STAFF REPORT

DATE: July 7, 2011

TO: Trees and Views Committee

FROM: Jeremy Graves, Community Development Director

SUBJECT: **Trees and Views Committee Meeting Procedures**

Discussion
On June 2, 2011 the Trees and Views Committee reviewed the preliminary draft Meeting Procedures prepared by staff. Following discussion, the Committee directed staff to prepare a resolution for adoption of the Meeting Procedures as submitted.

Recommendation
Staff recommends the Committee review and approve the attached resolution which adopts the Meeting Procedures.

Exhibit: Draft Resolution

I:\CDD\Boards & Committees\TVC\Admin\Procedures - SR 7-7-11.doc

BLANK

SAUSALITO TREES AND VIEWS COMMITTEE
RESOLUTION NO. 2011-XX
DRAFT

ADOPTION OF MEETING PROCEDURES

WHEREAS, pursuant to the City of Sausalito *Municipal Code* Section 2.30.030.A, the Trees and Views Committee can adopt rules of procedure for matters addressed by the Committee; and

WHEREAS, the Trees and Views Committee wishes to adopt procedures which facilitate the efficient management and conduct of Committee meetings and provide applicants, neighbors, interested parties, Committee members, and staff with an understanding of the steps taken by the Committee in considering and/or acting upon issues at Committee meetings; and

WHEREAS, the Trees and Views Committee reviewed draft meeting procedures on June 2, 2011.

NOW, THEREFORE, THE TREES AND VIEWS COMMITTEE HEREBY ADOPTS THE ATTACHED TREES AND VIEWS COMMITTEE MEETING PROCEDURES.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Trees and Views Committee on the __ day of _____, 20__, by the following vote:

AYES: Committee Member:
NOES: Committee Member:
ABSENT: Committee Member:
ABSTAIN: Committee Member:

_____
Jeremy Graves, AICP
Community Development Director

Attachment: Trees and Views Committee Meeting Procedures, dated July 7, 2011

I:\CDD\Boards & Committees\TVC\Admin\Procedures - Reso 7-7-11.doc

CITY OF SAUSALITO
TREES AND VIEWS COMMITTEE MEETING PROCEDURES
July 7, 2011

Pursuant to the City of Sausalito *Municipal Code* Section 2.30.030.A, the Sausalito Trees and Views Committee adopted the following meeting procedures on [date] by Trees and Views Committee Resolution No. 2011-XX.

PREPARATION OF AGENDA AND PUBLIC NOTICES

The Community Development Director shall be responsible for preparing an agenda and public notices (in accordance with the applicable requirements of the Government Code and the *Municipal Code*) as well as establishing the order of business. When applicable, the public notices shall be posted on the project site(s). The order of business in each section shall generally follow the order when the respective applications were filed and determined to be complete.

CALL TO ORDER

The Chair should orient the audience and establish for the record (which is recorded) the particulars of the meeting: who, what, when, and where.

- Who: The City of Sausalito Trees and Views Committee.
- What: The meeting should be "officially" called to order.
- When: Date and time of the meeting.
- Where: The location of the meeting, if the meeting is not being held in its regular location.

ROLL CALL

The Chair may either state who is in attendance and absent, or may ask the staff to call roll.

ADMINISTRATIVE

The Chair should note the following administrative matters:

- Where the public may pick up copies of the agenda and speaker cards.

- Everybody who wishes to address the Committee needs to fill out a speaker card and give it to the Chair or staff. Prior to addressing the Committee, the speaker needs to state their name for the audio recording. (If the speaker does not fill a speaker card out ahead of time, they need to fill one out after they speak and give it to the staff.) Also note that staff will use the addresses on the speaker cards for notifying parties of new public hearings (if needed) and final decisions on agenda items.

- The Committee does not start discussion of new agenda items after *[Time To Be Determinedxx]*, unless a majority of the Committee are in favor of considering the item.

- The proceedings will be generally conducted in accordance with *Rosenberg's Rules of Order*, unless otherwise modified by adopted Committee procedures.

ITEM NO. 4 PAGE 4

- All questions during the proceedings should be directed through the Chair. Personal exchanges should not be permitted between members of the audience or with staff.

- Speakers need to state their name for the record and speak into the microphone, as the meeting is being recorded. (Strive for accuracy. If the speaker's name is difficult to transcribe, ask the speaker to spell their name. The minutes are a public record and the correct recordation of names is a sign of respect for the citizens and their input into the proceedings.)

The Chair has the discretion to call for a brief recess at any time during the meeting.

APPROVAL OF AGENDA
The Chair should ask the Committee and staff if there are any requests to change the order of the items on the agenda. This includes any requests by applicants to withdraw or postpone items.

PUBLIC COMMENTS ON ITEMS NOT ON AGENDA
The Chair should ask, if anyone wishes to speak on an item within the Trees and Views Committee's jurisdiction which is not on the agenda.

Reminder for the Committee: The Committee may not discuss the merits of an issue raised during the Public Comment period. However, the Committee may refer the matter to staff or schedule the matter discussion at a future meeting.

APPROVAL OF MINUTES
The Chair should ask the Committee if any corrections and/or modifications are needed to the draft minutes from the previous meeting(s). Following concurrence on any corrections and/or modifications, the Chair may accept a motion and second. The Committee then may vote on approval the minutes as submitted (or as amended). A Committee member may vote on approval of minutes even though the Committee member did not attend the meeting. Preferably, draft minutes from each regularly-scheduled meeting should be available at the next regularly-scheduled meeting.

PUBLIC HEARINGS
The following points should be considered for each agenda item:

1. If an even number of Committee members are present, the Chair should inform the applicant that a tie-vote is considered a denial and offer the option of continuing the item to a meeting when a full Committee will be present.

2. All testimony must pertain directly to the item under consideration.

The following procedure should be used for each public hearing item:

3. The Chair introduces the item by stating the nature of the request, the property affected, the applicant's name, and the project number.

4. The Chair states, "The public hearing is open for [state the project number] . . . "

5. The Chair asks staff to present the staff report.

6. The Chair should ensure that staff acknowledges as part of the public record any materials (e.g., letters, reports, photographs) received since preparation of the staff report. This does not mean that letters have to be read aloud. If staff overlooks this point, the Chair should be prepared to confirm receipt of these materials.

7. The Committee asks questions of staff based on the staff report (written or oral). These questions should be brief and of an informational or a clarifying nature. The Committee should avoid expressing opinions on an agenda item until all testimony has been received and the public testimony period closed. Expressing an opinion before hearing all testimony may give the applicant or public the impression that a Committee member's mind has been made up.

8. The Chair opens the public testimony period and asks if the applicant (or Claimant in the case of a view claim) wants to make a presentation. The Chair should state that by policy of the Committee, presentations by the applicant (or Claimant) and Tree Owner are limited to 15 minutes, including any time to respond to public comments. When at the podium, the Chair should ask the speaker to state their name for the audio recording. The Committee may ask questions of the applicant (or Claimant) for clarification. Detailed questions regarding the proposed conditions or project alternatives should wait until after speakers have made their initial presentations (see Item 13 below).

9. In the case of a view claim, the Chair should invite the Tree Owner to make a presentation. The Committee may ask questions of the Tree Owner for clarification.

10. After these speakers, the Chair may invite speakers in the order of submitting the speaker cards. Alternatively, speakers can be divided into proponents and opponents. The Chair should state that by policy of the Committee, presentations by the other interested parties are limited to 3 minutes. Lastly, the Chair should ask if anyone else in the audience has any questions or comments, instructing them to come to the podium and state their name and address for the record, and to sign in on a speaker card at the podium.

11. The Chair may remind the audience that the Committee is interested in new information and if a speaker agrees with what a previous speaker advocated, that should be stated for the record. The primary objective is to ensure an adequate presentation of testimony and evidence to provide a fair hearing.

12. Following the presentation of testimony, the Chair should ask if the applicant (or Claimant) or Tree Owner wants to respond to any of the preceding comments or concerns. The Chair may set a time limit for the applicant's response.

13. The Chair may ask the Committee if they have any questions for the applicant (or Claimant) and Tree Owner regarding the proposed conditions or project alternatives.

14. The Chair may ask staff if they have any comments on issues raised during the preceding testimony.

15. If any new information is introduced during the Committee's questions on the proposed conditions or during the staff's comments, public comment should be allowed on the new information.

16. The Chair should then determine if all evidence has been presented.
    a. If more evidence is needed or if any party requests more time, the Committee may, by motion, vote to continue the public hearing. If the public hearing is continued to a specific date announced as part of the motion, re-notification of the public hearing is not required.
    b. If all evidence has been presented, the Chair states that "the public testimony period is closed" and brings the items "back to the table for discussion." Neither the applicant nor any other interested party are be permitted to make any additional statements after the public testimony period is closed unless permitted by the Chair, such as in response to questions by Committee Members or staff.

17. If any <u>new</u> evidence or conditions are discussed for the first time <u>after</u> the public testimony period is closed (e.g., by the applicant or staff in response to questions), the public testimony period needs to be re-opened and public comment allowed on the new information. The purpose of re-opening the public testimony period is to allow all parties the opportunity to respond to any new evidence or conditions. If the public testimony period is re-opened, it needs to be closed again.

18. The Chair should open the Committee discussion and monitor the progress of the discussion. This discussion may include further questions for staff. In the event additional information is provided to the Committee by the applicant, public, or staff, the Chair should re-open the public testimony period as described in Item 17.

19. The Committee may use one of two following procedures for making decisions on the agenda item. (The procedures for making motions are listed in the sections below.)
    a. The Committee may evaluate individual conditions of approval or aspects of the project with preliminary (or "straw") votes. After the straw votes have been taken, a Committee member should make a main motion on the project, which includes the results of the straw votes.
    b. Alternatively, a Committee member may make a main motion on the project. A main motion on the project may be approval, approval with conditions, approval with amended conditions, or denial. A main motion would be made prior to discussion of individual conditions of approval.

20. The Chair should listen to be sure the motion is a formal proposal by a Committee Member. A motion is made by saying, "I move ... " The motion must be seconded. By making a second on a motion, a Committee Member is agreeing that a vote should be taken on the motion, not that they necessarily favor the motion.

21. The Chair places the main motion before the Committee by restating the motion, "It's been moved by Committee Member Smith and seconded by Committee Member Jones to ..."

22. The Chair asks if there is any discussion on the motion. At this time Committee Members may move to make amendments to the main motion (e.g., add to or amend conditions of approval). Any motions for amendments require seconds and must be voted upon separately prior to the main motion.

23. Following discussion, including any amendments, the Chair asks for a vote on the main motion as originally proposed, or as amended. The Chair or staff may individually poll the Committee members or call for a voice vote

.

24. Following the vote, the Chair should announce the outcome for the record (i.e., "the motion carries 4 - 1, with Committee Member Johnson in opposition").

25. The Chair closes the public hearing.

OLD BUSINESS AND NEW BUSINESS

The same procedures as listed above for "Public Hearings" apply, except that the Chair only needs to accept public comment on all "Old Business" and "New Business" items. The procedures for opening, continuing, and closing the public hearing are not required, nor are procedures for ensuring response by the applicant and public to earlier testimony.

COMMUNICATIONS

Staff and the Committee may provide updates on recent actions by the City Council, Committee Members, and staff.

ADJOURNMENT

A motion and second may be made to adjourn the meeting, otherwise the Chair may declare the meeting is adjourned. The next scheduled regular meeting of the Committee may be announced. If the meeting is adjourned to a special date, time, and/or place, the date, time, and place must be announced at the time of adjournment.

NOTICES OF DECISION

Following the Committee's final action on a project, the staff shall mail a notice of decision, including the Committee's findings and any conditions of approval, to the applicant and all parties who filed correspondence and/or participated in the Committee's proceedings on a project.

I:\CDD\Boards & Committees\TVC\Admin\Meeting Procedures.docx