



AGENDA COUNCIL RETREAT JANUARY 30, 2009

CITY COUNCIL RETREAT – HAKONE GARDENS

8:00 – 8:30 A.M. CONTINENTAL BREAKFAST

CALL MEETING TO ORDER – 8:30 A.M.

REPORT OF CITY CLERK ON POSTING OF AGENDA

(Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on January 26, 2009)

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Any member of the public will be allowed to address the City Council for up to three (3) minutes on matters not on this agenda. The law generally prohibits the council from discussing or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Communications under Council Direction to Staff.

AGENDA TOPICS

- | | | |
|----|---------------|---|
| 1. | 8:30 – 10:00 | Mixed Use In Commercial Area Overlay – Chris Riordan |
| 2. | 10:00 – 10:30 | Community Outreach (<i>Page</i>) – Mayor Page |
| 3. | 10:30 – 11:30 | CUP Review – John Livingstone |
| 4. | 11:30 – 12:30 | Economy & Budget – Mary Furey |
| 5. | 12:30 – 2:00 | Working LUNCH
Sustainable (Environment) Development & Programs (<i>Page</i>) – Barbara Powell |
| 6. | 2:00 – 3:00 | Prioritization & Guidelines of Ordinance List (<i>King</i>) |
| | 3:00 – 3:15 | BREAK |
| 7. | 3:15 – 3:45 | Rosenberg's Rules of Order – Richard Taylor |
| | 3:45 – 4:00 | Wrap Up – Mayor Page |
| | 4:00 | Adjournment |

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the City Council by City staff in connection with this agenda are available at the office of the City Clerk at 13777 Fruitvale Avenue, Saratoga, California 95070. Note that copies of materials distributed to the City Council concurrently with the posting of the agenda are also available on the City website at www.saratoga.ca.us. Any materials distributed by staff after the posting of the agenda are made available for public review at the office of the City Clerk at the time they are distributed to the City Council.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Clerk at (408) 868-1269. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II)

Certificate of Posting of Agenda:

I, Ann Sullivan,, City Clerk for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council of the City of Saratoga was posted on January 26, 2009, at the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and was available for public review at that location. The agenda is also available on the City's website at www.saratoga.ca.us

Signed this 26th day of January 2009 at Saratoga, California.

Ann Sullivan, CMC, City Clerk



SARATOGA CITY COUNCIL RETREAT

MEETING DATE: January 30, 2009

AGENDA ITEM:

DEPARTMENT: Community Development

CITY MANAGER: Dave Anderson

PREPARED BY: Christopher Riordan, AICP

DIRECTOR: John F. Livingstone, AICP

SUBJECT: Review of the Mixed Use District Requirements

RECOMMENDED ACTION:

Review report and direct staff accordingly.

REPORT SUMMARY:

At the Joint City Council/Planning Commission meeting on January 12, 2009, the topics of allowing the residential component of mixed-use projects to be “owner occupied”, allowing residential and offices to be permitted uses in the CH-2 zoning district, as well as the existence of non-conforming owner occupied units in the CH-2 zoning district were discussed. An outcome of the discussion between the City Council and Planning Commission was general support for Municipal Code modifications to eliminate the requirement restricting the residential component of mixed-use projects to rentals.

DISCUSSION:

Background

The Housing Element of the General Plan was updated in 2002. For the Housing Element to be certified by the State of California, the City of Saratoga had to demonstrate how the City’s share of the Bay Area regional housing needs were met. To do this the City approved two new policies. The first policy eased restrictions on secondary dwelling units and added incentives for homeowners to construct them and the second policy created additional housing opportunities through mixed-use development standards.

In 2004 the City of Saratoga’s Zoning Ordinance was updated to enact the Housing Element policies. This update included the adoption of Article 15-58 (Mixed-Use Development Standards). A copy of this article is included as Attachment #1. This new ordinance provided for additional housing opportunities specified in the Housing Element and acted to preserve the future commercial development in the City by not allowing dwelling units to exceed more than fifty percent of the total building area of a mixed-use project.

Additional requirements included in the Mixed-Use Development Standards are 1) the residential portion of a mixed-use project is limited to rental units prohibiting owner occupied units such as condominiums for sale to individual owners and 2) the floor area of each individual unit is limited to no greater than 1,250 square feet.

Increased flexibility

Real estate professionals and developers often state the following issues to staff which act to discourage the construction of mixed-use projects in the City:

1. By prohibiting owner occupied units it makes it difficult for developers to obtain loans to finance the construction of mixed-use projects.
2. The mixed-use development standards limit the height of mixed-use projects to twenty-six feet. This maximum height limits the mixed-use project to one level of retail/office with one level of residential units above.
3. The residential portion of mixed-use projects is limited to fifty percent of the total floor area of all buildings on a site. Increasing the allowed percentage of the residential portion of mixed-use projects would provide increased flexibility for developers.

Discussion topics of possible changes to the Mixed-Use Development Standards

Based on comments from the January 12, 2009 Joint City Council and Planning Commission meeting, the following changes could be made to the mixed-use development standards to encourage the development of mixed-use projects in the City.

- Increase the allowable residential portion of mixed-use projects beyond the existing fifty percent.
- Increase the allowable height of a mixed use structure beyond the existing 26 feet maximum.
- Eliminate the requirement that the residential portion of a mixed-use project be limited to rental units.
- The future classification on existing non-conforming owner occupied units in the CH-2 zone district.

FISCAL IMPACTS:

None.

FOLLOW UP ACTION:

As directed.

ADVERTISING, NOTICING AND PUBLIC CONTACT:

Notice of this meeting was properly posted.

ATTACHMENTS:

1. Mixed Use Development Standards

Article 15-58 MIXED-USE DEVELOPMENT STANDARDS

[15-58.010 Purposes of Article.](#)

[15-58.020 Development standards.](#)

15-58.010 Purposes of Article.

The purpose of the mixed-use development standards is the implementation of Program 1.1 of the Housing Element of the General Plan. The goal is to implement this Housing Program in a consistent manner throughout the various commercial and office zoned districts of the City. It is further the goal of these standards to protect existing and future commercial development. (Ord. 230 § 2 (part), 2004)

15-58.020 Development standards.

- (a) The maximum density is twenty dwellings per net acre.
- (b) The dwelling unit(s) shall be located either on the second floor or at the rear of the parcel.
- (c) The dwelling unit(s) shall not comprise more than fifty percent of the total floor area of all buildings on the site. The maximum floor area allowed may be increased by ten percent for projects providing below market rate rental housing.
- (d) Parking for both the non-residential and the dwelling unit(s) shall be as specified in the Zoning Ordinance, provided that the Planning Commission may consider shared parking in some cases.
- (e) Perimeter fencing shall be required to the maximum height allowed in the Zoning Ordinance.
- (f) Each dwelling shall have private, usable outdoor space, i.e., decks, balconies, yards or patios.
- (g) The maximum height of a mixed-use structure shall be twenty-six feet. Structures that are solely non-residential on a site that has mixed-use, the maximum height is as it is stated in the underlying zoning.
- (h) The design of mixed-use projects will be required to conform to the policies and techniques of the Residential Design Handbook and any other design standards in place for the area of application.
- (i) Overall site coverage may be increased up to ten percent for projects containing deed restricted below market rate housing units.
- (j) Mixed-use projects shall have sound walls and landscape screening in order to protect the privacy and quality of life of abutting single-family residential lands uses.
- (k) The residential component of a mixed-use project shall be rental. The individual dwelling units shall range in size from eight hundred fifty square feet for one bedroom units to one thousand two hundred fifty square feet for three bedroom units sequent mixed-use development.
- (l) Projects with multiple stories shall be reviewed to ensure that design features such as setbacks and window placement provide adequate privacy protection.
- (m) Non-residential structures or parcels created or developed as part of a previous mixed-use development or multi-family development may not be redeveloped as a mixed-use development at a greater density or intensity of use.
- (n) Smaller mixed-use projects (twenty or fewer dwelling units) must pay an in lieu fee for park construction.

- (o) In larger mixed-use projects (more than twenty dwelling units) either the developer must pay

an in lieu fee for park construction or construct common, useable open space on site at the discretion of the Planning Commission based on the vicinity of existing public parks. (Ord. 230 § 2 (part), 2004)



SARATOGA CITY COUNCIL RETREAT

MEETING DATE: January 30, 2009

AGENDA ITEM:

DEPARTMENT: Community Development

CITY MANAGER: Dave Anderson

PREPARED BY: John F. Livingstone, AICP

DIRECTOR: John F. Livingstone, AICP

SUBJECT: Review the requirements for Conditional Use Permits (CUP)

RECOMMENDED ACTION:

Direct Staff Accordingly.

REPORT SUMMARY:

Review the current Conditional Use Permit requirements.

DISCUSSION:

Background:

Each zoning district has permitted uses and conditional uses. The permitted uses are allowed uses that require no discretionary review. The Conditional Uses are also allowed, but only with Planning Commission approval. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the Zoning Ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits, subject to review by the City Council.

The entire zoning ordinance was updated in 1986. This included Article 15-55 for Conditional Use Permits. In 2006 minor changes were made to the Conditional Use section that included changing the appeal time from 10 to 15 days and permit expiration time from 24 to 36 months to be consistent with the rest of the code. Other than minor updates this section has not been comprehensively looked at in over 20 years. The only other related change was to section 15-19.050 C-H districts that made personal service businesses at the street level with primary access from Big Basin Way a Conditional Use.

Due to the change in the economy and the availability of vacant spaces throughout the City it is a good time to take a comprehensive look at what the Council would like to see in the future and how the Conditional Use Permit tool can be used to accomplish that goal.

Types of permitted and conditional uses:

The following general regulations shall apply to all commercial districts in the City:

(a) **Permitted uses.** The following permitted uses shall be allowed in any commercial district,

unless a use involves the operation of a business providing direct customer service (including, but not limited to, conducting a delivery service) on-site between the hours of 1:00 A.M. and 6:00 A.M., in which event such use may be allowed upon the granting of a use permit pursuant to Article 15-55 of this Chapter:

(1) Retail establishments, except restaurants, markets, delicatessens, and any establishment engaged in the sale of alcoholic beverages.

(2) Home occupations, conducted in accordance with the regulations prescribed in Article 15-40 of this Chapter.

(3) Parking lots which comply with the standards for off-street parking facilities as set forth in Section 15-35.020 of this Chapter.

(4) Accessory structures and uses located on the same site as a permitted use.

(b) **Conditional uses.** The following conditional uses may be allowed in any commercial district, upon the granting of a use permit pursuant to Article 15-55 of this Chapter:

(1) Restaurants.

(2) Markets and delicatessens.

(3) Any establishment engaged in the sale of alcoholic beverages.

(4) Hotels and motels.

(5) Bed and breakfast establishments.

(6) Institutional facilities.

(7) Community facilities.

(8) Game arcades.

(9) Gasoline service stations on sites abutting Saratoga/Sunnyvale Road, Saratoga/Los Gatos Road or Saratoga Avenue and accessible directly from such arterial road; provided, that all operations except the sale of gasoline and oil shall be conducted within an enclosed structure.

(10) Animal establishments, as defined in Section 7-20.010(c) of this Code. All animal establishments shall be subject to the regulations and license provisions set forth in Section 7-20.210 of this Code.

(11) Public buildings and grounds.

(12) Public utility and public service pumping stations, power stations, drainage ways and structures, storage tanks, transmission lines and cable television facilities.

(13) Accessory structures and uses located on the same site as a conditional use.

(14) Antenna facilities operated by a public utility for transmitting and receiving cellular telephone and other wireless communications.

Findings:

A use permit is not a matter of right, and the Planning Commission may deny a use permit or impose conditions upon the granting thereof if it finds that the proposed conditional use will adversely affect existing or anticipated uses in the immediate neighborhood, or will adversely affect surrounding properties or the occupants thereof.

The Planning Commission may grant a use permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the Commission makes all of the following findings:

(a) That the proposed location of the conditional use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

(b) That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

(c) That the proposed conditional use will comply with each of the applicable provisions of this Chapter.

Number of Conditional Use Permits processed:

2007

Type	CUP In the Village	Other Areas	2007 CUP Total
Generator		2	2
Antenna/Cell Tower	1	4	5
Accessory		1	1
Restaurant		2	2
Total	1	9	10

2008

Type	CUP in the Village	Other Areas	2008 CUP Total
Accessory		1	1
Generator		3	3
Day Care		2	2
Height Limit		4	4
Church		1	1
Restaurant	1	1	2
Sleep Center		1	1
Total	1	13	14

Costs associated with a Conditional Use Permit:

A Conditional Use Permit requires a flat fee of \$4,400 and a document storage fee of \$300 for a total fee of \$4,700. Conditional Use permits for a restaurant typically take approximately three months from the date the application is submitted to the Community Development Department to Planning Commission approval.

Economic Discussion:

In the City’s top 10 sales tax contributors there are two restaurants that generate 7.1% of the total sales tax for the City. Of the top 25 sales tax contributors there are nine restaurants contributing 17.71% of the City’s sales tax.

The current cost of a Conditional Use permit may be deterring new businesses from applying for permits to fill vacant spaces, and looking to other areas or cities that do not require a use permit.

FISCAL IMPACTS:

A revision to the ordinance could be included in the advance planning work program. A budget amendment would be required to waive or reduce fees for Conditional Use Permits to supplement the Community Development Department budget. The Community Development Department is a self funded department. Waiving fees may also cause an increase in use permit applications over the average 12 per year.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

N/A

ALTERNATIVE ACTIONS:

The Council could recommend waiving fees for Conditional Use Permits.

The Council could recommend the relaxation of the CUP requirement for restaurants or other specific uses. This could also be limited to specific zoning districts such as the Village.

Other cities such as the City of Campbell have used this technique successfully to encourage new business in their downtown. Possible negative impacts to allowing all restaurants to be a permitted use would be the inability to control unwanted restaurant uses and parking impacts.

FOLLOW UP ACTION:

As directed.

ADVERTISING, NOTICING AND PUBLIC CONTACT:

Notice of this meeting was properly posted.

ATTACHMENTS:

None



SARATOGA CITY COUNCIL

MEETING DATE: January 30, 2009

AGENDA ITEM:

DEPARTMENT: City Manager's Office

CITY MANAGER: Dave Anderson

PREPARED BY: Barbara Powell
Assistant City Manager

DIRECTOR:

SUBJECT: Community Sustainability

OVERVIEW:

The City of Saratoga has undertaken a number of actions related to creating a more sustainable community. This report includes:

1. A discussion of how sustainability is defined;
2. A review of measures already taken by the City of Saratoga to promote community sustainability;
3. Some additional measures that could be taken to further long-term community sustainability; and
4. Examples of sustainability measures underway in other local jurisdictions.

BACKGROUND:

What is Sustainability?

One way to define sustainability is “. . . related to the quality of life in a community – whether the **economic**, **social** and **environmental** systems that make up the community are providing a healthy, productive, meaningful life for all community residents, present and future”.¹

“Sustainability requires managing all households – individual, community, national and global – in ways that ensure that our economy and society can continue to exist without destroying the natural environment on which we all depend.”²

1 “An introduction to sustainability”, www.sustainablemeasures.com/Sustainability/index.html, 2008.

2 “A better view of sustainable community”,
www.sustainablemeasures.com/Sustainability/ABetterView.html, 2008.

What has Saratoga done to promote sustainability?

Economy:

- Village improvements (streetscape, lighting, traffic calming)
- Gateway project
- Chamber support
- Proposed Conditional Use Permit fee waiver

Society:

- Affordable housing (Housing Element)
- Community Development Block Grants (plus Council's Community Grant Program)
- SASCC support
- Recreation classes, sports fields, parks, trails, open space, community based theater
- Artsopolis community calendar
- Sheriff's Office involvement in schools (Code Red, Code Blue, Bicycle Safety)
- Highway 9 Safety Improvements
- CERT training
- Historic property designations
- City Commissions and Committees/Civic engagement

Environment:

- City's "Greening" efforts (see Attachment "A")
- Chapters & Sections of Municipal Code Related to Sustainability (see Attachment "B") Note: A report to the City Council concerning compiling/referencing these chapters & sections in a new section of the Municipal Code is forthcoming.)
- Heritage Orchard Preservation

What additional measures could Saratoga undertake to promote sustainability?

General:

- Create a Sustainability "Vision"
- Develop Sustainability indicators and track progress

Economy:

- Infrastructure/economic stimulus improvements (see Attachment "C")
- Residential solar financing via City loans paid through property assessments
- Grant-funded projects (dependent upon state & federal funding)
- Additional fee waivers
- Others?

Society:

- Increase Council's Community Grant Program
- Others?

Environment:

- Water conservation measures (e.g. waterless urinals in City parks, upgrading old fashioned irrigation controllers to weather station variety, and converting some turf areas to mulch or gold fines, as we have done at El Quito Park -- could save over 12,000 gallons of water/year)
- “Green” Infrastructure improvements (see Attachment “C” – highlighted in yellow)
- Purchase of additional hybrid vehicles
- Environmentally-friendly purchasing policy
- Increased green building requirements for residential and commercial construction
- Ban/fees on non-biodegradable/compostable/recyclable materials (e.g. polystyrene, other plastics)
- Others?

What are other local jurisdictions doing to promote sustainability?

Attachment “D” illustrates sustainability efforts currently underway in neighboring jurisdictions.

ATTACHMENTS:

Attachment “A” – City’s Greening Efforts

Attachment “B” – Chapters/Sections of Municipal Code

Attachment “C” – Proposed Economic Stimulus Projects

Attachment “D” – Other Jurisdictions’ Sustainability Efforts

Attachment “A”
Greening the City of Saratoga
Current Environmentally-friendly Projects/Programs

1. *WASTE MANAGEMENT*

- Funding a Household Hazardous Waste Collection Program
- Entered into a new Waste Management Franchise Agreement; achieved over 60% waste diversion rate for Saratoga
- Construction & Demolition Debris Recycling Program in place
- Paperless City Council agenda packets

2. *PEST MANAGEMENT*

- Integrated Pest Management Program, providing for reduction or elimination of chemicals to the maximum extent practicable

3. *ENERGY EFFICIENCY*

- Working with PG&E, the City retrofitted exit lights, and replaced lighting ballasts and light bulbs with more energy efficient models
- Converted all traffic lights to LED
- Evaluating the feasibility of converting tree lights in the Village to LED
- Off-Fridays conserve energy, reduce water use and reduce vehicle-miles traveled by City employees

4. *VEHICLES*

- Regularly replacing older City vehicles with new models to bring the City’s fleet up to date with better fuel economy (City fleet currently includes Natural Gas-fueled and two hybrid vehicles)

5. *PLANNING & BUILDING*

- Residential Design Handbook includes policies and techniques to “integrate structures with the environment” and to “design for energy efficiency”
- City Ordinance only allows one wood-burning fireplace
- Numerous conditions for projects concerning pest reduction and drought tolerant plants, plus numerous storm water–related requirements
- Lowest priced permits for solar panels in Santa Clara County
- Currently distributing Green Building checklists at planning/building counters
- Building requirement for storm water to be maintained on site to maximum extent feasible
- Support for impervious paving systems

6. *PUBLIC INFORMATION*

- “Go Green in Saratoga” pages on the City’s website
- Staff education – using reusable materials (ceramic mugs instead of paper cups), turning off lights, avoiding unnecessary printing and travel)

7. *LANDSCAPING*

- 50 trees were planted in fiscal year 2007-08
- Parks Division converting some turf areas to mulch or gold fines, such as at El Quito Park
- Started installing weather-station irrigation controllers on City medians, parks and property (expected to result in a 30% savings in water use)
- Planted drought resistant plants on City’s Allendale frontage

8. *FACILITIES*

- Working with our paint vendors and contractors to use paints with low Volatile Organic Compounds (VOCs)
- Looking into installing a Photovoltaic system on a City building roof within the near future
- Using more recycled content and environmentally friendly chemicals and paper products City-wide
- In process of installing two high efficiency tankless water heaters at the Senior Center
- In process of replacing controls on City facility toilets with improved automatic control flush valves (reduces water use)
- Replaced copiers including “most environmentally friendly” criteria

9. *GREENHOUSE GAS EMISSIONS INVENTORY*

- Working with Joint Venture Silicon Valley and ICLEI to prepare a baseline *Greenhouse Gas Emissions Inventory* for City operations.

Attachment “B”

Chapters and Sections of the City of Saratoga Municipal Code that Relate to Sustainability

2-45.95 Recycled Paper

Mandates the establishment of procedures for purchasing recycled paper and paper products, giving preference to recycled materials when all other factors are equal.

4-65.090 Recyclers: Quarterly Reports

Requires quarterly reports on meeting waste reduction goals.

6-15.070 Discharge of pollutants into storm drains and watercourses.

Establishes a misdemeanor for depositing pollutants into natural waterways and storm drains.

9-70 Transportation Demand Management

Promotes the implementation of programs to reduce traffic congestion and improve air quality in the City.

14-25.065 Subdivisions: Design Requirements: Creek protection easement

To protect creeks, creek banks, and associated wildlife habitats, prohibits building within a specified area around a protected creek.

15-16 P-C: Planned Community District

Allows for the creation of Planned Community Districts, which include smaller, less expensive housing, in addition to dedicating space for parks and recreation uses.

15-20.050(j) R-OS: Residential Open Space District, Development Criteria: Landscaping

In R-OS areas, gives preference to natural, indigenous, and drought-resistant plants.

15-45.055 Residential Design Handbook.

Requires that all single-family structures be built in accordance with the guidelines in the Residential Design Handbook, which includes information on energy efficiency and promotes native vegetation and minimizing the amount of paved surfaces.

15-47 Water-Efficient Landscapes

To promote water conservation, encourages water-efficient landscaping including programming watering devices to account for weather patterns, using recycled water for landscape irrigation, and grouping plants for efficient watering. Also requires that the City inform new home-owners about water-efficient landscapes.

15-48 Limitations on Wood-burning Fireplaces

To improve air quality, limits installation of fireplaces in new construction, and outlaws burning garbage, plastics, rubber, paint, and anything that might emit noxious or toxic fumes.

15-50 Tree Regulations

Provides for the preservation of trees, which offer both scenic and climatic benefits to the City. Requires approval for the removal of protected trees (15-50.050), and gives the City the power to require the planting of new trees as a condition for approving the removal of a tree (15-50.080).

15-52 Small Wind Energy Systems

Enables construction of small wind energy conversions systems for home, farm, and small commercial use.

15-56 Second Dwelling Units

Section 15-56.030(d) allows additional site coverage and allowable floor area in a second dwelling unit, if that unit is deed restricted to only be rented to below market rate households.

15-80.030(f) Miscellaneous Regulations and Exceptions: Solar panels

Full text of 15-80.030(f): Subject to approval by the Community Development Director, solar panels not exceeding six feet in height may be located within any portion of a rear setback area.

15-81 Housing Density Bonus

Provides for incentives for high-density housing that includes housing specifically set aside for senior citizens and low income persons.

16-72 Construction and Demolition Debris

Requires a recycling plan for construction and demolition debris for projects with more than 2,500 square feet of floor space. Plans should maximize waste diverted from landfills, and are documented, approved, and overseen by City staff.

16-75.030 Water Conservation Devices

Requires that all newly constructed buildings incorporate water conservation devices into plumbing and irrigation systems.

Attachment “C”

Project Description	Type of Project	Project(s) Cost
Herriman Avenue Crosswalk Improvements:	Enhancement	\$ 25,000
Prospect Road Median Project:	Enhancement	\$2,544,630
Sobey Road Culvert Repair:	Rehabilitation	\$ 150,000
Village Sidewalk Repairs (Sidewalk/C&G):	Rehabilitation	\$ 626,000
Saratoga Sunnyvale Road ADA Curb Ramps:	Enhancement	\$ 57,309
Saratoga Avenue Sidewalk Project:	Capacity Expansion	\$ 250,000
Quito Road Sidewalk Improvements:	Capacity Expansion	\$ 250,000
Comer Drive Retaining Wall Repair:	Rehabilitation	\$ 200,000
Historic Park Landscaping Improvements:	Rehabilitation	\$ 37,200
Ravenswood Park Playground Upgrade Project:	Rehabilitation	\$ 55,000
Wildwood Park Pedestrian Bridge Rehabilitation:	Rehabilitation	\$ 125,000
Hakone Gardens Upper Moon House Foundation Repair:	Rehabilitation	\$ 125,000
Bus Stop Shelter Concrete Pads & Wooden Shelters:	Enhancement	\$ 40,000
City Hall Emergency Generator Project:	Enhancement	\$ 50,000
City Compost Bins:	Green Technology	\$ 10,000
City Hall Solar Project:	Green Technology	\$1,500,000
Cool Roofs:	Green Technology	\$ 164,000
High Efficiency HVAC Systems:	Green Technology	\$ 690,000
Double Pane Windows:	Green Technology	\$ 157,000
Energy Star Compliant Appliances:	Green Technology	\$ 20,000
Ceiling Insulation:	Green Technology	\$ 160,000
Motion Control Lighting:	Green Technology	\$ 8,000
Highway 9 Pedestrian Safety Improvements	Capacity Expansion	\$3,700,000
PG&E De Anza Trail (Reach 3)	Capacity Expansion	\$ 700,000
Citywide Signal Upgrade Project Phase (2) & (3)	Intelligent Transportation System	\$1,250,000
Saratoga Ave Rehabilitation and Overlay	Rehabilitation	\$1,000,000
Saratoga Accessible Pedestrian Signals	Intelligent Transportation System	\$ 300,000
Bike-Pedestrian Rail Crossing between Fredericksburg Dr & Guave	Capacity Expansion	\$ 325,000
City Wide Pavement Management	Rehabilitation	\$ 4,000,000
Big Basin Way Turnaround	Enhancement	\$ 350,000
City Wide Bicycle Loops	Enhancement	\$ 175,000

Attachment “D”

Local Governments’ Sustainability Efforts

The following programs, policies, and ordinances are currently in place or in the process of being implemented at the specified cities.

	Campbell	Cupertino	Los Altos	Los Gatos	Menlo Park	Morgan Hill	Palo Alto	San Carlos	Santa Clara
Climate inventory / carbon footprint	Y		Y	Y	Y	Y	Y	Y	Y
Climate action plan	Y			Y	Y		Y	Y	Y
Signed U.S. Mayors Climate Protection Agreement	Y	Y	Y	Y	Y	Y	Y		Y
Climate change and/or sustainability task force			Y	Y	Y		Y	Y	
Green building policy	Y	Y	Y	Y		Y	Y		Y
Require GreenPoint rating for residential buildings	checklist	checklist	50 points	checklist		checklist	70 points		checklist
Require LEED Silver for municipal buildings >5,000 sq ft.	Y	Y	Y	Y		Y	Y		Y
Green fleet policy		Y		Y	Y	Y	Y		Y
Environmental purchasing policy							Y		
Water/energy conservation programs				Y	Y		Y		Y
Tree protection	Y	Y	Y	Y	Y	Y	Y	Y	Y
Construction and demolition ordinance				Y	Y		Y	Y	Y
Waste diversion rate (2006)	51%	60%	55%	65%	55%	62%	62%	47%	52%



SARATOGA CITY COUNCIL RETREAT

MEETING DATE: January 30, 2009

AGENDA ITEM:

DEPARTMENT: Community Development

CITY MANAGER: Dave Anderson

PREPARED BY: John F. Livingstone, AICP

DIRECTOR: John F. Livingstone, AICP

**SUBJECT: Community Development Department Advance Planning Work Program for
FY 09/10**

RECOMMENDED ACTION:

Direct Staff Accordingly on the next Ordinance and/or General Plan Element to be updated.

REPORT SUMMARY:

At the request of a City Council the following report outlines the current and proposed work program.

COMPLETED ORDINANCES:

Newsrack Ordinance
Residential Property Maintenance, (Blight Ordinance)
Various Building Code Ordinance Sections in Article 16
Party hosting Ordinance
Appeal Procedures Ordinance

CURRENT WORK PROGRAM THROUGH JUNE 2009:

Fence Ordinance
Housing Element update
Parking Ordinance to extend relaxed parking in the Village

RECENTLY DISCUSSED ORDINANCES:

On January 12, the City Council reviewed the CH-2 zoning District and as a result has recommended to staff to bring the Mixed Use Ordinance forward to discuss at the January 30, 2009 retreat.

On January 21, 2009 the City Council providing direction to staff on updating the Heritage Resource Inventory within the next year.

The City Council will discuss the review of the Conditional Use Permits Ordinance, and the Review of the Mixed Use Ordinance at the retreat on January 30, 2009.

LIST OF ORDINANCES NEEDING UPDATES:

Update of the Sign Ordinance
Review how height is defined
Noise Ordinance (It should be updated at the same time as the General Plan Noise Element)
Create a new Story Pole Ordinance
Increase Neighborhood Noticing to 500 feet on Administrative Design Review projects
Create a new requirement to place large signs on properties with pending projects
Restrict paint reflectivity in the Hillside
Expedited Planning Process
SCVWD Stream Guidelines

***Administrative ordinances:** The administrative ordinances are considered to be more of an administrative update and less time consuming or controversial than some of the other ordinances that need to be updated.*

Update of the Heritage Resource list
Update of the Nonconforming Use Section
Adopt a Toxic Gas Ordinance from the County of Santa Clara Environmental Health Department
Update Massage Ordinance to meet new State requirements
Update the Wireless Ordinance (administrative update only)
Update of miscellaneous items noted by staff and the City Attorney

GENERAL PLAN ELEMENTS:

Mandatory Elements

Housing Element – currently being updated

Land Use Element – Last updated 2007

Conservation Element – Last updated 2007

Open Space Element – Last updated 2007

Circulation Element – Last updated 1999

Noise Element – Last updated 1988 (Should be updated at the same time as the code section)

Safety Element – Last updated 1987

Optional Elements

Seismic Safety Element – Last updated 1987

Parks and Trails Master Plan – Last updated 1991

Scenic Highways Element – Last updated 1999

FISCAL IMPACTS:

The Village relaxed parking ordinance and associated environmental document is currently being updated by staff. This can be accommodated under the current advance planning budget along with the completion of the Housing Element. Both projects should be completed by late June. Staff estimates that there will be no carry over of advance planning funds from FY 08/09 to FY 09/10. Due to the economic slow down staff is estimating approximately \$140,000 in funds will be generated for advance planning for FY 09/10. Staff estimates that updating any

one general plan element will cost \$70K to \$100K. The remainder of the estimated funding for FY 09/10 would be used for the ordinance update.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

N/A

ALTERNATIVE ACTIONS:

Direct the Planning Commission to provide the City Council with a recommended list of ordinances to be updated.

FOLLOW UP ACTION:

As directed.

ADVERTISING, NOTICING AND PUBLIC CONTACT:

Notice of this meeting was properly posted.

ATTACHMENTS:

None



SARATOGA CITY COUNCIL

MEETING DATE: January 30, 2009

AGENDA ITEM:

DEPARTMENT: City Manager

CITY MANAGER: Dave Anderson

PREPARED BY: Richard Taylor, City Attorney

DIRECTOR: Dave Anderson

SUBJECT: Rules of Parliamentary Procedure for City Council and Commission Meetings

RECOMMENDED ACTION: Discuss changing the rules of parliamentary procedure for City Council and Commission meetings from Roberts Rules of Order to a simplified structure based on the California League of Cities' "Rosenberg's Rules of Order."

REPORT SUMMARY:

The City Code currently provides that the City follows *Robert's Rules of Order* in matters of parliamentary procedure. *Robert's Rules* was first published in 1876 by General Henry Martyn Robert. It has been revised and updated and, since expiration of the copyright, republished in a number of different editions. At just over 700 pages, *Robert's Rules* seeks to address a wide range of potential parliamentary circumstances. The vast majority of the rules and procedures are geared towards legislative bodies and committees considerably larger than the City Council and City commissions. In staff's experience the complexity of *Roberts Rules* can at times frustrate, rather than facilitate, local government deliberations.

In response to concerns regarding the suitability of *Robert's Rules* the California League of Cities has published greatly simplified rules of procedure developed by the State court judge and Yolo County elected official, Dave Rosenberg. In 8 pages (attached) the pamphlet presents a workable set of rules and procedures tailored to local government in California. If the City Council is interested in an alternative to Robert's Rules it could consider use of Rosenberg's Rules of Order. Alternatively it could adopt rules based on Rosenberg's Rules of Order but tailored to Saratoga.

Changing the City's rules of procedure would require a minor amendment to the Saratoga Code and the City Council Norms of Operation and Procedure in addition to drafting any modifications to Rosenberg's Rules that the Council feels are appropriate for Saratoga. This is not expected to lead to significant costs.

ATTACHMENTS:

Rosenberg's Rules of Order

Rosenberg's Rules of Order:
Simple Parliamentary
Procedures for the 21st Century



MISSION:

To restore 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 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 educational conferences and research, and publishes *Western City* magazine.

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't 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 purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of 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."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. Rules should establish order. The first purpose of the 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 citizens feel they have been able to participate in the process.

4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct.

The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, 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 road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

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

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member 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 who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the 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 members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. 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), a simple majority determines whether the motion passes or is defeated.

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

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member 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 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ 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 normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she 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.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she 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 so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, 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 *passes*, 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 complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

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 now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

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). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

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

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

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

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

A motion to fix the time to adjourn.

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

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may 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 may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, 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 to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

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 occur when the body is taking an action that 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," "I move the question," "I call for 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.

pend 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.

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 reconsider is made.

A motion to reconsider requires a majority vote to pass, 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 or at the very next meeting of the body. 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 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 the 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 you are running the British Parliament, Robert's Rules of Order is a dandy and quite useful handbook.

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, decisions are made with a simple majority vote. 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

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because 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 sus-

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. And 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

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege 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

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 here 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.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

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 focus on the item and the policy in question, not on 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, too loud or 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 privi-

lege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

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

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

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