

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2024-XXX

**RESOLUTION TO ADD TITLE 28 BICYCLE AND PEDESTRIAN ADVISORY COMMISSION
TO THE SAN LEANDRO ADMINISTRATIVE CODE**

WHEREAS, the City Council desires to establish the Bicycle and Pedestrian Advisory Commission (the "Commission") in the City of San Leandro Administrative Code pursuant to this Resolution; and

WHEREAS, the City Council desires to establish administrative procedures for the Commission.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this resolution.

SECTION 2. AMENDMENT OF CODE. A new Title 28, Bicycle and Pedestrian Advisory Commission, is added to the San Leandro Administrative Code as follows:

CHAPTER 1, RULES OF PROCEDURE

ARTICLE 1—MEETINGS

§28.1.100: **REGULAR MEETINGS.** Meetings of the Bicycle and Pedestrian Advisory Commission shall be held on as-needed basis, at least once or twice per year.

§28.1.105: **SPECIAL MEETINGS.** The Chair of the Commission shall call special meetings of the Commission whenever the business of the Commission shall so require, or at the express written request of any four (4) members of the Commission. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by facsimile at least twenty-four (24) hours in advance of such meeting to each member of the Commission, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting.

§28.1.110: **MEETING PLACE.** All meetings of the Commission shall be held at the Civic Center, City Hall of San Leandro, unless in the opinion of the Commission, the interests of the City and Commission could be best served by holding such meetings elsewhere.

§28.1.115: **AGENDA.** The Secretary shall prepare an agenda for all matters to be submitted to the Commission and shall distribute the agenda and related materials to all interested parties; and shall post the agenda not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Commission, to each member of the City Council, to the City Manager, and to the City Clerk.

ARTICLE 2—OFFICERS

§28.1.200: CHAIR. The presiding officer of the Commission shall be the Chair who shall be elected at the first regular meeting in October following the appointment of a new Commission. The Chair shall preserve order and decorum at regular and special meetings of the Commission; shall state each question, shall announce decisions; shall decide all questions of order subject to an appeal to the Commission; shall vote on all questions; shall appoint all committees; and shall generally perform the duties of a presiding officer.

§28.1.205: VICE CHAIR. The Vice Chair of the Commission shall be elected at the first regular meeting in October. The Vice Chair shall preside in the absence of the Chair or upon the request of the Chair. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the item of business then pending before the Commission.

§28.1.210: CHAIR PRO TEM. In the event of the absence of the Chair and Vice Chair or their inability to act, the Commissioners present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. Upon the arrival of the Chair or Vice Chair, the Chair Pro Tem shall relinquish the chair upon conclusion of the item of business then pending before the Commission.

§28.1.215: LIMIT OF TERM. A member of the Commission may serve as Chair or Vice Chair of the Commission until replaced by an affirmative vote of a majority of the members of the Commission.

§28.1.220: SECRETARY. The Secretary of the Commission shall be a City staff person, appointed by the Public Works Director, who shall keep all minutes; shall prepare and distribute the agenda; shall furnish all members of the Commission with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements. Items which are of general interest and not requiring action on the part of the Commission need not be included in the agenda, but copies of the same can be mailed to all members of the Commission.

§28.1.225: QUORUM. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

ARTICLE 3—ORDER OF BUSINESS

§28.1.300: CALL TO ORDER. Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

§28.1.305: SPECIAL ITEMS. Special items not appearing on the agenda as prepared may be presented by any member of the public or Commission with the consent of two-thirds vote of the members present or by unanimous vote if less than two-thirds of the body is present, and subject to any

applicable legal requirements including the Ralph M. Brown Act (California Government Code §54950 et seq.).

ARTICLE 4—CONDUCT OF BUSINESS

§28.1.400: RULES. The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

§28.1.405: ROLL CALL. Before proceeding with the business of the Commission, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Commissioner is unable to attend a meeting, either the Secretary or the Chair shall be notified before the meeting.

§28.1.410: ADDRESSING COMMISSION. Each person addressing the Commission shall give his/her name in an audible tone of voice for the record. If the person is appearing in a representative or professional capacity such as an attorney, engineer, etc., the person shall state the name of the individual or organization. Unless additional time is granted by the Chair, all remarks shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any individual member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, except through the Chair.

ARTICLE 5—VOTING

§28.1.500: MANNER OF TAKING VOTE. The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

§28.1.505: MAJORITY VOTE. All Commission actions shall require the affirmative votes of a majority of the members of the Commission.

ARTICLE 6—COMMITTEES

§28.1.600: REFERRAL. Upon the introduction of any new matter for consideration by the Commission, the Chair may refer the same to a committee of the Commission, appointed by the Chair to study such item of business and recommend to the Commission. The application of this section shall be at the sole discretion of the Chair, and shall be used by the Chair to provide a more even flow of business appearing before the Commission.

§28.1.605: APPOINTMENT. Committees shall consist of no less than two (2) and no more than four (4) Commissioners. The Chair of the Commission may serve in an ex-officio capacity on all committees.

§28.1.610: MEETINGS. Committees shall be empowered to meet with organizations or individuals as necessary in order to properly prepare their reports.

§28.1.615: BUSINESS. Committees shall, in meeting with other organizations or individuals, limit themselves to gathering pertinent facts and explaining previously adopted policies of the Commission. They shall not make any commitments on behalf of the Commission; promise any action on the part of the Commission; initiate or organize any group or urge specific action by an organized group or individual, unless specifically empowered to do so at the time of appointment; take any action which would in any way compromise the position of the Commission or place the Commission in an embarrassing position before the public.

ARTICLE 7—RELATIONS WITH THE PRESS, THE GENERAL PUBLIC, THE CITY COUNCIL, AND OTHER BOARDS AND COMMISSIONS

§28.1.700: INFORMATION THROUGH CHAIR. All information on action by the Commission shall be released only by the Secretary or Chair, unless by majority vote the Commission shall give such authority to another member of the Commission. Commissioners shall refer all requests for information to either the Secretary or the Chair, and shall not endeavor to interpret any action of the Commission.

§28.1.705: INFORMATION THROUGH OTHER COMMISSIONER. Any Commissioner may give a personal evaluation of a Commission action, as long as it is made as a private citizen and so quoted.

ARTICLE 8—AMENDMENTS

§28.1.800: AMENDMENTS. The Commission may make recommendations to the City Council for amendments to these Rules of Procedure.

SECTION 3. CEQA. Approval of this resolution is exempt from environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this resolution to amend the City of San Leandro Administrative Code will have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Resolution, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This resolution shall take effect immediately.

Introduced by _____ and passed and adopted this 2nd day of December 2024, by the following vote:

AYES:

(0)

NOES:

(0)

ABSENT:

(0)

ATTEST:

Kelly B. Clancy, CMC
City Clerk

DRAFT