



Item No. 13 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

TO: HONORABLE MAYOR AND CITY COUNCIL

THROUGH: GEORGE RODERICKS, CITY MANAGER

FROM: ANTHONY SUBER, CITY CLERK / DEPUTY CITY MANAGER

DATE: SEPTEMBER 15, 2021

**SUBJECT: INTRODUCTION OF AMENDMENTS TO ATHERTON MUNICIPAL CODE
CHAPTER 2.08.010 “POSTING PLACES”**

RECOMMENDATIONS

It is recommended that the City Council conduct a public hearing to introduce an Ordinance amending Municipal Code Chapter 2.08.010 “Posting Places”.

BACKGROUND | ANALYSIS

In March 2021 City Manager Rodericks instructed staff investigate required posting rules related to Town meeting notices and other public notices for possible revisions to the Atherton Municipal Code (AMC). The AMC that governs these rules is AMC 2.08.010, which was last revised in April 1990. There are two (2) physical posting locations included in this Code section that are no longer actively used and have been requested by residents for removal due to nuisance and the potential for misinformation.

California Government Code (GC), 54950 – 54963 is referenced as the Ralph M. Brown Act and outlines among other things rules for posting requirements for local agencies. The Brown Act was enacted in 1953 and with the proliferation of technology many sections of the law have become outdated. The COVID-19 pandemic highlighted some of these areas that are being considered for revisions. Similarly, the Town’s Municipal Code has sections that would benefit from evaluation for revisions. GC 54953, 54954.2, and 54956 reference guidelines for public notices which indicate that the locations must be freely accessible to the public including after hours and that if the agency has a website, a direct link must be available, among other requirements. The Town is fully compliant with these Government Code requirements.

GC 65090 addresses public hearing notices related to Planning and Land Use and outlines the rules for posting these notices. It states that notices shall be published in at least one newspaper of general circulation within the jurisdiction of the local agency and if no such newspaper of general circulation, notices shall be posted in at least three (3) public places within the jurisdiction. There is no adjudicated newspaper of general circulation within Town, however the Town posts notices in the Almanac, on

the Town website, at the Library, occasionally in the Palo Alto Post and the bulletin board located at Town Hall.

Atherton Municipal Code Chapter 2.08.010 references four (4) physical posting places for these notices, which include:

- A. At Rosewood Drive and Greenoaks Drive;
- B. At the Atherton Train Station;
- C. At the Atherton Branch of the San Mateo County Library;
- D. At the Atherton Town Offices, 91 Ashfield Road.

Staff proposes the removal of the locations listed in A and B due to lack of use / need and the closure of the Atherton Train Station. Staff proposes a revision of D to state. "At Atherton Town Offices". Staff will continue to provide the agenda to San Mateo County Library for posting. To continue compliance with GC 65090 staff recommends installing a permanent outdoor bulletin board for posting notices at Holbrook Palmer Park near the Pavilion. This would be included in the ordinance revision to state "Holbrook-Palmer Park Bulletin Board".

The three locations would be itemized in the Ordinance as follows:

- A. At the Atherton Branch of the San Mateo County Library
- B. At Atherton Town Offices
- c. At the Holbrook-Palmer Park Bulletin Board

Attachment 1 incorporates the preceding.

POLICY FOCUS

Any proposed amendments or revisions to the Atherton Municipal Code should consider the balance between providing maximum public access, government code compliance and the practicability for staff management. If Council approves the proposed amendments this would return at the October 20, 2021, meeting for Council adoption.

FISCAL IMPACT

There is no fiscal impact for this item.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,400 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials. A public notice of tonight's meeting was published in the Palo Alto Weekly on September 8, 2021, Almanac

on September 10, 2021, and Town Bulletin Board on September 3, 2021. Additionally, interested parties were notified via email of tonight's meeting.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)
- Tree Committee (meets each month)

ATTACHMENTS

1. Ordinance Amending Section 2.08.010 "Posting Places"
2. Public Comments

ORDINANCE ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON TO
DELETE AND REPLACE CHAPTER 2.08.010 “POSTING PLACES” OF THE
ATHERTON MUNICIPAL CODE**

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1: Chapter 2.08.010 “Posting Places” is hereby amended to read as follows:

**Chapter 2.08
ORDINANCES**

Sections: 2.08.010 Posting Places

There being no newspaper published and circulated in the town, all ordinances must be posted as provided by law on the official bulletin boards which shall situate at the following public places in the town:

- A. At the Atherton Branch of the San Mateo County Library;
- B. At Atherton Town Offices;
- C. At Holbrook-Palmer Park Bulletin Board.

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provision in the Ordinance severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 3: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced on the 15th day of September, 2021.

*I hereby certify that a public hearing of the foregoing ordinance was held at a regular meeting of the City Council of the Town of Atherton held on **September 15, 2021**, and was adopted by said City Council at a regular meeting held on **October __, 2021**, by the following roll call vote:*

AYES: 0 Council Members:
 NOES: 0 Council Members:
 ABSENT: 0 Council Members:
 ABSTAIN: 0 Council Members:

Elizabeth Lewis, Mayor
 Town of Atherton

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

Mona G. Ebrahimi, City Attorney

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Removal of Town Bulletin Board
Date: Tuesday, September 7, 2021, 2:55 PM

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

M. Sube,

Thanks for your note. I'm glad to hear that this topic will be discussed at the Council Meeting on 9/15. I will be traveling next week and don't know if I will be able to call in for the meeting. So I'll provide my public comments below in advance.

- I have resided at 7 Rosewood Drive in Lindenwood for 18 years.
- The town's bulletin board at the Rosewood Drive location is in poor condition.
- The board is in disrepair, is an eyesore, and is rarely used. It is not maintained.
- The board availability and use of the internet, social media, and sites like Nextdoor make the board unnecessary.
- I took the attached photos today to provide the board's current status. You will note that the board is a private advertisement prominently displayed near the "Posting for Town Business Only" note. The advertisement has been effective for months. The Lindenwood meeting notice is a recent addition and what the board was designed to promote, but similar issues arise and do not outweigh the problems listed above.
- I request that the Town remove the board and fill the hole. The neighborhood will look better, and no one will miss it.

Please contact me if I can provide further input, and thank you for bringing this to the Town's attention.





Best regards,

Steve

Steve Timmerman

From: Anthony Suber <asube@ci.atherton.ca.us>
 Sent: 9/7/2021 2:55 PM

Mr. Timmerman,

As a follow-up to your initial request, the Town will be bringing a proposed Ordinance amendment for Council consideration on 9/15/2021. The notice is attached here for your review, you are welcome to join the meeting if you like and provide public comment. You can also provide public comment in advance of the meeting. During the staff presentation, I will reference the public request that lead to this review/evaluation.

Anthony Suber
 Deputy City Manager/City Clerk
 150 Wilkins Ave | Atherton, CA 94027 (Temporary Trailers)
 650.943.3111 ext. 1190 750.0909

PUBLIC DISCLOSURE NOTICE
 This email and any attached files were sent from an email account assigned to a public official for the Town of Atherton. This email or emails sent directly to this email account may constitute a public record and if released during the normal course of business may be subject to disclosure to any person upon request. In compliance with the Order issued by the Health Officer San Mateo County, the Town of Atherton Offices are operating under limited service hours. This will not include Police Services. We encourage residents to visit: <https://www.ci.atherton.ca.us/536/health-co-opens-us-cov-2-10>

Subject: Removal of Town Bulletin Board
 Date: March 8, 2021 at 3:36 PM PST
 To: [redacted]

[This e-mail contains links to an external source. Please do not open attachments or click links from an unknown or suspicious e-mail.]

Dear Mr. Roddick,

Please find my note to the appropriate Atherton Deputy.

I have resided at 7 Rosewood Drive in Lindenwood for 17 years. Per the photo below, the new Town bulletin board at the Rosewood-Greenbrook corner of our property that is an eyesore and no longer used, given the board availability and use of the internet, social media, and sites like Nextdoor. Can you please have the bulletin board removed?

Thank you. I look forward to your response.

Image001.jpg
 Steve

[redacted]

Image001.jpg