b>Gerstle Park</b>	Improve access from adjacent open space for hiking
<b>Jean and John Starkweather Park</b>	Explore opportunities for additional boating and water sport access ramps
<b>Santa Margarita Park</b>	Resurface asphalt paving at basketball court
<b>Victor Jones Park</b>	Assess sport court functionality and pursue improvements
<b>Victor Jones Park</b>	Replace restroom
<b>Peacock Gap Park</b>	Replace restroom
<b>Bernard Hoffman Field</b>	Support drainage improvements on site
<b>Sun Valley Park</b>	Evaluate best purpose for upper terrace area, including wooden gazebo
<b>Terra Linda Community Garden</b>	Consider addition of shared garden amenities – storage shed/lockers, seating areas, shade structure
<b>Terra Linda Community</b>	Enhance bio-preventative pest management practices
<b>Riviera Park</b>	Wood columns at retaining walls require replacement
<b>Bret Harte Park</b>	Improve access from adjacent open space for hiking

Through the evaluation process, there were a handful of recommendations that focused on developing new or significantly expanded park amenities. Given the City’s current resources, making significant additions to the park and recreation system is not recommended until the City has the resources to maintain them. However, it is important to include these recommendations, for such time that the City may have the resources or may identify other partnership opportunities to pursue these priorities.

- Expand and improve the shoreline path network along the Jean and John Starkweather Park
- Address park deficiencies in the following neighborhoods through the development of dedicated park land:
  - Montecito/Dominican
  - West End/Fairhills
  - Lincoln/San Rafael Hill
  - Contempo/Deer Park
  - Northbridge/Marin Lagoon
- Explore recreation options for the northern portion of Freitas Park

The overwhelming priority through the community engagement process was to better maintain what the City already has, rather than to build new amenities.



**FACILITY RECOMMENDATIONS**

Mack5, subconsultants of RHAA, provided a comprehensive list of recommended improvements for the Albert J. Boro Community Center, Albert Park Stadium, Falkirk Cultural Center, San Rafael Community Center, Terra Linda Community Center, and Terra Linda Pool House. Mack5 included a three-tiered priority categorization based off their expert assessment. The detailed recommendations will be incorporated into Public Work’s upcoming Facilities Master Planning process. This data will support that process in developing a comprehensive plan for City facility improvements and for allocating Building Funds moving forward.

Applying the Mack5 three-tiered priority categorization along with the Master Plan’s weighted evaluation criteria, the highest priority recommendations include addressing architectural and mechanical deficiencies at the Albert J. Boro Community Center. Those recommendations are supported through the City’s existing CIP, with funding allocated to those projects in the near term.

An additional, high-priority facility recommendation is a comprehensive assessment of the Falkirk Cultural Center’s unique historic and architectural qualities that will help to guide future planning and programming in alignment with the facility’s unique needs.

**POLICY RECOMMENDATIONS**

Policy recommendations have been evaluated separately from Park and Facility recommendations as they typically require fewer financial resources, and more staff time to evaluate and develop. However, some policy recommendations may result in outcomes or recommendations that could ultimately require financial resources to implement. Additionally, most of the policy recommendations focus on issues that impact the parks and recreation system citywide.

Near-Term Policy Recommendations	
<b>Beach Park</b>	Explore public-private partnerships to address needed oversight for site safety
<b>Albert and Freitas Parks</b>	Tennis court access system to be managed by library and recreation department director or designee
<b>Citywide</b>	Reclassify City parks based on existing amenities - Jerry Russom Memorial Park (to open space), Bret Harte Park (to neighborhood park), Munson Park (to pocket park)
<b>Citywide</b>	Dog Park program - assess options to address deficiency in spaces for off-leash dogs
<b>Citywide</b>	Develop a recreation program plan
<b>Citywide</b>	Offer training opportunities for staff to support growth and understanding around diversity, equity, inclusion, and belonging
<b>Citywide</b>	Evaluate restroom maintenance citywide
<b>Pickleweed Park</b>	Consider additional maintenance resources for Pickleweed Park Field
<b>Albert Park</b>	Consider additional maintenance resources for Albert Field

Citywide	Develop systemwide irrigation replacement schedule
Citywide	Develop program for citywide fibar replacement at playgrounds
Citywide	Develop systemwide playground amenity replacement schedule
Citywide	Develop systemwide tennis court resurfacing schedule

Medium-Term Policy Recommendations	
Citywide	Develop a comprehensive maintenance plan for City parks
Citywide	Develop a comprehensive maintenance plan for City recreation facilities
Citywide	Develop unifying systemwide park and recreation signage
Citywide	Assess pickleball striping or pickleball conversion projects systemwide
Citywide	Consider entering into Joint-Use Agreements with San Rafael City Schools to provide additional recreation facilities for the San Rafael community
Albert Park Stadium	Explore opportunities such as public-private partnerships to refurbish athletic fields and develop new recreational facilities
Gerstle Park	Explore partnership opportunities for maintaining the historic nature of the landscaping
Freitas Park	Develop a policy for splash pad operations (consider closures for drought conditions)
Citywide	Evaluate historic water system resources

**ADDITIONAL RECOMMENDATIONS**

RHAA and staff also identified the below systemwide recommendations that require tailored approaches, given the type of improvement they address.

*ADA Access*

As part of the Master Plan process, a CASp specialist evaluated all park sites to identify ADA access barriers. They categorized the barriers based on high, medium, or low impact. The list of barriers is substantial with virtually all parks having areas for improvement. Given the scope of this assessment, the recommendation is that the City strategically address the identified barriers as other improvements are made to the parks and recreation facilities, specifically prioritizing those barriers that are classified as high impact. This will allow the City to make progress systemwide and see efficiencies in combining projects.

*Benches and Picnic Tables*

The following parks were identified as having benches and picnic tables that are nearing or at the end of their life: Bret Harte Park, Gerstle Park, Jean and John Starkweather Park, Oleander Park, Oliver Hartzell Park, Peacock Gap Park, Riviera Park, Santa Margarita Park, and Victor Jones Park. Through the City’s newly adopted Park Amenity Sponsorship program, staff will design the program to initially focus on bench and picnic table donations in the identified locations. As the program develops, staff will evaluate how effectively it is addressing the deficiencies and adjust as needed.

*Irrigation*

The following parks were identified as having significant irrigation issues that should be addressed: Albert Park, Arbor Park, Bernard Hoffman Field, Boyd Memorial Park, Canal Community Garden, Falkirk Cultural Center, Peacock Gap Park, Riviera Park, Victor Jones Park. Keeping the current systems operational takes significant staff time, impacts the community's ability to utilize the amenity, and results in inefficient water usage. Given this, as well as the recent historic droughts, addressing the irrigation deficiencies should be a priority. However, the scope of the issue would require significant resources. While the financial analysis is still being completed for the Master Plan, this may be an area where seeking grant or outside funding for systemwide improvements could be feasible.

*Ongoing Recommendations*

Existing planning documents (such as the General Plan 2040), identify a number of recommendations that focus on ongoing maintenance and management of specific park sites. Those are in alignment with the City's current efforts and will be noted in the final Master Plan as efforts that the City should continue to support.

DRAFT

## DRAFT GOALS, POLICIES, AND ACTIONS

The goals, policies, and actions provide an overarching framework to guide future decision-making processes in San Rafael's park and recreation system. These reflect the priorities articulated in San Rafael's *General Plan 2040*. Below, the specific policies and actions reference which section of the *General Plan* that they support. These goals, policies, and actions are meant to be used in conjunction with the detailed recommendations provided in the *Citywide Parks and Recreation Master Plan*, and to provide higher level principles for future project implementation and prioritization.

General Plan 2040 key:

- PROS = Parks, Recreation, and Open Space Element
- EDI = Equity, Diversity, and Inclusion Element

**GOAL A: SUPPORT AND ENHANCE SAN RAFAEL PARKS**

POLICY A.1 – Upgrade and modernize existing parks to meet the recreational needs of the community and to meet operational, accessibility and safety standards (PROS-1.6B)

- ❖ Action A1.1 – Improve existing park amenities to enhance community use and create safe, attractive spaces that meet community demand (PROS-1.6B)
- ❖ Action A1.2 – Ensure park amenities are accessible to all users on a system-wide and park level (EDI-6.3B)
- ❖ Action A1.3 – Develop and implement consistent and inclusive branding, wayfinding, and interpretive signage for San Rafael Parks (PROS-1.5A)
- ❖ Action A1.4 – Incorporate sustainability principles in the design and construction of San Rafael park projects and enhancements (PROS-1.18A)

POLICY A.2 – Continue regular assessment and provide a high level of maintenance that allows San Rafael Parks to prolong equipment life, ensure amenity safety, and serve as a valued community asset (PROS-1.15)

- ❖ Action A.2.1 – Improve maintenance of existing parks to meet community demand and park usage, including the development of maintenance plans and amenity replacement schedules
- ❖ Action A.2.2 – Provide maintenance practices that are environmentally and fiscally sustainable, including improved irrigation and natural pest management (PROS-1.18)

POLICY A.3 – Support park development, where feasible, to address recreational deficiencies

- ❖ Action A.3.1 – Identify funding and partnership opportunities for Parks development (PROS-1.16A, PROS-1.17)

- ❖ Action A.3.2 – Support park expansion in areas of need, including high density neighborhoods and identified neighborhoods that do not have a park within the Trust for Public Land (TPL) 10-minute standard (PROS-1.3A)
- ❖ Action A.3.3 - Explore options to address recreational amenity deficiencies that have been identified as a high priority to the community

## **GOAL B: SUPPORT AND ENHANCE SAN RAFAEL RECREATION FACILITIES**

POLICY B.1 – Rehabilitate existing recreation facilities to meet operational, accessibility and safety standards, and to meet community demand (PROS-1.6)

- ❖ Action B.1.1 – Support safety of existing recreational facilities, including fire safety, seismic retrofitting, and required code upgrades (PROS-1.6A)
- ❖ Action B.1.2 – Renovate and/or retrofit recreation facilities to maximize community use (PROS-1.6A)
- ❖ Action B.1.3 – Ensure recreation facilities are accessible to all users (EDI-6.3B)
- ❖ Action B.1.4 - Incorporate sustainability principles in the design and construction of San Rafael recreation facility projects and enhancements (PROS-1.18A)

POLICY B.2 – Continue regular assessment and maintenance of San Rafael recreation facilities to prolong structural life, prevent deferred maintenance, ensure safety, and support user enjoyment (PROS-1.15)

- ❖ Action B.2.1 – Improve maintenance of existing recreation facilities to meet community demand and facility usage (PROS-1.15)

POLICY B.3 – Support recreational facility planning processes to address unique facility conditions and respond to changing community needs (PROS-1.6A)

POLICY B.4 – Explore opportunities for additional recreation facility access through viable partnerships (PROS-1.12, PROS-1.17)

- ❖ Action B.4.2 – Seek opportunities for joint use of recreational facilities with local service providers, including the San Rafael and Miller Creek School Districts, to provide additional recreation facilities to the San Rafael community (PROS-1.12, PROS-1.17)

## **GOAL C: SUPPORT RECREATION PROGRAMMING**

POLICY C.1 – Maintain and enhance existing recreation programming to meet needs of San Rafael residents and support community identity (PROS-2)

- ❖ Action C.1.1 – Develop a Recreation Program Plan to guide long range program development and define focus areas based on user needs (PROS-2.1, PROS-2.2)

- ❖ Action C.1.2 – Continue to support recreation programming in high demand by the San Rafael community
- ❖ Action C.1.3 – Expand recreational programming to address deficiencies in program provision to meet community demand (PROS-2.2)
- ❖ Action C.1.4 – Support partnership opportunities for coordination and provision of recreational programming, including partnership opportunities with organizations in the arts, sports and leisure, aging populations, and disability care (PROS-2.3, PROS-2.6)

#### **GOAL D: PROVIDE EQUITABLE ACCESS TO THE SAN RAFAEL PARK AND RECREATION SYSTEM**

POLICY D. 1 – Incorporate environmental justice and social equity as key elements in the operation and planning of San Rafael’s park and recreation network (EDI-2.5)

- ❖ Action D.1.1 – Ensure that San Rafael’s park and recreation programs and facilities are safe, inclusive, culturally relevant, and welcoming to everyone, with particular emphasis paid to communities that have been excluded from recreational programming (PROS-2.1)
- ❖ Action D.1.2 - Develop strategies and policies to ensure access to San Rafael’s recreation programs is proportionally affordable based on income
- ❖ Action D.1.3 – Consider how resource allocation decisions can reduce historic and current inequities and address the most critical community needs in future planning processes for the San Rafael park and recreation system (EDI-4.1, EDI-4.2)
- ❖ Action D.1.4 – Support equitable distribution of parks and recreation amenities, prioritizing high density neighborhoods and areas where homes lack outdoor living space (EDI-2.2A, PROS-1.3A)
- ❖ Action D.1.5 – Pursue authentic community engagement in planning processes that share power, recognize and celebrate differences, and ensure inclusion (EDI-1, PROS-1.4B)



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: \_\_\_\_\_

**TOPIC: BOARDS, COMMISSIONS & COMMITTEES RULES AND PROCEDURES UPDATE**

**SUBJECT: UPDATE ON BOARDS, COMMISSIONS & COMMITTEES RULES AND PROCEDURES AND PROVIDE FEEDBACK ON THE APPOINTMENT PROCESS**

**RECOMMENDATION:**

Accept report on the Boards, Commissions and Committees Rules and Procedures, and provide feedback on the appointment process.

**BACKGROUND:**

Boards, commissions, and committees (“BCC’s”) are advisory bodies made up of volunteer community members who are appointed by the City Council to serve in an advisory role by reviewing and making recommendations to the City Council on matters within a certain purview. In addition to advising the City Council, some BCC’s, such as the Planning Commission, have ministerial duties. BCC’s are created to serve the public and they are able to do so when members of those BCC’s are professional, efficient, and prepared to discuss matters for their consideration. The City of San Rafael has 10 active BCC’s, which are either established by the voters (through a ballot initiative), by resolution of the City Council, or ordinance (and codified in the San Rafael Municipal Code).

Rules and Procedures

In 2022, the City commenced a project to update the governance, rules and procedures of its BCC’s to standardize the program. In [June 2022](#), the City Council approved modifications to the Park and Recreation Commission, Planning Commission and Bicycle and Pedestrian Advisory Committee in an effort to improve efficiencies of our boards and commissions, and standardize our structure of bylaws across our boards and commissions program. On [September 6, 2022](#), the City Council consolidated our oversight committees and established a single Voter Approved Tax Oversight Committee in an effort to improve efficiencies, increase volunteer participation and reduce staff times in management of the Committees. On [October 3, 2022](#), the City Council made changes to the Board of Library Trustees, Design Review Board, and the Fire Commission as the last round of modifications to active boards, which standardized each board and commission in our program. The next phase of our boards and commissions update project is to create a rules and procedures document to assist our community volunteers, staff liaisons and members of the public in understanding the process of public meetings and expectations.

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**FOR CITY CLERK ONLY**

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

Appointment Process

Our BCC's have membership terms that expire at different times throughout the year, and each December we publish a list of upcoming vacancies on our website called the [Local Appointments List](#). In 2023, we have terms expiring in March, April, June, October, November, and December; and this does not include unscheduled vacancies that arise due to resignation, ineligibility, etc. Each time a vacancy occurs, the City Clerk's office opens the recruitment for applications for a period of three weeks (or open until filled), convenes a subcommittee of the Mayor and Council Liaison to select finalists to be interviewed if a high volume of applications were submitted, and/or schedules a special meeting of the City Council for interviews and appointments. The current process is time consuming for Staff to recruit and schedule interviews, but more importantly it only allows the community three weeks to apply for a position they are interested in.

**ANALYSIS:**

Rules and Procedures

Currently, there is no single rules or procedures document which would outline how BCC's should operate. While the City's BCC's have been able to carry out their advisory role to support the City Council's policy-making decisions, the lack of uniform Rules and Procedures has created confusion among City staff, members of the BCC's (referred to as "Commissioners"), and the public. City staff has determined that a uniform Rules and Procedures document which applies to all BCC's would help streamline the way in which each BCC carries out its business.

The City Clerk's Office, in collaboration with the City Attorney's Office, has prepared the City of San Rafael Boards, Commissions & Committees Rules and Procedures (Attachment 2). The purpose of these Rules and Procedures is to provide consistency in the way BCC's conduct business and carry out their advisory role to the City Council, to increase transparency for the public, and to establish a structure for BCC's in an effort to enhance public participation and debate so that the best possible decisions can be made for San Rafael.

With the Rules and Procedures in place, guidelines would be provided to Commissioners and Staff Liaisons in the following areas:

<b>Section</b>	<b>Purpose</b>
Chapter 1: Purpose and Overview	Chapter 1 defines the purpose of the Rules and Procedures document and determines its applicability to all BCC's.
Chapter 2: Duties	Chapter 2 clearly outlines the duties of the chair, Vice Chair, Commissioners and Staff Liaison. It sets forth how Chairs and Vice-Chairs are appointed, as well as defines the terms, removal, and resignation process for Commissioners.
Chapter 3: Rules and Decorum	Chapter 3 introduces the Rules of decorum and best practices for Commissioners engaging with each other and the public to enhance and enlighten debate courteously.
Chapter 4: Meetings	Chapter 4 breaks down the different types of meetings and what constitutes a quorum, voting, how the public can participate, the Ralph M. Brown Act, Rosenberg's Rules of Order, minute-taking practices for the Staff Liaison, how items are added to meeting agendas, and Conflict of Interest Rules.



Chapter 5: Communication	Chapter 5 provides an overview of communications with the public and among the BCC's as they relate to public records.
Chapter 6: Selection Process	Chapter 6 clarifies the appointment process for Commissioners, the management of vacancies, and the interview processes.

Appointment Process:

As referenced in the Background of this staff report, the current process requires significant Staff time dedicated to recruiting for applications, and scheduling interviews, and it only allows our community members three-weeks to apply for a position they are interested in. Other cities in the state, and in Marin, hold either semi-annual or annual appointments to BCC's to reduce staff time and increase the amount of time available to members of the community to apply for BCC's.

The benefits to semi- annual or annual appointments for the community would be that they would have more opportunities to be notified about, and to apply for BCC's they are interested in. Right now, our recruitment includes posting physical notices at facilities, announcing it with a staff report at City Council meetings, including the vacancies in Snapshot, mass email notification to anyone who is subscribed to hear about vacancies, and posting it to social media platforms and the City website. This has increased our volume of applications significantly, but we actively recruit at the opening of the application period, and we recognize that not everyone sees our social media posts. With moving to an annual or semi-annual appointment model, we could engage the community on a quarterly basis and increase viewership for the upcoming year's appointments. This will provide more visibility with our vacancies and potentially capture more interest.

The benefits of a semi-annual or annual appointment model on staff time are significant. Not only would staff save time by recruiting quarterly instead of being reactive to expiring terms upwards of six times per year, but it would reduce the time spent scheduling special City Council meetings to hold interviews. Scheduling time with the City Council has proven to be difficult for the City Councilmembers due to their appointments to cross-jurisdictional Committees and subcommittee, which means they are attending evening meetings with other agencies and often spending 40+ hours per week on their City Councilmember responsibilities. If the City were to move to a semi-annual or annual appointment model, interviews would be held semi-annually or annually, and Staff would be able to easily schedule multiple special City Council meetings in advance, when schedules are more available.

Semi-Annual Appointments

With the semi-annual appointment model, the City Council would hold a special meeting (potentially more than one) to fill vacancies twice a year. For example, the City Clerk's office could recommend all BCC terms end in April and October, and interviews would be held in those months. The benefits to the semi-annual appointment model would be less special city council meetings because there would be less vacancies to fill, and staff could more quickly fill unexpired terms from unexpected vacancies due to resignation.

Annual Appointments

With the annual appointment model, the City Council would hold one group of special meetings to fill vacancies per year, and there would be more special meetings during that period than in the semi-annual appointment model. Because the City Council would be appointing annually, there would be a need to meet additional times per year to fill any vacancies that occur due to unexpected vacancies.

Either option provides more ability to accommodate unexpected vacancies because they would pull from the active list of applications received from the quarterly recruitment and year-long application submission.

**Next Steps:**

If the City Council were to provide feedback in support of a semi-annual or annual appointment process and the BCC Rules and Procedures, staff would return to the City Council at a future meeting with a resolution approving the BCC Rules and Procedures with modifications to Chapter 6: Selection Process, to include the semi-annual or annual appointment process. In addition, staff would return with a separate resolution extending all current BCC terms to be uniform by month and staggered by year.

**COMMUNITY OUTREACH:**

A draft of the staff report and Rules and Procedures document was sent to active BCC members, and sent to community members who have expressed interest in BCC's, in preparation for this report to the City Council.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

**RECOMMENDED ACTION:**

Accept report on the Boards, Commissions and Committees Rules and Procedures, and provide feedback on the appointment process.

**ATTACHMENTS:**

1. City of San Rafael Boards, Commissions and Committees Rules and Procedures



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# Boards, Commissions and Committees

## Rules and Procedures

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Adopted on [Month, Day, Year]  
by Resolution No. [number]

# City of San Rafael, Boards, Commissions and Committees Rules and Procedures

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## **Chapter 1. Purpose and Overview**

The City of San Rafael has a long and proud tradition of open government, and civil and intelligent public discourse. These Boards, Commissions and Committees Rules and Procedures (“Rules”) are assembled for the purpose of providing protocols and procedures for the conduct of governmental business by San Rafael’s various boards, commissions and committees (“BCC’s”), including conduct of meetings, preparation of agenda items, scheduling of meetings, public participation, and appointment to and removal from boards, commissions, and committees. These rules are intended to enhance public participation and debate so that the best possible decisions are made for San Rafael. These rules apply to all public bodies of the City of San Rafael with the exception of the City Council.

Appointed board, commission, and committee members and Staff Liaisons are expected to understand and comply with these Rules.

For purposes of this document, all City boards, commissions and committees other than the City Council are referred to as “BCC’s” and all their respective members are referred to as “Commissioners”.

These rules have been formally adopted by resolution of the City Council (Resolution No. XX) and are subject to review. If during the course of their official duties Commissioners encounter an item that affects the business of the BCC and that item is not covered in this document, the BCC shall not take action and the Staff Liaison shall consult the City Attorney.

## Chapter 2. Duties and Responsibilities of Commissioners

### 1. Duties of the Chair

- A. All City BCC's elect a presiding officer, known as the Chair, for a one-year period; appointment procedures are set forth in greater detail below. BCC's may have the Staff Liaison serve as the Chair. However, where the Staff Liaison serves as the Chair they shall neither vote nor deliberate on BCC matters. The Staff Liaison shall serve in a purely advisory role, unless otherwise specified in the bylaws.
- B. The Duties of the Chair shall include the following:
  - i. Ensure that consideration of items on the agenda move along without delay.
  - ii. Ensure that community input is received, if any.
  - iii. Ensure that decorum is maintained at the meeting.
  - iv. In presiding over agendized matters where the public has provided testimony and/or raised questions:
    - a. Direct questions or comments requiring a response to staff for a response.
    - b. If necessary, help keep Commissioners' questions relevant to the matter being considered by the BCC.
    - c. If necessary, consider calling for a brief recess, or adjournment, if orderly conduct of the meeting is being disrupted.
    - d. Announce the decision of the BCC on all subjects.
  - v. To ensure that each member of the BCC is provided an opportunity to completely express their views on items of business, recognize each Commissioner and give them the opportunity to provide feedback.

### 2. Duties of Vice Chair

In the absence of the Chair, a Vice-Chair shall possess all powers of the Chair and be subject to all prescribed duties for that position during the Chair's absence.

### 3. Duties of Commissioners

- A. Attend and arrive on time for all BCC meetings.

Attendance at any regularly scheduled meeting is a necessary part of being an effective Commissioner. If a Commissioner is unable to attend a regularly scheduled meeting, the Commissioner shall notify the Staff Liaison in advance of a regularly scheduled meeting to have an excused absence.

- B. Review all meeting materials in preparation for BCC meetings.

#### 4. Duties of Alternates

- A. Attend and arrive on time for all BCC meetings.

Attendance at any regularly scheduled meeting is a necessary part of being an effective Alternate Commissioner. If a Commissioner is unable to attend a regularly scheduled meeting, the Commissioner shall notify the Staff Liaison in advance and the Alternate Member shall be notified of their attendance as a full voting member, and be recognized as such during the roll call.

- B. Review all meeting materials in preparation for BCC meetings.

- C. Vote in the absence of a full voting member.

- D. If more than one Alternate member exists, there shall be a pre-determined first and second Alternate, and they shall alternate between first and second Alternate member annually. First Alternates shall vote in the absence of one voting member, and Second Alternates shall vote in the absence of a second voting member.

- E. If no full voting member is absent, the Alternate Member shall still attend meetings, deliberate, and ask questions of staff, but shall not vote.

#### 5. Duties of Staff Liaison

- A. The City Manager or their designee shall designate a Staff Liaison to each BCC. The Staff Liaison has the following responsibilities:

- i. Prepare meeting agendas and staff reports (verbal or written as needed).
- ii. Notify the City Clerk of consecutive unexcused absences, issues with attendance, resignations, and Commissioner's change of contact information.
- iii. Ensure that sufficient research and analysis has been performed by City staff to allow an informed discussion by the BCC on matters before them.

- iv. Help facilitate and advise the Chair on meeting management.
- v. Ensure that all City departments with subject matter expertise have an opportunity for input before bringing an item forward for BCC consideration.
- vi. Ensure that meeting materials, including a sufficient number of agendas, and at least one binder of all related staff reports being presented (if any) at that meeting, are available in physical print format for the public to examine at the meeting.
- vii. Ensure all agendas include the following notice for accessibility services:

*Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online and in the [location where meeting is held] placed with other agenda-related materials on the table in front of the meeting location prior to the meeting. Sign language interpreters may be requested by calling (415) 485-3066 (voice), emailing [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.*

- viii. Produce action minutes for each meeting.
  - ix. Ensure all meeting materials and any other documents submitted to the BCC at the meeting are retained and stored as material in connection with that meeting, according to the City's retention policies.
- B. The Staff Liaison, along with the City Clerk, is responsible for ensuring that appointed Commissioners are oriented about policies and procedures as they relate to the BCC.

## 6. Duties of City Council Liaison

- A. On an annual basis, the City Council designates liaison positions to the BCCs. The role of the liaison is to generally stay abreast of the activities of the BCC which may include attending one or more meetings per year, checking in with the Chair of the BCC on a quarterly basis, reporting out on significant activities during City Council meetings as needed, assisting in culling down applications into an interview list when there is a vacancy, and providing a "mentor" role for the needs of the BCCs which could relate to answering procedural questions, facilitating training, or other assistance. Additionally, the Mayor may act in the acting role of the Council Liaison for each BCC.



## 7. Appointment of Chair and Vice-Chair

- A. The Chair and Vice-Chair shall be appointed by a majority vote of the BCC membership at the last meeting of each calendar year, to serve for a one-year term. The Chair and Vice-Chair shall rotate among the Commissioners based on tenure, as defined by total years of service. The City Council believes that experience as a Commissioner will assist those who are selected to serve as Chair or Vice-Chair, and that it is in everyone's best interest that candidates have experience in cycles of governing to acclimate themselves to the jobs, tasks, and roles of the BCC. In the event the years of service are identical, tenure will be determined in alphabetical order by last name. It is the general rule that a Commissioner shall not serve as Chair more than once in the number of years there are members. However, in the event that:
1. a position is vacated;
  2. a Commissioner is not interested in serving as an officer; or
  3. there is limited tenure among the other Commissioners, then a Commissioner may be appointed as an officer more than once in the number of years there are members.
- B. The Vice-Chair shall serve as Chair in the following year and shall be appointed as such at the last meeting of each calendar year.
- C. The Chair and Vice-Chair may not succeed themselves in the same position. However, in the event the current Chair or Vice-Chair has served less than one year, the BCC may choose to re-elect them for an additional term.
- D. The Vice-Chair shall succeed the Chair if the Chair vacates the office and shall serve the unexpired term of the Chair. The BCC shall elect a new Vice-Chair to serve the unexpired term of that office. Selection shall be based on seniority.
- E. In the absence of the Chair and Vice-Chair at any meeting of the BCC, the member of the BCC with the longest tenure, as defined by total years of service, shall preside over the meeting. In the event the years of service are identical, seniority will be determined by alphabetical order.

## 8. Removal and Resignation

### A. Removal

Commissioners serve at the pleasure of the City Council and Commissioners shall be subject to removal by a majority vote of the City Council.

### B. Resignation

A Commissioner who wishes to resign shall submit their resignation in writing to the Staff Liaison. The resigning Commissioner shall provide as much notice as possible.

C. Voluntary Resignation

Unexcused absence from consecutive meetings, specified in the BCC Bylaws, shall be considered a voluntary resignation.

Previously dismissed Commissioners may be eligible for reappointment to the BCC.

## Chapter 3. Rules of Decorum

1. At all public meetings, commissioners shall:
  - A. Always put the community's interests first by making decisions with the interest of the community at-large in mind and avoid representing personal interests;
  - B. Treat each other, councilmembers, staff, and members of the public with dignity, courtesy, and respect;
  - C. Not interrupt speakers or other members, allow them to finish their presentation before asking questions;
  - D. Not engage in discussion with a member of the public;
  - E. Be attentive to others, limiting interruptions and distractions;
  - F. Encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
  - G. Agree to respectfully disagree with fellow Commissioners;
  - H. Keep comments clear, concise, and on-topic;
  - I. Start and end meetings on time and work from the agenda;
  - J. Present problems in a way that promotes discussion and resolution;
  - K. Meet with the Council Liaison to the BCC when requested.
2. Commissioners are subject to all the provisions of the City's *Policy Against Harassment, Discrimination and Retaliation* and all other Human Resources policies that apply to the City Council.

## Chapter 4. Meetings

1. All BCC decisions must be taken at BCC meetings. Before acting, the BCC may take testimony from, and be provided information by, project applicants, interested members of the public, or City staff.
2. No business may be transacted by the BCC at a regular or special meeting unless a quorum of the membership is present. A quorum requires a majority of the total number of Commissioners on the BCC to be present (i.e., 50% plus one of those currently appointed).
3. Types of Meetings
  - A. **Regular Meetings** are those identified in the adopted meeting schedule.
    1. BCC's shall hold meetings at the regularly scheduled date and time for the BCC's meetings.
    2. BCC's shall adopt a schedule of meetings as close to December 15 as possible on an annual basis, which shall become the regular meeting dates of the BCC.
    3. Regular meeting dates may be amended by the BCC.
  - B. **Special Meetings** are called at non-regular meeting date and times. They are called by the Staff Liaison with a minimum of 24 hours' notice, versus 72 hours' notice for regular meetings.
    1. If at any time any regular meeting of the BCC falls on a holiday, if it is known that a quorum will not be available, or if there are items of business that require scheduling at a special meeting due to the need to take action prior to a regular meeting or that require a meeting devoted to the subject matter proposed for the meeting, a Special Meeting may be scheduled to the earliest convenient time.
  - C. **Study Sessions** are meetings that are held for the purpose of providing information to the BCC, particularly on issues that are more complex or more time-consuming than matters typically scheduled on regular meetings. At study sessions Commissioners may collectively provide direction to City staff. Typically, no action is taken at the study sessions; the public may provide comments.
  - D. **Closed Sessions** at the BCC level would be very rare and would only occur at the direction of the City Attorney.
  - E. **Emergency Meetings** are allowed per the Ralph M. Brown Act.

#### 4. Voting

A motion, second, and a vote of the BCC shall be required for any formal action of BCC. In the absence of a contrary law, the number of votes required to take action is a majority of a quorum.

Votes shall be called using a roll call vote where each Commissioner shall indicate their vote verbally after their name has been called.

#### 5. The Chair may change the order of hearing of items on the agenda.

#### 6. Public Participation

- A. All members of the public are encouraged and invited to participate in the legislative process of the City's BCC's; including by submission of comments to the Staff Liaison before the meeting or speaking in-person at the scheduled meeting.
- B. All communications addressed to Commissioners received by the Staff Liaison or their designee are relayed to the appointed body.
- C. It is the intent of these rules to allow everyone to be heard without fear of responses that may discourage public participation. For these reasons, these rules are taken seriously. Disruptive or unruly behavior may result in removal from the BCC meeting.

#### 7. Ralph M. Brown Act

All BCC meetings shall be open and public, and all persons shall be permitted to attend any meeting of the BCC, except as otherwise provided in the Ralph M. Brown Act relating to Closed Session (Government Code Sections 54950 et seq.). Meetings will be accessible to all, with accommodations for accessibility issues made upon request. Any person who disrupts the meeting may be asked to leave and be removed.

#### 8. Rosenberg's Rules of Order

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century shall apply.

#### 9. Minutes

- A. Decisions of BCC meetings are recorded in Action Minutes.
- B. Action Minutes contain very little, if any, narrative content and do not capture

details of public comment or Commissioner comments, questions and opinions. The Staff Liaison is responsible for producing action minutes. Commissioners may request correction only of factual errors when presented with the draft minutes. No supplemental materials may be appended to minutes.

- C. Media (audio/video) recordings, when employed, may be used to record the complete minutes of the meeting including a verbatim record of meetings and are kept as identified in the City's Records Retention Schedule.

## 10. Agenda Item Submission

- A. The Staff Liaison coordinates all agenda items for consideration on a given agenda. In order to ensure that each item for discussion has been thoroughly analyzed, a Staff Report shall be presented verbally or in writing as deemed appropriate by the Staff Liaison.

- 1. The preparation of Staff Reports applies to all BCC's in order to ensure:
  - i. The BCC has all the information needed to make a well-informed decision; and
  - ii. Any action is fully transparent to the public.
- 2. Staff Reports shall be part of the public agenda packet issued prior to the meeting. Copies of the agenda, staff reports and supporting materials shall be made available to the public at the meeting and online.

## 11. Conflict of Interest

BCC's must conduct business ethically and follow all state and local regulations, including the Political Reform Act, Government Code section 1090 and the Ralph M. Brown Act.

- A. Whenever it appears to a Commissioner they may have a prohibited financial interest in any City contract, or an item that may be presented to the BCC, the Commissioner should consult with the Staff Liaison and the City Attorney at the earliest opportunity for advice on whether a disqualifying conflict of interest exists.
- B. If the City Attorney is consulted on such a matter, the City Attorney shall provide their advice in writing, and shall provide a copy of their opinion to the BCC, the Staff Liaison, and the City Clerk.
- C. Commissioners shall not vote upon any matter on which they have a conflict of interest, as determined by the Conflict of Interest Code or the City Attorney's Office.

- D. Commissioners shall openly state the reason for their conflict of interest as required by law or regulation.
- E. Commissioners who are disqualified by a conflict of interest shall recuse themselves from all deliberation and voting on the matter. The Commissioner shall leave the dais and leave the room where the matter is not on the Consent Agenda or involves deliberation by the Commissioners. The Commissioner may return to the room and dais after final voting on the matter has occurred.

## Chapter 5. Communication

1. All communications are public records.

All letters, memoranda, and email communications involving Commissioners, the subject of which relate to the conduct of government or the performance of any governmental function, with certain exceptions as outlined in the Public Records Act, are public records. Public records are subject to disclosure under the Public Records Act.

2. Ralph M. Brown Act

Each Commissioner should be mindful of all of the requirements of the Brown Act in communicating with each other.

3. Correspondence

- A. Any correspondence from the public related to BCC business is considered a public record that must be retained in accordance with the City's Retention Schedule; therefore, Commissioners should not solicit emails through their personal email addresses but should direct the public to submit any correspondence to staff who will distribute them to the Commissioners. If Commissioners do receive correspondence relating to BCC business to their personal email or home address, Commissioners shall forward all such correspondence to the Staff Liaison.
- B. Staff will not provide Commissioners personal email addresses to the public without the Commissioner's consent.
- C. After the BCC has taken a position on an issue, official correspondence should reflect this position. While Commissioners who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official BCC title, and staff support shall not be utilized.
- D. City letterhead, logo, insignia and brand, as well as staff support cannot be utilized for personal or political purposes.

4. Electronic Communication

- A. All emails sent and received through the City server are subject to the Public Records Act.

5. Social Media

- A. Commissioners' use of their personal social media to discuss governmental business creates a public forum under the First Amendment.



- B. Therefore, Commissioners are advised not to use their personal social media to discuss BCC or City business. Commissioners should be careful not to refer to their official position or use their titles on their social media pages in a manner that suggests the social media is being used to conduct governmental business. They should consider adding disclaimers stating that the social media is the personal page of the official, is for personal use, and does not represent the views of the BCC or City.
- C. If a Commissioner uses their social media for governmental business, they are subject to claims under the First Amendment, and may not block constituents from that social media, or delete, hide, or otherwise censor any comments with which they disagree.
- D. Also, Commissioners need to ensure that their interactions on social media do not violate the Brown Act.

## Chapter 6. Selection Process

1. Reappointments, Vacancies and Appointments
  - A. The City Clerk's Office manages the BCC application process. The process begins with the Clerk contacting members who are eligible for appointment to an additional term and determining their interest in reappointment.
  - B. The City Clerk recruits for all open seats utilizing multiple avenues, including but not limited to the following: print and digital advertising, the news media, and email networking lists to present qualified candidates to the City Council for consideration.
  - C. The City Clerk receives the applications for BCC's (preference is a minimum of three applications sought for each seat) and agendas a public meeting of the City Council to interview applicants.
    - i. If the City Clerk receives a high volume of applications, the City Clerk will provide the Mayor or their designee, and/or the Council Liaison with the applications, and they will select the applicants to be interviewed by the City Council, in collaboration with the Staff Liaison.
  - D. In some circumstances, applicants may be interviewed by the Council Liaison and the Staff Liaison. In this instance, the Liaisons would recommend appointment of an applicant or applicants, and it would be returned to the full body of the City Council for approval. Applicants are appointed by a majority vote of the City Council at a public meeting.
  - E. If the only application received is the incumbent application, staff may create a recommendation to the City Council to approve the reappointment of the incumbent on the Consent Calendar.
  - F. Unscheduled Vacancies
    - i. Subject to the Maddy Act (California Government Code § 54974), whenever an unscheduled vacancy occurs a vacancy notice shall be posted in the City Clerk's Office and on the website., not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office.
    - ii. For such non-routine vacancies, the announcement for new applications is made as soon as possible in order to maintain viable memberships on the various BCC's.

iii. All appointments occur in an open public meeting.

2. Commissioner Terms

A. Commissioner terms are dictated by Resolution of the City Council.

## **Chapter 7. Attachments**

### 1. Attachments

- A. Agenda Example and Template
- B. Minutes Example and Template
- C. Rosenberg's Rules of Order



[BCC NAME]  
[DATE] AT [TIME]  
[LOCATION]  
[ADDRESS], SAN RAFAEL, CALIFORNIA

## AGENDA

### CALL TO ORDER – [TIME]

### MINUTES

1. Approve regular meeting minutes of [date]  
*Recommended Action – Approve as submitted*

### OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the [Commission] at this time on matters not on the agenda that are within its jurisdiction. Comments may be no longer than [time] minutes and should be respectful to the community.

### SPECIAL PRESENTATIONS

2. Special Presentations:

### PUBLIC HEARING (as necessary)

Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Commission.

3. Public Hearing:
  - a. [Brief explanation of agenda item. Please spell out all abbreviations and be clear and concise for the public – include recommended action]  
*Recommended Action – [Approve, Accept, etc.]*

### OTHER AGENDA ITEMS

If necessary to assure completion of the following items, the Chairperson may establish time limits for the presentations by individual speakers.

4. Other Agenda Items:
  - a. [Brief explanation of agenda item. Please spell out all abbreviations and be clear and concise for the public – include recommended action]  
*Recommended Action – [Approve, Accept, etc.]*

### STAFF LIAISON REPORT

5. Staff Liaison Report:

### COMMISSIONER REPORTS

6. Other brief reports on any meetings, conferences, and/or seminars attended by the [Commission/Committee/Board] members:

### ADJOURNMENT

*Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online and in the [location where meeting is held] placed with other agenda-related materials on the table in front of the [location prior to the meeting]. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.*



[BCC NAME]  
[DATE] AT [TIME]  
[LOCATION]  
[ADDRESS], SAN RAFAEL, CALIFORNIA

### MINUTES

Present: Chair [last name]  
Vice-Chair [last name]  
Commissioner [last name]  
Commissioner [last name]  
Commissioner [last name]

Absent: None

Also Present: [City title] [first, last name]  
Alternate [first, last name]

#### **CALL TO ORDER**

Chair [first and last name] called the meeting to order at [exact time]

#### **MINUTES**

1. Approve regular meeting minutes of [date]

Commissioner [last name] moved, Commissioner [last name] seconded, to approve the minutes of the [date] meeting.

AYES: Commissioners: [last name in alphabetical order followed by Chair]  
NOES: Commissioners: [last names]  
ABSENT: Commissioners: [last names]

Motion passed [5-0].

#### **OPEN TIME FOR PUBLIC EXPRESSION**

[SPEAKER NAME] addressed the Commission regarding [TOPIC].

#### **SPECIAL PRESENTATIONS**

2. Special Presentations:

a. Presentation for Department of Digital Service and Open Government

[TITLE] [FIRST & LAST NAME] gave a presentation

**Speakers:** [members of the public]: Jane Doe, John Doe, Alex Doe, Alexis Doe.

Staff responded to questions from the Commission/Board/Committee.  
Commission/Board/Committee provided comments.

#### **PUBLIC HEARING**

3. Public Hearing:

a. 5800 Northgate Drive (Northgate Mall) –Temporary Use Permit (UP19-027) for a base camp/staging operation area for the movie production for “13 Reasons Why” in a portion of

the Northgate Mall Shopping Center parking lot along Las Gallinas Ave; APN: 175-060-67; General Commercial (GC) Zoning District; XGP XI Northgate LLC, owner; Dan Kemp (for Paramount Television), applicant. File No.: UP19-027. Project Planner: Raffi Boloyan  
*Recommended Action – Adopt Resolution*

[TITLE] [FIRST & LAST NAME] presented the staff report.  
Staff responded to questions from the Commission.

**Speakers:** [members of the public]: Jane Doe, John Doe, Alex Doe, Alexis Doe.

Staff responded to questions from the Commission. The Commission provided comments.

Commissioner [last name] moved, Commissioner [last name] seconded, to approve [ACTION].

AYES: Commissioners: [last name in alphabetical order followed by Chair]  
NOES: Commissioners: [last names]  
ABSENT: Commissioners: [last names]

Motion passed [5-0].

#### **OTHER AGENDA ITEMS**

##### 4. Other Agenda Items:

- a. Informational Report on City Boards and Commission Rules and Procedures  
*Recommended Action – Accept report*

[TITLE] [FIRST & LAST NAME] presented the staff report.  
Staff responded to questions from the Commission.

**Speakers:** [members of the public]: Jane Doe, John Doe, Alex Doe, Alexis Doe.

Staff responded to questions from the Commission. The Commission provided comments.  
Commissioner [last name] moved, Commissioner [last name] seconded, to approve [ACTION].

AYES: Commissioners: [last name in alphabetical order followed by Chair]  
NOES: Commissioners: [last names]  
ABSENT: Commissioners: [last names]

Motion passed [5-0].

#### **STAFF LIAISON REPORT**

##### 5. Staff Liaison Report:

[TITLE] [FIRST, LAST NAME] reported on [TOPIC/S]

#### **COMMISSION REPORTS**

##### 6. Commission Report:

Commissioner [LAST NAME] reported on [TOPIC/S]

#### **ADJOURNMENT**

Chair [LAST NAME] adjourned the meeting at [TIME].

Approved this [day] of [month] [year],

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[Name], Staff Liaison





# 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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