



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, NOVEMBER 16, 2021

MILPITAS, CA

6:00 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.

You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_3N6Hnu2_TyuOpGyEVvrLqw

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating by calling in on your phone, dial *9 to use the "raise hand" feature, and when you are called upon, hit *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call the speakers to begin.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

- (a) PUBLIC EMPLOYMENT
Pursuant to California Government Code Section 54957
Position: City Attorney (review of candidates)

CLOSED SESSION ANNOUNCEMENT:

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE

INVOCATION (7:05 PM) - (Councilmember Chua)

PRESENTATIONS

PUBLIC FORUM (7:10 PM)

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:15 PM)

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:25 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar

- C1.** Receive City Council Calendars of Meetings for November and December 2021 (Staff Contact: Wendy Wood 408-586-3001)

Recommendation: Receive City Council Calendars of Meetings for November and December 2021.

- C2.** Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

C3. Approve City Council Special Meeting Minutes of November 1, 2021 and the Regular Meeting Minutes of November 2, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve City Council Special Meeting Minutes of November 1, 2021 and the Regular Meeting Minutes of November 2, 2021.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Recommendation: Review the list of items that have been requested by City Councilmembers and provide direction to staff as necessary. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until it is scheduled as a full agenda item.

C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Amalfi Apartments and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Adopt a resolution granting acceptance of public improvements for the Amalfi Apartments Project, Public Improvement Plans No. 2-1172 and approve a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$380,000.00 which shall be in effect for the duration of the warranty period and grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd.

C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria.

C8. Approve and Adopt the Proposed City ADA/Section 504 Complaint/Grievance Procedure (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Recommendation: Approve and adopt the proposed City ADA/504 Complaint/Grievance Procedure.

C9. Authorize the City Manager to Accept the 2021 Bulletproof Vest Partnership Grant and Approve a Related Budget Appropriation in the Amount of \$10,239.97 (Staff Contact: John Torrez, Police Captain, 408-586-2408)

Recommendation: Authorize the City Manager to accept the 2021 Bulletproof Vest Partnership Grant in the amount of \$10,239.97; and approve a budget appropriation into the Police Department's FY 2021-22 operating budget in the amount of \$10,239.97.

C10. Authorize the City Manager to Execute the Grant Agreement With the County Of Santa Clara to Accept the 2020 State Homeland Security Grant Program Award; Approve and Authorize the Sole Source Purchase of Mobile Crash Barriers; and Approve a Budget Appropriation In the Amount of \$106,836.95 (Staff Contact: John Torrez, Police Captain, 408-586-2408)

Recommendation: Authorize the City Manager to execute the grant agreement with the County of Santa Clara to accept the 2020 State Homeland Security Grant Program award and approve and authorize the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and approve a budget appropriation of \$106,836.95 into the Police Department's FY 2021-22 operating budget.

C11. Award IFB No. 22-014 to JAM Services and Authorize the City Manager to Purchase Decorative Light Poles and Fixtures for the Not-To-Exceed Amount of \$152,085.94 (Staff Contact: Tony Ndah, Public Works Director)

Recommendation: Award IFB No. 22-014 to JAM Services and authorize the City Manager to purchase decorative light poles and fixtures for the not-to-exceed amount of \$152,085.94.

C12. Award and Authorize the City Manager to Execute a Five-Year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to Provide Fuel and Diesel Delivery Services (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Recommendation: Award IFB No. 22-022 and authorize the City Manager to execute the five-year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to provide fuel and diesel delivery services.

C13. Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021

C14. Approve City Council Meeting Schedule for 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve the 2022 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

C15. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)

Recommendation: Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

PUBLIC HEARINGS (7:30 PM)

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:15 PM)

- 16.** Introduce Ordinance No. 48.22 Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to Comply with SB 1383 Requirements (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Recommendations: Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 48.22 amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code.

LEADERSHIP AND SUPPORT SERVICES (8:45 PM)

- 17.** Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Adopt a resolution exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the City Manager to execute, an employment agreement with Jane Corpus.

- 18.** Introduce Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040)

Recommendation: Following the reading of the title by the City Attorney, move to waive reading beyond the title; and introduce Ordinance No. 262.8, amending various provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administrations) of the Milpitas Municipal Code.

- 19.** Receive a Report Regarding Publication of Ordinances and Legal Notices in the City and Provide Direction to Staff (Staff Contacts: Christopher Diaz, City Attorney, 408-586-3040 and Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive a report regarding publication of ordinances and legal notices in the City and provide direction to staff.

- 20.** Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)

Recommendations: Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration.

ADJOURNMENT (10:30 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.

October 2021						
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December 2021						
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Milpitas City Council Calendar

November 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	6:00 PM -Special Council Meeting	6:00 PM -Closed Session 7:00 PM -City Council	2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) 7:00 PM -Community Advisory Commission (EC)	4:00 PM -Ad Hoc Main Street Revitalization Subcom (CM/EC) 4:30 PM -Milpitas Chamber of Commerce Board (EC) 5:30 PM -Santa Clara VTA Board of Directors (CM) 6:00 PM -S. Main Street Property Development Community Mtg.		12:00 PM -Native American Heritage Celebration @ Cesar Chavez Plaza
7	4:30 PM -Economic Development and Trade Commission (KD) 7:00 PM -Special Science, Technology, and Innovation Commission (RT)	4:00 PM - HOPE Task Force 6:00 PM -Special Energy and Environmental Sustainability Commission (EC)	7:00 PM -Silicon Valley Clean Energy Board of Directors (EC)	 CITY HALL CLOSED IN OBSERVANCE OF VETERANS DAY 9:00 AM -Veterans Day Event @ Veterans Plaza – City Hall	3:00 PM -Special City Council Transportation Subcommittee (RT/CM) 4:00 PM -VTA Policy Advisory Committee (AP) *4:30 PM -City Council Finance Subcommittee (RT/CM)	
14	4:00 PM -Special Homelessness Task Force 7:00 PM -Library and Education Commission (EC)	6:00 PM -Closed Session 7:00 PM -City Council	6:00 PM -Energy and Environmental Sustainability Commission (EC)	10:00 AM -VTA CMPP (CM) 4:00 PM - Treatment Plant Advisory Committee (CM) 6:30 PM -Bay Area Water Supply Conserv Agency (CM) 7:00 PM -Public Safety and Emergency Preparedness Commission (KD)	4:00 PM -City/Collaborative Subcommittee (RT/CM) 7:00 PM -Special Youth Advisory Commission (EC)	
21	7:00 PM -Arts Commission (RT)					
28	6:00 PM -Special Planning Commission	5:30 PM -Special City Council Meeting				

**Finance Subcommittee will meet only as needed*

November 2021						
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January 2022						
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30	31					

Milpitas City Council Calendar

December 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) 5:30 PM -Veterans Commission (RT) 7:00 PM -Community Advisory Commission (EC)	2 4:30 PM -Milpitas Chamber of Commerce Board (EC) 5:30 PM -Santa Clara VTA Board of Directors (CM)	3	4 *HOLIDAY MAGIC ON MAIN STREET BEGINS AND ENDS DEC. 19*
5	6 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	7 7:00 PM -Closed Session 7:00 PM -City Council	8 7:00 PM -Silicon Valley Clean Energy Board of Directors (EC) 7:00 PM -Planning Commission	9 4:00 PM -Treatment Plant Advisory Committee (CM) 4:00 PM -Santa Clara VTA Policy Advisory Committee (AP) 5:00 PM -Homelessness Task Force 7:00 PM -Youth Advisory Commission (EC) 7:00 PM -Cities Assoc of SCC (CM)	10 3:00 PM -City Council Transportation Subcommittee (RT/CM) *4:30 PM -City Council Finance Subcommittee (RT/CM)	11
12	13	14 4:00 PM - HOPE Task Force 6:00 PM -tent. Special City Council	15 12:00 PM -Santa Clara Valley Water District - Water Commission (CM) 6:00 PM -Energy and Environmental Sustainability Commission (EC)	16 5:30 PM -Measure F Oversight Committee	17	18
19	20 7:00 PM -Science, Technology, and Innovation Commission (RT)	21 7:00 PM -Closed Session 7:00 PM -City Council	22 5:30 PM -Cities Assoc. of SCC - Recycling and Waste Reduction Commission (AP) 7:00 PM -Planning Commission	23  CHRISTMAS EVE (observed) + CHRISTMAS DAY Holidays City Hall closed for Holiday		
26	27  City Hall and City Facilities Closed (Fire and Police are not affected) *Finance Subcommittee will meet only as needed					31

MILPITAS CITY COUNCIL AGENDA PREVIEW LIST

December 7, 2021

CLOSED SESSION

INVOCATION (assigned to Mayor Tran)

PRESENTATION

CONSENT CALENDAR

1. Receive City Council calendar for December 2021 (City Clerk)
2. Approve City Council meeting minutes of November 16, 2021 (City Clerk)
3. Preview list of items for December 21, 2021 (City Clerk)
4. Approve Milpitas/VRTA funding Agreement for Calaveras Blvd Widening Project (Steve Erickson)
5. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VRTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of \$1,355,916 in Measure B Innovative Transit Service Models Program Funding and Developer Contributions into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of \$1,355,916 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Ned Thomas)
6. Approve and Authorize Closure of City Hall and selected operations to the public during the holiday period from Christmas Eve Holiday through New Year's Day Holiday (Jeannine Seher)
7. Approve City of Milpitas Commission Work Plans for FY 2021-22 (Walter Rossmann and Ashwini Kantak, Assistant City Manager)
8. Recommendations from Mayor Tran for Appointments for City Commissions (City Clerk)
9. AB 1600 (Lauren Lai)

PUBLIC HEARING

10. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements on a 1.22-gross acre site located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) planning area (Ned Thomas)

COMMUNITY DEVELOPMENT

11. Receive Staff Update and Provide Direction for Three City-Owned Parcels at 1432-1488 South Main Street (Sharon Goei)

COMMUNITY SERVICES

PUBLIC SAFETY

LEADERSHIP

12. Quarterly Councilmember Request List (Ashwini Kantak, Walter Rossmann)

REPORTS

PREVIEW NEXT AGENDA

in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Merewitz asked the Mayor and City Councilmembers if they had any financial or personal conflicts of interest. By roll call, Councilmember Phan stated he had none, Vice Mayor Montano stated she received a campaign contribution from Lyon Builder in 2013 or 14, Councilmember Chua stated that she met with the project team once via Zoom and attended a meeting with a group of Turing Apartment tenants, Councilmember Dominguez stated that she met with a couple of individuals and spoke with community members at the Turing Apartment, Mayor Tran stated that he had no conflict of interest or campaign contribution to report and further stated that he met with representatives from Lyon Living. City Attorney Merewitz asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, Councilmember Chua stated that she received \$400 from one of the consultants, Councilmember Dominguez stated she had none, Councilmember Phan stated he had none, Vice Mayor Montano stated that when she ran for State Assembly she received a contribution from Lyon Living and further stated that she met with the consultant and took a tour of the Turing Apartments, Mayor Tran stated he had none.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Tran read the Code of Conflict.

AGENDA ITEMS

- 1. Receive a Report on the Proposed Project Proposal for Low and Moderate Income Housing at Turing Apartments Through a California Statewide Communities Development Authority Program and Provide Direction to Staff on Next Steps, If Any (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Sharon Goei, Building Safety and Housing Director, 408-586-3260)**

Assistant City Manager Kantak introduced the item and presented background information.

Representatives from Lyon Living Peter Zak, Kyle Suryan, and Bob Livengood spoke in favor of the project and a representative from Waterford Property Company Sean Rawson gave a presentation on the proposed project.

The following spoke during Public Comment:

1. Pradnesh Malgunkar
2. Stefania Garces
3. Jessica Valdemar
4. Antonio Richmond
5. Salman Siraj
6. Nick Caccardello
7. Rajasekhar Reddy Vempalce
8. Alfred Williams
9. Tracy Nakamura
10. Steve Bull
11. Fernando Velasco
12. Peter Seidner
13. Kasey (no last name provided)
14. Andy Kieatiwong
15. Lamar Thorpe

16. Elham Sharifpour
17. Hitesh Arora
18. Srujona (no last name provided)
19. Emerson Rana
20. Joey Avizou
21. Parth Parikh
22. Jacob Bikhinsky
23. Liliana Moreno
24. Gabriela Dittvich -Torres
25. Jennifer Aguarin
26. David Yates
27. Anita Malgunkar
28. Ankit Mahale
29. Octavio Bustamante
30. Kaela Evans
31. Lotanna Ozoemena
32. Oluwatoba Aclegbite
33. Member of the Public
34. Peter (no last name provided)
35. Frank Bush
36. Michael Tsai
37. Mitchell Sweet
38. Rekha Pardeshi
39. Walid Siddiqui
40. Daniel Ayala
41. Tim Beaubien
42. Rishabh Jain
43. Mathew Roberto
44. Srihari Madur
45. John Doll
46. Brock Hatch
47. Joseph Weinstein
48. Rohit Gauran
49. Hernan Juan Hernandez

The City Council discussed the proposed project and provided feedback to staff and the project representatives.

Mayor Tran recommended Council authorization of funding for additional staff, the City Attorney, and consultant services provided by KMA; suggested that Lyon Living put all of the units into the very low income category as an option; stated that it is ok if they do not meet RHNA ; capital improvement will remains status quo; the City and Lyon Living will meet to discuss the types of performance metrics listed in the staff report and consequences of not meeting those metrics; staff and the City Attorney will work with the project team to develop an agreement that meets the Council approved goals; and reaffirmed Lyon Livings commitment to backfill the property tax revenue for the City.

Motion: to accept the recommendation that was stated by the Mayor with an amendment to bring this back on November 16 with a Resolution to have the Council consider this item and move for final approval.

Motion/Second: Councilmember Dominguez/ Councilmember Phan

Motion carried by a vote of: AYES: 2

NOES: 3 (Mayor Tran, Vice Mayor Montano, Councilmember Chua)

Motion failed.

After discussion, motion: to approve the Mayor's stated recommendations and direct staff to bring back a resolution for approval in December or January.

Motion/Second: Mayor Tran/ Councilmember Chua

Motion carried by a vote of: AYES: 5
 NOES: 0

ADJOURNMENT

Mayor Tran adjourned the meeting at 9:20 PM.

Draft meeting minutes submitted by City Clerk, Wendy Wood.



REGULAR MEETING MINUTES OF THE MILPITAS CITY COUNCIL

TUESDAY, NOVEMBER 2, 2021
CITY COUNCIL CHAMBERS, 2nd Floor,
455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the Regular Meeting day of November 2, 2021, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Tran called the Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez (virtual), and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Plaintiff

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

(b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

City as Defendant

Deborah Logan v. City of Milpitas, et al.

Santa Clara County Superior Court Case No. 19CV347649

CLOSED SESSION ANNOUNCEMENT

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

City Attorney de los Angeles stated that there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Chua introduced Pastor Vivian Villanueva of Captivate Church. Pastor Villanueva led the invocation.

PRESENTATIONS

There were no presentations.

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

The following spoke under Public Forum:

1. Dipak Awasthi
2. Voltaire Montemayor
3. Rajesh Rathod

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

City Manager McHarris made the following announcements:

1. The City of Milpitas is a member of the Silicon Valley Economic Development Alliance which is presenting a webinar on complying with the Americans with Disability Act (ADA). Local businesses and ADA experts will offer real-world perspectives to help protect against ADA compliance lawsuits. The webinar will begin at 3:00 p.m. on November 3. To register go to jointventure.org.
2. The City will be hosting a COVID-19 vaccine site for children ages 5-11 at the Milpitas Community Center on Sunday, November 7, from 2:00 p.m. – 7:00 p.m. This is the first such advertised offer in the County and no appointment is necessary. The vaccine offered is Pfizer and it is free. The site will also offer Pfizer boosters for those 18 years old and up who have waited six months since their second Pfizer dose.

Mayor Tran made the following request:

1. Staff to schedule a Special Transportation Subcommittee meeting on Friday, November 12 to go over the reflective street markers and the Botts' dots.
2. Host a Town Hall meeting at City Hall in the rotunda in January, February, and March with County health guidelines in place. Mayor Trans stated that this would be a forum for the community to share comments about the issue of the unhoused in Milpitas and should require minimal staff time.

Councilmember Chua shared photos and spoke about the Pet Halloween event at the Police Department, the Teen Halloween event, the Senior's Trunk full of Resource event, and the Halloween safety event at the farmer's market.

Vice Mayor Montano commented on the "Paws on Patrol" Halloween parade and the Senior's Trunk full of Resource event and thanked staff for their work on the events. She also attended the Milpitas Monsters Softball League Halloween contest and commented on Día de los Muertos. She requested the City Manager provide information on the mural ordinance.

Councilmember Chua made the following requests:

1. Add more catalytic converter events.
2. Look into having the County reimburse the City for the extra services provided to HomeKey.

Councilmember Dominguez commented on Día de los Muertos and stated that she wanted to recognize those that have passed away. She also made the following request:

1. Look at creating an ordinance that would provide a blanket business permit that would grandfather and waive all fees for any businesses that start a separate business different from their original business

that creates anything to help save lives such as face coverings or any other equipment during the pandemic.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney de los Angeles asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney de los Angeles asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Tran read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the November 2, 2021, Regular Meeting Agenda.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

Mayor Tran stated he would like to add item number 14 to the Consent Calendar.

Motion: to approve the Consent Calendar including item number 14.

Motion/Second: Councilmember Chua / Mayor Tran

Motion carried by a vote of: AYES: 5
NOES: 0

- C1. Receive City Council Calendar of Meetings for November 2021 (Staff Contact: Wendy Wood 408-586-3001)**

Receive the City Council Calendar of Meetings for November 2021.

- C2. Approve City Council Regular Meeting Minutes of October 19, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Approved the City Council Regular Meeting Minutes of October 19, 2021.

- C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Received the list of anticipated agenda items for the next regular City Council meeting.

- C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)**

Reviewed the list of items that have been requested by City Councilmembers.

- C5. Waive the Second Reading and Adopt Ordinance No. 208.54 Amending Various Sections of Title VIII, Chapter 2 of the Milpitas Municipal Code Relating to Sewer Operation and Maintenance (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Waived the second reading and adopted Ordinance No. 208.54 amending various sections of Title VIII, Chapter 2 of the Milpitas Municipal Code relating to sewer operation and maintenance.

- C6. Approve and Authorize the City Manager to Execute the Improvement Agreement with Chick-fil-A Incorporated, a Georgia Corporation for the Completion of Offsite Public Improvements Located at 755 E Calaveras Boulevard (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Approved and authorized the City Manager to execute the Improvement Agreement with Chick-fil-A Incorporated, a Georgia Corporation for the completion of offsite public improvements located at 755 E. Calaveras Boulevard.

- C7. Approve the First Amendment to the Lease Agreement Between the City of Milpitas and the County of Santa Clara for Operation of the Dog Park Facilities in Ed Levin Park (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved the First Amendment to the Lease Agreement between the City of Milpitas and the County of Santa Clara for Operation of the Dog Park Facilities in Ed Levin Park.

- C8. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)**

Moved to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

- C9. Authorize and Approve Travel to Pasadena, CA for Councilmember Anthony Phan to Attend the Asian Pacific American Leadership Foundation's 6th Annual CALNET Leadership Retreat held November 4-5, 2021 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**

Authorized and approved travel to Pasadena, CA for Councilmember Anthony Phan to attend the 6th Annual CALNET Leadership Retreat held November 4-5, 2021, for a total expense amount not-to-exceed budgeted Conferences/ Meeting allocation for City Council.

- C10. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Software License and Professional Services Agreement with TriTech Software Systems, Inc. for Computerized Maintenance Management System (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Approved and authorized the City Manager to execute Amendment No. 2 to the software license and professional services agreement with TriTech Software Systems, Inc. for a computerized maintenance management system, for the total not-to-exceed amount of \$297,623.75.

- C11. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Accepted commissioner Steve Belong's resignation from the Planning Commission and confirmed the noticing of the unscheduled vacancy.

COMMUNITY DEVELOPMENT

12. COVID-19 Workforce Recovery Program and American Rescue Plan Act Workforce Development Programming (Staff Contact: Alex Andrade, Economic Development Director, 408-586-3046)

Economic Development Director Andrade and Economic Development Coordinator Degu gave a presentation on the staff report.

The representative from NOVAWorks, Jennifer Cheyer, presented information on the phases of the Milpitas MyPlan career accelerator program.

Vice Mayor Montano requested the ages for the At-Risk and Youth and Adult programs be changed to 16-24.

The representative from First 5, Wendi Mahaney, provided additional information.

Councilmember Chua requested the City look into an internship program that could help fill in vacancies in the City and look into creating a program tailored towards a dispatcher career. She also requested this program have a solid outreach marketing strategy and transparent selection process.

Councilmember Dominguez requested the City partner with the Work to the Future Foundation and would like Financial Literacy embedded into the program.

The following spoke during Public Comment:

1. Loreto Dimaadal
2. Voltaire Montemayor

Motion: to approve staff's presentation.

Motion/Second: Vice Mayor Montano / Mayor Tran

Councilmember Chua made a friendly amendment to add looking into getting the unhoused into the program.

Vice Mayor Montano and Mayor Tran accepted the friendly amendment and added that child development work closely with First 5.

Motion carried by a vote of:

AYES: 5
NOES: 0

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

13. Receive a Presentation on the Draft Milpitas Storm Drain Master Plan (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Public Works Director Ndah introduced the item.

The consultant from Schaaf & Wheeler, Chuck Anderson, presented the Draft Storm Drain Master Plan.

Principal Civil Engineer Siddiqui provided additional information.

The following spoke during Public Comment:

1. Voltaire Montemayor

The City Council received the presentation on the draft Milpitas Storm Drain Master Plan and provided feedback to staff.

14. Receive an Update on the Energy and Water Savings Program being Implemented by ENGIE Services U.S. Inc. and Approve and Authorize the City Manager to Execute the Community Resilience Program Capital Projects Grant Agreement; and Approve a Budget Appropriation in the amount of \$700,702 (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Received an update on the Energy and Water Savings Program being implemented by ENGIE Services U.S. Inc.; approved and authorized the City Manager to execute the Community Resilience Program Capital Projects Grant Agreement; and approved a budget appropriation for \$700,702 in CIP Project No. 3488 Community and Senior Center Energy Resilience Project in FY 2021-22.

This item was moved onto the Consent Calendar and approved as follows:

Motion/Second: Councilmember Chua / Mayor Tran

Motion carried by a vote of:

AYES: 5

NOES: 0

15. Receive an Update of the City's Neighborhood Cleanup Program and Provide Direction to Staff (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Public Works Director Ndah introduced the item.

Deputy Public Works Director Marshall presented the staff report.

The following spoke during Public Comment:

1. Tom Valore
2. Voltaire Montemayor
3. Yolanda Garcia

The City Council received the update on the Neighborhood Cleanup Program and provided feedback to staff.

ADJOURNMENT

Mayor Tran adjourned the meeting at 9:44 PM.

Draft meeting minutes submitted by City Clerk, Wendy Wood.

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

NOTE: Deferred and completed items are not listed

2021	OPEN				
Request No.	Topic	Submitted by:	A, F, CM, or CCM	Date requested or Rec'd Form	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Requested that an item be brought back to fund trash bins for the unhoused community or to be placed in the City to help collect the trash and add them into a routine pickup or collection	Dominguez	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
2	Requested the Council adopt a program to post the suicide prevention 1-800 number on fences in the community and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate	Dominguez	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
3	Requested that the City of Milpitas adopt one developmental asset each month, with marketing materials, have each Councilmember adopt the developmental asset, and consider implementing this program and adopt the 41 developmental assets	Dominguez	A	10/19/2021	Staff to issue an Email/Information Memorandum
4	Requested staff to provide an update on the food truck circle project.	Dominguez	A	10/19/2021	Staff to issue an Information Memorandum
5	Requested staff to come back with an item for Council discussion and direction to implement a new permit fee for food trucks and ensure that the food truck businesses are located in Milpitas	Dominguez	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

6	Set up a meeting for the Main Street Subcommittee	Montano	A	10/19/2021	Staff will poll the Council for a date of the Subcommittee
7	Have a picture of Albert Bogal Sr. put up in the Senior Center	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
8	Look into purchasing a building on Main Street for a museum	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
9	Establish a new tool shed site, possibly at the maintenance yard	Montano	A	10/19/2021	Staff to issue an Email/Information Memorandum
10	Reestablish employee clipper passes	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
11	Adopt a park signage subcommittee	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
12	Place recycle bins in the parks	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
13	Requested the City look into a future site for a theater for performing arts	Montano	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

14	Requested that the City provide the Commissioners with an appreciation gifts	Chua	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
15	Requested that the crossing guards be provided with the Milpitas neon safety jackets and rain boots	Chua	A	10/19/2021	Staff to issue an Email/Information Memorandum
16	Look into the selection of BMR units in the City and would like to know how the applicants get selected to be on the below-market-rate units	Chua	A	10/19/2021	Staff to issue an Email/Information Memorandum
17	Requested an initiative to have an Adopt a Park program and have the executive team provide guidelines	Chua	A	10/19/2021	Staff to issue an Information Memorandum
18	Requested an agenda item on November 2 Council meeting allowing the Council to rescind direction given to 1355 California Circle and include direction to allow the project application to move forward without being tied to a specific plan	Chua	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
19	Requested the executive staff to look into reflective road markers as an effective way to reduce cars doing donuts in the street	Chua	A	10/19/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
20	Requested that the City require proof of vaccination for indoor events of 1,000 people or more	Phan	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
21	Requested Staff see if there is anything that can be done to address an increase in illegal dumping	Phan	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

22	Request the parcel on North Park Victoria that was historically a rose garden memorialized to commemorate those that started the rose garden with a plaque	Dominguez	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
23	Requested Council discussion and adoption of a universal non-profit fee waiver for special events on the parcel located under the freeway on Main Street by December	Dominguez	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
24	Requested a universal ordinance for Main Street be brought back to Council for discussion and approval	Dominguez	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
25	Requested the Council to consider lighting City Hall purple for Domestic Violence survivors on next year's domestic violence awareness month.	Dominguez	A	10/5/2021	Staff will bring back a resolution with potential City Hall commemorative lightings no later than December 2021
26	Requested staff look into increasing the number of Park and Recreation commissioners from seven to nine.	Montano	A	10/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
27	Requested Staff look into holding an annual shredding event	Chua	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
28	Requested that the City have a bike event similar to Viva Calle in San Jose where the City would close off a street to encourage walkability to businesses	Dominguez	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
29	Requested staff to look at plan to subsidizing permit fees for small business with less than one hundred employees for the purpose of building outside to support outdoor dining	Dominguez	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

30	Requested the City extend the outdoor dining options through March of next year	Phan	A	9/21/2021	Planning Director to provide information on current outdoor dining extension
31	Request the City look into a pilot camera program	Montano	A	9/21/2021	Info memo will be prepared
32	Requested staff work with the Vice Mayor and Mayor to explore and discuss building height limits near the hillside by January 2022	Tran	A	9/21/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
33	Requested an outreach to notify the community of the trash voucher program	Chua	A	9/7/2021	The vouchers are valid until December 31, 2021. Staff will monitor the utilization of the vouchers and contact the recipients encouraging them to take advantage of the program.
34	Requested staff to prepare a report the monthly neighborhood clean-up day and ask for direction from the Council on what to do next	Chua	A	9/7/2021	This staff report is agendized for Council discussion on November 2
35	Requested staff to notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan then bring an item to Council to create a pathway	Dominguez	A	9/7/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
36	Create an agreement with the owners of the electrical boxes so that the City could have access to remove the tagging within 24 hours	Dominguez	A	9/7/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
37	City designate more street sweeping signage at the different areas more specifically at Capital Avenue and Abel Street	Montano	A	9/7/2021	On 9/13/2021, staff sent an email to the Council clarifying that the identified streets are not part of the street sweeping pilot.
38	Work with the school district to have a contest to create art murals for the pillars on Main Street	Montano	A	9/7/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

39	Create a “Street Smart” program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods	Dominguez	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
40	City to highlight mental health resources on the website	Dominguez	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
41	Partner with the Rotary Club of Silicon Andhra to promote the stem cell donor outreach with a webinar and campaign to help increase the number of donors	Chua	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
42	Create an “Incentive Corner,” which will be a sub-page with links to different freebies, grants, and incentives from the City and the regions, including the Water District and Silicon Valley Clean Energy	Chua	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
43	Revisit the mask ordinance to help enforce the public expert’s recommendations	Phan	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
44	Look into creating a Poet Laureate similar to the County of Santa Clara County	Montano	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
45	Include a bust of Maria Lemire on the Mural in front of the Senior Center	Montano	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
46	Does the City have a Press Release Policy if so incorporate it in the City Council Handbook.	Tran	A	8/17/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
47	Requested staff look into donating old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan	Chua	A	8/9/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

48	Look into allowing outdoor music and would like the ordinance brought back to Council.	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
49	Requested that the City create an ordinance that continues with the six-foot distancing	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
50	Look into how the City can be a resource for small businesses to help guide them on what to do in terms of ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic	Chua	A	8/5/2021	Economic Development staff will follow up
51	Look into opening up the Senior Center on Saturdays for half a day	Chua	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
52	Look into bringing in a Hispanic food store into the City	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion
53	Look into bringing back a roller rink	Montano	A	8/5/2021	Scheduled for next Quarterly Additional City Council Workplan Items Prioritization Discussion

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**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Topic	Submitted by:	A, F, CM, or CCM	Date requested or Rec'd Form	STATUS and/or DATE scheduled on City Council meeting agenda:
54	Discussion to recognize Juneteenth as a City holiday for City employees	Phan	A	6/21/2021	Discussed in Closed Session on 8/17/2021; follow up closed session discussion scheduled for 10/19/2021
55	Increase the City's rebate program to match Valley Water's two dollars rebate increase and look into expanding the "Lawn Buster" program to more residents based on income	Chua	CCM	6/15/2021	Valley Water Rebate Contract Amendment scheduled for Council consideration on October 19, 2021; Contract with "Our City Forest" scheduled for Council approval in Fall 2021
56	ADU workshop in September/October	Chua	A	6/15/2015	8/09/2021 Council voted 5-0 to move this item forward in the winter 2021
57	Discussion in the next fiscal year, to have a sliding scale permitting program for seniors and low-income residence for necessary safety renovations	Tran	A	5/4/2021	8/09/2021 Council voted 5-0 to move this item forward and modify the existing Milpitas Assistance program to include seniors
58	Information showing that the ordinance requiring developers to provide art features is being followed and an update on the Art developer fees.	Montano	A	5/4/2021	Information Memorandum scheduled to be released in October
59	Discussion to reduce the City's Senior Center facilities deposit	Montano	A	5/4/2021	8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

60	Discussion on a policy that makes human trafficking training mandatory in the hospitality industry	Dominguez	A	4/20/2021	discussed at 8/09/2021 meeting; item will be modified to address training for City staff instead of hospitality industry and considered at next quarterly discussion
61	Requested that the City have mini-libraries in the low-income areas of the City.	Montano	A	4/20/2021	8/09/2021 Council voted 3-1-1 to move this item forward, staff to work with Vice Mayor to get direction
62	Staff to create a plan on how to increase the number of local businesses doing business with the City	Chua	A	4/6/2021	Info memo will be prepared
63	Staff to look into creating a rose garden with a children's memorial site	Montano	A	4/6/2021	8/09/2021 Council voted 4-1 to discuss details with Vice Mayor Montano and refer this item as part of the development of the 2023-2027 CIP
64	Staff to look into creating "Welcome to Milpitas" signs in key areas of in the City	Montano	A	4/6/2021	8/09/2021 Council voted 5-0 to move this item forward and work with organizations to sponsor the signs in key area at every exit off of the interstates
65	Staff to provide information to place a measure on the ballot to change the directly elected Mayor to a rotational at-large position	Tran	CCM	3/16/2021	To be agendized at a future City Council meeting, along with discussion of Mayor and Councilmember term limits
66	Staff to provide information on a landmark policy for the City of Milpitas	Tran	A	3/16/2021	Policy to be sent to Council if existing, or a new policy to be brought for Council consideration by December 2021; 8/09/2021 Council voted 5-0 to move this item forward

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

67	Discussion to memorialize those that have passed due to COVID19 in Milpitas	Dominguez	A	3/2/2021	8/09/2021 Council voted 4-1 to move this item forward no date was determined
68	Amendment to the existing ordinance for third-party food delivery vendor services to prohibit regulatory response fees	Phan	A	2/16/2021	Agendized for discussion on 3/16/2021, deferred to 4/06/2021; CC direction for City Attorney to prepare a report
69	Amend ordinance to remove affordable housing in-lieu fee; status update on this item	Chua	A	12/15/2020; 06/01/2021	Agendized on 1/5/21, Received Council majority vote on 2/2/2021 and 3/16/2021; staff will bring forward in Winter 2021
70	Ordinance to ban vaping in the City	Montano	A	12/15/2020	Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Policy related to access to products will be brought forward in Fall/Winter 2021.
71	Review City policy on speed bumps	Tran	A	12/15/2020	Presented to Transportation Subcommittee on 02/12/2021;voted on 3/16/2021 to revisit this item
72	Require implicit bias training for City Council, Commissioners & staff	Dominguez	A	6/16/2020	approved 8/18/2020
73	Consider change in term limits for Mayor + Councilmembers	Montano	A	6/16/2020	8/4/2020: Voted 3 -2 to pursue; 2/02/2021 to agendize for a future meeting; 3/16/2021 voted 3-1-1 to move forward
74	Consider Community Museum and Park on Main St.	Phan	F	8/20/2019	to Rules 8/23/2019. Moved to Specific Plan Community Conversation events.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Amalfi Apartments and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period.
Category:	Consent Calendar-Community Development
Meeting Date:	11/16/2021
Staff Contact:	Steve Erickson, Engineering Director/City Engineer, 408-586-3301
Recommendation:	Adopt a resolution granting acceptance of public improvements for the Amalfi Apartments Project, Public Improvement Plans No. 2-1172 and approve a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$380,000.00 which shall be in effect for the duration of the warranty period and grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

Background:

On September 17, 2013, the City Council approved the public improvement plans and the Improvement Agreement for the Amalfi Apartments Project located in the Transit Area Piper/Montague Subdistrict by SCS Development Corporation. Public improvements include construction of curb, gutters, sidewalk, decorative crosswalks driveway aprons, storm water treatment facilities, utility laterals, traffic controls, streetlights, landscaping and other miscellaneous items of work along Garden Street and Merry Loop.

Analysis:

The developer has completed all public improvements in accordance with the approved public improvement plans, and the improvements are now ready for acceptance and commencement of the 1-year warranty period. Staff recommends the City Council adopt a Resolution (**Attachment 1**) granting acceptance of the public improvements, and approve reduction of the performance bond to \$380,000.00, 10% of the security's original value, and grant authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

Policy Alternatives:

Alternative 1:

Not approve resolution granting acceptance of public improvements.

Pros: None

Cons: Not granting acceptance of public improvements would limit public use of improvements and does not promote orderly development of project.

Reason not recommended: Granting acceptance of public improvements would allow public use of sidewalk improvements and promotes orderly development of project. Staff recommends adoption of a resolution granting acceptance of public improvements.

Fiscal Impact:

The public improvements have been constructed by the Developer as a requirement of the Subdivision Improvement Agreement. The City will have perpetual maintenance responsibilities for the improvements following the acceptance of the project. The Public Works Department provides funding for future maintenance of newly accepted City infrastructure through their operating budget.

California Environmental Quality Act:

Granting acceptance of public improvements and reducing faithful performance bond for public improvements are not considered projects under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment. Further, environmental analysis of the construction of public improvements was analyzed at the time the overall project, including the Subdivision Improvement Agreement was considered and approved by the City Council.

Recommendation:

Adopt a resolution granting acceptance of public improvements for the Amalfi Apartments Project, Public Improvement Plans No. 2-1172 and approve a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to \$380,000.00 which shall be in effect for the duration of the warranty period and grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

Attachments:

1. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING ACCEPTANCE AND
REDUCING PERFORMANCE BOND OF THE AMALFI APARTMENTS PROJECT AND GRANTING
AUTHORIZATION TO THE CITY ENGINEER TO RELEASE THE PERFORMANCE BOND AFTER THE
ONE-YEAR WARRANTY PERIOD**

WHEREAS, the City Council of the City of Milpitas on September 17, 2013, approved the plans and specifications for the Amalfi Apartments Project, (the “Project”) to be completed by SCS Development Corporation as part of its Residential Project in the Transit Area Piper/Montague Subdistrict; and

WHEREAS, the City of Milpitas has heretofore entered into an improvement agreement on September 17, 2013 with SCS Development Corporation, for the Amalfi Apartments Project; and

WHEREAS, SCS Development Corporation, as Principal, and Vintage Insurance Inc, as Surety, executed and posted a certain Performance Bond No. S0017 conditioned upon the faithful performance of the provisions of said improvement agreement and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said public improvements for the Amalfi Apartments Project have been completed and the improvement agreement provides that the security shall extend for a period of one year after the date of acceptance of said improvements to cover the warranty period of said improvements under said agreement; and

WHEREAS, the City Council is willing to consent to a reduction in the penal sum of said security during said one year warranty period; and

WHEREAS, the City Engineer of the City of Milpitas has made a final inspection of said improvements for the Amalfi Apartments Project and recommends that the City Council of the City of Milpitas accept the same as constructed in accordance with the approved plans and specifications.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Those certain public improvements constructed as part of the Amalfi Apartments Project, are hereby accepted as constructed in accordance with the approved plans and specifications upon recommendation of the City Engineer of the City of Milpitas.
3. The penal sum of the faithful performance bond securing said improvements may be reduced to the sum of \$380,000.00, upon request of Principal and Surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of one year of said security. Provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquish by City of any obligations imposed upon the developer or his surety, or sureties, by law or by the above referend public improvement agreement, save and except as expressly set forth herein.
4. The City Council grants authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

PASSED AND ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd.
Category:	Consent Calendar-Community Development
Meeting Date:	11/16/2021
Staff Contact:	Steve Erickson, Engineering Director/City Engineer, 408-586-3301
Recommendation:	Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd.

Background:

On March 3, 2009, the City Council approved the Tentative Map No. (MT08-0001), Conditional Use Permit No. (UP08-0045) and Site Development Permit No. (SZ07-0002) for the Campus at McCarthy Ranch Project. On October 1, 2019, the Developer Bridge Point Milpitas LLC, submitted an application for approval of a Site Development Permit Amendment and an Environmental Impact Assessment (the "Bridge Point Project") for real property located within City, a legal description of which is attached hereto as Exhibit "A" in the Storm Water Management Facilities Operation and Maintenance Agreement ("Property").

On December 12, 2019, the Planning Commission conditionally approved the Developer's application for a Site Development Permit Amendment (SA19-0003) and the Environmental Impact Assessment No. (EA19-0006) for the Bridge Point Project to develop the North Campus at McCarthy Ranch.

In accordance with State Law and the City's Municipal Regional Stormwater NPDES Permit ("MRP") issued by the Regional Water Quality Control Board ("RWQCB"), new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface are required to incorporate Low Impact Development ("LID") post construction stormwater control measures into the project. LID control measures include, for example, bioretention areas, flow-through planters, permeable pavement, infiltration trenches and tree well filters.

Analysis:

MRP section C.3.h.ii.(1)(a) and Milpitas Municipal Code Title XI Chapter 16 require development project property owners meeting the 10,000 square foot threshold to execute and record a Stormwater Management Facilities Operation and Maintenance Agreement ("Agreement") (**Attachment 1**) with the City for the perpetual operation, maintenance and annual inspection of stormwater Bio-treatment facilities.

The Bridge Point Project constructed stormwater Bio-treatment devices and include two large detention basins at the front of the property. The project developer/owner will be responsible for the perpetual maintenance and operation of these devices and has executed the required Agreement which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

Policy Alternatives:**Alternative 1:**

Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

Cons: Not approving the Agreement would cause the project to be not in compliance with the conditions of development and the City's Municipal Code and would be prohibitive by federal and state law.

Reason not recommended: To comply with federal and state law and to allow for the on-going maintenance and City annual inspection of the installed stormwater Bio-treatment devices, staff recommends approval of the Agreement.

Fiscal Impact:

As required by the Stormwater Management Facilities Operation and Maintenance Agreement, the project developer/owner will pay the City for the required annual maintenance and inspection of the installed stormwater Bio-treatment facilities.

California Environmental Quality Act:

The City Council's approval of the agreement was already reviewed under the California Environmental Quality Act (CEQA) at the time the City Council approved the entitlements for the Project through the preparation of an Addendum to the McCarthy Ranch Final Environmental Impact Report (2009 Campus FEIR) as the storm water requirements were contemplated as part of the overall project. Further, pursuant to CEQA Guidelines 15162, , 15163, and 15164, no further environmental review is required as there are no substantial changes proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken, and there is no new information of substantial importance, that would trigger the need for a subsequent mitigated negative declaration or addendum to the negative declaration. On this basis, the City Council can rely on the previous Addendum and FEIR in approving this agreement.

Recommendation:

Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd.

Attachments:

1. Stormwater Management Facilities Operation and Maintenance Agreement

Control No. 2021- _____
Recording Requested by
and when Recorded, return to:

CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035-5479

Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Document Transfer Tax is \$ 0

() Computed on full value of property conveyed

() Computed on full value less value of liens and encumbrances remaining

City transfer tax is \$ 0

APN: 22-56-008

STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this _____ day of _____ 2021 ("Effective Date"), by and between Bridge Point Milpitas LLC ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS

This AGREEMENT is made and entered into with reference to the following facts:

- A. **WHEREAS**, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and
- B. **WHEREAS**, the Property Owner received entitlements from the City allowing the development of the Property, including the construction of a Warehouse/Manufacturing building with, emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 65 acre site located at 205 N. McCarthy Blvd in Milpitas and more commonly known as Bridge Point Project, Project No. PJ 5054, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):

1. Resolution No. 7840 approving Site Development Permit No. SZ07- 0002,
2. Resolution No. 7840 approving Tentative Map No. MT08- 0001, and

3. Resolution No. 7840 approving Conditional Use Permit No. UP08- 0045 ;

- C. **WHEREAS**, discharges to the City's municipal separate storm sewer system ("MS4") are regulated under state and federal law pursuant to Waste Discharge Requirements and National Pollutant Discharge Elimination System permit ("MS4 Permit") issued by the Regional Water Quality Control Board, San Francisco Region ("Regional Board").
- D. **WHEREAS**, pursuant to the requirements of the MS4 Permit and the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), the City Approvals require the Property Owner to install, operate and maintain, at no cost or expense to the City, the Permanent Stormwater Pollution Prevention Measures ("BMPs") more particularly described in the City-approved Stormwater Control Operation and Maintenance Plan (sometimes referred to herein as "Plan") for the Project attached hereto as **Exhibit B** and fully incorporated herein by reference; and
- E. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan may be subsequently modified from time to time with City's written approval and such changes shall be fully incorporated as part of this Agreement by this reference; and
- F. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and
- G. **WHEREAS**, this Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1. Responsibility for Operation and Maintenance:

The Property Owner, at its sole cost and expense, shall construct and install the BMPs shown in Exhibit B in accordance with the plans approved by and on file with the City. Property Owner shall diligently maintain in perpetuity the BMPs in a manner assuring peak performance at all times, shall make such changes or modifications to the BMPs, subject to City's prior approval as may be reasonably necessary for the BMPs to continue to operate as designed and approved and to accomplish its intended purpose and in good repair, and in compliance with all applicable Federal, State, County and local laws and regulations, including but not limited to the Ordinance, as the same may be amended, revised, and/or replaced from time to time. The Owner shall be responsible for the costs incurred in operating, maintaining, repairing and replacing the BMPs. Property Owner shall not destroy or remove the BMPs or modify any measure in any manner that would lessen its effectiveness. Property Owner shall make available copies of the approved Stormwater Control Operation and Maintenance Plan at the site with the facility or property manager.

SECTION 2: Inspection by Property Owner:

The Property Owner, at its sole cost and expense, shall conduct annual inspections of all permanent installed BMPs per the Plan. The annual inspection report shall include completion of the checklist described in the approved Stormwater Control Operation and Maintenance Plan. The BMPs must be inspected by a qualified independent inspector who is acceptable to the City. The Property Owner shall submit the Inspection Report on these BMPs to the City Engineer no later than July 15th of each year.

SECTION 3. Facility Inspection by the City:

- (a) **Right of Entry.** The Property Owner, on its behalf and on behalf of its successors and assigns, grants permission to the City, the inspectors of the Regional Board, and local mosquito and vector control agency, and their authorized agents and employees, to enter the Property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the Ordinance, this Agreement, or any other local or state requirements. The City may enter the premises at any reasonable time during normal business hours and upon at least 48 hours prior written notice (except that prior written notice is not required in case of emergency) to inspect the premises related to BMPs and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements related to BMPs. **The Property Owner shall deposit and maintain a Private Job Account with the City a minimum balance of Four Thousand Dollars (\$4,000) for inspection by City Staff pursuant to this Section 3. The deposit of Four Thousand Dollars (\$4,000.00) shall be made simultaneously with the execution of this Agreement.**
- (b) **Security.** The City may require the Owner, its successors and assigns, from time to time, to post security in a form, amount, and for a time period satisfactory to City to guarantee performance of the obligations stated herein. Should the Owner, its successors and assigns, fail to perform the obligations under this Agreement, the City may, in the case of a cash bond, act for the Owner, its successors and assigns, using the proceeds from such cash bond, or in the case of a surety bond, require the surety to perform the obligations of this Agreement.

SECTION 4. Failure to Perform Required Facility Repairs or Maintenance by the Property Owner:

- (a) **Enforcement Action.** If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City may, but is not required to, pursue any enforcement action available at law or in equity to cause the completion of all maintenance and may charge the costs of such enforcement action against the Property Owner in any manner authorized by law or in equity.
- (b) **City Maintenance.** In the event of Property Owner's failure to operate and maintain BMPs in accordance with the Plan and the City's Ordinance, the City may also, with prior written notice, enter the Property to return the BMPs to good working order; provided however that the Property Owner shall have 30 days after any such notice, or such other time provided by law, to cure the relevant failure and provided further that the Property Owner shall have such additional time after the initial 30 days to complete a cure so long as Property Owner commences the cure within the initial 30 days and diligently prosecutes the cure to completion. Notwithstanding the foregoing, City may in its sole discretion enter the Property to return the BMPs to good working in an emergency and take any other necessary action to mitigate an emergency without any notice to Property Owner. The City is under no obligation to maintain or repair the BMPs, and this Agreement may not be construed to impose any such obligation on the City. If the City,

under this Section 4 takes any action to return the BMPs to good working order, the Property Owner shall reimburse the City for all the reasonable costs and expenses incurred by the City. The City will provide the Property Owner with an itemized invoice of the City's costs and expenses and the Property Owner shall make full payments to the City within thirty (30) days of the date of the invoice. If the Property Owners fails to pay the invoice within thirty (30) days, the City shall be entitled to cause a lien for any such unpaid maintenance expense bill to be recorded against the Property. In addition, the City shall be entitled to have the unpaid amount of the invoice placed as a special assessment on the next regular tax bill levied against the Property, after which such assessment shall be collected in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedures under foreclosure and sale in the case of delinquency as provided for ordinary municipal taxes. The actions described in this section are in addition to and not in lieu of other legal remedies provided by law. Notwithstanding the above, it is understood that City is under no obligation to repair or maintain the BMPs, and in no event shall this Agreement be construed to impose any such obligation on City.

- (c) Specific Performance. The provisions of this Agreement are expressly declared to be for the benefit of the City. The City may bring an action to obtain specific performance of this Agreement and may recover its costs, including attorney fees, incurred in bringing such action.

SECTION 5: Successors and Assigns:

Property Owner hereby declares that the Property shall be held, transferred, encumbered, used, conveyed, leased and occupied subject to the covenants, conditions, restrictions, easements and rights set forth herein for the use and benefit of each of the Lots. All of the limitations, easements, uses, obligations, covenants, restrictions and conditions stated herein shall run with the Property and shall be binding upon Property Owner, its successors and assigns, any and all parties having or acquiring any right, title or interest in or to the Property or any part thereof or interest therein and shall inure to the benefit of and be binding upon each successor-in-interest thereto.

Upon transfer of the property, the Property Owner shall provide the new owner with the current Plan and a copy of this Agreement and shall, in any event, be released from all obligations under this Agreement as of the effective date of the transfer of the Property.

SECTION 6. Indemnity:

The Property Owner, on Property Owner's behalf and on behalf of all successors in interest pursuant to Section 5 of this Agreement, shall indemnify, release, hold harmless, and defend the City and its authorized agents and employees from and against any and all demands, suits, liabilities, fines, losses, damages, accidents, casualties, occurrences or claims, including reasonable attorneys' fees, against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the property under Section 4. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense, with counsel approved by City. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7. Severability:

Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions, and all other provisions shall remain in full force and effect.

SECTION 8. Non-Discrimination:

The Property Owner shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of this Agreement.

SECTION 9. Governing Law:

City and Property Owner agree that the law governing this Agreement shall be that of the State of California and that Property Owner shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments.

SECTION 10. Recordation:

Property Owner shall, within 10 days after the effective date of this Agreement, record or cause the Agreement to be recorded in the Office of the Recorder, Santa Clara County, California, at the expense of the Property Owner, which recording shall constitute notice of the obligations herein set forth and a covenant running with the land and shall be binding upon all of the successors and assigns in title to the Property. In the event Property Owner fails to timely record this Agreement, City shall be authorized but not required to record the Agreement.

SECTION 11. Books and Records:

- A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in anyway relating to the performance of this Agreement for a minimum period of three (3) years, or for any longer period required by law.
- B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at no cost to City, at reasonable any time during regular business hours, upon at least 48 hours' prior written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's address indicated for receipt of notices in this Agreement.

SECTION 12. Notices:

All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

To CITY:

City of Milpitas
Attn: City Engineer
455 East Calaveras Blvd.
Milpitas, CA 95035

To PROPERTY OWNER:

Bridge Point Milpitas LLC
Attn: Brian Wilson
11100 Santa Monica Blvd, Suite 700
Los Angeles, CA 90025

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the mail.

SECTION 13 . Venue:

In the event that suit shall be brought by either party to this contract, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

SECTION 14 . Interpretation, Prior Agreements:

This Agreement, including all Exhibits attached hereto, represents the entire understanding of the parties as to those matters contained herein. In the event that the terms specified in any of the Exhibits attached hereto conflict with any of the terms specified in the body of this Agreement, the terms specified in the body of this Agreement shall control. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may be modified only by a written amendment duly executed by the parties to this Agreement. This Agreement supersedes that certain Stormwater Management Facilities Operation and Maintenance Agreement recorded July 24, 2019 as Instrument Number 24237386 in Official Records of Santa Clara County, California with respect to a portion of the subject Property.

[Signatures on Next Page]

IN WITNESS WHEREOF, the Parties execute this Stormwater Management Facilities Operation and Maintenance Agreement as of the last date set forth below:

PROPERTY OWNER:

BRIDGE POINT MILPITAS, LLC,
a DELAWARE LIMITED LIABILITY COMPANY

By:

By: 
Name: Brian Wilson
Title: Vice President

By: _____
Name: _____
Title: _____

CITY:

**CITY OF MILPITAS,
A MUNICIPAL CORPORATION**

By: _____
Steve McHarris, City Manager

Approved as to form:

By: _____
Christopher J. Diaz, City Attorney

Approved:

By: _____
Lauren Lai, CPA, MPA
Finance Director/Risk Manager

Recommended for approval:

By: _____
Steve Erickson, City Engineer

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On 10/18/2021 before me, Kevin Thomas Finnegan, Notary Public
(insert name and title of the officer)

personally appeared Brian Wilson,
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

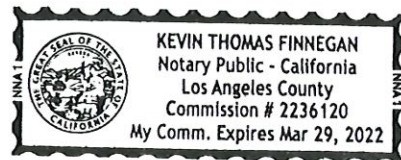


EXHIBIT A

Plat and Description for the site

EXHIBIT 'A'
LEGAL DESCRIPTION
ADJUSTED PARCEL 4

REAL PROPERTY SITUATE IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL "A" AND A PORTION OF PARCEL 4, AS SAID PARCELS ARE SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON JUNE 6, 2002 IN BOOK 749 OF MAPS AT PAGES 13 THROUGH 16, SANTA CLARA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 4;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 4, SOUTH 69° 02' 02" EAST, 1,244.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NORTH McCARTHY BOULEVARD, A VARYING WIDTH PUBLIC RIGHT OF WAY, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID PARCEL 4;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES:

- 1 – ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 87° 38' 01" WEST, HAVING A RADIUS OF 1,790.00 FEET, THROUGH A CENTRAL ANGLE OF 3° 00' 42" HAVING AN ARC LENGTH OF 94.09 FEET,
- 2 – SOUTH 7° 46' 20" WEST, 66.17 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT,
- 3 – ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1,783.00 FEET, THE CENTER OF WHICH BEARS SOUTH 86° 09' 37" EAST, THROUGH A CENTRAL ANGLE OF 1° 05' 03" HAVING AN ARC LENGTH OF 33.74 FEET,
- 4 – SOUTH 1° 32' 30" EAST, 62.94 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, AND
- 5 – ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1,790.00 FEET, THE CENTER OF WHICH BEARS NORTH 84° 09' 15" WEST, THROUGH A CENTRAL ANGLE OF 28° 05' 13" HAVING AN ARC LENGTH OF 877.47 FEET;

THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES:

- 1 – NORTH 63° 15' 33" WEST, 537.68 FEET,
- 2 – NORTH 63° 05' 27" WEST, 332.61 FEET,
- 3 – NORTH 73° 41' 38" WEST, 221.89 FEET, AND
- 4 – SOUTH 68° 46' 22" WEST, 384.59 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL 4;

THENCE ALONG LAST SAID WESTERLY LINE THE FOLLOWING THREE (3) COURSES:

- 1 – ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 650.00 FEET, THE CENTER OF WHICH BEARS NORTH 88° 36' 08" EAST, THROUGH A CENTRAL ANGLE OF 35° 40' 33" HAVING AN ARC LENGTH OF 404.73 FEET TO A POINT OF REVERSE CURVATURE,
- 2 – ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,600.00 FEET, THROUGH A CENTRAL ANGLE OF 17° 24' 10" HAVING AN ARC LENGTH OF 789.71 FEET TO A POINT OF REVERSE CURVATURE, AND
- 3 – ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2,300.00 FEET, THROUGH A CENTRAL ANGLE OF 2° 55' 30" HAVING AN ARC LENGTH OF 117.42 FEET TO THE **POINT OF BEGINNING**.

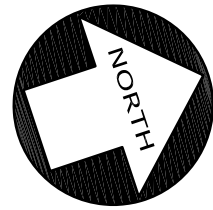
CONTAINING 1,489,899 SQUARE FEET, OR 34.2034 ACRES OF LAND, MORE OR LESS.

DAVID W. ENKE, L.S.,

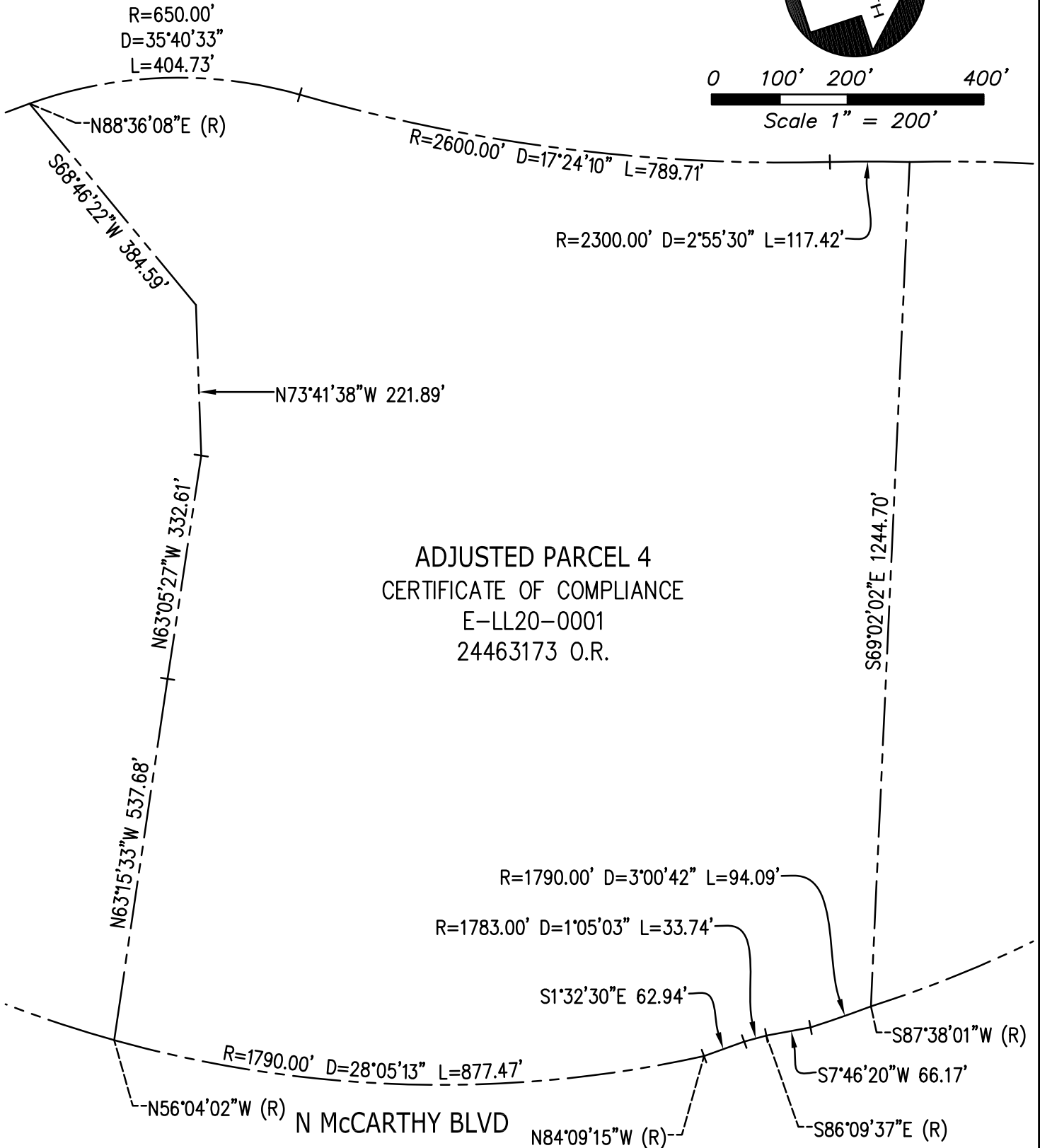
David W. Enke
DAVID W. ENKE, LS 4071

4/7/20
DATE





0 100' 200' 400'
Scale 1" = 200'



ADJUSTED PARCEL 4
CERTIFICATE OF COMPLIANCE
E-LL20-0001
24463173 O.R.



KIER+WRIGHT

2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925) 245-8788
www.kierwright.com

EXHIBIT "B"
ADJUSTED PARCEL 4

MILPITAS,

CALIFORNIA

DATE	JULY 2021
SCALE	1" = 200'
BY	KJK
JOB NO.	A19512
SHEET	1 OF 48

EXHIBIT B

Operation and Maintenance Plan

STORMWATER CONTROL PLAN

FOR

BRIDGE POINT SILICON VALLEY

205 N. McCarthy Boulevard, Milpitas, CA

August 2, 2021

Prepared By:



2850 Collier Canyon Road

Livermore, CA 94550

Phone: (925) 245-8788


PREPARED BY OR UNDER THE SUPERVISION OF
CHARLES R MCCALLUM PE 53447

08-02-21
DATE



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II. APPENDICES

Appendix A: C.3 Data Form

Appendix B: Infiltration/Harvesting Infeasibility Worksheet (Not Used)

Appendix C: Special Project Worksheet (Not Used)

Appendix D: Soil Properties

Appendix E: Materials Requirement Planning (MRP) Calculation Worksheet

Appendix F: BMP- Bioretention Sizing Calculations

Appendix G: Stormwater Control Exhibits

- Figure 1 – Storm water quality control plan

Appendix H: BMP Treatment Details

Appendix I: Operations and Maintenance (O&M)

Appendix J: C.3 3rd Party Certification Letter

I. PROJECT NARRATIVE

1. PROJECT SETTING

A. Project Description

This Stormwater Control Plan (“SCP”) for the 205 N. McCarthy Boulevard, Milpitas, CA development (“Project”) is submitted to the City of Milpitas as an accompaniment to the conditional use permit application. The SCP provides recommendations on the use of permanent Best Management Practices (“BMP”) for the proposed project. BMP technical requirements are presented in the Santa Clara Valley Urban Runoff Pollution Prevention Program (“SCVURPPP”) C.3 Stormwater Handbook dated April, 2012.

The project is located at 205 N. McCarthy Boulevard, Milpitas, CA (APN 022-056-008). Improvements to the 33.91± acre site is a proposed development of two new industrial buildings with loading docks, parking lots, and landscaping.

B. Site Features and Conditions

Existing Conditions

The existing site consists of all dirt, which is almost to fully pervious. The site is relatively flat with a slight slope of 1.19% from east of the project site to the west. The existing elevations range from approximately feet 13 to 19 feet above mean sea level. Please see Appendix D for Soil Properties of the Site.

Proposed Conditions

The current site is zoned as Industrial and consists of a one-story warehouse building at about 8.86 acres. The site is currently made up of approximately 1,201,119 SF (81.3%) impervious surface made up of roof area, parking, and drive aisles. The remaining 275,848 SF, which is (18.7%) of the site is pervious and made up of landscaped grass, shrubs, trees, and bioretention areas. Walkways will be sloped to drain onto the surrounding landscaping.

Since this is a new development much greater than the maximum area threshold, the whole project is required to be treated. Treatment areas are designed to provide the full treatment area that is required. Please see Appendix F for details.

As part of the Project, a private storm drain system will be modified and connect to the existing City of Milpitas storm drain system that currently runs within North McCarthy Boulevard along the east side of the Site. This onsite storm drain system will collect the drainage from parking lots, roof, and bioretention areas.

C. Opportunities and Constraints for Stormwater Control

Opportunities

- Landscape Areas – Proposed bio-retention areas provided at the perimeter around the project Site for stormwater treatment. Landscape islands are spread at various spots of the parking lot for additional treatment.

Constraints

- Existing Soil Type – The project site soils has been classified as Hydraulic Group D, making infiltration infeasible for the treatment of the majority of Stormwater runoff.
- High Density Land Use – Portions of the site will be covered by rooftops and paving with limited open space for use of storm water control and site aesthetics (i.e. landscaping).
- Site Layout – All new impervious parking areas, rooftops, drive aisles are proposed to be treated as shown in Figures D and E.

D. Hydromodification Management Requirements

The Project is exempt from the Hydromodification Management Plan requirements because the Site is located within a region that drains to hardened channel and/or tidal areas as shown on the City of Milpitas - HMP Applicability Map.

2. MEASURES TO LIMIT IMPERVIOUSNESS

A. Measures to Cluster Development and Protect Natural Resources

The proposed project plans to provide water quality treatment goals where possible. Every effort will be made to minimize impervious surfaces and redirect runoff to pervious surfaces. The Stormwater Control Plan has identified the following design strategies to achieve these goals.

- Maximizing trees and other vegetation by planting additional vegetation and promoting the use of native plants.
- Additionally, landscape islands are being added to parking lots and drive aisles.

B. Measures to Limit Directly Connected Impervious Areas

Approximately 6.33 acres (18.7%) of the proposed project will be covered by landscaped or pervious surfaces which include lawn, shrubs, and trees.

- The project shall be designed to direct runoff from impervious surfaces into landscape areas or drainage treatment features, such as bioretention areas.
- Pedestrian pathways within the landscape areas shall be sloped to drain towards the adjacent landscape areas.

C. Selection of Paving Materials

Conventional concrete has been selected for use throughout this site.

3. SELECTION AND PRELIMINARY DESIGN OF STORMWATER TREATMENT BMPs

A. Hydrology

Runoff coefficients for existing and proposed on-site conditions were based on the SCVURPPP.

A rainfall intensity value of *0.2 inches per hour* is used for treatment flows based on the uniform intensity approach. The weighted runoff coefficient is based on the imperviousness percentage for each particular drainage area. The natural method is used to calculate minimum treatment flows where required for sizing flow-based BMPs.

B. Recommended Permanent BMPs

This SCP identifies Bioretention and Planters as the best methods to fulfill on-site treatment requirements and the recommended BMP solutions are shown in Appendix F. These BMPs will provide a level of treatment that meets the C.3 requirements for the runoff generated by the project improvements:

- Selected landscaping areas will be used as bioretention BMPs.
- Roofs will be pitched, and disconnected downspouts directed in order to convey stormwater runoff to planters which are incorporated into the overall landscape design.

Bioretention Area

Bioretention treatment areas are designed to filter pollutants from stormwater runoff from adjacent roofs, streets and landscape areas using a combination of vegetation, ponding, permeable planting soil, and a subdrain system. A bioretention treatment area will be located along the Project's primary access isle and will ultimately discharge into the public storm drain system that runs along the rear of the Project boundary. Parking lot runoff will discharge directly into the bioretention areas via curb cuts and sidewalk cross drains. Roof drainage will be directed to the Bioretention areas while frontage sidewalk runoff will be treated by sloping towards adjacent landscape areas.

Bioretention treatment areas will be sized to maximize treatment for tributary areas. Runoff that is directed into the bioretention areas will permeate through a minimum of 18" of bio-treatment soil (as identified in the SCVURPPP Handbook). The treatment soil and the planting material to be used within the bioretention treatment areas must have minimum infiltration rate of 5 inches per hour and a maximum 10 inches per hour to meet the infiltration criteria as described in the SCVURPPP bioretention design and sizing guidelines.

Due to poorly draining soils (soil type D per soils report), stormwater infiltration is not feasible. The bioretention areas will each have an impermeable liner under the treatment and perf pipe collection zone as shown in Appendix H.

Each bioretention area is equipped with a bypass pipe that will direct excess water directly into the drainage system. In all cases, the rim of the overflow pipe will be set to meet the minimum ponding depth requirements for each individual bioretention area.

4. SOURCE CONTROL MEASURES

A. Structural Control Measures

Illegal Dumping to Storm Drain Inlets and Waterways

1. On-site storm drain inlets shall be clearly marked with the words “No Dumping! Flows to Bay,” or equivalent, using methods approved by the [Co-permittee].
2. It is unlawful to discharge any wastewater into storm drains, gutters, creeks, or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to, discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; or vehicle cleaning.
3. It is unlawful to cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters, creeks or San Francisco Bay.

Interior Floor Drains

1. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.

Pesticide/Fertilizer Application

1. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where possible, minimize the use of quick-release and/or synthetic fertilizers and pesticides that can contribute to stormwater pollution, and incorporate appropriate sustainable landscaping practices such as Bay Friendly Landscaping (see www.bayfriendly.org).
2. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
3. Additional requirements are covered in the “Model Conditions of Approval for Pest Resistant Landscaping” (August 19, 2002).

Pool, Spa, and Fountain Discharges

1. New or rebuilt swimming pools, hot tubs, spas and fountains shall have a connection to the sanitary sewer system, subject the local sanitary sewer agency’s authority and standards, to facilitate draining events. This connection could be a drain in the pool to the sanitary sewer, or a sanitary sewer cleanout located close enough to the pool so that a hose can readily direct the pool discharge into the sanitary sewer cleanout.

2. Discharges from swimming pools, hot tubs, spas and fountains shall be directed to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards, or to a landscaped area that can accommodate the volume.
3. When draining is necessary, a hose or other temporary system shall direct the pool discharge into a sanitary sewer clean out, subject the local sanitary sewer agency's authority and standards.
4. Discharges from swimming pools, hot tubs, spas and fountains are not allowed into storm drain collection systems.

Food Service Equipment Cleaning

1. Food service facilities (including restaurants and grocery stores) shall have a sink or other area for cleaning floor mats, containers, hood filters, and equipment that is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a covered area outdoors; both areas must be plumbed to the sanitary sewer.

Refuse Areas

1. New buildings [such as food service facilities and/or multi-family residential complexes or subdivisions] shall provide a covered or enclosed area for dumpsters and food waste and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area.
2. Areas around trash enclosures, food waste storage and recycling areas, and/or food compactor enclosures shall not discharge to the storm drain system. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected [to a grease removal device prior to discharging] to the sanitary sewer. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

Fire Sprinkler Test Water

1. Fire sprinkler test water shall discharge to onsite vegetated areas, or to the sanitary sewer, subject to local sanitary sewer agency's authority and standards, if discharge to onsite vegetated areas is not feasible.

Miscellaneous Drain or Wash Water

1. Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.
2. [Air compressor or air conditioner] condensate drain lines may not discharge to the storm drain system. Condensate from air conditioning units shall be directed to landscaped areas or the ground.

3. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
4. Roof top equipment shall drain to onsite vegetated areas, if feasible. If this is not feasible, roof top equipment may drain to the sanitary sewer. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

B. Operational Control Measures

Paved Sidewalks and Parking Lots

1. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wash water containing any cleaning agent or degreaser shall be collected and discharged to the sanitary sewer and shall not be discharged to a storm drain. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

Private Streets

1. Owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

Vehicle/Equipment Repair and Maintenance

1. No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinse water from parts cleaning operations into storm drains.
2. No vehicle fluid removal shall be performed outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any spilled fluid will be in an area of secondary containment. Leaking vehicle fluids shall be contained or drained from the vehicle immediately.
3. No person shall leave unattended drip parts or other open containers containing vehicle fluid unless such containers are in use or in an area of secondary containment.

5. PERMITTING AND CODE COMPLIANCE ISSUES

There are no known conflicts between the proposed Stormwater Control Plan and the City of Milpitas ordinances and policies. Any conflicts that are found will be resolved through the design review process or during subsequent permitting.

6. BMP MAINTENANCE REQUIREMENTS

A. Recommended BMP Maintenance

Proper operation and maintenance of stormwater management facilities will be the responsibility of the property owner in perpetuity.

The applicant will prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan prior to the completion of construction and will execute a Stormwater Management Facilities Operation and Maintenance Agreement before sale, transfer, or permanent occupancy of the site. The applicant accepts the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

Treatment BMPs require minimum maintenance similar to that for any landscape areas. BMPs must be regularly maintained to ensure that they continue to be effective and do not cause flooding or other harmful nuisances. The maintenance requirements are:

Bioretention

- Limit the use of fertilizers and/or pesticides. Mosquito larvicides should be applied only when necessary.
- Replace and amend plants and soils as necessary to insure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.
- Visually inspect for ponding water to ensure that filtration is occurring.
- After all major storm events remove trash, inspect drainage pipes and risers for obstructions and remove if necessary.
- Continue general landscape maintenance, including pruning and cleanup throughout the year.
- Irrigate throughout the dry season. Irrigation should be provided with sufficient quantity and frequency to allow plants to thrive.
- Excavate, clean and or replace filter media (sand, gravel, topsoil) to insure adequate infiltration rate (annually or as needed)

Appendix A



**Santa Clara Valley
Urban Runoff
Pollution Prevention Program**

Date Form Completed: 08/25/20
Completed by: Kevin Rodriguez

Provision C.3 Data Form

Which Projects Must Comply with Stormwater Requirements?

All projects that create and/or replace **10,000 sq. ft.** or more of impervious surface on the project site must fill out this worksheet and submit it with the development project application.

All restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects (stand-alone or part of another development project, including the top uncovered portion of parking structures) that create and/or replace **5,000 sq. ft.** or more of impervious surface on the project site must also fill out this worksheet.

Interior remodeling projects, routine maintenance or repair projects such as re-roofing and re-paving, and single family homes that are not part of a larger plan of development are **NOT** required to complete this worksheet.

What is an Impervious Surface?

An impervious surface is a surface covering or pavement that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to rooftops, walkways, paved patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, underlain with pervious soil or pervious storage material (e.g., drain rock), that infiltrates rainfall at a rate equal to or greater than surrounding unpaved areas OR that stores and infiltrates the water quality design volume specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP), is not considered an impervious surface.

For More Information

For more information regarding selection of Best Management Practices for stormwater pollution prevention or stormwater treatment contact: Kevin Rodriguez (Kier & Wright), Phone #: 925-245-8788

1. Project Information

Project Name: Bridge Point Silicon Valley **APN #** 022-56-008

Project Address: 205 N. McCarthy Boulevard

Cross Streets: N. McCarthy Boulevard & Ranch Drive

Applicant/Developer Name: Angela Noah (Bridge Development Partners)

Project Phase(s): 1 **of** 1 **Engineer:** Chuck McCallum

Project Type (Check all that apply): ☒ New Development ☐ Redevelopment

☒ Private ☐ Public

☐ Residential ☐ Commercial ☒ Industrial ☐ Mixed Use ☐ Institutional

☐ Restaurant ☐ Uncovered Parking ☐ Retail Gas Outlet ☐ Auto Service (SIC code) (5013-5014, 5541, 7532-7534, 7536-7539)

☐ Other

Project Description: Construction of new 388,000 SF building with loading dock, parking lot and landscape planters.

Project Watershed/Receiving Water (creek, river or bay): Coyote Creek

2. Project Size

a. Total Site Area: 34.20 acres		b. Total Site Area Disturbed: 34.20 acres (including clearing, grading, or excavating)			
Site Totals	Total Existing (Pre-project) Area (ft ²)	Existing Area Retained ¹ (ft ²)	Existing Area Replaced ² (ft ²)	New Area Created ² (ft ²)	Total Post- Project Area (ft ²)
c. Total Impervious Area (IA)	7682	5,635	1736	1193748	1201119
d. Total new and replaced impervious area			1195484		
e. Total Pervious Area (PA) ³	1482202				280828
f. Total Area (IA+PA)	1489884				1481947
g. Percent Replacement of IA in Redevelopment Projects: (Existing IA Replaced ÷ Existing Total IA) x 100% 22.598281%					

3. State Construction General Permit Applicability:

a. Is #2.b. equal to 1 acre or more?

- ☒ Yes, applicant must obtain coverage under the State Construction General Permit (see https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)
- ☐ No, applicant does not need coverage under the State Construction General Permit.

4. MRP Provision C.3 Applicability:

a. Is #2.d. equal to **10,000** sq. ft. or more, or **5,000** sq. ft. or more for restaurants, auto service facilities, retail gas outlets, and stand-alone uncovered parking?

- ☒ Yes, C.3. source control, site design and treatment requirements apply
- ☐ No, C.3. source control and site design requirements may apply – check with local agency

b. For redevelopment projects, is #2.g. equal to 50% or more?

- ☐ Yes, C.3. requirements (site design and source control, as appropriate, and stormwater treatment) apply to the entire site
- ☐ No, C.3. requirements only apply to the impervious area created and/or replaced

c. Does the project create and/or replace 5,000 sf or more of impervious surface parking?

- ☒ Yes, C.3. requirements may apply to the entire site – check with local agency
- ☐ No

5. Hydromodification Management (HM) Applicability:

a. Does the project create and/or replace one acre or more of impervious surface AND is the total post-project impervious area greater than the pre-project (existing) impervious area?

- ☒ Yes (continue) ☐ No – exempt from HM, go to page 3

b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map? (www.scvurppp.org/hmp-map)

- ☐ Yes, the project must implement HM requirements
- ☐ No, the project is exempt from HM requirements

¹ “Retained” means to leave existing IA in place. An IA that goes through maintenance (e.g., pavement resurfacing/slurry seal/grind), but no change in grade is considered “retained”.

² The “new” and “replaced” IA are based on the total area of the site and not specific locations on site. For example, impervious parking created over a pervious area is not “new” IA, if an equal amount of pervious area replaces IA somewhere else on the site. Constructed IA on a site that does not exceed the total pre-project IA will be considered “replaced” IA. A site will have “new” IA only if the total post-project IA exceeds the total pre-project IA (total post-project IA – total pre-project IA = New IA).

³ Include bioretention areas, infiltration areas, green roofs, and pervious pavement in PA calculations.

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- ☒ Minimize land disturbed (e.g., protect trees and soil)
- ☒ Minimize impervious surfaces (e.g., reduction in post-project impervious surface)
- ☐ Minimum-impact street or parking lot design (e.g., parking on top of or under buildings)
- ☒ Cluster structures/ pavement
- ☐ Disconnected downspouts (direct runoff from roofs, sidewalks, patios to landscaped areas)
- ☐ Pervious pavement
- ☐ Green roof
- ☒ Other self-treating⁴ area (e.g., landscaped areas)
- ☐ Self-retaining⁴ area
- ☐ Interceptor trees³
- ☐ Rainwater harvesting and use (e.g., rain barrel, cistern for designated use)⁵
- ☐ Preserved open space: _____ ac. or sq. ft. (circle one)
- ☐ Protected riparian and wetland areas/buffers (Setback from top of bank: _____ ft.)
- ☐ Other _____

Source Control Measures

- ☐ Wash area/racks, drain to sanitary sewer⁵
- ☒ Covered dumpster area, drain to sanitary sewer⁶
- ☐ Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain⁶
- ☒ Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- ☐ Outdoor material storage protection
- ☐ Covers, drains for loading docks, maintenance bays, fueling areas
- ☒ Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- ☒ Storm drain labeling
- ☐ Other _____

Treatment Measures

- ☐ None (all impervious surface drains to self-retaining areas)

LID Treatment

- ☒ Bioretention area
- ☐ Flow-through planter
- ☐ Tree Well Filter or Trench with bioretention soils
- ☐ Rainwater harvest/use (e.g., cistern or rain barrel for designated use, sized for C.3.d treatment)
- ☐ Infiltration trench
- ☐ Infiltration well/dry well
- ☐ Subsurface Infiltration System (e.g. vault or large diameter conduit over drain rock)
- ☐ Other _____

Non-LID Treatment Methods

- ☐ Proprietary high flow rate tree box filter⁷
- ☐ Proprietary high flow media filter (sand, compost, or proprietary media)⁷
- ☐ Vegetated filter strip⁸
- ☐ Extended detention basin⁸
- ☐ Vegetated swale⁸
- ☐ Other _____

Flow Duration Controls for Hydromodification Management (HM)

- ☐ Extended Detention basin
- ☐ Underground tank or vault
- ☐ Bioretention with outlet control
- ☐ Other _____

⁴ See SCVURPPP C3 Handbook for definitions. <https://scvurppp.org/2016/06/20/c-3-stormwater-handbook-june-2016/>

⁵ Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.

⁶ Subject to sanitary sewer authority requirements.

⁷ These treatment measures are only allowed if the project qualifies as a "Special Project".

⁸ These treatment measures are only allowed as part of a multi-step treatment process (i.e., for pretreatment).

7. Stormwater Treatment Measure (STM) Sizing for Projects with Treatment Requirements

Stormwater Treatment Measure (STM)	Hydraulic Sizing Criteria Used*
Bio-Retention Planter	2b
Bio-Retention Planter	3
	Choose from list
	Choose from list

*Key: 1a: Volume – WEF Method
 1b: Volume – CASQA BMP Handbook Method
 2a: Flow – Factored Flood Flow Method
 2b: Flow – CASQA BMP Handbook Method
 2c: Flow – Uniform Intensity Method
 3: Combination Flow and Volume Design Basis

8. Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☒ Yes ☐ No Name of Third-party Reviewer _____

9. Operation & Maintenance Information

A. Property Owner's Name Bridge Development Partners
 B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:
 a. Name: Angela Noah (Bridge Development Partners)
 b. Address: 11100 Santa Monica Blvd., Suite 700 Los Angeles, CA
 c. Phone/E-mail: 213.519.3132 / anoah@bridgedev.com

This section to be completed by Municipal staff.

O&M Responsibility Mechanism

Indicate how responsibility for O&M is assured. Check all that apply:

- ☐ O&M Agreement
☒ Other mechanism that assigns responsibility (describe below):

This section to be completed by Municipal staff (Note: This is an optional section that agencies should modify per their internal review and tracking process.)

Reviewed By:

Community Development Department

Planning Division: _____

Building Division: _____

Public Works Department

Engineering: _____

Other (Specify): _____

Return form to: _____

Data entry performed by: _____

Appendix B

Appendix C

Appendix D



CORNERSTONE
EARTH GROUP

Vicinity Map

Milpitas Campus Center
Milpitas, CA

Project Number

1054-2-1

Figure Number

Figure 1

Date

April 2019

Drawn By

RRN

UNIFIED SOIL CLASSIFICATION (ASTM D-2487-98)

MATERIAL TYPES	CRITERIA FOR ASSIGNING SOIL GROUP NAMES			GROUP SYMBOL	SOIL GROUP NAMES & LEGEND	
COARSE-GRAINED SOILS >50% RETAINED ON NO. 200 SIEVE	GRAVELS >50% OF COARSE FRACTION RETAINED ON NO 4. SIEVE	CLEAN GRAVELS <5% FINES	$Cu>4$ AND $1<Cc<3$	GW	WELL-GRADED GRAVEL	
			$Cu>4$ AND $1>Cc>3$	GP	POORLY-GRADED GRAVEL	
		GRAVELS WITH FINES >12% FINES	FINES CLASSIFY AS ML OR CL	GM	SILTY GRAVEL	
			FINES CLASSIFY AS CL OR CH	GC	CLAYEY GRAVEL	
	SANDS >50% OF COARSE FRACTION PASSES ON NO 4. SIEVE	CLEAN SANDS <5% FINES	$Cu>6$ AND $1<Cc<3$	SW	WELL-GRADED SAND	
			$Cu>6$ AND $1>Cc>3$	SP	POORLY-GRADED SAND	
		SANDS AND FINES >12% FINES	FINES CLASSIFY AS ML OR CL	SM	SILTY SAND	
			FINES CLASSIFY AS CL OR CH	SC	CLAYEY SAND	
FINE-GRAINED SOILS >50% PASSES NO. 200 SIEVE	SILTS AND CLAYS LIQUID LIMIT<50	INORGANIC	$PI>7$ AND PLOTS>"A" LINE	CL	LEAN CLAY	
			$PI>4$ AND PLOTS<"A" LINE	ML	SILT	
		ORGANIC	LL (oven dried)/LL (not dried)<0.75	OL	ORGANIC CLAY OR SILT	
	SILTS AND CLAYS LIQUID LIMIT>50	INORGANIC	PI PLOTS >"A" LINE	CH	FAT CLAY	
			PI PLOTS <"A" LINE	MH	ELASTIC SILT	
		ORGANIC	LL (oven dried)/LL (not dried)<0.75	OH	ORGANIC CLAY OR SILT	
HIGHLY ORGANIC SOILS		PRIMARILY ORGANIC MATTER, DARK IN COLOR, AND ORGANIC ODOR		PT	PEAT	

OTHER MATERIAL SYMBOLS	
	Poorly-Graded Sand with Clay
	Clayey Sand
	Sandy Silt
	Artificial/Undocumented Fill
	Poorly-Graded Gravelly Sand
	Topsoil
	Well-Graded Gravel with Clay
	Well-Graded Gravel with Silt
	Sand
	Silt
	Well Graded Gravelly Sand
	Gravelly Silt
	Asphalt
	Boulders and Cobble

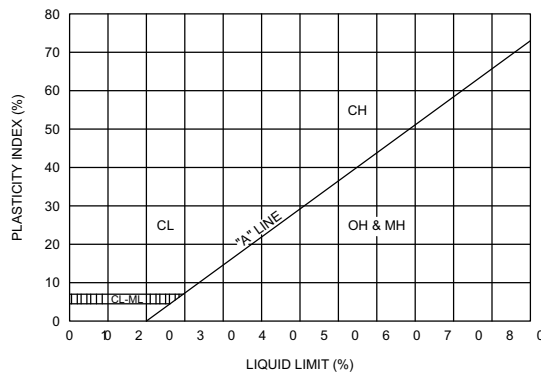
SAMPLER TYPES

	SPT		Shelby Tube
	Modified California (2.5" I.D.)		No Recovery
	Rock Core		Grab Sample

ADDITIONAL TESTS

CA - CHEMICAL ANALYSIS (CORROSIVITY)	PI - PLASTICITY INDEX
CD - CONSOLIDATED DRAINED TRIAXIAL	SW - SWELL TEST
CN - CONSOLIDATION	TC - CYCLIC TRIAXIAL
CU - CONSOLIDATED UNDRAINED TRIAXIAL	TV - TORVANE SHEAR
DS - DIRECT SHEAR	UC - UNCONFINED COMPRESSION
PP - POCKET PENETROMETER (TSF)	(1.5) - (WITH SHEAR STRENGTH IN KSF)
(3.0) - (WITH SHEAR STRENGTH IN KSF)	- (WITH SHEAR STRENGTH IN KSF)
RV - R-VALUE	UU - UNCONSOLIDATED UNDRAINED TRIAXIAL
SA - SIEVE ANALYSIS: % PASSING #200 SIEVE	
	- WATER LEVEL

PLASTICITY CHART



PENETRATION RESISTANCE (RECORDED AS BLOWS / FOOT)

SAND & GRAVEL		SILT & CLAY		
RELATIVE DENSITY	BLOWS/FOOT*	CONSISTENCY	BLOWS/FOOT*	STRENGTH** (KSF)
VERY LOOSE	0 - 4	VERY SOFT	0 - 2	0 - 0.25
LOOSE	4 - 10	SOFT	2 - 4	0.25 - 0.5
MEDIUM DENSE	10 - 30	MEDIUM STIFF	4 - 8	0.5 - 1.0
DENSE	30 - 50	STIFF	8 - 15	1.0 - 2.0
VERY DENSE	OVER 50	VERY STIFF	15 - 30	2.0 - 4.0
		HARD	OVER 30	OVER 4.0

* NUMBER OF BLOWS OF 140 LB HAMMER FALLING 30 INCHES TO DRIVE A 2 INCH O.D. (1-3/8 INCH I.D.) SPLIT-BARREL SAMPLER THE LAST 12 INCHES OF AN 18-INCH DRIVE (ASTM-1586 STANDARD PENETRATION TEST).

** UNDRAINED SHEAR STRENGTH IN KIPS/SQ.FT. AS DETERMINED BY LABORATORY TESTING OR APPROXIMATED BY THE STANDARD PENETRATION TEST, POCKET PENETROMETER, TORVANE, OR VISUAL OBSERVATION.



CORNERSTONE EARTH GROUP

BORING NUMBER EB-1

PAGE 1 OF 1

PROJECT NAME Milpitas Campus CenterPROJECT NUMBER 1054-2-1PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CADATE STARTED 3/21/19 DATE COMPLETED 3/21/19DRILLING CONTRACTOR Cuesta GeoDRILLING METHOD MPP LAD Track Rig, 6½ inch Hollow-Stem AugerLOGGED BY JLC

NOTES _____

GROUND ELEVATION _____ BORING DEPTH 16.5 ft.LATITUDE 37.432279° LONGITUDE -121.926816°**GROUNDWATER LEVELS:**▽ AT TIME OF DRILLING 9.5 ft.▼ AT END OF DRILLING 9.5 ft.

This log is a part of a report by Cornerstone Earth Group, and should not be used as a stand-alone document. This description applies only to the location of the exploration at the time of drilling. Subsurface conditions may differ at other locations and may change at this location with time. The description presented is a simplification of actual conditions encountered. Transitions between soil types may be gradual.

ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT pcf	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf				
										○ HAND PENETROMETER	△ TORVANE	● UNCONFINED COMPRESSION	▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL	
	0		Sandy Lean Clay (CL) very stiff, moist, brown, fine sand, low plasticity	7	MC-1B	91	22						○	
	5		Silty Sand (SM) very loose, moist, brown, fine to medium sand	4	MC									
			Silt with Sand (ML) soft, moist, brown, fine sand, low plasticity	2	MC-3B	95	32							
			Silty Clay with Sand (CL-ML) medium stiff, moist, brown, fine to medium sand, moderate to high plasticity	2	MC-4C	101	27			○				
	10		Silty Sand (SM) very loose, moist, brown, fine sand	3	MC-5B	103	20							
			Fat Clay (CH) stiff, moist, dark gray, high plasticity	5	MC-6B	94	30				○			
	15		Lean Clay with Sand (CL) very stiff, moist, gray with brown mottles, fine to medium sand, moderate to high plasticity	20	MC-7B	109	21						○	
			Bottom of Boring at 16.5 feet.											
	20													
	25													



CORNERSTONE EARTH GROUP

BORING NUMBER EB-2

PAGE 1 OF 3

DATE STARTED 3/27/19 DATE COMPLETED 3/27/19

DRILLING CONTRACTOR Britton Exploration

DRILLING METHOD CME 55 Track Rig, 8 inch Hollow-Stem Auger

LOGGED BY JLC

NOTES

PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

GROUND ELEVATION BORING DEPTH 65 ft.

LATITUDE 37.433684° LONGITUDE -121.926132°

GROUNDWATER LEVELS:

▽ AT TIME OF DRILLING 10 ft.

▽ AT END OF DRILLING 10 ft.

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ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTION

Sandy Lean Clay (CL)
very stiff, moist, brown, fine sand, low plasticity

Lean Clay with Sand (CL)
stiff, moist, brown, fine sand, low plasticity
Liquid Limit = 29, Plastic Limit = 16

Poorly Graded Sand with Silt (SP-SM)
loose, moist, brown, fine to medium sand

Lean Clay with Sand (CL)
soft, moist, brown, fine sand, low plasticity

Poorly Graded Sand with Gravel (SP)
loose, moist, gray, fine to coarse sand

Sandy Lean Clay (CL)
Silty Sand (SM)
loose, moist, grayish brown, fine to coarse sand, some fine subrounded gravel

Lean Clay (CL)
very stiff, moist, gray with brown mottles, some fine sand, moderate plasticity

Silty Sand (SM)
loose, wet, brown, fine sand

N-Value (uncorrected)
blows per foot

SAMPLES
TYPE AND NUMBER

DRY UNIT WEIGHT
pcf

NATURAL
MOISTURE CONTENT

PLASTICITY INDEX, %

PERCENT PASSING
No. 200 SIEVE

UNDRAINED SHEAR STRENGTH, ksf
○ HAND PENETROMETER
△ TORVANE
● UNCONFINED COMPRESSION
▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL

1.0 2.0 3.0 4.0

Continued Next Page



PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

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ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT pcf	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf				
										○ HAND PENETROMETER	△ TORVANE	● UNCONFINED COMPRESSION	▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL	
				1.0	2.0	3.0	4.0							
			Silty Sand (SM) loose, wet, brown, fine sand	5	SPT-10		27							
	30													
	35													
			Sandy Lean Clay (CL) medium stiff, moist, brown, fine sand, low plasticity	7	MC-11B	102	25			○				
	40		becomes soft, wet		ST-12	101	26		64	○				
			Poorly Graded Sand with Silt (SP-SM) loose, wet, brown, fine sand											
			Sandy Lean Clay (CL) stiff, moist, brown, fine sand, low plasticity	18	MC-13B	112	20			○				
	45													
			Lean Clay (CL) very stiff, moist, gray with brown mottles, some fine sand, moderate plasticity	24	MC-14B	96	29				○			
	50													
			Silty Sand (SM) loose, wet, brown, fine sand	12	MC-15B	98	28							
	55													
			Continued Next Page											



PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

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ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT pcf	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf ○ HAND PENETROMETER △ TORVANE ● UNCONFINED COMPRESSION ▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL				
										1.0	2.0	3.0	4.0	
	60		Lean Clay (CL) stiff, moist, gray, some fine sand, moderate plasticity	19	MC-16B	104	24				○			
	65		Silty Sand (SM) loose, wet, gray, fine sand Lean Clay (CL) very stiff, moist, grayish brown, some fine to medium sand, with silt, moderate to high plasticity Bottom of Boring at 65.0 feet.	10	MC-17B	105	25				○			
	70													
	75													
	80													
	85													



BORING NUMBER EB-3

PAGE 1 OF 1

DATE STARTED 3/21/19 DATE COMPLETED 3/21/19

DRILLING CONTRACTOR Cuesta Geo

DRILLING METHOD MPP LAD Track Rig, 6½ inch Hollow-Stem Auger

LOGGED BY JLC

NOTES

PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

GROUND ELEVATION BORING DEPTH 25 ft.

LATITUDE 37.432497° LONGITUDE -121.925993°

GROUNDWATER LEVELS:

▽ AT TIME OF DRILLING 15 ft.

▼ AT END OF DRILLING 10 ft.

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ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT PCF	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf			
	0		Silty Sand (SM) loose, moist, brown, fine sand							○ HAND PENETROMETER			
			Sandy Lean Clay (CL) very stiff, moist, brown, fine sand, low plasticity	5	MC-1B	98	21			△ TORVANE			
				7	MC-2C	90	9		16	● UNCONFINED COMPRESSION			
			Silty Sand (SM) loose, moist, brown, fine sand	13	MC-3B	94	10			▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL			
			Fat Clay (CH) very stiff, moist, dark gray, high plasticity	14	MC-4B	97	25			1.0 2.0 3.0 4.0			
	10		Lean Clay (CL) very stiff, moist, gray, some fine to coarse sand, moderate plasticity	18	MC-5B	107	23						
			Lean Clay with Sand (CL) very stiff, moist, brown, some fine to coarse sand, moderate to high plasticity	19	MC								
	15			18	MC-7B	103	23						
			Lean Clay (CL) very stiff, moist, brown, some fine sand, moderate plasticity	12	MC-8B	107	22						
	20												
			thin sand seam	7	MC-9B	98	26						
	25		Bottom of Boring at 25.0 feet.										

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CORNERSTONE EARTH GROUP

BORING NUMBER EB-4

PAGE 1 OF 1

PROJECT NAME Milpitas Campus CenterPROJECT NUMBER 1054-2-1PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CAGROUND ELEVATION _____ BORING DEPTH 15 ft.LATITUDE 37.433086° LONGITUDE -121.926399°**GROUNDWATER LEVELS:**▽ AT TIME OF DRILLING 14 ft.▼ AT END OF DRILLING 10 ft.DATE STARTED 3/21/19 DATE COMPLETED 3/21/19DRILLING CONTRACTOR Cuesta GeoDRILLING METHOD MPP LAD Track Rig, 6½ inch Hollow-Stem AugerLOGGED BY JLC

NOTES _____

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ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTIONN-Value (uncorrected)
blows per footSAMPLES
TYPE AND NUMBERDRY UNIT WEIGHT
pcfNATURAL
MOISTURE CONTENT

PLASTICITY INDEX, %

PERCENT PASSING
No. 200 SIEVE

UNDRAINED SHEAR STRENGTH,
ksf

○ HAND PENETROMETER

△ TORVANE

● UNCONFINED COMPRESSION

▲ UNCONSOLIDATED-UNDRAINED
TRIAxIAL

1.0 2.0 3.0 4.0

Sandy Lean Clay (CL)
stiff, moist, brown, fine sand, low plasticity

Lean Clay with Sand (CL)
stiff, moist, brown, fine sand, low plasticity

Silty Sand (SM)
loose, moist, brown, fine sand

Sandy Lean Clay (CL)
medium stiff, moist, brown, fine sand, low plasticity

Silty Sand (SM)
loose, moist, brown, fine sand

Sandy Lean Clay (CL)
soft, moist, brown, fine sand, low plasticity

Silty Sand (SM)
loose, wet, brown, fine sand

Fat Clay (CH)
very stiff, moist, dark gray, high plasticity

Lean Clay (CL)
stiff, moist, brown with gray mottles,
moderate plasticity

Bottom of Boring at 15.0 feet.

3

MC-1B

102

24

79

2

MC-2B

104

23

79

4

MC

95

28

13

2

MC-4C

95

28

13

NR

NR

102

25

13

5

MC-6B

102

25

13

8

MC-7B

100

28

13

DATE STARTED 3/26/19 DATE COMPLETED 3/26/19

DRILLING CONTRACTOR Britton Exploration

DRILLING METHOD CME 55 Track Rig, 8 inch Hollow-Stem Auger

LOGGED BY JLC

NOTES

PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

GROUND ELEVATION BORING DEPTH 65 ft.

LATITUDE 37.430771° LONGITUDE -121.925295°

GROUNDWATER LEVELS:

▽ AT TIME OF DRILLING 21 ft.

▽ AT END OF DRILLING 21 ft.

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ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT PCF	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf
	0		Clayey Sand (SC) [Fill] loose, moist, brown, fine to medium sand, some fine subangular to subrounded gravel							
			Sandy Silty Clay (CL-ML) [Fill] medium stiff, moist, brown, fine sand, low plasticity Liquid Limit = 28, Plastic Limit = 22	7	MC-1B	91	30	6		
			Lean Clay with Sand (CL) [Fill] stiff, moist, dark brown and brown mottled, fine to coarse sand, moderate plasticity	9	MC-2A	96	21			
	5		Silty Sand (SM) loose, moist, brown, fine sand	8	MC-3A	96	20			
			Fat Clay (CH) stiff, moist, dark gray, trace fine sand, high plasticity							
	10		Lean Clay (CL) very stiff, moist, brown with gray mottles, trace fine sand, moderate plasticity	16	MC-4B	100	26			
			some fine to coarse sand at 13.5'	13	MC					
				21	MC-6B	107	22			
				14	MC					
	15		Lean Clay with Sand (CL) soft, moist, gray with brown mottles, fine sand, low plasticity		ST-8	91	31		85	
			Poorly Graded Sand with Silt (SP-SM) loose, wet, gray and brown, fine to coarse sand							
	20		Sandy Lean Clay (CL) medium stiff, moist, gray with brown mottles, fine sand, low plasticity	7	MC-9B	93	29		55	
			Sandy Silt (ML) medium stiff, wet, gray, fine sand, low plasticity							
			Silty Sand (SM) loose, wet, gray, fine sand	2	SPT					
	25									

Continued Next Page



PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

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ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTION

Silty Sand (SM)
loose, wet, gray, fine sand

Poorly Graded Sand with Silt (SP-SM)
medium dense, wet, gray and brown, fine to medium sand

Poorly Graded Sand with Silt and Gravel (SP-SM)
medium dense, wet, gray and brown, fine to coarse sand, fine to coarse subangular to subrounded gravel

Lean Clay (CL)
very stiff, moist, brown with gray mottles, moderate plasticity

becomes stiff

N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT pcf	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf			
						○ HAND PENETROMETER	△ TORVANE	● UNCONFINED COMPRESSION	▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL
						1.0	2.0	3.0	4.0
21	SPT-11		20						
27	SPT								
24	MC-13B	110	20					○	
10	MC-14B	98	28			○			
17	MC-15B	97	30			○			
13	MC-16B	105	27			○			

Continued Next Page



PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

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ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTION

Lean Clay (CL)
very stiff, moist, brown with gray mottles,
moderate plasticity

Silty Sand (SM)
loose, wet, gray, fine sand

Poorly Graded Sand with Silt (SP-SM)
dense, moist, grayish brown, fine to medium
sand

Bottom of Boring at 65.0 feet.

N-Value (uncorrected)
blows per foot

SAMPLES
TYPE AND NUMBER

DRY UNIT WEIGHT
pcf

NATURAL
MOISTURE CONTENT

PLASTICITY INDEX, %

PERCENT PASSING
No. 200 SIEVE

UNDRAINED SHEAR STRENGTH,
ksf

○ HAND PENETROMETER

△ TORVANE

● UNCONFINED COMPRESSION

▲ UNCONSOLIDATED-UNDRAINED
TRIAXIAL

1.0 2.0 3.0 4.0

13

MC-17B

102

21

60

MC-18B

107

20



CORNERSTONE EARTH GROUP

BORING NUMBER EB-6

PAGE 1 OF 1

PROJECT NAME Milpitas Campus CenterPROJECT NUMBER 1054-2-1PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CAGROUND ELEVATION _____ BORING DEPTH 25 ft.LATITUDE 37.433286° LONGITUDE -121.924418°**GROUNDWATER LEVELS:**▼ **AT TIME OF DRILLING** Not Encountered▼ **AT END OF DRILLING** Not EncounteredDATE STARTED 3/22/19 DATE COMPLETED 3/22/19DRILLING CONTRACTOR Cuesta GeoDRILLING METHOD MPP LAD Track Rig, 6½ inch Hollow-Stem AugerLOGGED BY JLC

NOTES _____

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ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT PCF	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf
	0		Lean Clay with Sand (CL) very stiff, moist, brown, fine sand, low plasticity	10	MC-1B	107	23			
	7			7	MC					
	5		Silty Sand (SM) loose, moist, brown, fine sand	7	MC-3A	98	15		15	
	7			7	MC-4B	97	27			
	10		Fat Clay (CH) stiff to very stiff, moist, dark gray, high plasticity		ST					
	15		Lean Clay (CL) very stiff, moist, gray with brown mottles, some fine sand, moderate plasticity	16	MC					
	29				MC-7A	106	22			
	20		Lean Clay with Sand (CL) very stiff, moist, light brown with grayish brown mottles, fine to medium sand, moderate plasticity	14	MC-8B	99	22			
	25		Poorly Graded Sand with Silt (SP-SM) medium dense, wet, brown, fine to medium sand	18	SPT-9		19			
	25		Bottom of Boring at 25.0 feet.							



CORNERSTONE EARTH GROUP

BORING NUMBER EB-7

PAGE 1 OF 1

DATE STARTED 3/22/19 DATE COMPLETED 3/22/19

DRILLING CONTRACTOR Cuesta Geo

DRILLING METHOD MPP LAD Track Rig, 6½ inch Hollow-Stem Auger

LOGGED BY JLC

NOTES

PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

GROUND ELEVATION BORING DEPTH 23.5 ft.

LATITUDE 37.431738° LONGITUDE -121.924287°

GROUNDWATER LEVELS:

▽ AT TIME OF DRILLING 10 ft.

▼ AT END OF DRILLING 10 ft.

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ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTION

Lean Clay with Sand (CL)
stiff, moist, brown, fine sand, low plasticity

Silty Clay with Sand (CL-ML)
stiff, moist, brown, fine to medium sand, low to moderate plasticity

Silty Sand (SM)
loose, moist, brown, fine sand

Liquid Limit = 27, Plastic Limit = 24

Lean Clay with Sand (CL)
stiff, moist, brown, fine sand, low plasticity

Fat Clay (CH)
stiff, moist, dark gray, high plasticity

Lean Clay with Sand (CL)
very stiff, moist, brown with gray mottles, fine to medium sand, moderate plasticity

Poorly Graded Sand with Silt (SP-SM)
loose, wet, gray and brown, fine to medium sand

Bottom of Boring at 23.5 feet.

N-Value (uncorrected)
blows per footSAMPLES
TYPE AND NUMBERDRY UNIT WEIGHT
pcfNATURAL
MOISTURE CONTENT

PLASTICITY INDEX, %

PERCENT PASSING
No. 200 SIEVEUNDRAINED SHEAR STRENGTH,
ksf

○ HAND PENETROMETER

△ TORVANE

● UNCONFINED COMPRESSION

▲ UNCONSOLIDATED-UNDRAINED
TRIAXIAL

1.0 2.0 3.0 4.0



BORING NUMBER EB-8

PAGE 1 OF 1

DATE STARTED 3/22/19 DATE COMPLETED 3/22/19
 DRILLING CONTRACTOR Cuesta Geo
 DRILLING METHOD MPP LAD Track Rig, 6½ inch Hollow-Stem Auger
 LOGGED BY JLC
 NOTES _____

PROJECT NAME Milpitas Campus Center
 PROJECT NUMBER 1054-2-1
 PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA
 GROUND ELEVATION _____ BORING DEPTH 23.5 ft.
 LATITUDE 37.430484° LONGITUDE -121.923416°
 GROUNDWATER LEVELS:
 ▽ AT TIME OF DRILLING Not Encountered
 ▼ AT END OF DRILLING Not Encountered

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ELEVATION (ft)	DEPTH (ft)	SYMBOL	DESCRIPTION	N-Value (uncorrected) blows per foot	SAMPLES TYPE AND NUMBER	DRY UNIT WEIGHT PCF	NATURAL MOISTURE CONTENT	PLASTICITY INDEX, %	PERCENT PASSING No. 200 SIEVE	UNDRAINED SHEAR STRENGTH, ksf				
	0		Lean Clay with Sand (CL) very stiff, moist, brown, fine sand, low plasticity Liquid Limit = 32, Plastic Limit = 19	9	MC-1B	99	21	13						
			Silt (ML) very stiff, moist, brown, fine sand, low plasticity	9	MC-2B	96	17		93					
	5			11	MC-3B	99	12							
			Fat Clay (CH) hard to very stiff, moist, dark brown to dark gray, high plasticity	17	MC-4B	100	26							
			Lean Clay (CL) hard, moist, gray, some fine sand, moderate plasticity	18	MC									>4.5
	10			24	MC-6A	108	22		89					
			Lean Clay with Sand (CL) very stiff, moist, brown, fine to medium sand, moderate plasticity	20	MC-7B	113	20							
				19	MC-8B	112	21							
	15													
			Silty Sand (SM) loose, wet, brown, fine sand	2	MC-9B	103	25		18					
	20			4	SPT									
			Lean Clay with Sand (CL) stiff, moist, brown, fine to medium sand, moderate to high plasticity	7	MC-11B	91	33							
			Bottom of Boring at 23.5 feet.											
	25													

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CORNERSTONE EARTH GROUP

BORING NUMBER EB-9

PAGE 1 OF 2

DATE STARTED 3/26/19 DATE COMPLETED 3/26/19

DRILLING CONTRACTOR Britton Exploration

DRILLING METHOD CME 55 Track Rig, 8 inch Hollow-Stem Auger

LOGGED BY JLC

NOTES

PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

GROUND ELEVATION BORING DEPTH 45 ft.

LATITUDE 37.432626° LONGITUDE -121.922453°

GROUNDWATER LEVELS:

▽ AT TIME OF DRILLING 7 ft.

▽ AT END OF DRILLING 7 ft.

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ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTION

Well Graded Gravel with Silt and Sand (GW-GM) [Fill]

loose, moist, gray and brown, fine to coarse subangular gravel, fine to coarse sand, some AC fragments

Sandy Lean Clay (CL) [Fill]

stiff, moist, brown, fine sand, low plasticity

Well Graded Sand with Silt (SW-SM) [Fill]

loose, moist, gray and brown, fine to coarse sand

Sandy Lean Clay (CL)

stiff, moist, brown, fine sand, low plasticity

Silty Sand (SM)

loose, moist, brown, fine sand

Fat Clay (CH)

very stiff, moist, dark gray, high plasticity

Lean Clay with Sand (CL)

very stiff, moist, brown, fine to medium sand, moderate plasticity

Poorly Graded Sand with Silt (SP-SM)

loose, wet, brown, fine to medium sand

N-Value (uncorrected)
blows per foot

SAMPLES
TYPE AND NUMBER

DRY UNIT WEIGHT
pcf

NATURAL
MOISTURE CONTENT

PLASTICITY INDEX, %

PERCENT PASSING
No. 200 Sieve

UNDRAINED SHEAR STRENGTH, ksf
○ HAND PENETROMETER
△ TORVANE
● UNCONFINED COMPRESSION
▲ UNCONSOLIDATED-UNDRAINED TRIAXIAL

1.0 2.0 3.0 4.0

15

MC-1B

110

17

15

13

MC-2B

97

26

15

11

MC-3B

99

21

15

7

MC-4B

90

32

80

26

MC-5B

109

20

80

30

MC-6A

107

19

2

14

MC-7B

100

22

2

6

SPT-8

22

2

Continued Next Page



PROJECT NAME Milpitas Campus Center

PROJECT NUMBER 1054-2-1

PROJECT LOCATION 155 McCarthy Boulevard, Milpitas, CA

This log is a part of a report by Cornerstone Earth Group, and should not be used as a stand-alone document. This description applies only to the location of the exploration at the time of drilling. Subsurface conditions may differ at other locations and may change at this location with time. The description presented is a simplification of actual conditions encountered. Transitions between soil types may be gradual.

ELEVATION (ft)

DEPTH (ft)

SYMBOL

DESCRIPTION

Poorly Graded Sand with Silt (SP-SM)
loose, wet, brown, fine to medium sand

becomes wet, sand flowed into augers and
disturbed sampling process, moved over 4'
and redrilled.

Lean Clay (CL)
hard, moist, gray, some fine to medium sand,
moderate plasticity

becomes very stiff

Bottom of Boring at 45.0 feet.

N-Value (uncorrected)
blows per foot

SAMPLES
TYPE AND NUMBER

DRY UNIT WEIGHT
PCF

NATURAL
MOISTURE CONTENT

PLASTICITY INDEX, %

PERCENT PASSING
No. 200 SIEVE

UNDRAINED SHEAR STRENGTH,
ksf

○ HAND PENETROMETER

△ TORVANE

● UNCONFINED COMPRESSION

▲ UNCONSOLIDATED-UNDRAINED
TRIAxIAL

1.0 2.0 3.0 4.0

GB

15 SPT

32 MC-11

17 MC-12B

21

88 33

>4.5

>4.5

○

Appendix E

MRP CALCULATIONS

The project proposes to treat 4% of the new and/or replaced impervious in bioretention treatment facilities on-site. At the time of building permit submittal, additional calculations may be proposed to potentially reduce required treatment areas by using the CASQA BMP Handbook Method. See Appendix D for sizing of each bioretention treatment area.

Appendix F

TREATMENT CONTROL MEASURE SUMMARY TABLE										
DMA #	TCM #	DMA AREA (SF)	DMA AREA (AC)	LANDSCAPE AREA (SF)	IMPERVIOUS AREA (SF)	TREATMENT REQUIRED (SF)*	TREATMENT PROVIDED (SF)	SIZING RATIO (%)	TREATMENT TYPE	SIZING METHOD
DMA 1	TCM 1	66,457	1.53	23,955	40,725	1,629	1,778	4.4%	BIORETENTION PLANTER	4% METHOD
DMA 2	TCM 2	634,169	14.56	103,704	509,234	20,369	21,232	4.2%	BIORETENTION PLANTER	4% METHOD
DMA 3	TCM 3	31,562	0.72	2,104	28,300	1,132	1,158	4.1%	BIORETENTION PLANTER	4% METHOD
DMA 4	TCM 4	157,779	3.62	5,882	147,311	5,892	4,587	3.1%	BIORETENTION PLANTER	COMBINATION FLOW/VOLUME
DMA 5	TCM 5	48,507	1.11	24,829	22,167	887	1,510	6.8%	BIORETENTION PLANTER	4% METHOD
DMA 6	TCM 6	372,136	8.54	28,067	330,191	13,208	13,878	4.2%	BIORETENTION PLANTER	4% METHOD
DMA 7	TCM 7	43,575	1.00	5,832	36,217	1,449	1,526	4.2%	BIORETENTION PLANTER	4% METHOD
DMA 8	TCM 8	108,691	2.50	26,720	78,591	2,732	3,380	4.3%	BIORETENTION PLANTER	4% METHOD
DMA 9	TCM 9	14,091	0.32	5,357	8,384	2,732	350	4.2%	BIORETENTION PLANTER	4% METHOD
	TOTAL	1,476,967	33.91	226,450	1,201,119	50,030	49,398			

Worksheet for Calculating the Combination Flow and Volume Method

Instructions: After completing Section 1, make a copy of this Excel file for each Drainage Management Area within the project. Enter information specific to the project and DMA in the cells shaded in yellow. Cells shaded in light blue contain formulas and values that will be automatically calculated.

1.0 Project Information

- 1-1 Project Name: **Bridge Point Silicon Valley**
- 1-2 City application ID:
- 1-3 Site Address or APN: **205 N. McCarthy Blvd. (APN# 022-56-008)**
- 1-4 Tract or Parcel Map No:
- 1-5 Site Mean Annual Precip. (MAP)¹ **16.0** Inches

The calculations presented here are based on the **combination flow and volume hydraulic sizing method** provided in the Clean Water Program Alameda County C.3 Technical Guidance, Version 4.0. The steps presented below are explained in Chapter 5, Section 5.1 of the guidance manual, applicable portions of which are included in this file, in the tab called "Guidance from Chapter 5".

Refer to the Mean Annual Precipitation Map in Appendix D of the C.3 Technical Guidance to determine the MAP, in inches, for the site.

[Click here for map](#)

- 1-6 Applicable Rain Gauge² **San Jose**
- Enter "Oakland Airport" if the site MAP is 16.4 inches or greater. Enter "San Jose" if the site MAP is less than 16.4 inches.

MAP adjustment factor is automatically calculated as: **1.11**

(The "Site Mean Annual Precipitation (MAP)" is divided by the MAP for the applicable rain gauge, shown in Table 5.2, below.)

2.0 Calculate Percentage of Impervious Surface for Drainage Management Area (DMA)

- 2-1 Name of DMA: **AREA 4**

For items 2-2 and 2-3, enter the areas in square feet for each type of surface within the DMA.

	Type of Surface	Area of surface type within DMA (Sq. Ft)	Adjust Pervious Surface	Effective Impervious Area
2-2	Impervious surface	147,311	1.0	147,311
2-3	Pervious service	10,468	0.1	1,047
Total DMA Area (square feet) =		157,779		

- 2-4 **Total Effective Impervious Area (EIA)** **148,358** Square feet

3.0 Calculate Unit Basin Storage Volume in Inches

Table 5-2: Unit Basin Storage Volumes (in inches) for 80 Percent Capture Using 48-Hour Drawdowns		
	Mean Annual Precipitation (in)	Unit Basin Storage Volume (in) for Applicable Runoff Coefficients
Applicable Rain Gauge		Coefficient of 1.00
Oakland Airport	18.35	0.67
San Jose	14.4	0.56

- 3-1 **Unit basin storage volume from Table 5.2:** **0.56** Inches

(The coefficient for this method is 1.00, due to the conversion of any landscaping to effective impervious area)

- 3-2 **Adjusted unit basin storage volume:** **0.62** Inches

(The unit basin storage volume is adjusted by applying the MAP adjustment factor.)

- 3-3 **Required Capture Volume (in cubic feet):** **7,693** Cubic feet

(The adjusted unit basin sizing volume [inches] is multiplied by the size of the DMA and converted to feet)

4.0 Calculate the Duration of the Rain Event

- 4-1 Rainfall intensity **0.2** Inches per hour
- 4-2 Divide Item 3-2 by Item 4-1 **3.11** Hours of Rain Event Duration

5.0 Preliminary Estimate of Surface Area of Treatment Measure

- 5-1 4% of DMA impervious surface **5,934** Square feet
- 5-2 Area 25% smaller than item 5-1 **4,451** Square feet
- 5-3 Volume of treated runoff for area in Item 5-2 **5,769** Cubic feet (Item 5-2 * 5 inches per hour * 1/12 * Item 4-2)

6.0 Initial Adjustment of Depth of Surface Ponding Area

- 6-1 Subtract Item 5-3 from Item 3-3 **1,923** Cubic feet (Amount of runoff to be stored in ponding area)
- 6-2 Divide Item 6-1 by Item 5-2 **0.4** Feet (Depth of stored runoff in surface ponding area)
- 6-3 Convert Item 6-2 from ft to inches **5.2** Inches (Depth of stored runoff in surface ponding area)
- 6-4 If ponding depth in Item 6-3 meets your target depth, skip to Item 8-1. If not, continue to Step 7-1.

7.0 Optimize Size of Treatment Measure

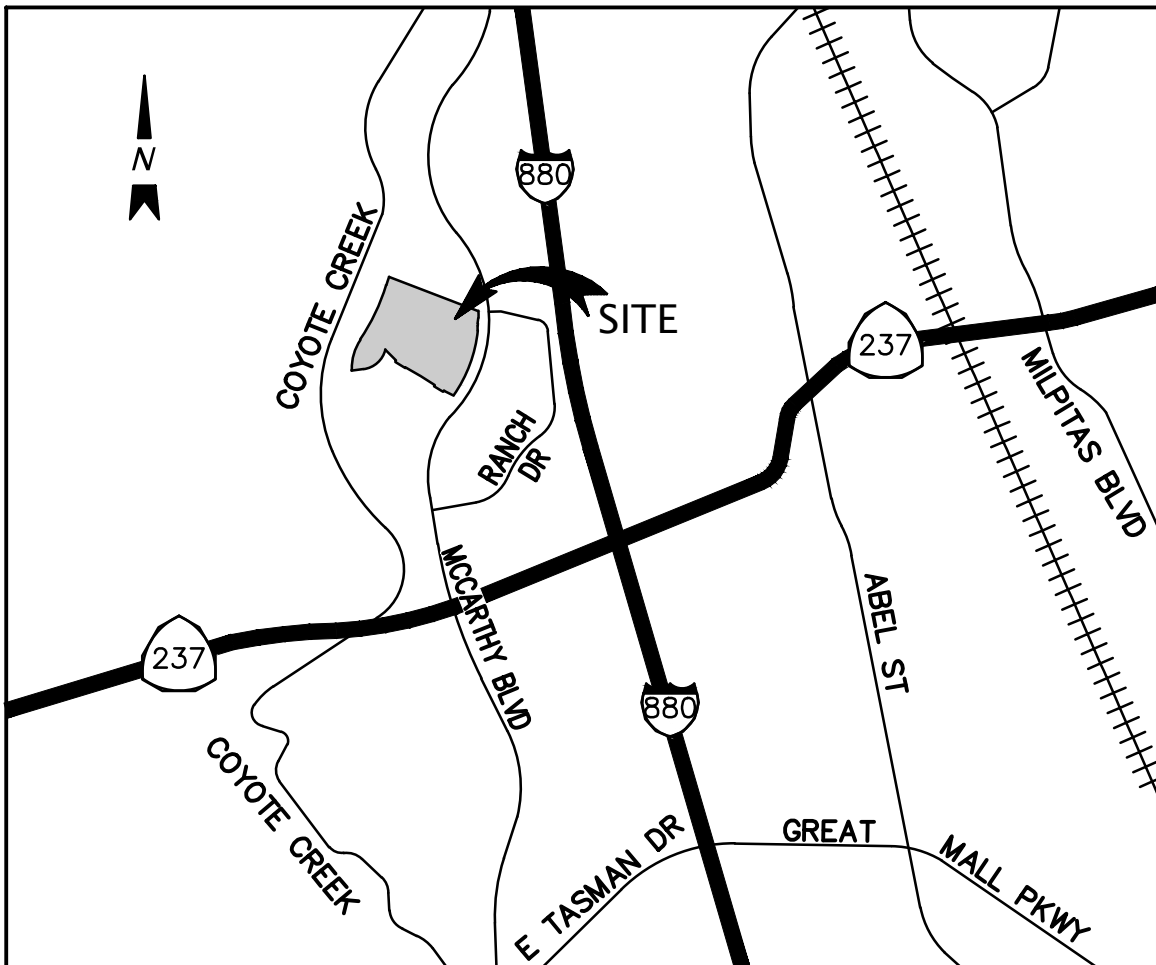
- 7-1 Enter an area larger or smaller than Item 5-2 **4,587** Sq.ft. (enter larger area if you need less ponding depth; smaller for more depth.)
- 7-2 Volume of treated runoff for area in Item 7-1 **5,946** Cubic feet (Item 7-1 * 5 inches per hour * 1/12 * Item 4-2)
- 7-3 Subtract Item 7-2 from Item 3-3 **1,747** Cubic feet (Amount of runoff to be stored in ponding area)
- 7-4 Divide Item 7-3 by Item 7-1 **0.38** Feet (Depth of stored runoff in surface ponding area)
- 7-5 Convert Item 7-4 from feet to inches **4.57** Inches (Depth of stored runoff in surface ponding area)
- 7-6 If the ponding depth in Item 7-5 meets target, stop here. If not, repeat Steps 7-1 through 7-5 until you obtain target depth

8.0 Surface Area of Treatment Measure for DMA

- 8-1 Final surface area of treatment* **4,587** Square feet (Either Item 5-2 or final amount in Item 7-1)

*Note: Check with the local jurisdiction as to its policy regarding the minimum biotreatment surface area allowed.

Appendix G



VICINITY MAP

NOT TO SCALE



KIER+WRIGHT

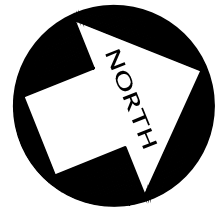
2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925)
245-8788
www.kierwright.com

VICINITY MAP

BRIDGE POINT SILICON VALLEY
BRIDGE ACQUISITION, LLC
MILPITAS, CALIFORNIA

DATE	08/02/2021
SCALE	NOT TO SCALE
BY	LS
JOB NO.	A19512
SHEET	1 OF 5



KIER+WRIGHT

2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925)
245-8788
www.kierwright.com

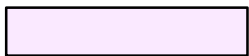
AERIAL PHOTO
BRIDGE POINT SILICON VALLEY
BRIDGE ACQUISITION, LLC
MILPITAS, CALIFORNIA

DATE	08/02/2021
SCALE	1" = 250'
BY	LS
JOB NO.	A19512
SHEET	2 OF 5

LEGEND



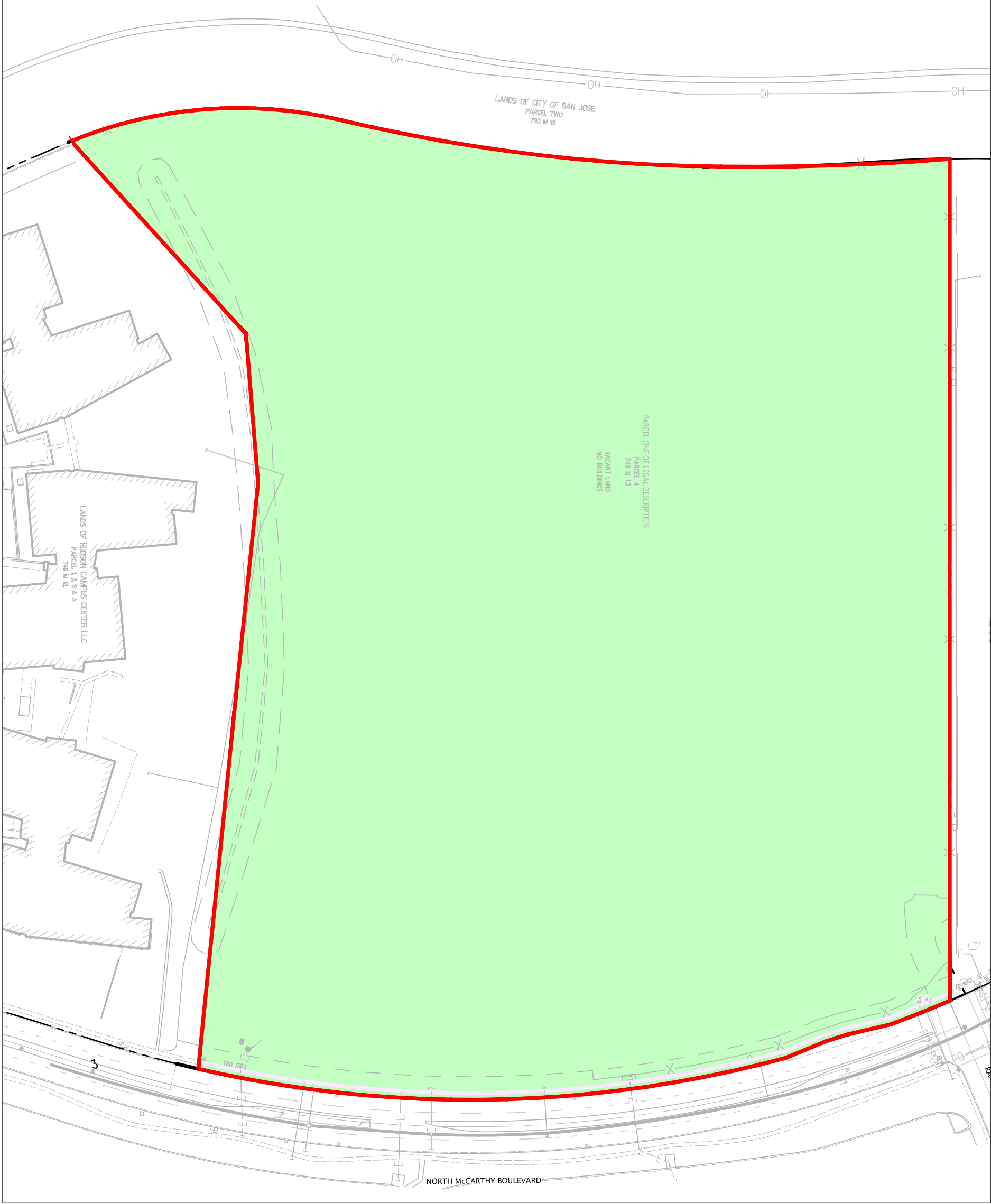
PERVIOUS AREA – 34.03 ACRES



IMPERVIOUS AREA – 0.17 ACRES



DRAINAGE AREA BOUNDARY



KIER+WRIGHT

2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925)
245-8788
www.kierwright.com

PRE-DEVELOPMENT CONDITIONS

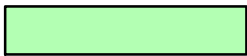
BRIDGE POINT SILICON VALLEY
BRIDGE ACQUISITION, LLC

MILPITAS,

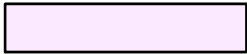
CALIFORNIA

DATE	08/02/2021
SCALE	1" = 150'
BY	LS
JOB NO.	A19512
SHEET	3 OF 5

LEGEND



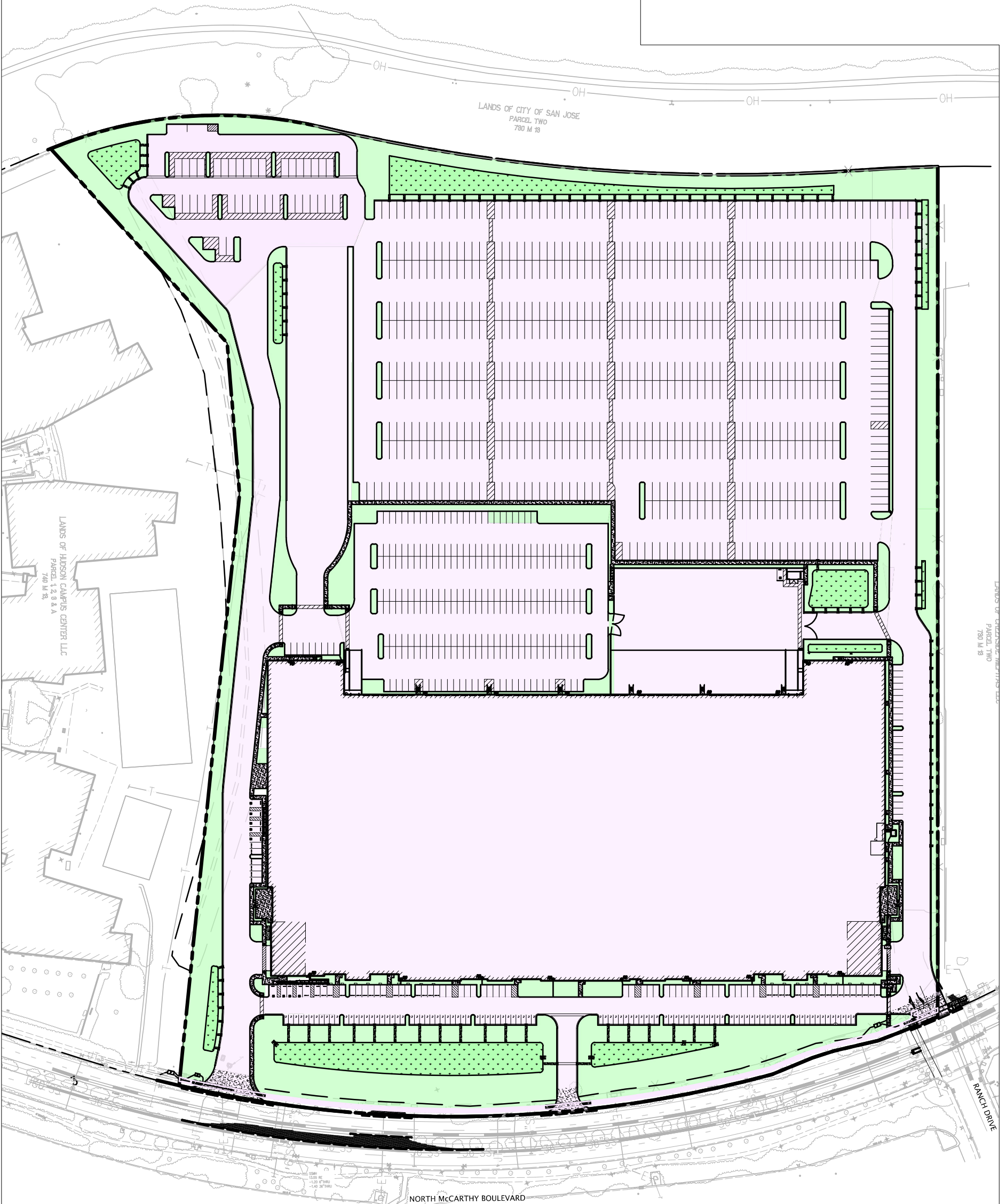
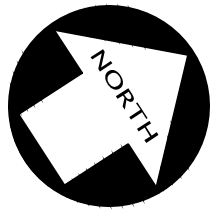
PERVIOUS AREA – 5.5 ACRES



IMPERVIOUS AREA – 27.57 ACRES



BIO-RETENTION TREATMENT AREA – 1.13 ACRES



KIER+WRIGHT

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Livermore, CA 94551

Phone: (925)
245-8788
www.kierwright.com

POST-DEVELOPMENT CONDITIONS

BRIDGE POINT SILICON VALLEY
BRIDGE ACQUISITION, LLC

MILPITAS,

CALIFORNIA

DATE	08/02/2021
SCALE	1" = 150'
BY	LS
JOB NO.	A19512
SHEET	4 OF 5

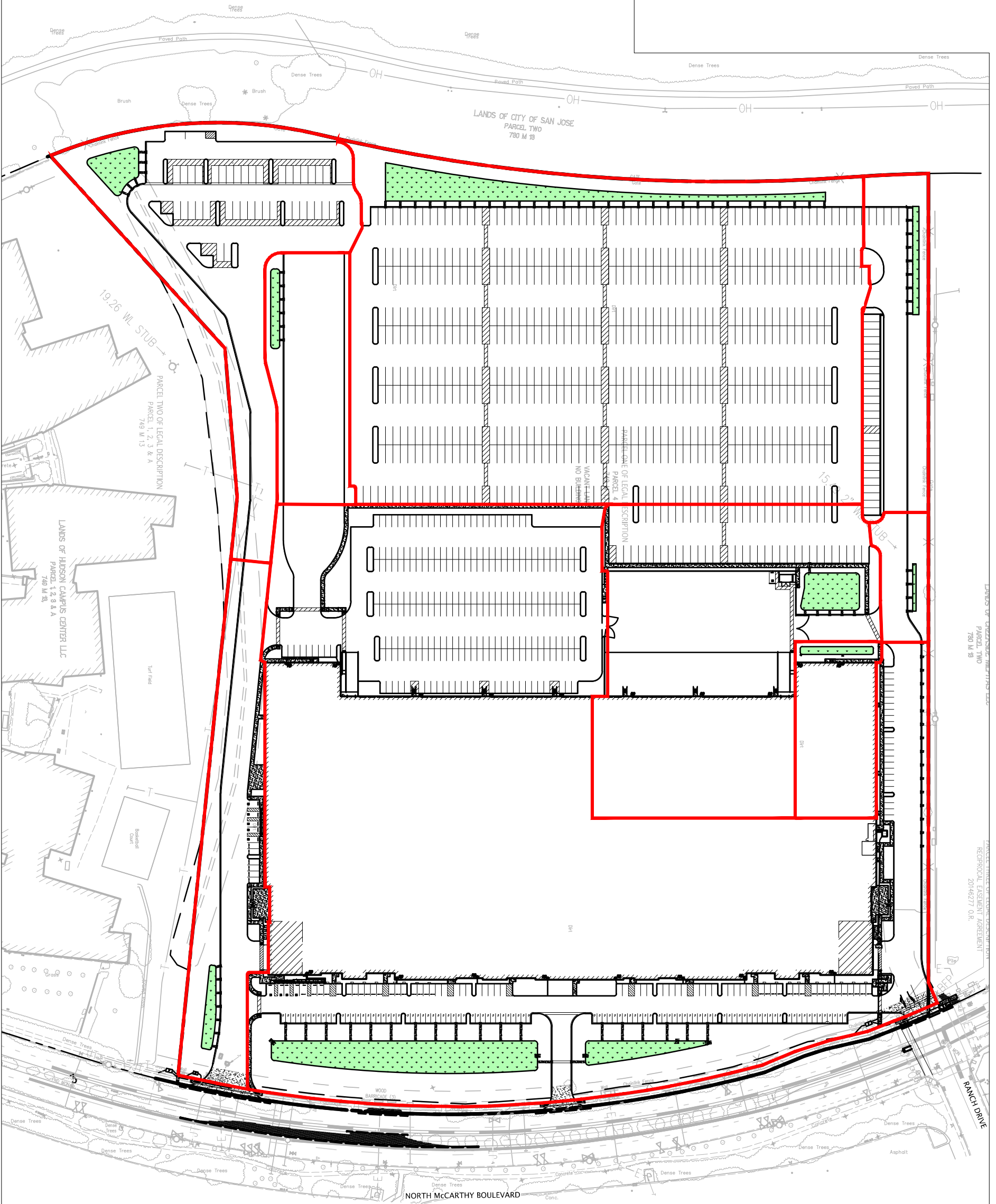
LEGEND



BIO-RETENTION TREATMENT AREA - 1.13 ACRES



DRAINAGE AREA BOUNDARY



KIER+WRIGHT

2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925)
245-8788
www.kierwright.com

BIO-RETENTION TREATMENT AREAS

BRIDGE POINT SILICON VALLEY
BRIDGE ACQUISITION, LLC

MILPITAS,

CALIFORNIA

DATE	08/02/2021
SCALE	1" = 150'
BY	LS
JOB NO.	A19512
SHEET	5 OF 5

Appendix H

Appendix I

Bioretention Area Maintenance Plan for Bridge Point Silicon Valley

August 2, 2021

Project Address and Cross Streets: 205 N. McCarthy Boulevard, Milpitas, CA

Assessor's Parcel No.: 022-056-008

Property Owner: Bridge Acquisition, LLC Phone No.: 310-460-8774

Designated Contact: Brian Wilson Phone No.: 310-460-8774

Mailing Address: 11000 Santa Monica Blvd. Suite 700, Los Angeles, CA 90025

The property contains nine (9) bioretention area(s), located as described below and as shown in the attached site plan:

- **Bioretention Area No. 1** is located southeast of the building.
- **Self-treating Area No. 2** is located directly east of building.
- **Bioretention Area No. 3** is located at northwest corner of building.
- **Bioretention Area No. 4** is located northwest of building by the trash enclosure.
- **Bioretention Area No. 5** is located at the northwest of the property.
- **Bioretention Area No. 6** is located at the far east of the property.
- **Bioretention Area No. 7** is located by the southwest drive aisle.
- **Bioretention Area No. 8** is located at the far southwest of the property.
- **Bioretention Area No. 9** is located middle north of the property.

I. Routine Maintenance Activities

The principal maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may lead to bioretention area failure. Routine maintenance activities, frequency at which they will be conducted, are shown in Table 1.

Table 1		
Routine Maintenance Activities for Bioretention Areas		
No.	Maintenance Task	Frequency of Task
1	Remove obstructions, debris and trash from bioretention area and dispose of properly.	Monthly, or as needed after storm events
2	Inspect bioretention area for ponded water. If ponded water does not drain within 2-3 days, till and replace the surface soil and replant.	Monthly, or as needed after storm events
3	Inspect inlets for channels, soil exposure or other evidence of erosion. Clear obstructions and remove sediment.	Monthly, or as needed after storm events
4	Remove and replace all dead and diseased vegetation.	Twice a year
5	Maintain vegetation and the irrigation system. Prune and weed to keep bioretention area neat and orderly in appearance. Remove and or replace any dead plants.	Twice a year
6	Check that mulch is at appropriate depth (2 inches per soil specifications) and replenish as necessary before wet season begins.	Monthly
7	Inspect the energy dissipation at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch.	Annually, before the wet season begins
8	Inspect bioretention area using the attached inspection checklist.	Monthly, or after large storm events, and after removal of accumulated debris or material

¹ Attached site plan must match the site plan exhibit to Maintenance Agreement.

II. Use of Pesticides

The use of pesticides and quick release fertilizers shall be minimized, and the principles of integrated pest management (IPM) followed:

1. Employ non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
2. Prune plants properly and at the appropriate time of year.
3. Provide adequate irrigation for landscape plants. Do not over water.
4. Limit fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferable. Check with municipality for specific requirements.
5. Pest control should avoid harming non-target organisms, or negatively affecting air and water quality and public health. Apply chemical controls only when monitoring indicates that preventative and non-chemical methods are not keeping pests below acceptable levels. When pesticides are required, apply the least toxic and the least persistent pesticide that will provide adequate pest control. Do not apply pesticides on a prescheduled basis.
6. Sweep up spilled fertilizer and pesticides. Do not wash away or bury such spills.
7. Do not over apply pesticide. Spray only where the infestation exists. Follow the manufacturer's instructions for mixing and applying materials.
8. Only licensed, trained pesticide applicators shall apply pesticides.
9. Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
10. Unwanted/unused pesticides shall be disposed as hazardous waste.

III. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District

1580 Berger Dr.

San José, California 95112

Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356

www.sccgov.org/portal/site/vector

IV. Inspections

The attached Bioretention Area Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 1

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 2

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
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7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 3

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 4

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 5

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 6

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 7

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 8

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 205 N. McCarthy Boulevard, Milpitas, CA

Property Owner: Bridge Acquisition, LLC

Treatment Measure No.: 9

Date of Inspection: _____

Type of Inspection:

☐ Monthly

☐ Pre-Wet Season

☐ After heavy

☐ End of Wet

☐ Other: _____

Inspector(s): _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
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7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

**Stormwater Treatment Measure Operation and Maintenance
Inspection Report to the City of Milpitas, California**

This report and attached Inspection and Maintenance Checklists document the inspection and maintenance conducted for the identified stormwater treatment measure(s) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

I. Property Information:

Property Address or APN: 022-056-008

Property Owner: Bridge Acquisition, LLC

II. Contact Information:

Name of person to contact regarding this report: Brian Wilson

Phone number of contact person: 310-460-8774 Email: bwilson@bridgeindustrial.com

Address to which correspondence regarding this report should be directed:

11000 Santa Monica Blvd., Suite 700, Los Angeles, CA 90025

III. Reporting Period:

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from _____
_____ to _____.

IV. Stormwater Treatment Measure Information:

The following stormwater treatment measures (identified treatment measures) are located on the property identified above and are subject to the Maintenance Agreement:

Identifying Number of Treatment	Type of Treatment Measure	Location of Treatment Measure on the Property
1	Bioretention Planter	Southeast of the Building
2	Bioretention Planter	Directly East of Building
3	Bioretention Planter	Northwest Corner of Building
4	Bioretention Planter	Northwest of building by the trash enclosure
5	Bioretention Planter	Northwest of the Property
6	Bioretention Planter	Far East of the Property
7	Bioretention Planter	Southwest Drive Aisle
8	Bioretention Planter	Far Southwest of the Property
9	Bioretention Planter	Middle North of the Property

V. Summary of Inspections and Maintenance:

Summarize the following information using the attached Inspection and Maintenance Checklists:

Identifying Number of Treatment Measure	Date of Inspection	Operation and Maintenance Activities Performed and Date(s) Conducted	Additional Comments

VI. Sediment Removal:

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period: __cubic yards.

How was sediment disposed?

- D landfill
- D other location on-site as described in and allowed by the maintenance plan
- D other, explain _____

205 N. McCarthy Boulevard,
Milpitas, CA

VII. Inspector Information:

The inspections documented in the attached Inspection and Maintenance Checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

VIII. Certification:

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

Signature of Property Owner or Other Responsible Party

Date

Brian Wilson

Type or Print Name

Bridge Acquisition, LLC

Company Name

205 N. McCarthy Boulevard, Milpitas, CA

Address

Phone number: 310-460-8774 Email: bwilson@bridgeindustrial.com

Please submit the Operation and Maintenance inspection reports for each BMP to the following address:

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035
Attn: Utility Engineer



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria.
Category:	Consent Calendar-Community Development
Meeting Date:	11/16/2021
Staff Contact:	Steve Erickson, Engineering Director/City Engineer, 408-586-3301
Recommendation:	Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria.

Background:

On January 21, 2020 the Planning Commission conditionally approved a Site Development Permit (SD18-0015) to allow for 34 Single Family Homes (Market-Rate), 4 Paired Homes (Below-Market Rate) and 10 Accessory Dwelling Units on a 4.88-acre parcel located at 1005 North Park Victoria.

In accordance with State Law and the City's Municipal Regional Stormwater NPDES Permit ("MRP") issued by the Regional Water Quality Control Board ("RWQCB"), new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface are required to incorporate Low Impact Development ("LID") post construction stormwater control measures into the project. LID control measures include, for example, bioretention areas, flow-through planters, permeable pavement, infiltration trenches and tree well filters.

Analysis:

MRP section C.3.h.ii.(1)(a) and Milpitas Municipal Code Title XI Chapter 16 require development project property owners meeting the 10,000 square foot threshold to execute and record a Stormwater Management Facilities Operation and Maintenance Agreement ("Agreement") with the City for the perpetual operation, maintenance and annual inspection of LID stormwater treatment facilities.

The Robson Homes, LLC (Developer) constructed storm water bio-retention treatment areas for the project, and the Developer and the project Homeowners Association (HOA) will be responsible for the perpetual maintenance and operation of the treatment devices. Construction of the bio-treatment devices have been completed and the Developer has executed the Stormwater Management Facilities Operation and Maintenance Agreement, which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

Policy Alternatives:**Alternative 1:**

Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

Cons: Not approving the Agreement would cause the project to be not in compliance with the conditions of development and the City's Municipal Code and would be prohibitive by federal and state law.

Reason not recommended: To be in compliance with federal and state law, including the MRP, and to allow for the on-going maintenance and annual City Inspection of the installed stormwater treatment devices and areas, staff recommends approval of the Agreement.

Fiscal Impact:

As required by the Stormwater Management Facilities Operation and Maintenance Agreement, the project developer/owner and the project HOA will pay the City for the required annual maintenance and inspection of the installed stormwater Bio-treatment facilities.

California Environmental Quality Act:

The City Council's approval of the agreement was already reviewed under the California Environmental Quality Act (CEQA) at the time the City Council approved the entitlements for the Project through the preparation of an Initial Study/Mitigated Negative Declaration as the storm water requirements were contemplated as part of the overall project. Further, pursuant to CEQA Guideline 15162, there are no substantial changes proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken, and there is no new information of substantial importance, that would trigger the need for a subsequent mitigated negative declaration or addendum to the negative declaration. On this basis, the City Council can rely on the previous CEQA review conducted in approving this agreement.

Recommendation:

Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria.

Attachments:

1. Stormwater Management Facilities Operation and Maintenance Agreement
2. Operation and Maintenance Plan

Control No. 2021-_____
Recording Requested by
and when Recorded, return to:

CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035-5479

Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Document Transfer Tax is \$ 0

() Computed on full value of property conveyed

() Computed on full value less value of liens and encumbrances remaining

City transfer tax is \$ 0

Lots 1-38 and Lots A-E – "Tract 10533, Lots 1-38 and Lots A-E (935-M-5)"

STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this _____ day of _____ 2021 ("Effective Date"), by and between Robson Homes, LLC, a California limited liability company ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS

This AGREEMENT is made and entered into with reference to the following facts:

- A. **WHEREAS**, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and
- B. **WHEREAS**, the Property Owner received entitlements from the City allowing the development of the Property as a common interest development, including the construction of a residential community comprising up to 34 single-family homes and 4 paired homes with, emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 4.88 acre site located at 1005 North Park Victoria Drive in Milpitas and more commonly known as Finch Hollow, Project No. PJ5053, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):
 - 1. Resolution No. 8938 approving Site Development Permit No. SD18-0015,
 - 2. Resolution No. 8938 approving Vesting Tentative Map No. MT18-0003,

3. Resolution No. 8938 approving General Plan Amendment No. GP18-0001,
4. Resolution No. 8938 approving Zoning Amendment No. ZA18-0003,
5. Resolution No. 8938 approving Planned Unit Development No. PD18-0001, and
6. Resolution No. 8938 approving Environmental Assessment No. EA19-0003;

- C. **WHEREAS**, discharges to the City's municipal separate storm sewer system ("MS4") are regulated under state and federal law pursuant to Waste Discharge Requirements and National Pollutant Discharge Elimination System permit ("MS4 Permit") issued by the Regional Water Quality Control Board, San Francisco Region ("Regional Board").
- D. **WHEREAS**, pursuant to the requirements of the MS4 Permit and the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), the City Approvals require the Property Owner to install, operate and maintain, at no cost or expense to the City and as part of the common area as defined by the Davis-Stirling Common Interest Development Act, the Permanent Stormwater Pollution Prevention Measures ("BMPs") more particularly described in the City-approved Stormwater Control Operation and Maintenance Plan (sometimes referred to herein as "Plan") for the Project attached hereto as **Exhibit B** and fully incorporated herein by reference; and
- E. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan may be subsequently modified from time to time by the Property Owner with City's written approval and such changes shall be fully incorporated as part of this Agreement by this reference; and
- F. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and
- G. **WHEREAS**, this Agreement memorializes the Property Owner's obligations, either directly or through a property owners association, for maintenance, operations, and inspection under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1. Responsibility for Operation and Maintenance:

The Property Owner, at its sole cost and expense, shall construct and install the BMPs shown in Exhibit B in accordance with the plans approved by and on file with the City. Property Owner shall diligently maintain in perpetuity the BMPs in a manner in accordance with the approved Plan, shall make such changes or modifications to the BMPs, subject to City's prior approval as may be reasonably necessary for the BMPs to continue to operate as designed and approved and to accomplish its intended purpose and in good repair, and in compliance with all applicable Federal, State, County and local laws and regulations, including but not limited to the Ordinance, as the same may be amended, revised, and/or replaced from time to time. The Owner shall be responsible for the costs incurred in operating, maintaining, repairing and replacing the BMPs. Property Owner shall not destroy or remove the BMPs or modify any measure in any manner that would lessen its effectiveness. Property Owner shall make available copies of the approved Stormwater Control Operation and Maintenance Plan at the site with the facility or property manager.

SECTION 2. Inspection by Property Owner:

The Property Owner, at its sole cost and expense, shall conduct annual inspections of all permanent installed BMPs per the Plan. The annual inspection report shall include completion of the checklist described in the approved Stormwater Control Operation and Maintenance Plan. The BMPs must be inspected by a qualified independent inspector who is acceptable to the City. The Property Owner shall submit the Inspection Report on these BMPs to the City Engineer no later than July 15th of each year.

SECTION 3. Facility Inspection by the City:

- (a) Right of Entry. The Property Owner, on its behalf and on behalf of its successors and assigns, grants permission to the City, the inspectors of the Regional Board, and local mosquito and vector control agency, and their authorized agents and employees, to enter the Property to inspect the BMPs whenever the City deems necessary to enforce provisions of the Ordinance, this Agreement, or any other local or state requirements. The City may enter the premises at any reasonable time during normal business hours and upon at least 48 hours prior written notice (except that prior written notice is not required in case of emergency) to inspect the premises related to BMPs and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements related to BMPs. The Property Owner shall deposit and maintain a Private Job Account with the City a minimum balance of Four Thousand Dollars (\$4,000) for inspection by City Staff pursuant to this Section 3. The deposit of Four Thousand Dollars (\$4,000.00) shall be made simultaneously with the execution of this Agreement.
- (b) Security. The City may require the Property Owner, its successors and assigns, from time to time, to post performance bond security or other appropriate financial assurance in a form, amount, and for a time period satisfactory to City to guarantee performance of the obligations stated herein. Should the Property Owner, its successors and assigns, fail to perform the obligations under this Agreement, the City may, in the case of a cash bond, act for the Property Owner, its successors and assigns, using the proceeds from such cash bond, or in the case of a surety bond, require the surety to perform the obligations of this Agreement.

SECTION 4. Failure to Perform Required Facility Repairs or Maintenance by the Property Owner:

- (a) Enforcement Action. If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City may, but is not required to, pursue any enforcement action available at law or in equity to cause the completion of all maintenance and may charge the costs of such enforcement action against the Property Owner in any manner authorized by law or in equity.
- (b) City Maintenance. In the event of Property Owner's failure to operate and maintain BMPs in accordance with the Plan and the City's Ordinance, the City may also, with prior written notice, enter the Property to return the BMPs to good working order; provided however that the Property Owner shall have 30 days after any such notice, or such other time provided by law, to cure the relevant failure and provided further that the Property Owner shall have such additional time after the initial 30 days to complete a cure so long as Property Owner commences the cure within the initial 30 days and diligently prosecutes the cure to completion. Notwithstanding the foregoing, City may in its sole discretion enter the Property to return the BMPs to good working in an emergency and take any other necessary action to mitigate an emergency without any notice to Property Owner. The City is under no obligation to maintain or repair the BMPs, and this Agreement may not be construed to impose any such obligation on the City. If the City, under

this Section 4 takes any action to return the BMPs to good working order, the Property Owner shall reimburse the City for all the reasonable costs and expenses incurred by the City. The City will provide the Property Owner with an itemized invoice of the City's costs and expenses and the Property Owner shall make full payments to the City within thirty (30) days of the date of the invoice. If the Property Owner fails to pay the invoice within thirty (30) days, the City shall be entitled to cause a lien for any such unpaid maintenance expense bill to be recorded against the Property. In addition, the City shall be entitled to have the unpaid amount of the invoice placed as a special assessment on the next regular tax bill levied against the Property, after which such assessment shall be collected in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedures under foreclosure and sale in the case of delinquency as provided for ordinary municipal taxes. The actions described in this section are in addition to and not in lieu of other legal remedies provided by law. Notwithstanding the above, it is understood that City is under no obligation to repair or maintain the BMPs, and in no event shall this Agreement be construed to impose any such obligation on City.

- (c) Specific Performance. The provisions of this Agreement are expressly declared to be for the benefit of the City. The City may bring an action to obtain specific performance of this Agreement and may recover its costs, including attorney fees, incurred in bringing such action.

SECTION 5. Successors and Assigns:

Property Owner hereby declares that the Property shall be held, transferred, encumbered, used, conveyed, leased and occupied subject to the covenants, conditions, restrictions, easements and rights set forth herein for the use and benefit of each of the Lots. All of the limitations, easements, uses, obligations, covenants, restrictions and conditions stated herein shall run with the Property and shall be binding upon Property Owner, its successors and assigns, any and all parties having or acquiring any right, title or interest in or to the Property or any part thereof or interest therein and shall inure to the benefit of and be binding upon each successor-in-interest thereto.

Upon transfer of the property, the Property Owner shall provide the new owner with the current Plan and a copy of this Agreement and shall, in any event, be released from all obligations under this Agreement as of the effective date of the transfer of the Property. Without limiting the foregoing, Robson Homes, LLC, as the original Property Owner, has formed or will form a homeowners association (the "Association") for the residential subdivision on the Property, has recorded or will record Declaration of Restrictions on the Property governing the residential community on the Property (the "CCRs") and will assign the obligations of Property Owner under this Agreement with respect to the BMPs to the Association, effective after such time as the original Property Owner, as developer, completes the construction and installation of the BMPs on the Property as described in the Recitals of this Agreement. Upon such assignment, the Association shall be deemed to have assumed and shall assume all the obligations of each Property Owner under this Agreement, whether arising prior to or subsequent to the effective date of the assignment to the same extent as though it had originally been named a party hereto, including, but not limited to, obligations for operations, maintenance, inspections and record keeping relating to the BMPs as set forth in **Sections 2, 4 and 11** of this Agreement. Additionally, upon such assignments, the obligations to reimburse and indemnify the City pursuant to **Sections 4 and 6** of this Agreement shall be the obligations of the Association.

The BMPs are required to be located within common area and not within a residential lot. Regardless, no successor in title of Property Owner that owns a residential lot on which the BMPs are located shall be responsible for maintaining the BMPs located on the portion of the Property owned by them so long as the Association exists with the responsibility for maintaining such BMPs in accordance with this Agreement. During all times that, the Association exists with the responsibility for maintaining such BMPs in accordance

with the CC&Rs, maintenance of such BMPs shall be the sole responsibility of the Association and not any successor in title of Property Owner. However, should the Association default in its obligations, City may require the Property Owner, as the case may be, to operate and maintain the BMPs in accordance with this Agreement.

SECTION 6. Indemnity:

The Property Owner, on Property Owner's behalf and on behalf of all successors in interest pursuant to Section 5 of this Agreement, shall indemnify, release, hold harmless, and defend the City and its authorized agents and employees from and against any and all demands, suits, liabilities, fines, losses, damages, accidents, casualties, occurrences or claims, including reasonable attorneys' fees, against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the property under Section 4. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense, with counsel approved by City. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7. Severability:

Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions, and all other provisions shall remain in full force and effect.

SECTION 8. Non-Discrimination:

The Property Owner shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of this Agreement.

SECTION 9. Governing Law:

City and Property Owner agree that the law governing this Agreement shall be that of the State of California and that City and Property Owner shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments.

SECTION 10. Recordation:

The Property Owner shall, within 10 days after the effective date of this Agreement, record or cause the Agreement to be recorded in the Office of the Recorder, Santa Clara County, California, at the expense of the Property Owner, which recording shall constitute notice of the obligations herein set forth and a covenant running with the land and shall be binding upon all of the successors and assigns in title to the Property. In the event Property Owner fails to timely record this Agreement, City shall be authorized but not required to record the Agreement.

SECTION 11. Books and Records:

- A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in anyway relating to the performance of this Agreement for a minimum period of three (3) years, or for any longer period required by law.

- B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at no cost to City, at reasonable any time during regular business hours, upon at least 48 hours' prior written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's address indicated for receipt of notices in this Agreement.

SECTION 12. Notices:

All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

To CITY:

City of Milpitas
Attn: City Engineer
455 East Calaveras Blvd.
Milpitas, CA 95035

To PROPERTY OWNER:

Robson Homes, LLC
2185 The Alameda, Suite 150
San Jose, CA 95126
Attn: Mark Robson

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the mail.

SECTION 13. Venue:

In the event that suit shall be brought by either party to this contract, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

SECTION 14. Interpretation, Prior Agreements:

This Agreement, including all Exhibits attached hereto, represents the entire understanding of the parties as to those matters contained herein. In the event that the terms specified in any of the Exhibits attached hereto conflict with any of the terms specified in the body of this Agreement, the terms specified in the body of this Agreement shall control. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may be modified only by a written amendment duly executed by the parties to this Agreement.

[Signatures on Next Page]

IN WITNESS WHEREOF, the Parties execute this Stormwater Management Facilities Operation and Maintenance Agreement as of the last date set forth below:

PROPERTY OWNER:

Robson Homes, LLC, a California Limited Liability Company

By: Robson Properties, Inc., a California Corporation
Its: Manager

By: 
Mark Robson, President

CITY:

**CITY OF MILPITAS,
A MUNICIPAL CORPORATION**

By: _____
Steven McHarris, City Manager

Approved as to form:

By: _____
Christopher J. Diaz, City Attorney

Approved:

By: _____
Lauren Lai, CPA, MPA
Finance Director/Risk Manager

Recommended for approval:

By: _____
Steve Erickson, City Engineer

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara)

On OCTOBER 7, 2021 before me, Susan Bunce, Notary Public
(insert name and title of the officer)

personally appeared Mark E. Robson
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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EXHIBIT A

REAL PROPERTY SITUATED IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

Tract 10533, filed on December 23, 2020, in Map Book 935, Pages 5 – 9, inclusive, Santa Clara County Records

EXHIBIT B

Operation and Maintenance Plan

Storm Water Control Plan Report

NORTH PARK VICTORIA

TRACT 10533
1005 NORTH PARK VICTORIA DRIVE
MILPITAS, CA

CEA Project No. 15-115
September 9, 2021

Prepared For:

ROBSON HOMES
2185 The Alameda, Suite 150
San Jose, CA 95126

Prepared By:
Dennis Gerber
Civil Engineering Associates, Inc.
2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 453-1066



**Civil
Engineering
Associates**



NORTH PARK VICTORIA
TRACT 10533
Milpitas, CA

STORM WATER CONTROL PLAN REPORT
SEPTEMBER 2021

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REFERENCES

Provision C.3 of the San Francisco Bay Area Municipal Regional Stormwater Permit (MRP), Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook and the California Stormwater Quality Association Stormwater Best Management Practice Handbook.

APPENDICES:

- A. C3 Data Form
- B. Soil Properties
- C. BMP Sizing Calculations/Site Plan
- D. Details for Treatment Measures
- E. Details for HMP Facilities
- F. Operations and Maintenance Plan Exhibits
- G. HMP Applicability Map – City of Milpitas
- H. Bay Area Hydrology Model (BAHM) Memo

1. PROJECT DESCRIPTION

➤ Site Information – **TRACT 10533 - NORTH PARK VICTORIA**

Developer: **ROBSON HOMES**
 2185 The Alameda – Suite 150
 San Jose, CA 94583 / (408) 345-1767
 Terry Wang

Project Address: 1005 North Park Victoria Drive
Milpitas, California
A.P.N. 029-04-040
Latitude / Longitude: 37° 26' 59" N, 121° 53' 21" W

➤ Project Information

This project consists of approximately 4.88 Gross Acres. It will be dedicating approximately 0.27 Acres, resulting in a Net project site area of approximately 4.61 Acres. Located on the west side of North Park Victoria Drive south of Creed Street, the project consists of 34 proposed single family detached residential units and 4 attached duet units for a total of 38 units. The project's entitlement was approved by the Milpitas City Council on January 21, 2020.

The surfaces of the onsite project area of 4.61 Acres will consist of new buildings, AC paved private streets, concrete walkways, common area and residential landscaping.

Pervious/Impervious Site Coverage (See Site Coverage table below):

Existing Gross Project Area Conditions:

- 0.11% Impervious surfaces (residential building, AC pavement and sidewalks) consisting of 2,820 SF
- 99.89% pervious surfaces (open space) consisting of 198,104 SF

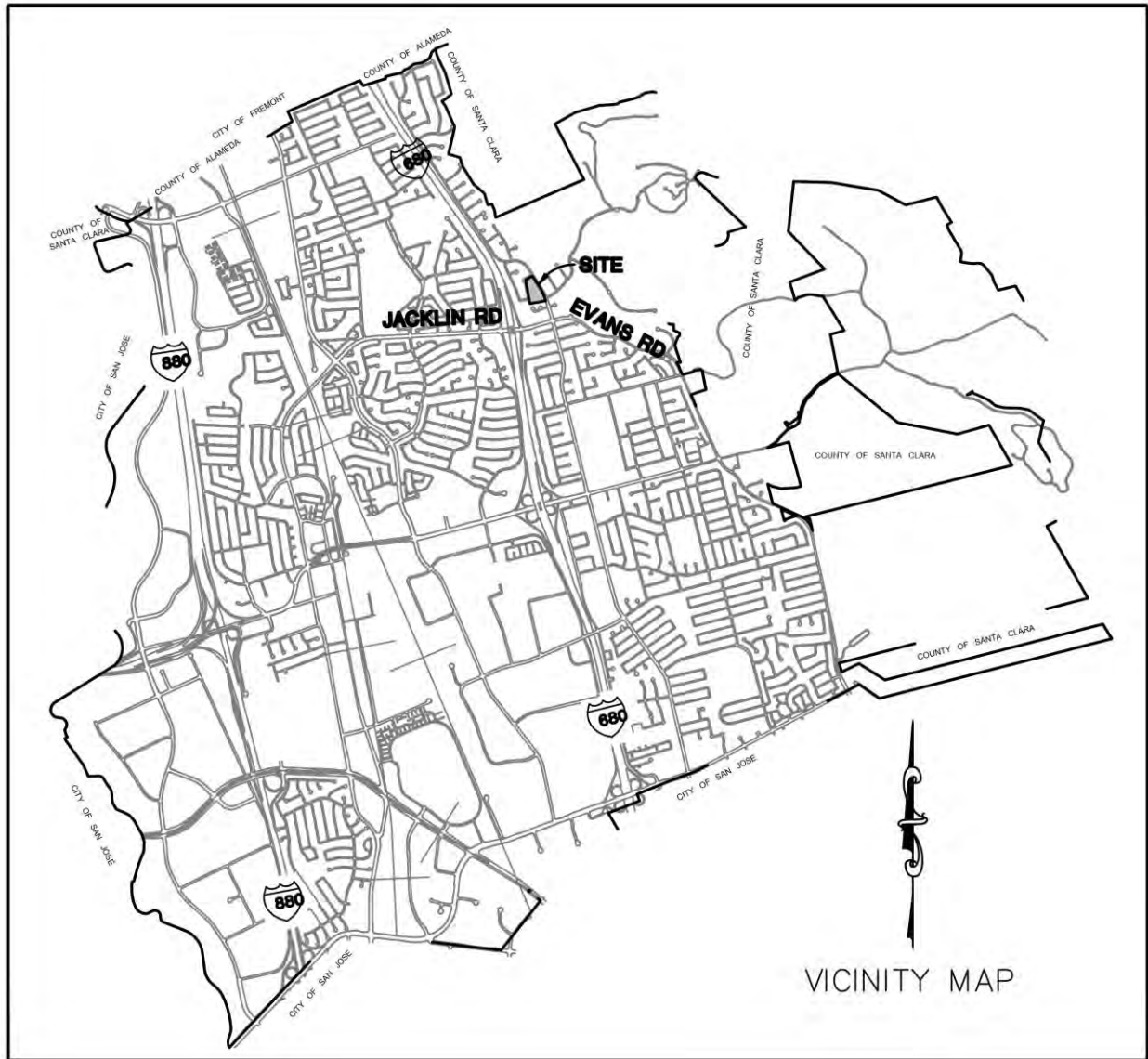
Proposed Net Project Area Conditions:

- 63.64% Impervious surfaces (new residential buildings, AC pavement and concrete walkways) consisting of 127,865 SF
- 36.36% pervious surfaces (landscaping) consisting of 73,059 SF

Table 1. Proposed Site Surface Coverage Areas

<i>Proposed Site Coverage</i>		
Area	Square Feet	Site Coverage
IMPERVIOUS SURFACES		
Residential Building	69,497	1.60 Ac
Asphalt Streets/ Driveways	39,190	0.90 Ac
Walkways	19,178	0.44 Ac
TOTAL IMPERVIOUS SURFACES	127,865	2.94 Ac
PERVIOUS SURFACES		
Permeable Play Surfaces	793	0.02 Ac
Onsite Landscaping/Open Space	67,368	1.55 Ac
Treatment Basins	4,898	0.10 Ac
TOTAL PERVIOUS SURFACES	73,059	1.67 Ac

2. VICINITY MAP



1005 North Park Victoria Drive
Milpitas, California

3. BMP SELECTION

➤ BMP Description

The project will provide a combination of BMPs in order to control and improve the water quality of the runoff coming from the site. These BMPs are incorporated into this project at all phases including the project design, constructed improvements (Primary Treatment Control Measures) and as part of the future maintenance.

Design BMPs

Efficient Landscaping and Irrigation – The project will be incorporating plantings from the approved list in Appendix D of the Santa Clara County C.3 guidelines and will include reduced flow irrigation systems.

Treatment Control Measure BMPs

The current design implements biotreatment for 100% of the project site. Runoff throughout the site is collected from various hardscape surfaces including roofs and walkways and directed into collection systems which feed the biotreatment facilities. (See the Storm Water Control Plan Sheets – Appendix L).

Maintenance BMPs

The proposed scheduled maintenance of the Treatment Control Measures for this project will reduce the possibility of pollutants getting into the storm collection system from potential erosion and landscape debris build-up. Strict control over excessive use of pesticides and fertilizers will be implemented as well. The required Inspection and Maintenance of the Treatment Control Measures is detailed in Section 6 of this report.

➤ Pollutants of Concern

Pollutants that may be present as a result of the development of this project include sediments, metals, nutrients, bacteria, oil, grease, pet waste, pesticides, fertilizers and other organic compounds. All hardscape areas will have runoff directed to the treatment facilities described above before entering into the storm collection system.

➤ BMP Sizing Criteria

In accordance with the requirements established in the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Guidelines, the LID Treatment Control Measures have been designed and sized utilizing the Combined Flow and Volume

method as outlined in Appendix B of the C.3 Stormwater Handbook. See Appendix F for the Treatment Measure sizing calculations.

➤ Source Control Measures

The following source control measures will be implemented within the project site to limit the generation, discharge and runoff of pollutants into the storm collection system.

- All storm inlets will be marked with the words “NO DUMPING – FLOWS TO THE BAY”.
- All roof drains will be directed to discharge onto splashblocks and away from the building foundation to an unpaved area whenever practicable.
- Sidewalks and Private Streets shall be swept regularly to minimize the accumulation of litter and debris.
- Beneficial landscaping that minimizes irrigation, runoff, pesticides and fertilizers and promotes treatment will be implemented into the project landscape design.

4. HYDROMODIFICATION MANAGEMENT PLAN APPLICABILITY

Based on the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Hydromodification Management Applicability map, the project site is located within the zone for “Subwatersheds less than 65% Imperviousness” (See Appendix G). Therefore, this project requires a Hydromodification Management Plan (HMP). The Bay Area Hydrology Model (BAHM) Memo (See Appendix H) provides the HMP study and analysis for the project compliance with these requirements.

Due to high groundwater levels, the feasibility of infiltration is not available. In order to meet the requirements to reduce post project runoff rates to pre-project conditions, the project incorporates both treatment and detention vaults as needed to mitigate the increased flows.

A storage vault system consisting of two banks of StormCapture concrete vaults (18 vaults total) are installed at the west edge of the project and provide detention after biotreatment for approximately 76% of the project site. A dewatering pump system is incorporated into the storage vault design to dewater the tanks after storm events. The remaining 24% of the site flows through biotreatment and then directly into the City storm drain system.

As detailed in the North Park Victoria Hydromodification Analysis as prepared by Schaaf & Wheeler (See Appendix H), the project as designed meets the HM requirements of the NPDES Municipal Regional Permit (MRP).

5. INFILTRATION

As identified in the Geotechnical Investigation for 1005 NORTH PARK VICTORIA by Geo-Logic Associates dated May 17, 2018 - Project 2015.0101, the existing soils conditions are primarily clay and will not provide optimum conditions for infiltration and directing runoff back into the ground soils. In addition to the clay soils, groundwater was encountered as shallow as 10 feet below ground surface. High groundwater levels also make infiltration infeasible.

6. OPERATION AND MAINTENANCE

Routine inspection and maintenance of the proposed Biotreatment facilities and other BMPs will be required in order to keep them functional. The level of effort to accomplish this will be consistent with the normal level of maintenance for the landscaping within the project.

The Project Developer (Robson Homes) will be the initial responsible party to maintain all of the BMPs for this project. Once all of the homes are sold, then the project's Home Owner's Association (HOA) will assume responsibility for future maintenance. This will be established in the Maintenance Agreement with the City of Milpitas.

➤ Required Inspection & Maintenance

Consistent with Section 8.2.1 of the Santa Clara C.3 Stormwater Handbook, the minimum Inspection & Maintenance requirements for these facilities will need to be as follows:

Biotreatment Facilities:

- Monthly inspection is required at the Bioretention facility surface areas, inlets and outlets for obstructions and trash. Clean and remove any obstructions as needed.
- After rain events, inspect these facilities for ponding. If the basins aren't draining in 2-3 days, the surface soils will need to be replaced and replanted accordingly.
Note: Standing water must be eliminated in order to avoid Vector issues. Contact the Santa Clara County Vector Control District at (408) 918-4770 or (800) 675-1155 for questions.
- Inspect the health of basin vegetation bi-annually.
 - o Remove and replace vegetation as needed.
 - o Keep basin facilities trimmed/pruned as needed.
 - o Treat diseased plants with low-toxic methods.

- o Avoid the use of pesticides.
- o Maintain irrigation systems as needed.

StormCapture Detention Vaults:

- Inspection of vaults for sediment build up is required prior to and after the rainy season. The accumulated sediment should be removed when the depth exceeds 6".
- Routine maintenance including removal of all trash and other potentially clogging type debris from the inlet and outlet locations shall be performed on a consistent maintenance cycle.
- At regular intervals, inspect these facilities for excess ponding. If the vaults are not operating properly, the sediment may need removal and/or the pump may need to be serviced.

Note: Standing water must be monitored in order to avoid Vector issues. Contact the Santa Clara County Vector Control District at (408) 918-4770 or (800) 675-1155 for questions.

- Repair any damaged or missing facility elements as needed.

HMP Pump System:

- Inspection of pump(s) for proper operation is required prior to and after the rainy season.
- Routine maintenance including removal of all trash and other potentially clogging type debris from the inlet and outlet locations shall be performed on a consistent maintenance cycle.
- Repair any damaged or missing pumping system elements as needed.

➤ **Inspection & Maintenance Records**

Project Owner is to maintain annual records of all routine inspections and maintenance activities for a minimum of 3 years or as specified in the Maintenance agreement with the City of Milpitas. The treatment facilities for this project can be subject to separate inspection and verification by the City of Milpitas.

Inspection & Maintenance records shall include the following minimum information:

- Dates of routine inspections and any resulting maintenance activities
- A log of all pesticides used in treating the basins
- Contact information for the responsible party performing the basin maintenance
- Log of employee training for inspection & maintenance
- A copy of the Stormwater Management Plans

Please submit the Operation and Maintenance Inspection Reports, Maintenance Plan, and Inspection and Maintenance checklist for each BMP to the following address:

City of Milpitas,
455 E. Calaveras Blvd
Milpitas, CA 95035
Attn: Utility Engineer

7. CERTIFICATION

The selection, sizing, designs and other control measures as presented in this Storm Water Control Plan Report meet the requirements of the Regional Water Quality Control Board – Municipal Regional Stormwater Permit Order No. R2-2015-0049.

8. SUMMARY

In order to successfully implement permanent storm water BMP efforts to mitigate the impacts of urban runoff due to the development of this proposed project, we have demonstrated the following:

- Identification of potential pollutants of concern typical for this type of development in the City of Milpitas
- The proposed land-use for the site provides a treatment scenario that will treat storm drain runoff with the use of biotreatment basins and meet Hydromodification requirements with a retention vault system.
- The project proposes to treat 100% of the site via LID based biotreatment in compliance with the requirements of the MRP.

APPENDIX A

C3 Data Form

Storm Water Control Plan

NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)



City of Milpitas – Stormwater Requirements C.3 Data Form

Santa Clara Valley Urban Run-Off Pollution Prevention Program

Which Projects Must Comply with Stormwater Requirements?

All projects that create and/or replace **10,000 sq. ft.** or more of impervious surface on the project site must fill out this worksheet and submit it with the development project application.

All restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects (stand-alone or part of another development project, including the top uncovered portion of parking structures) that create and/or replace **5,000 sq. ft.** or more of impervious surface on the project site must also fill out this worksheet.

Interior remodeling projects, routine maintenance or repair projects such as re-roofing and re-paving, and single family homes that are not part of a larger plan of development are **NOT** required to complete this worksheet.

What is an Impervious Surface?

An impervious surface is a surface covering or pavement that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to rooftops, walkways, paved patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, underlain with pervious soil or pervious storage material (e.g., drain rock), that infiltrates rainfall at a rate equal to or greater than surrounding unpaved areas OR that stores and infiltrates the water quality design volume specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP) is not considered an impervious surface.

For More Information

For more information regarding selection of Best Management Practices for stormwater pollution prevention or stormwater treatment in Santa Clara County: http://www.scvurppp-w2k.com/c3_handbook_2012.shtml

1. Project Information

Project Name: 1005 N. Park Victoria **APN #** 029-04-040

Project Address: 1005 N. Park Victoria

Cross Streets: Country Club Drive

Applicant/Developer Name: Robson Homes

Project Phase(s): 1 of 1 **Engineer:** Civil Engineering Associates, Inc.

Project Type (Check all that apply): ☒ New Development ☐ Redevelopment

☒ Residential ☐ Commercial ☐ Industrial ☐ Mixed Use ☐ Public ☐ Institutional

☐ Restaurant ☐ Uncovered Parking ☐ Retail Gas Outlet ☐ Auto Service (SIC code) _____

☐ Other _____ (5013-5014, 5541, 7532-7534, 7536-7539)

Project Description: 38 unit residential subdivision on existing farm land.
100% stormwater treatment via bioretention basins. Hydromodification via
underground stormwater storage vaults.

Project Watershed/Receiving Water (creek, river, or bay): Coyote Creek

2. Project Size

a. Total Site Area: 4.61 acre	b. Total Site Area Disturbed: 4.61 acre (including clearing, grading, or excavating)			
	Existing Area (ft²)	Proposed Area (ft²)		Total Post-Project Area (ft²)
		Replaced	New	
Impervious Area				
Roof	2,437	2,437	67,060	69,497
Parking				
Sidewalks and Streets	383	383	57,985	58,368
c. Total Impervious Area	2,820	2,820	125,045	127,865
d. Total new and replaced impervious area		127,865		
Pervious Area				
Landscaping	198,104	68,161		68,161
Pervious Paving				
Other (e.g. Green Roof)			4,898	4,898
e. Total Pervious Area	198,104	68,161	4,898	73,059
f. Percent Replacement of Impervious Area in Redevelopment Projects (Replaced Total Impervious Area ÷ Existing Total Impervious Area) x 100% = 100 %				

3. State Construction General Permit Applicability:

a. Is #2.b. equal to one acre or more?

- ☒ Yes, applicant must obtain coverage under the State Construction General Permit (i.e., file a Notice of Intent and prepare a Stormwater Pollution Prevention Plan) (see www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml for details).
- ☐ No, applicant does not need coverage under the State Construction General Permit.

4. MRP Provision C.3 Applicability:

a. Is #2.d. equal to **10,000** sq. ft. or more, or **5,000** sq. ft. or more for restaurants, auto service facilities, retail gas outlets, and uncovered parking?

- ☒ Yes, C.3. source control, site design, and treatment requirements apply.
- ☐ No, C.3. source control and site design requirements may apply – check with local agency

b. Is #2.f. equal to 50% or more?

- ☒ Yes, C.3. requirements (site design, source control, as appropriate, and stormwater treatment) apply to entire site.
- ☐ No, C.3. requirements only apply to impervious area created and/or replaced.

5. Hydromodification Management (HM) Applicability:

a. Does project create and/or replace one acre or more of impervious surface AND is the total post-project impervious area greater than the pre-project (existing) impervious area?

- ☒ Yes (continue) ☐ No – exempt from HM, go to page 3

b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map? (www.scvurppp-w2k.com/hmp_maps.htm)

- ☒ Yes, project must implement HM requirements
- ☐ No, project is exempt from HM requirements

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- ☐ Minimize land disturbed
- ☒ Minimize impervious surfaces
- ☐ Minimum-impact street or parking lot design
- ☐ Cluster structures/pavement
- ☒ Disconnected downspouts
- ☐ Pervious pavement
- ☐ Green roof
- ☐ Microdetention in landscape
- ☐ Other self-treating area
- ☐ Self-retaining area
- ☐ Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains) ¹
- ☐ Preserved open space:
_____ ac. or sq. ft
(circle one)
- ☐ Protected riparian and wetland areas/buffers
(Setback from top of bank: _____ ft.)
- ☐ Other _____

Source Control Measures

- ☐ Alternative building materials
- ☐ Wash area/racks, drain to sanitary sewer²
- ☐ Covered dumpster area, drain to sanitary sewer²
- ☐ Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain²
- ☒ Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- ☐ Outdoor material storage protection
- ☐ Covers, drains for loading docks, maintenance bays, fueling areas
- ☒ Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- ☒ Storm drain labeling
- ☐ Other _____

Treatment Systems

- ☐ None (all impervious surface drains to self-retaining areas)

LID Treatment

- ☐ Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment)
- ☐ Infiltration basin
- ☐ Infiltration trench
- ☐ Exfiltration trench
- ☐ Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter conduit)

Biotreatment ³

- ☒ Bioretention area
- ☐ Flow-through planter
- ☐ Tree box with bioretention soils
- ☐ Other _____

Other Treatment Methods

- ☐ Proprietary tree box filter⁴
- ☐ Media filter (sand, compost, or proprietary media)⁴
- ☐ Vegetated filter strip⁵
- ☐ Dry detention basin⁵
- ☐ Other _____

Flow Duration Controls for Hydromodification Management (HM)

- ☐ Detention basin
- ☒ Underground tank or vault
- ☐ Bioretention with outlet control
- ☐ Other _____

¹ Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.

² Subject to sanitary sewer authority requirements.

³ Biotreatment measures are allowed only with completed feasibility analysis showing that infiltration and rainwater harvest and use are infeasible.

⁴ These treatment measures are only allowed if the project qualifies as a "Special Project".

⁵ These treatment measures are only allowed as part of a multi-step treatment process.

7. Treatment System Sizing for Projects with Treatment Requirements

Indicate the hydraulic sizing criteria used and provide the calculated design flow or volume:

Treatment System Component	Hydraulic Sizing Criteria Used ³	Design Flow or Volume (cfs or cu.ft.)
Biotreatment Basins	3	Varies by Area

³Key: 1a: Volume – WEF Method
1b: Volume – CASQA BMP Handbook Method
2a: Flow – Factored Flood Flow Method
2b: Flow – CASQA BMP Handbook Method
2c: Flow – Uniform Intensity Method
3: Combination Flow and Volume Design Basis

8. **Alternative Certification:** Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☐ Yes ☒ No Name of Reviewer: _____

9. Operation & Maintenance Information

A. Property Owner's Name: Robson Homes

B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:

a. Name: Robson Homes
b. Address: 2185 The Alameda, Suite 150, San Jose CA 95126
c. Phone/E-mail: 408-345-1767

This section to be completed by City of Milpitas staff.

O&M Responsibility Mechanism

Indicate how responsibility for O&M is assured. Check all that apply:

- ☐ O&M Agreement
☐ Other mechanism that assigns responsibility (describe below):

Reviewed:

Planning Department

Planning Division: _____

Other (Specify): _____

Public Works Department

Land Development: _____

Other (Specify): _____

APPENDIX B

Soils Properties

Storm Water Control Plan

NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)

**GEOTECHNICAL INVESTIGATION
RESIDENTIAL DEVELOPMENT**

**1005 NORTH PARK VICTORIA
MILPITAS, CALIFORNIA**

**MAY 17, 2018
PROJECT 2015.0101**

SUBMITTED TO:
Robson Homes
2185 The Alameda, Suite 150
San Jose, CA 95126

PREPARED BY:
Geo-Logic Associates
dba Pacific Geotechnical Engineering
16055 Caputo Drive, Suite D
Morgan Hill, California 95037
(408) 778-2818



APPENDIX C

BMP Sizing Calculations Site Plan

Storm Water Control Plan

NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)

STORMWATER TREATMENT SUMMARY TABLE														
Watershed ID	TOTAL WATERSHED AREA (SF)	IMPERVIOUS SURFACES					PERVIOUS SURFACES					TREATMENT MEASURES		
		STREETS DRIVEWAYS (SF)	SIDEWALKS (SF)	PARKING LOTS (SF)	DRIVEWAYS / HARDCAPE (SF)	BUILDINGS (SF)	TOTAL (SF)	STREETS (SF)	DRIVEWAYS (SF)	SIDEWALKS (SF)	PARKING LOTS (SF)	LANDSCAPE (SF)	TOTAL (SF)	PROVIDED TREATMENT AREA (SF)
A	47,884	6,564	3,732			17,579	27,875	-	-	-	-	18,862	18,862	1,147
B	47,432	8,346	4,468			17,150	29,964	-	-	-	-	16,178	16,178	1,290
C	27,048	5,311	3,715			8,563	17,589	-	-	-	-	8,831	8,831	628
D	78,560	18,969	7,263			26,205	52,437	-	-	-	-	24,290	24,290	1,833
SUBTOTAL (SF)	200,924	39,190	19,178	-	-	69,497	127,865	-	-	-	-	68,161	68,161	4,898

SCVURPPP Combination Flow-Volume Treatment Sizing

	Watershed A	Watershed B	Watershed C	Watershed D
1. Drainage Area Contributing to the Treatment Measure	Area= 47884 ft^2 Area= 1.10 Acre	47527 ft^2 1.09 Acre	27020 ft^2 0.62 Acre	78569 ft^2 1.80 Acre
2. Effective Impervious Surface Area	Impervious Area= 27875 ft^2 Pervious Area= 20009 ft^2 % Impervious= 58% Effective Impervious Area= 29875.9 ft^2	29964 ft^2 17563 ft^2 63% 31720.3 ft^2	17589 ft^2 9431 ft^2 65% 18532.1 ft^2	52437 ft^2 26132 ft^2 67% 55050.2 ft^2
3. Required Treatment Volume	MAP (site)= 16 in MAP (gage)= 13.9 in Correction Factor= 1.15 Soil Type= D (CLAY) Average Slope for Drainage Area= 3% Unit Basin Storage Volume= 0.438 in Adjusted Unit Basin Storage Volume= 0.50 in Water Quality Design Volume= 2012 ft^3	16 in 13.9 in 1.15 D (CLAY) 3% 0.438 in 0.50 in 1997 ft^3	16 in 13.9 in 1.15 D (CLAY) 3% 0.438 in 0.50 in 1135 ft^3	16 in 13.9 in 1.15 D (CLAY) 3% 0.438 in 0.50 in 3301 ft^3
4. Design Rainfall Intensity	Intensity= 0.2 in/hr	0.2 in/hr	0.2 in/hr	0.2 in/hr
5. Rain Event Duration	Duration= 2.19 hr	2.19 hr	2.19 hr	2.19 hr
6. Estimated Surface Area	Estimated Surface Area= 1147 ft^2 (Initial Guess 3% of Effective Impervious Area)	1290 ft^2	628 ft^2	1833 ft^2
7. Volume of Treated Runoff	Volume of Treated Runoff= 1046.6 ft^3	1177.1 ft^3	573.1 ft^3	1672.6 ft^3
8. Volume in Ponding Area	Volume in Ponding Area= 965.2 ft^3	819.7 ft^3	562.2 ft^3	1628.4 ft^3
9. Depth of Ponding	Depth of Ponding = 0.84 ft Depth of Ponding = 10.10 in	0.64 ft 7.63 in	0.90 ft 10.74 in	0.89 ft 10.66 in
10. Ponding Depth Check	Is ponding between 6" and 12"? YES	YES	YES	YES

HMP STORAGE		
SITE FEATURE	QUANTITY	STORAGE VOLUME PROVIDED (CF)
UNDERGROUND STORAGE VAULTS	18 BOXES WITH INTERNAL DIMENSIONS OF 7'X15'X12" (WIDTH X LENGTH X HEIGHT)	24,700
BIOTREATMENT BASIN	0.4 VOID RATIO OF 30" BIOTREATMENT BASIN SECTION OVER 4,925 SF BASIN AREA	4,925
STORM DRAIN PIPE	96 LF OF 15" PIPE	118
TOTAL STORAGE VOLUME PROVIDED		29,743

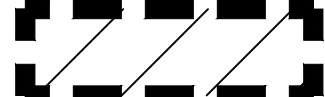
HMP SIZING AND DESIGN NOTE:

THE PROJECT IS SUBJECT TO HYDROMODIFICATION REQUIREMENTS. THE HYDROMODIFICATION ANALYSIS PREPARED BY SCHAAF & WHEELER (REPORT CEAX.13.18 DATED 4/22/20) INDICATES THAT 24,700 CUBIC FEET OF STORAGE IN VAULTS IS REQUIRED.

SITE INFORMATION AND NOTES

- PROPERTY INFORMATION
1005 NORTH PARK VICTORIA,
MILPITAS, CALIFORNIA
APN No. 029-04-040
SITE AREA = 200,924 SF (4.61 AC)
- EXISTING ONSITE IMPERVIOUS AREA = 2,820 S.F. (0.06 AC)
- EXISTING ONSITE PERVIOUS AREA = 198,104 S.F. (4.55 AC)
- PROPOSED ONSITE IMPERVIOUS AREA = 127,865 S.F. (2.93 AC)
- PROPOSED ONSITE PERVIOUS AREA = 73,059 S.F. (1.68 AC)
- RECEIVING SYSTEM FOR THE STORM WATER: CITY OF MILPITAS PUBLIC STORM DRAIN SYSTEM.
- SEE THIS SHEET FOR TREATMENT CONTROL MEASURE SIZING CALCULATIONS. AREA MEASUREMENTS OF DRAINAGE MANAGEMENT AREAS PRESENTED ON THESE PLANS INCLUDE THE AREA OF THEIR ASSOCIATED TREATMENT CONTROL MEASURES.
- ONSITE STORMWATER DETENTION CHAMBER TO BE OLDCASTLE STORM CAPTURE SYSTEM PRECAST CONCRETE STRUCTURES OR APPROVED EQUIPMENT. SYSTEM MUST BE DESIGNED TO ACCOUNT FOR HIGH GROUNDWATER PER GEOTECHNICAL INVESTIGATION PREPARED BY GEOLOGIC ASSOCIATES (PROJECT NO. 2015.0101, DATED MAY 17, 2018)

LEGEND



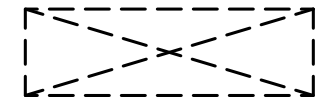
SELF TREATING AREA



WATERSHEDS TREATED WITH BIOTREATMENT



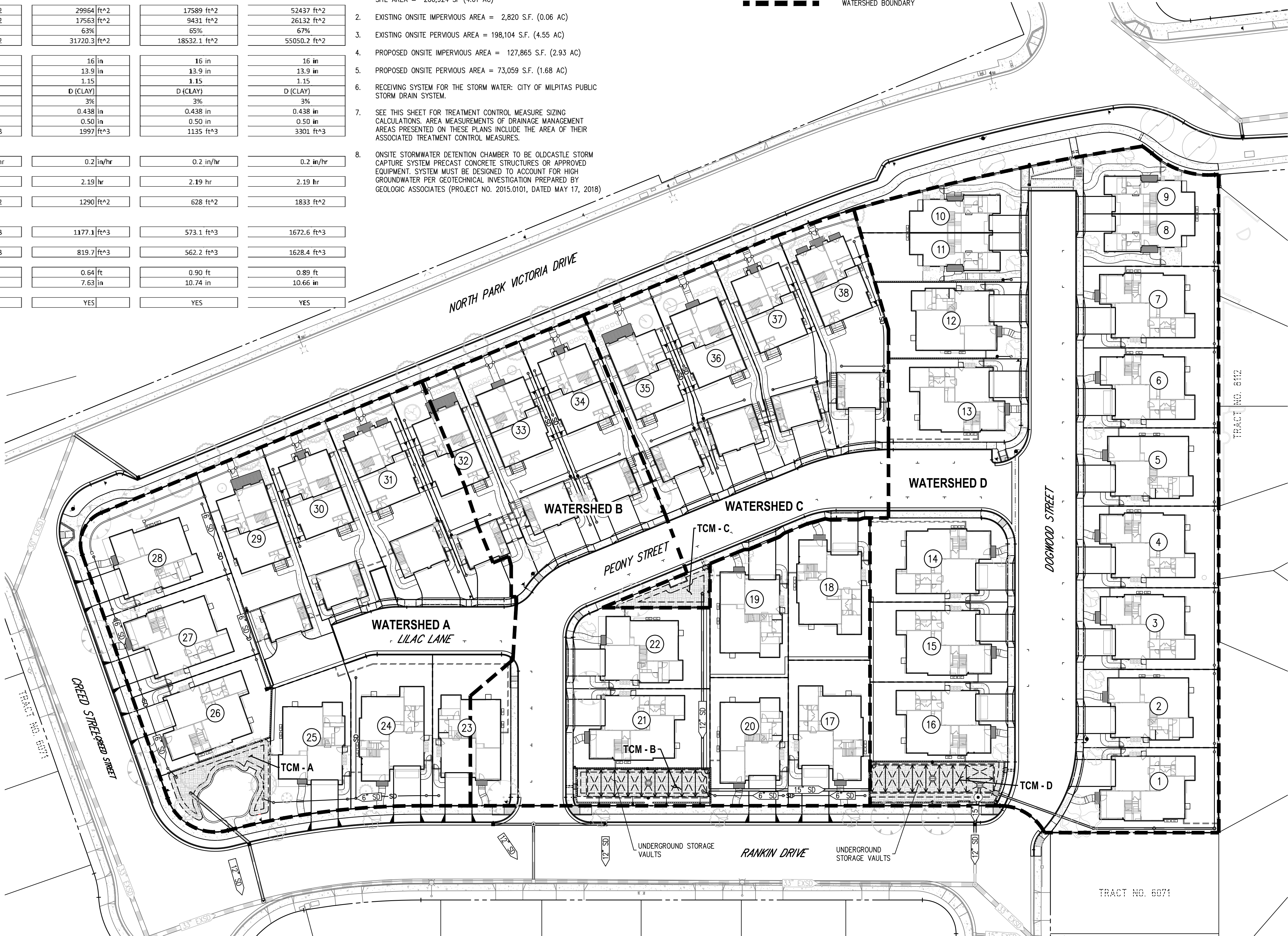
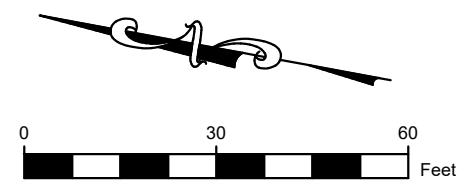
BIOTREATMENT BASIN



STORMWATER STORAGE VAULT



WATERSHED BOUNDARY



BY

REVISIONS

DATE

NO.

2065 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

Civil Engineering Associates
Civil Engineers • Planners • Surveyors

PREPARED FOR:

TRACT NO. 10533

NORTH PARK VICTORIA

ROBSON HOMES
A CALIFORNIA LIMITED LIABILITY COMPANY
2185 THE ALAMEDA, SUITE 150
SAN JOSE, CA 95126

**ONSITE IMPROVEMENT PLANS
STORMWATER MANAGEMENT PLAN**

CALIFORNIA
MILPITAS

DATE

01/14/2021

SCALE

SEE PLAN

DESIGNED

DGG

DRAWN

LRN

JOB NO.

15-115

SHEET

C13.0

25 OF 99 SHEETS

APPENDIX D

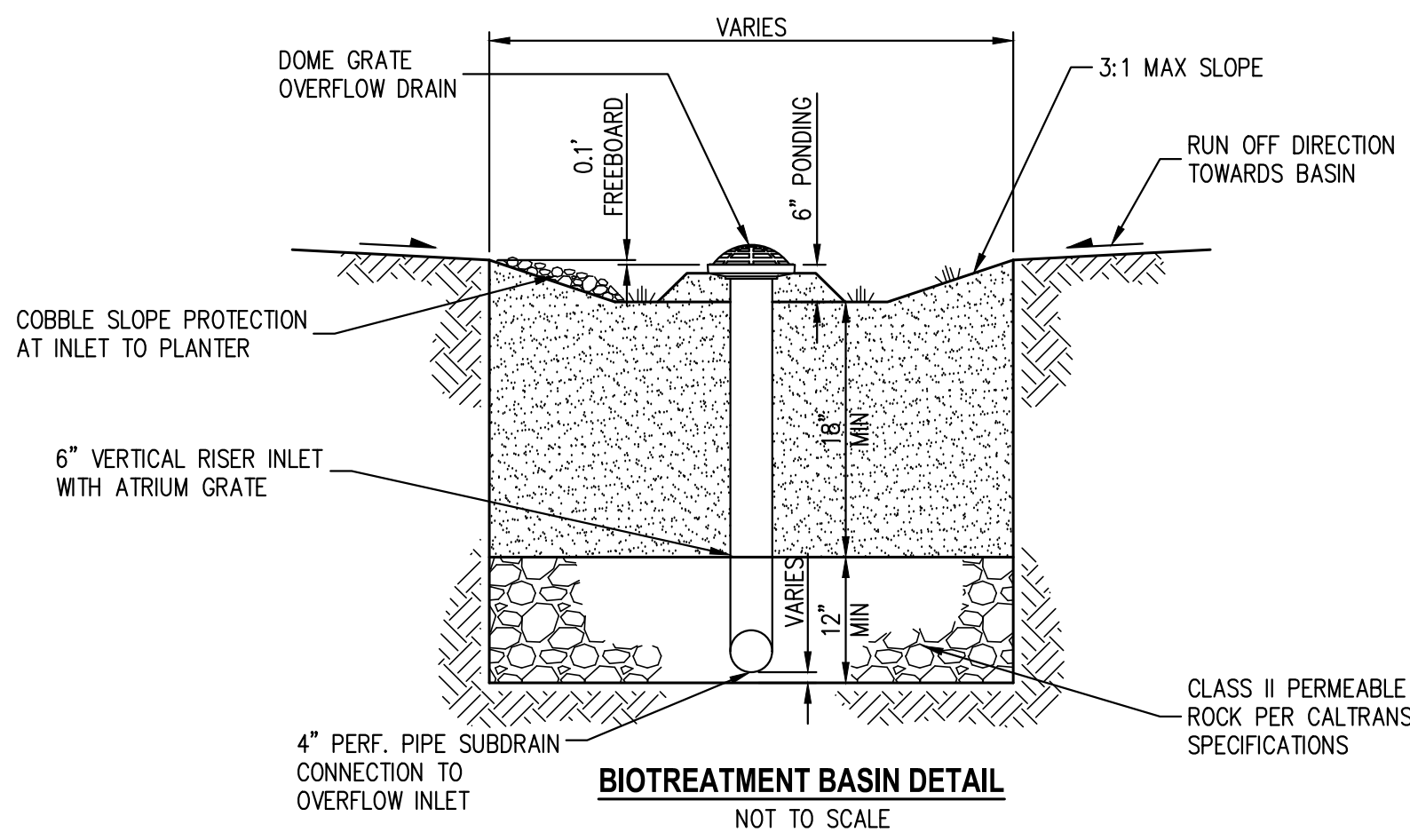
Details for Treatment Measures

Storm Water Control Plan

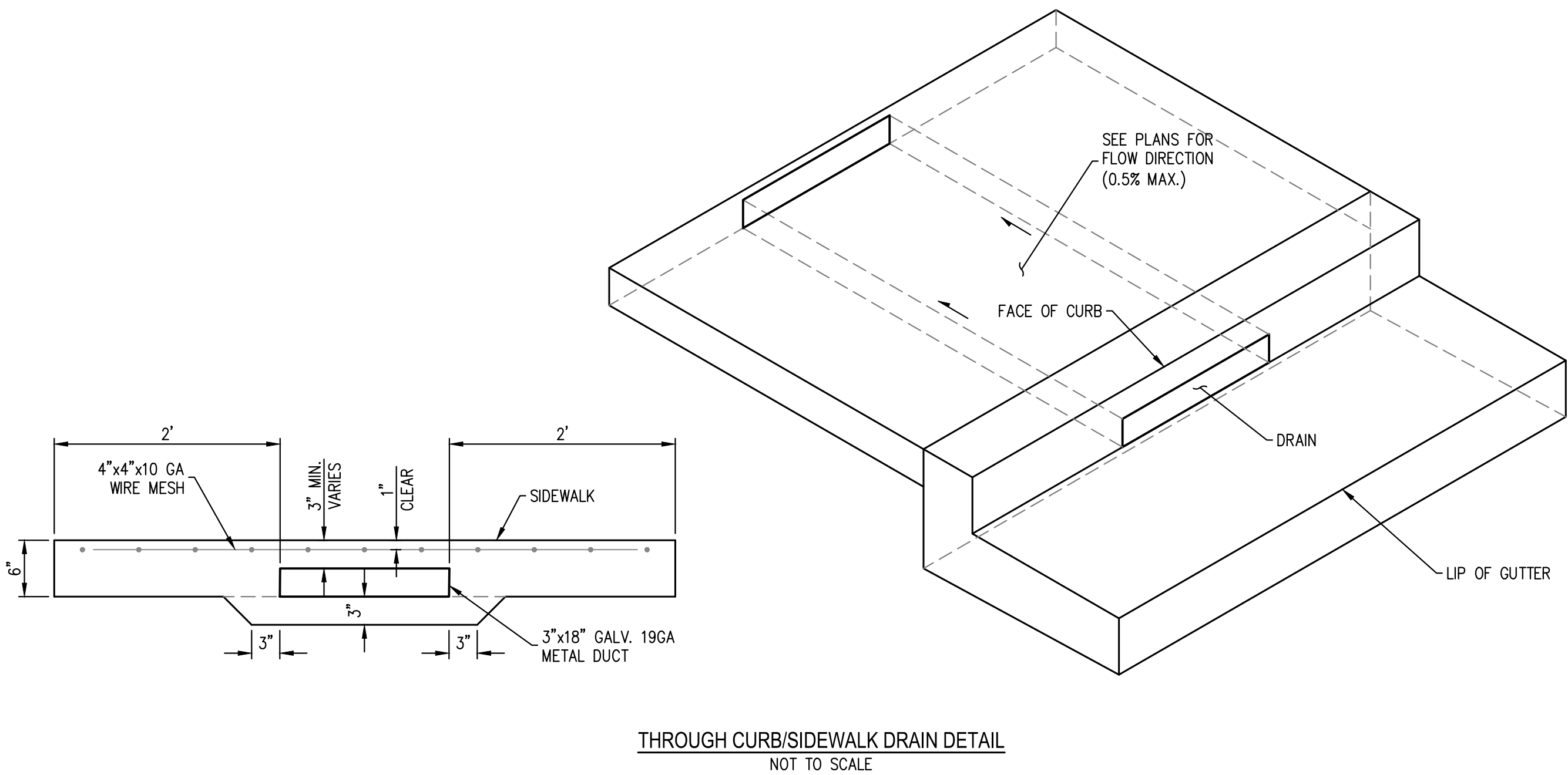
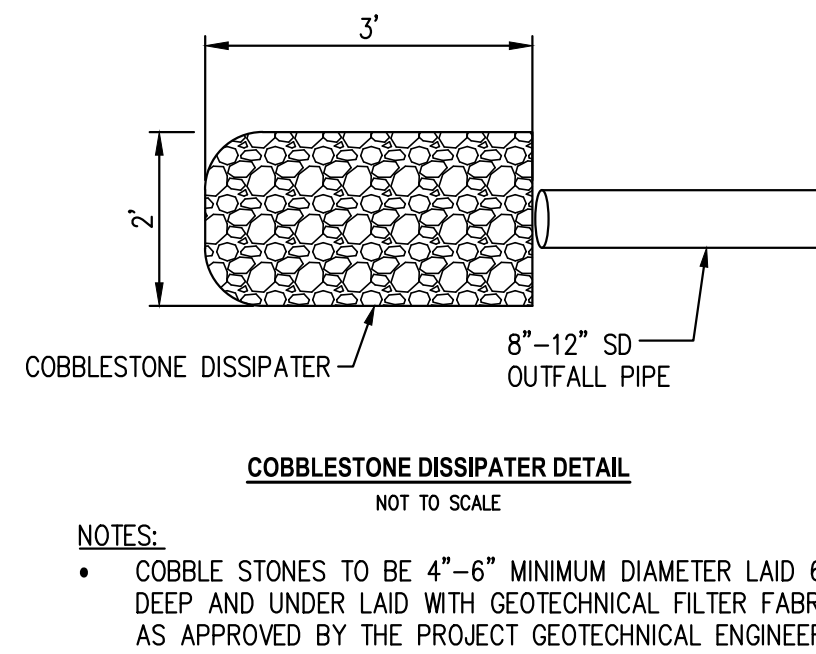
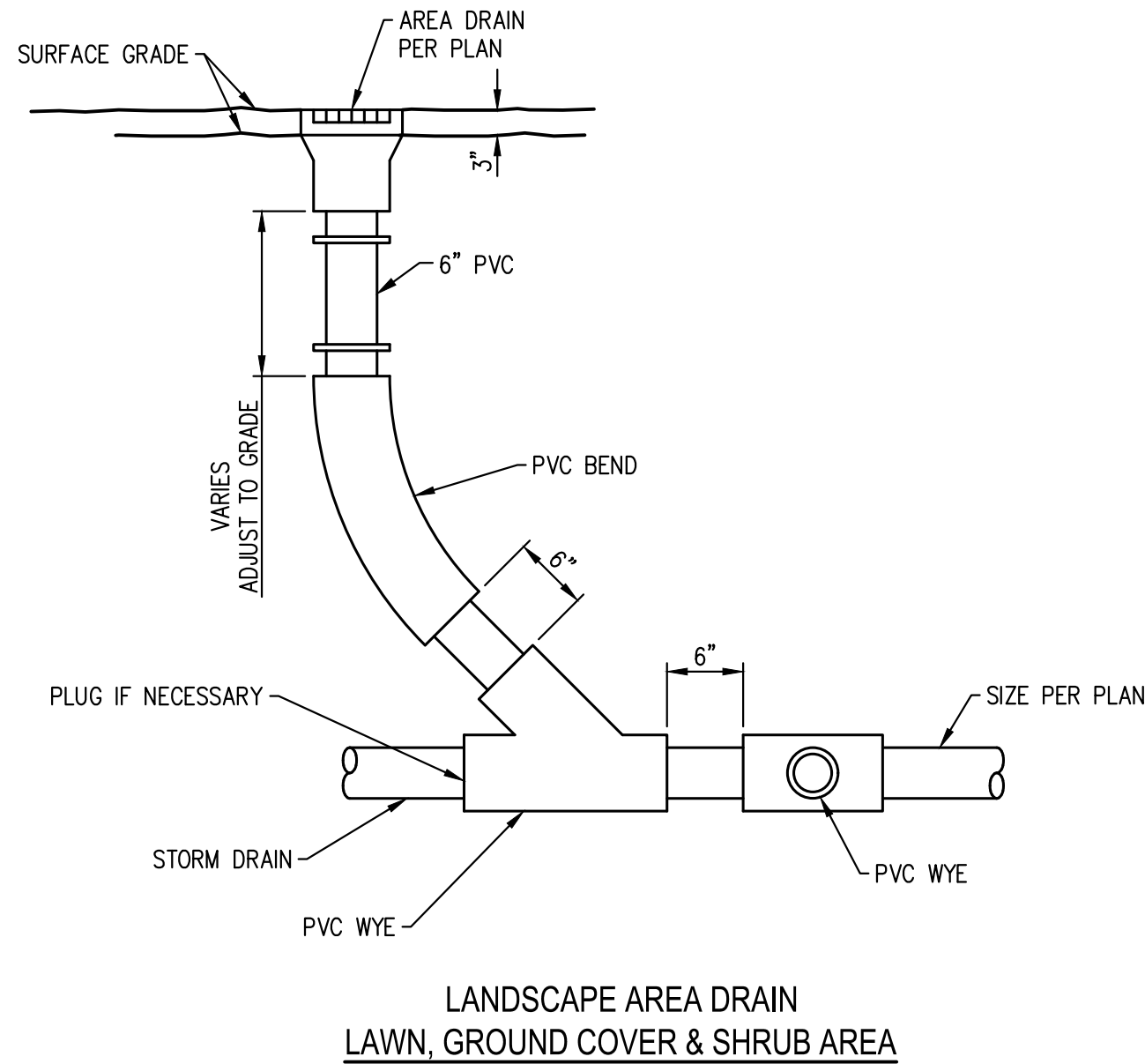
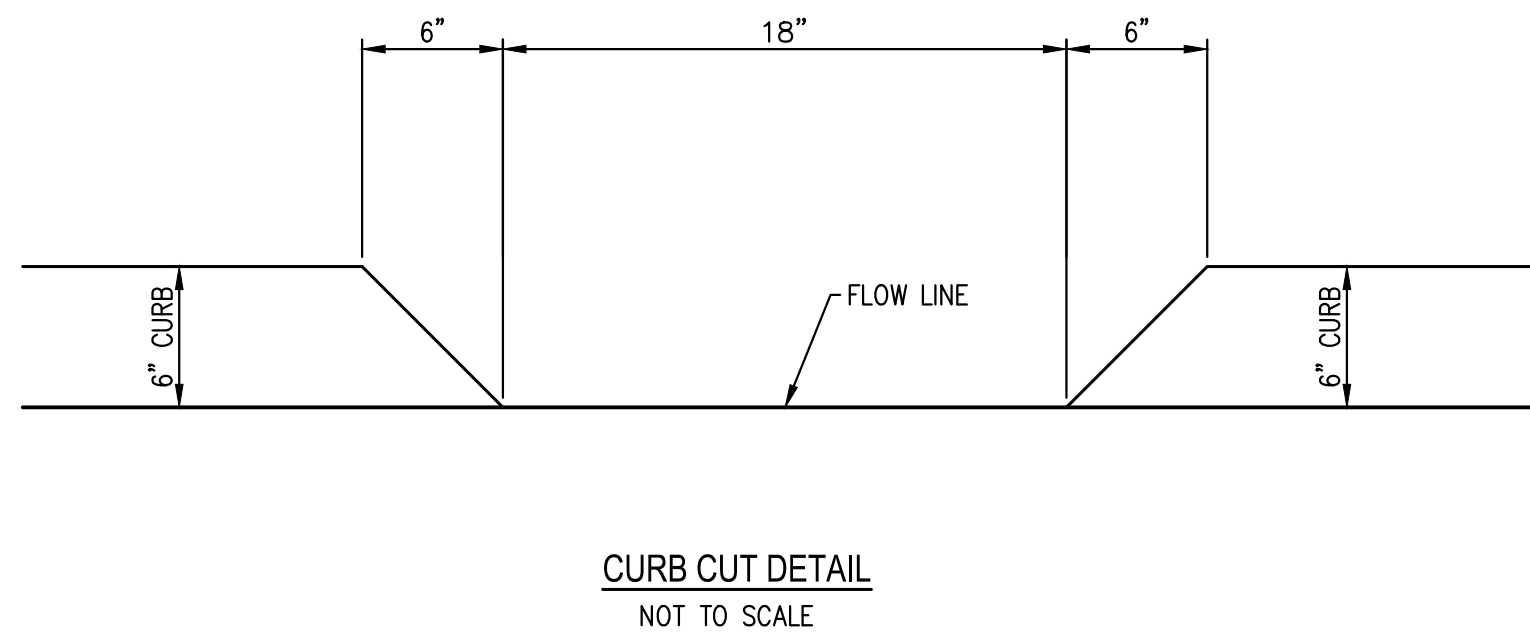
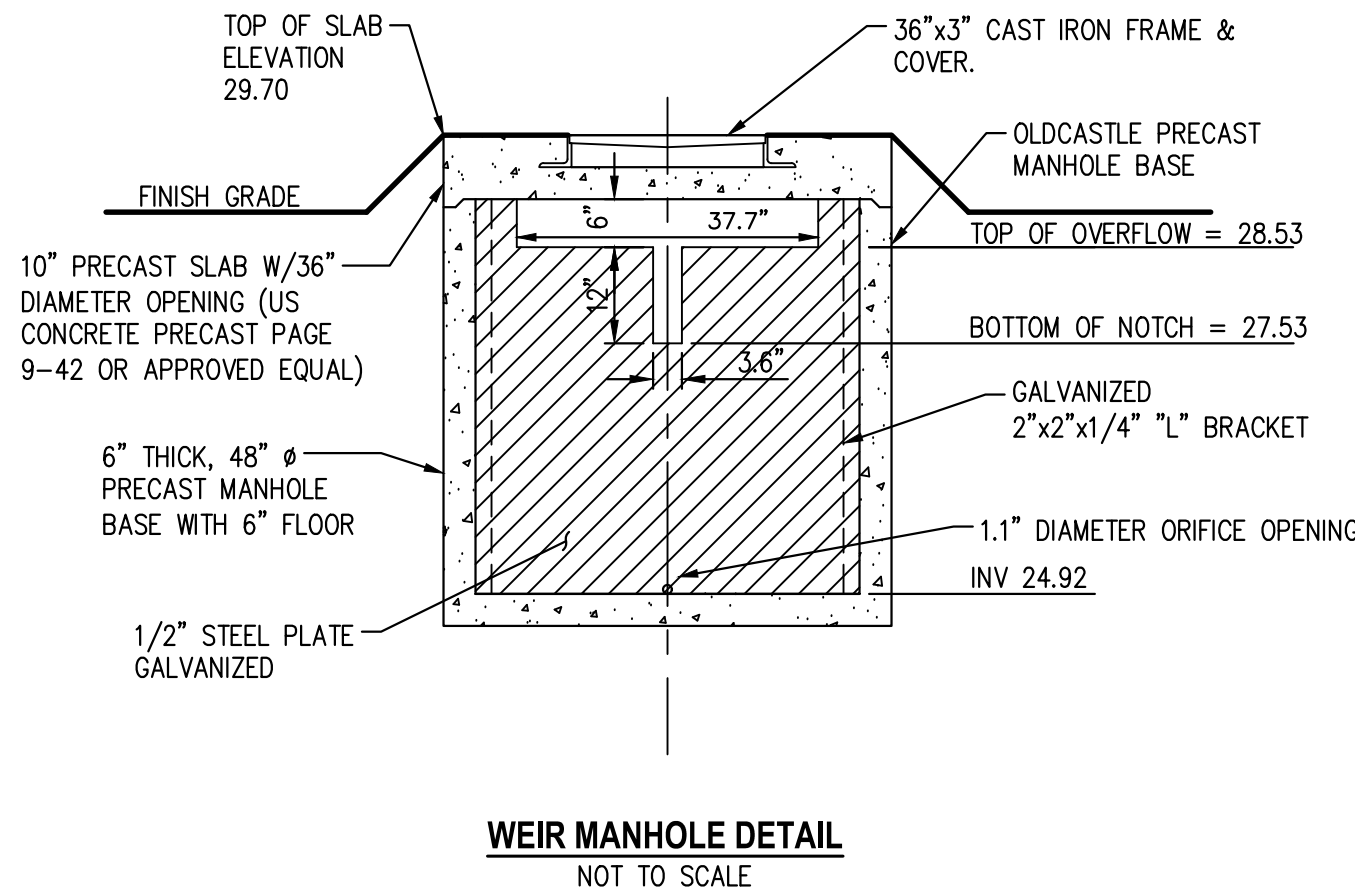
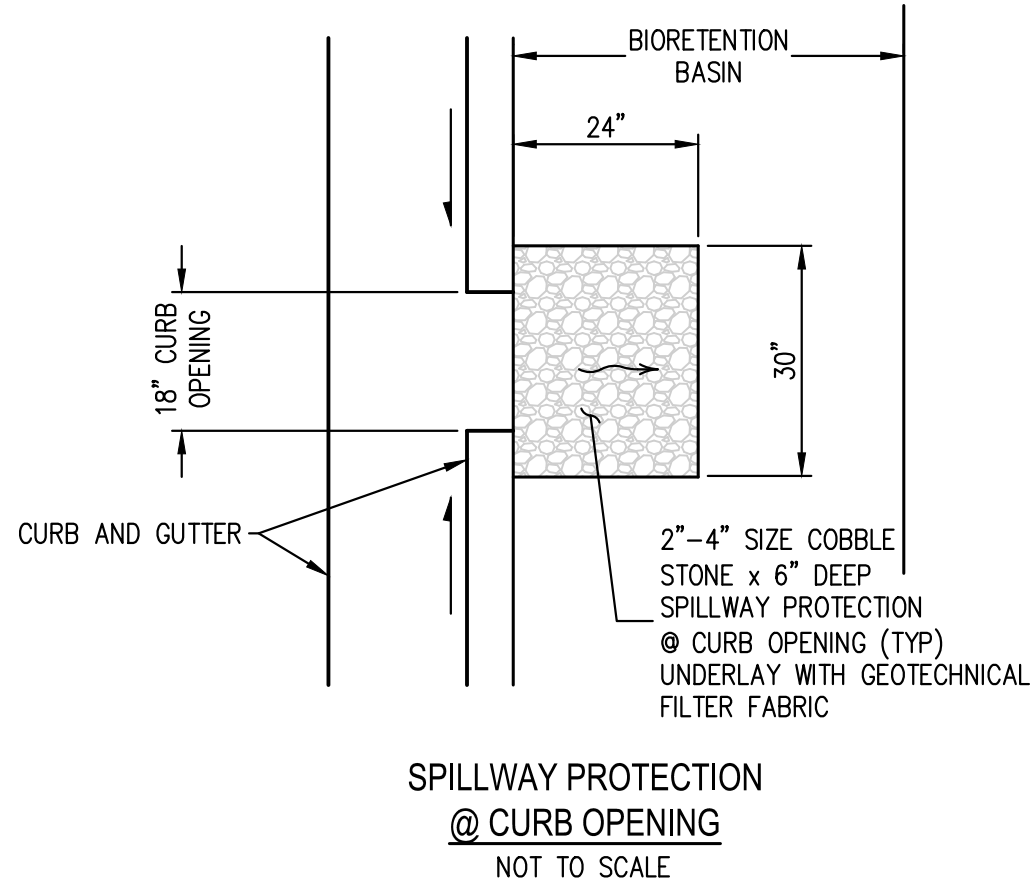
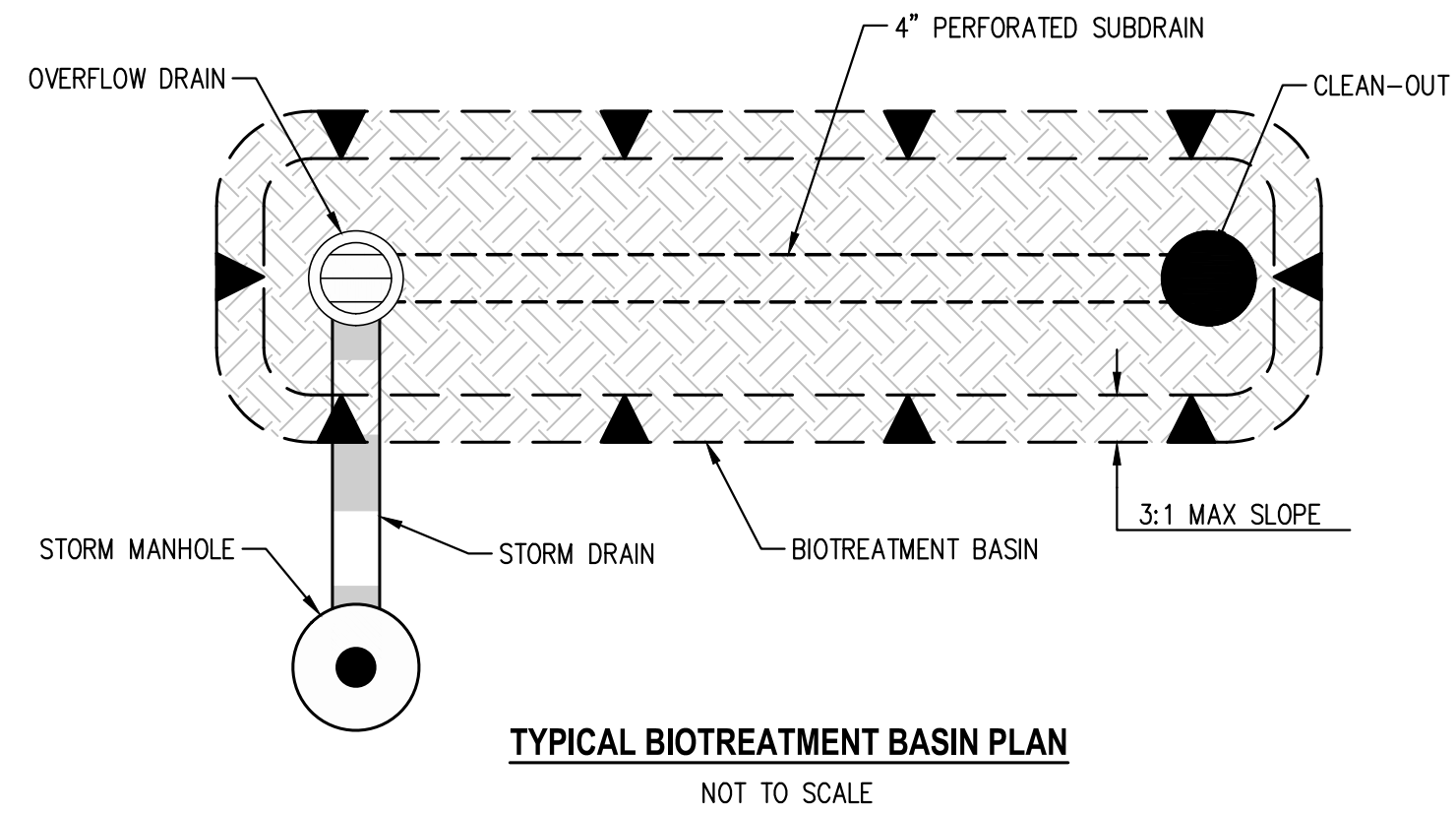
NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)



- NOTES
- PERFORATION TO BE INSTALLED FACING DOWNWARD.
 - BIOTREATMENT SOIL MIX (BSM) SHALL CONFORM TO THE MUNICIPAL REGIONAL PERMIT REQUIREMENTS SET FORTH IN PROVISION C.3.C.1.(1)(B)(V)
 - SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION LAYOUT WITHIN BASIN.



BY	
REVISIONS	
DATE	
NO.	

2055 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

Civil
Engineering
Associates
Civil Engineers • Planners • Surveyors

PREPARED FOR:

ROBSON HOMES
A CALIFORNIA LIMITED LIABILITY COMPANY
2185 THE ALAMEDA, SUITE 150
SAN JOSE, CA 95126

TRACT NO. 10533

NORTH PARK VICTORIA

ONSITE IMPROVEMENT PLANS
STORMWATER MANAGEMENT NOTES AND DETAILS

CALIFORNIA

DATE

01/14/2021

SCALE

SEE PLAN

DESIGNED

ASA

DRAWN

LRN

JOB NO.

15-115

SHEET

C13.1

26

OF 99 SHEETS

146

APPENDIX E

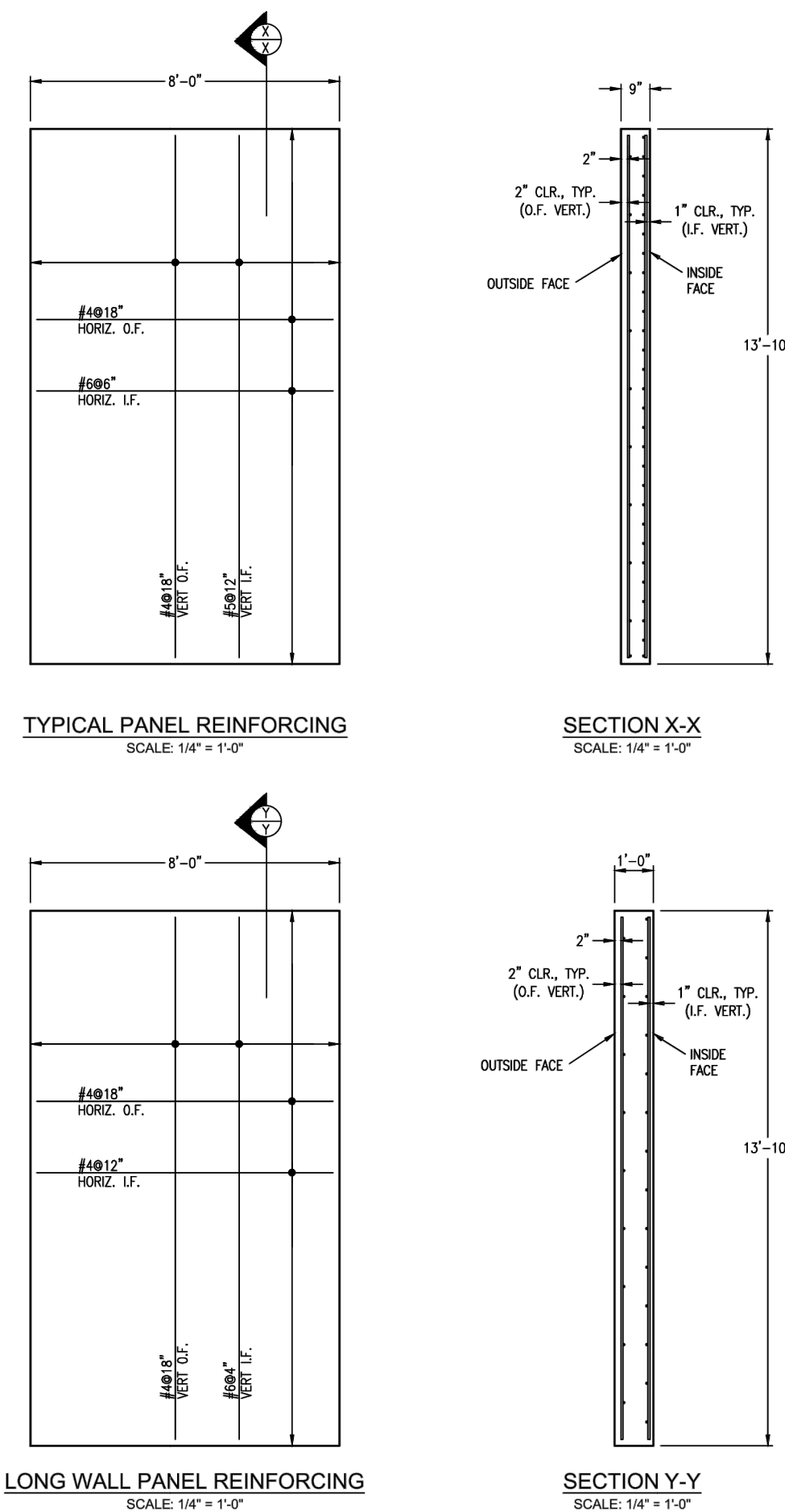
Details for HMP Facilities

Storm Water Control Plan

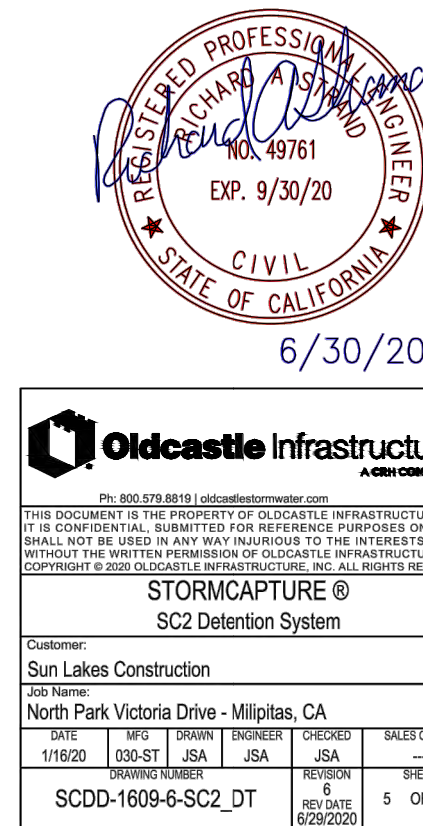
NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)



Detention/
Infiltration



Civil Engineering Associates
Civil Engineers • Planners • Surveyors

2055 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

FOR:
ROBSON HOMES
A CALIFORNIA LIMITED LIABILITY COMPANY
21815 THE ALAMEDA, SUITE 150
SAN JOSE, CA 95126

TRACT NO. 10533

NORTH PARK VICTORIA

ONSITE IMPROVEMENT PLANS
STORMCAPTURE DETAILS

MIL PITAS

CALIFORNIA

DATE	01/14/2022
SCALE	SEE PLAN
DESIGNED	AS
DRAWN	LR
JOB NO.	15-11
SHEET	

C13.4

[illegible]

73'-8 1/2" (INCLUDES 1/2" GAP PER SECTION)

STORMCAPTURE MODULES BY CLOUSTEAD INFRASTRUCTURE
INSIDE DIMENSIONS: 7' W x 15' L x 12" H, SYSTEM INVERT: 8.08'

TYPICAL PANEL
SEE SHEET 4

LONG WALL PANEL DETAIL 1
SEE SHEET 4

#24" OPENING FOR
Ø15" RCP,
INLET INVERT: 8.08'

5'-8 1/2"

A2

A

A1

Ø30" MANHOLE ACCESS
RM: 27.40'±.
SEE DETAIL B SHEET 2 OF 5.

KNOCK OUT TERMINALS
IN THESE LOCATIONS.
SEE DETAIL A SHEET 2 OF 5.

Ø30" FRAME AND GRATE
RM: 28.40'±

6" SUBURAIN,
BY OTHERS.

LONG WALL PANEL
SEE SHEET 4

Ø24" OPENING FOR Ø15" RCP
CONNECTED TO Ø36" RISER,
OUTLET INVERT: 24.20'

A3

Ø30" MANHOLE ACCESS WITH LADDER
RM: 27.40'±.
SEE DETAIL C SHEET 2 OF 5.

17'-8 1/2" (INCLUDES 1/2" GAP PER SECTION)

5'-8 1/2"

PLAN VIEW

DESIGN NOTES:

NOTES TO REVIEWING ENGINEER

1. SYSTEM DESIGNED TO THE PARAMETERS NOTED. PLEASE VERIFY THAT THESE PARAMETERS MEET PROJECT REQUIREMENTS (I.E. LIVE LOAD AND FILL RANGE). IF DESIGN PARAMETERS ARE INCORRECT, NOTIFY OGC/CLASSE IMMEDIATELY FOR REDESIGN AND RE-PRICING.

2. REVIEWING ENGINEER TO CONFIRM ALL PIPE PENETRATION LOCATIONS, SIZES, AND INVERTS.

3. REVIEWING ENGINEER TO CONFIRM ALL MAINWAY ACCESS LOCATIONS AND SIZES.

4. UNLESS OTHERWISE NOTED, ALL PIPES SUPPLIED AND INSTALLED BY ELEVATION.

5. SYSTEM DESIGNED FOR A HIGH GROUNDWATER TABLE ELEVATION PER NOTE 1 (I.E. REVIEWING ENGINEERS SHALL VERIFY THAT THE PROPOSED GROUNDWATER TABLE MEETS THE DESIGN REQUIREMENTS). NOTIFY OGC/CLASSE IMMEDIATELY IF SITE CONDITIONS VARY FROM WHAT HAS BEEN SPECIFIED FOR POTENTIAL SYSTEM DESIGN CHANGES AND/OR PRICING ADJUSTMENTS.

6. SYSTEM DESIGNED WITH A CONTAMINANT MEMBRANE LINER. IF A LINER IS NOT NEEDED, PLEASE CONTACT OGC/CLASSE TO PROVIDE A LAYOUT.

6/30/20

THIS MUST BE FILLED OUT BEFORE MANUFACTURING BEGINS

APPROVED W/ NO EXCEPTIONS TAKEN: ☐

APPROVED AS NOTED: ☐

REVISE AND RESUBMIT: ☐

SIGNATURE _____ DATE _____

 **Oldcastle Infrastructure™**
THE OLDCASTLE GROUP, INC.

PH: 800-578-8010 | oldcastleinfrastructure.com

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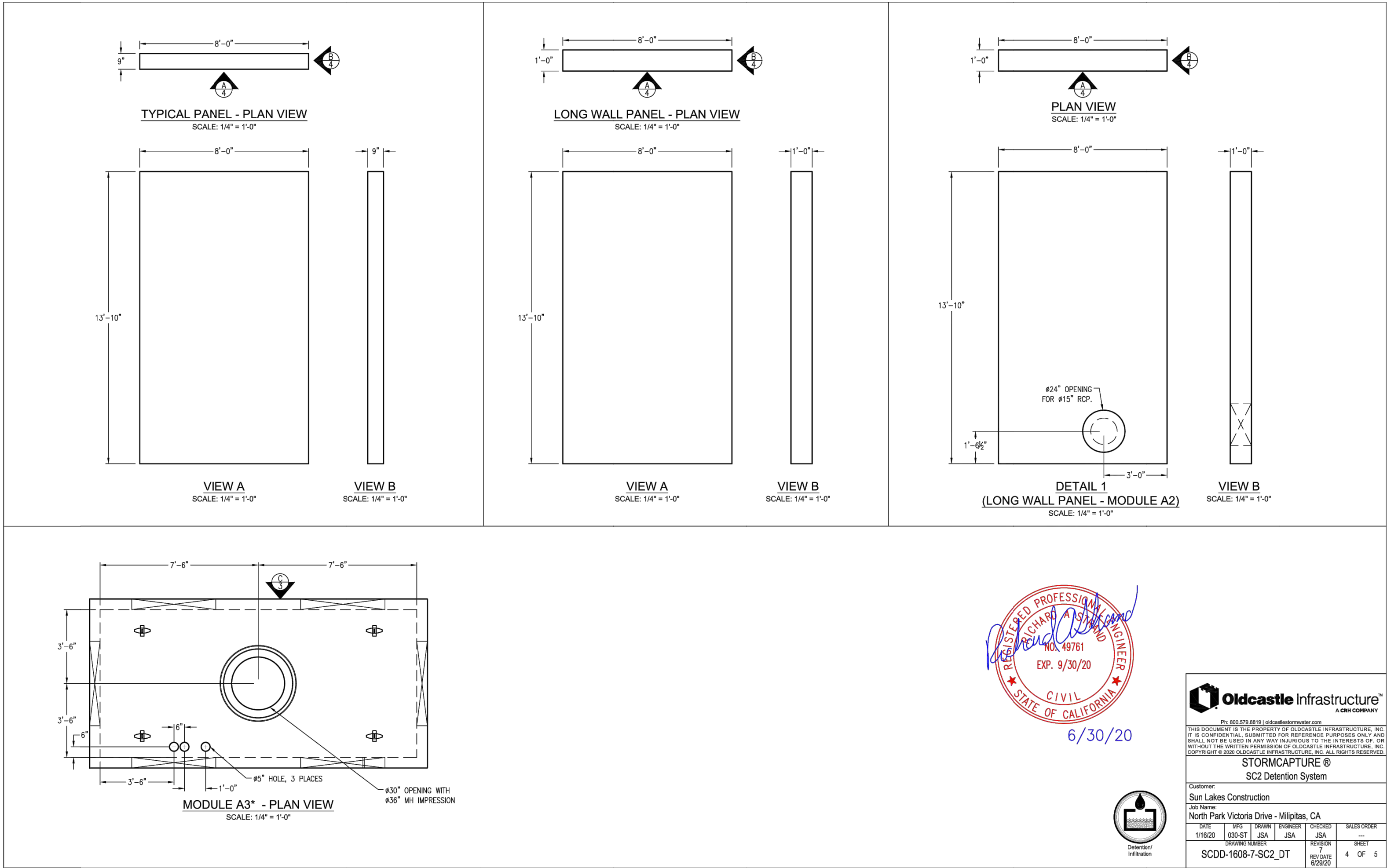
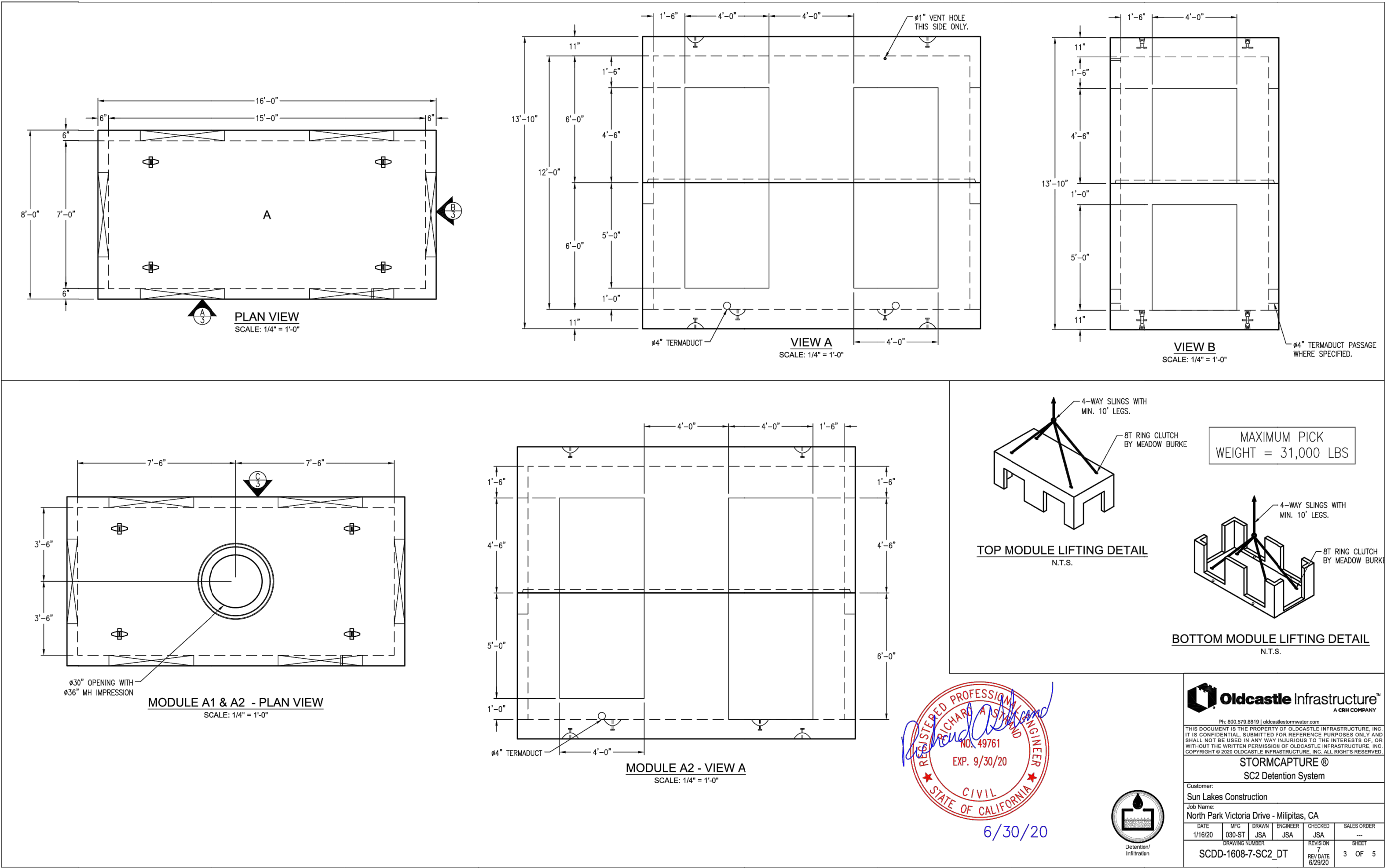
STORMCASTLE®
SC2 Detention System

Customer: **Sun Lakes Construction**
 Job Name: **North Park Victoria Drive - Milpitas, CA**

DATE	BY	STATUS	REVISION	DATE/ORDER
1/16/22	JSA	ISSUED	JSA	JSA
SC2-10087-SC2, DT				
SC2-10087-SC2, DT				
REVISED ORDER				
				1 OF 5



NORTH PARK VICTORIA		TRACT NO. 10533		PREPARED FOR: ROBSON HOMES A CALIFORNIA LIMITED LIABILITY COMPANY 2185 THE ALAMEDA, SUITE 150 SAN JOSE, CA 95126		 Civil Engineering Associates Civil Engineers • Planners • Surveyors		2055 Gateway Place Suite 550, CA 95110 T: (408) 453-1066		NO. DATE BY REVISIONS	
ONSITE IMPROVEMENT PLANS STORMCAPTURE DETAILS		DATE 01/14/2021		SCALE SEE PLAN		DESIGNED ASA		DRAWN LRN		JOB NO. 15-115	
SHEET		30		OF		99		SHEET		15-115	



NOTES:
STORMCAPTURE INFORMATION SHOWN FOR
REFERENCE ONLY. TO BE CONSTRUCTED
UNDER GRADING PERMIT B-GR20-0004

NO.	DATE	REVISIONS	BY

Civil Engineering Associates
Civil Engineers • Planners • Surveyors

2055 Gateway Place
Suite 550
San Jose, CA 95110
T: (408) 453-1066

ROBSON HOMES
A CALIFORNIA LIMITED LIABILITY COMPANY
2185 THE ALAMEDA, SUITE 150
SAN JOSE, CA 95126

PREPARED FOR: NORTH PARK VICTORIA

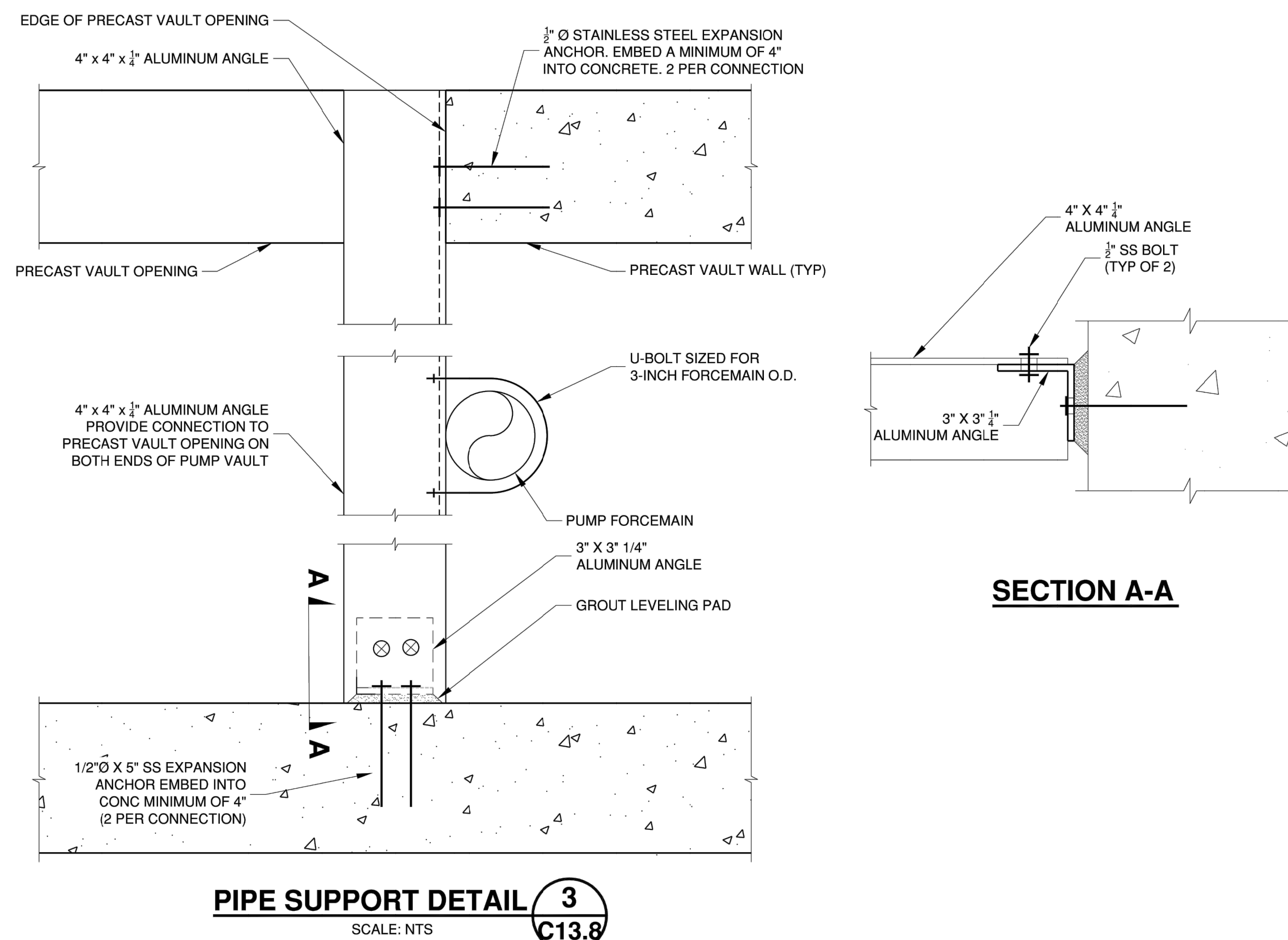
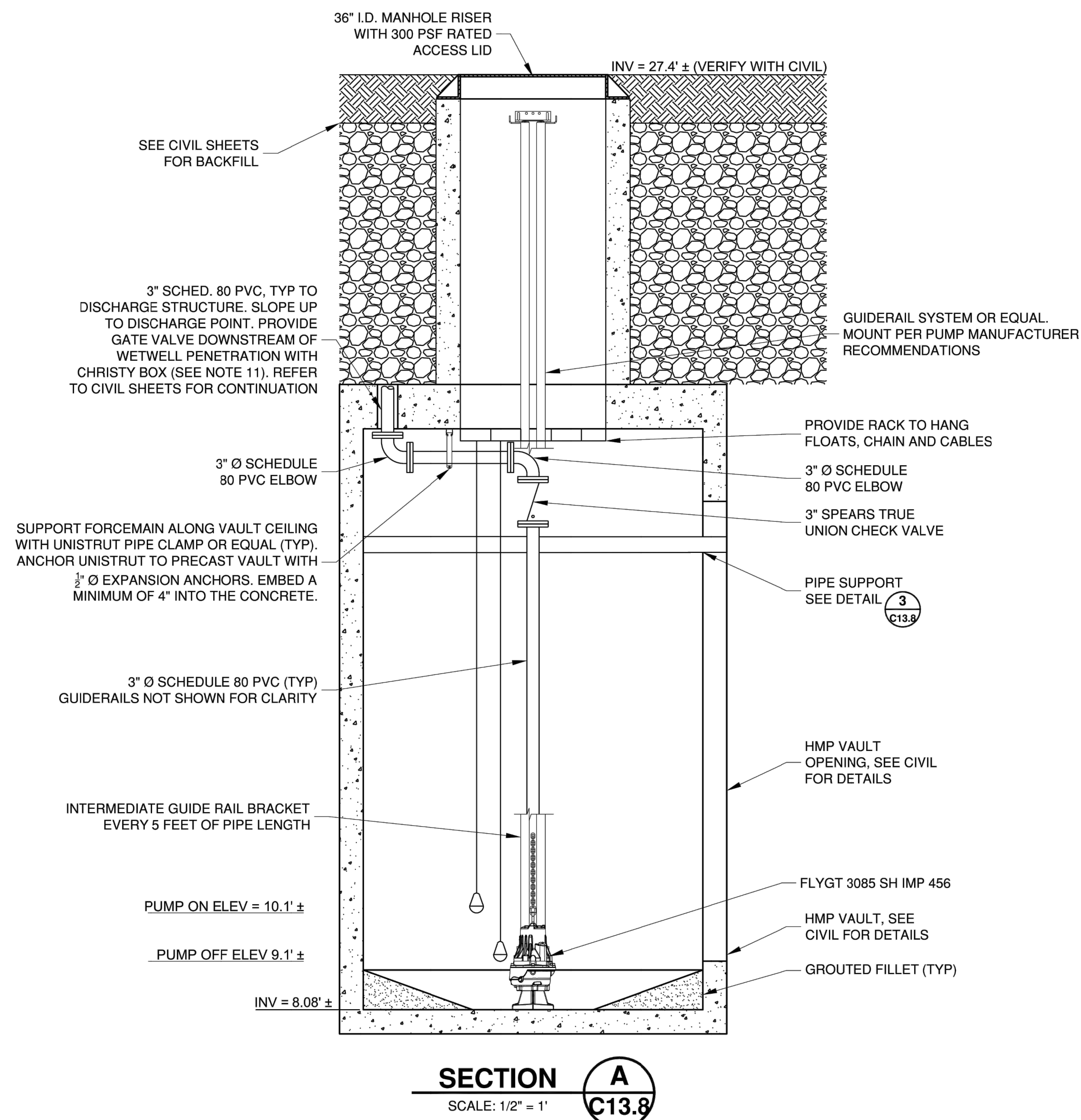
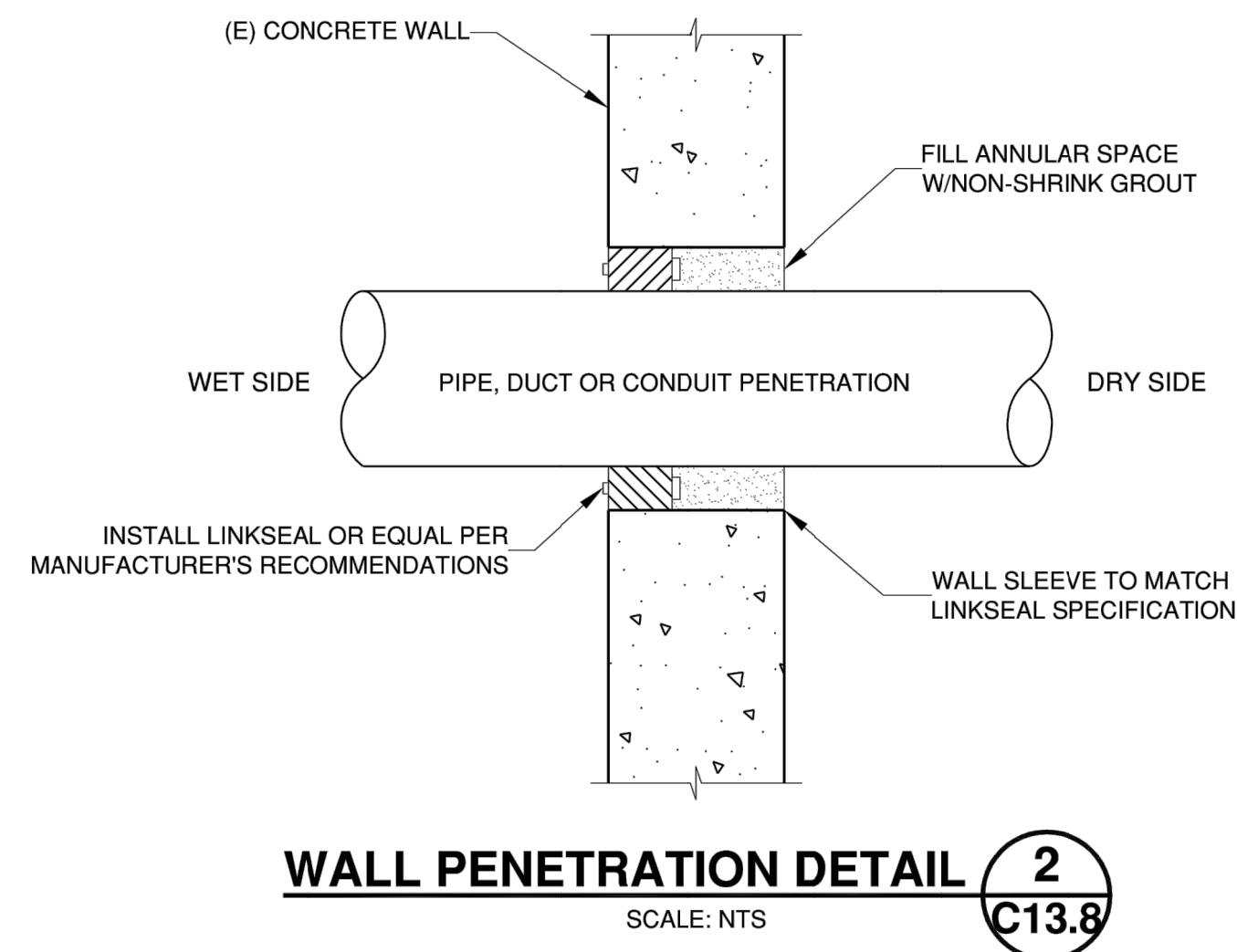
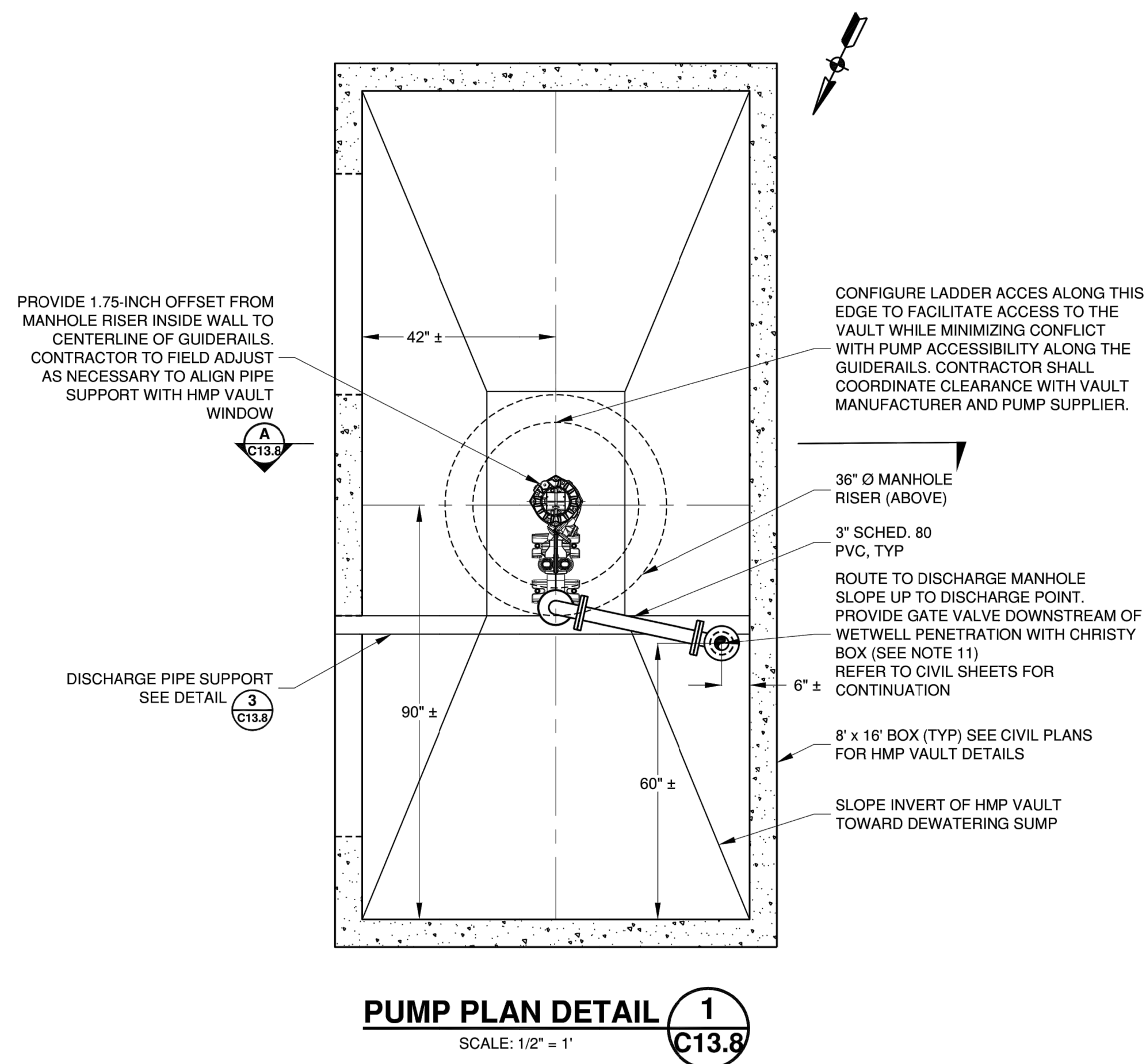
TRACT NO. 10533

ONSITE IMPROVEMENT PLANS
STORMCAPTURE DETAILS

CALIFORNIA

MILPITAS

DATE	01/14/2021
SCALE	SEE PLAN
DESIGNED	ASA
DRAWN	LRN
JOB NO.	15-115
SHEET	C13.6



- PUMP STATION NOTES

1. SEE CIVIL SHEETS FOR HMP VAULT DETAILS AND SPECIFICATIONS.
2. SUBMERSIBLE STORMWATER PUMP SHALL BE FLYGT NP3085 SH IMPELLER 456 WITH RATING POINT OF 54 GPM @ 14.7 FT TDH, 2.2 HP 3 PHASE 240 V MOTOR, 3" NOMINAL DISCHARGE. PUMP SHALL BE EXPLOSION PROOF RATED, SUITABLE FOR CL 1 / DIV 1 HAZARDOUS LOCATIONS. CONTRACTOR SHALL VERIFY SITE ELECTRICAL SERVICE VOLTAGE. PUMP SHALL BE OPERATED IN SIMPLEX CONFIGURATION WITH ONE PUMP CAPABLE OF CONVEYING THE DESIGN FLOW.
3. A TOTAL OF TWO (2) FLOATS ARE REQUIRED TO CONTROL THE PUMP: ONE FLOAT TO START THE PUMP UNDER NORMAL OPERATION, ONE FLOAT TO STOP THE PUMP UNDER NORMAL OPERATION.
4. PUMP ACCESS SHALL BE A NEENAH R-1578 36-INCH I.D. MANHOLE FRAME AND COVER OR EQUAL. ACCESS LID SHALL BE RATED FOR MINIMUM 300 PSF LOADING.
5. ALL PUMP ACCESSORY HARDWARE INCLUDING ANCHOR BOLTS, LIFTING CHAIN, GUIDE RAILS AND BRACKETS SHALL BE TYPE 316 STAINLESS STEEL.
6. ALL BOLTS, NUTS, AND WASHERS USED FOR CONNECTING VALVES, FITTINGS, PUMPS AND OTHER APPURTENANCES SHALL BE STAINLESS STEEL TYPE 316. ALL NUTS AND BOLTS SHALL BE PROVIDED WITH XYLAN FLUOROPOLYMER COATING, TRIPAC 2000 OR EQUAL.
7. PVC PIPE SHALL MEET OR EXCEED REQUIREMENTS PER ASTM D1785. PVC SHALL BE 3-INCH SCHEDULE 80, SOLVENT CEMENT SHALL MEET OR EXCEED REQUIREMENTS PER ASTM D2564.
10. CHECK VALVE TO BE SPEARS TRUE UNION 2000 INDUSTRIAL BALL CHECK VALVE OR EQUAL.
11. DOWNSTREAM OF THE WETWELL FORCEMAIN PENETRATION, THE CONTRACTOR SHALL PROVIDE A RESILIENT GATE TYPE GATE VALVE, MUELLER COMPANY A-2361 OR EQUAL WITH DUCTILE IRON BODY AND 2-INCH OPERATOR NUT FOR BURIED SERVICE. PROVIDE PEDESTRIAN RATED VALVE BOX BY CHRISTY OR EQUAL. PROVIDE ROD STEM EXTENSION AS NEEDED WITH 2-INCH SQUARE OPERATOR NUT AND STEADYING PLATE.
12. ALL JOINTS SHALL BE MECHANICALLY RESTRAINED BY USE OF FLANGES OR SOLVENT WELDS.
13. STORM DRAIN PIPES AND MANHOLE ELEVATIONS BASED ON SETPOINTS FROM CIVIL ENGINEERING ASSOCIATES DATED JUNE 2020 NOTIFY ENGINEER IF CONDITIONS DIFFER FROM PLANS.

- ## FORCEMAIN NOTES

1. FORCEMAIN TO BE CONSTRUCTED WITHOUT ANY INTERMEDIATE HIGH POINTS IN THE PIPE TO AVOID USE OF AIR RELEASE VALVES. FORCEMAIN DISCHARGE SHALL OCCUR DOWNSTREAM OF WEIR AT ELEVATION 24.5 FT.
2. PVC PIPE SHALL MEET OR EXCEED REQUIREMENTS PER ASTM D 1785. PVC PIPE SHALL BE 3-INCH SCHEDULE 80 PVC. SOLVENT CEMENT JOINTS SHALL MEET ASTM D 2564 REQUIREMENTS.
3. ALL JOINTS SHALL BE MECHANICALLY RESTRAINED BY USE OF FLANGES OR SOLVENT WELDS.

- ## ELECTRICAL NOTES

1. ALL ELECTRICAL WORK SHALL BE PERFORMED IN STRICT CONFORMANCE WITH ALL APPLICABLE CODES AND REGULATIONS INCLUDED IN THE MOST CURRENT EDITION OF THE CALIFORNIA ELECTRICAL CODE (CEC). WET WELL SHALL BE CONSIDERED A CLASS 1, DIVISION 1 HAZARDOUS LOCATION.
2. PUMP STATION ELECTRICAL DESIGN AND SERVICE SIZING BY OTHERS. CONTRACTOR SHALL VERIFY SITE ELECTRICAL SERVICE VOLTAGE FOR PUMP STATION AND COORDINATE WITH ELECTRICAL DESIGN / PUMP MANUFACTURER. A PHASE CONVERTER SHALL BE ADDED AT THE PUMP STATION PANEL TO ACCOMMODATE THE SPECIFIED 3-PHASE PUMP MOTOR.
3. PUMP CONTROL PANEL SHALL BE RATED NEMA 4 MINIMUM FOR OUTDOOR LOCATIONS AND HAVE THE FOLLOWING COMPONENTS, AS A MINIMUM: MAIN DISCONNECT SWITCH, MOTOR BREAKER, MOTOR STARTER, CONTROLS BREAKER, HOA SWITCH, RUN TIME METER, PUMP RUN LIGHT, PUMP TRIP RESET BUTTON, PUMP FAULT WARNING LIGHT, RED DOME WARNING LIGHT ON TOP EXTERIOR, AND SPACE HEATER.
4. PUMP CONTROL PANEL SHALL BE WITHIN CLOSE PROXIMITY TO THE PUMP STATION WETWELL, OTHERWISE A REMOTE EMERGENCY SHUTOFF SWITCH SHALL BE INSTALLED AT THE PUMP STATION WETWELL LOCATION.
5. PROVIDE SEAL FITTINGS FOR ALL CONDUITS WHICH PENETRATE THE WETWELL. SEAL SHALL MEET CEC REQUIREMENTS FOR PROVIDING SEPARATION OF CL1/DIV2 HAZARDOUS LOCATION.

APPENDIX F

Operations and Maintenance Plan Forms

Storm Water Control Plan

NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)

Stormwater Treatment Measure Operation and Maintenance Inspection Report to the City of Milpitas, California

This report and attached Inspection and Maintenance Checklists document the inspection and maintenance conducted for the identified stormwater treatment measure(s) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

I. Property Information:

Property Address or APN: 1005 North Park Victoria Drive, Milpitas

Property Owner: Robson Homes

II. Contact Information:

Name of person to contact regarding this report: _____

Phone number of contact person: _____ Email: _____

Address to which correspondence regarding this report should be directed:

III. Reporting Period:

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from _____ to _____.

IV. Stormwater Treatment Measure Information:

The following stormwater treatment measures (identified treatment measures) are located on the property identified above and are subject to the Maintenance Agreement:

Identifying Number of Treatment Measure	Type of Treatment Measure	Location of Treatment Measure on the Property

V. Summary of Inspections and Maintenance:

Summarize the following information using the attached Inspection and Maintenance Checklists:

Identifying Number of Treatment Measure	Date of Inspection	Operation and Maintenance Activities Performed and Date(s) Conducted	Additional Comments

VI. Sediment Removal:

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period: _____ cubic yards.

How was sediment disposed?

- ☐ landfill
- ☐ other location on-site as described in and allowed by the maintenance plan
- ☐ other, explain _____

VII. Inspector Information:

The inspections documented in the attached Inspection and Maintenance Checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

VIII. Certification:

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

Signature of Property Owner or Other Responsible Party

Date

Type or Print Name

Company Name

Address

Phone number: _____ Email: _____

Bioretention Area Maintenance Plan for North Park Victoria – Tract 10533

April 1, 2021

Project Address and Cross Streets: 1005 North Park Victoria Drive and Creed Street

Assessor's Parcel No.: 029-04-040

Property Owner: Robson Homes

Phone No: _____

Designated Contact: _____

Phone No: _____

Mailing Address: _____

The property contains 4 bioretention area(s), located per the Stormwater Management Plan approved with the Private Improvement Plans for Tract 10533 and included with this Stormwater Water Management Plan Report and further described as follows

1. TCM A - Bioretention Basin at the corner of Creed St and Rankin Dr
2. TCM B – Bioretention Basin at the corner of Rankin Dr and Peony St
3. TCM C – Bioretention Basin on Peony St east of Lilac Ln
4. TCM D – Bioretention Basin at the corner of Rankin Dr and Dogwood St

I. Routine Maintenance Activities

The principal maintenance objective is to prevent sediment buildup and clogging, which reduces pollutant removal efficiency and may lead to bioretention area failure. Routine maintenance activities, and the frequency at which they will be conducted, are shown in Table 1.

Table 1 Routine Maintenance Activities for Bioretention Areas		
No.	Maintenance Task	Frequency of Task
1	Remove obstructions, debris and trash from bioretention area and dispose of properly.	Monthly, or as needed after storm events
2	Inspect bioretention area for ponded water. If ponded water does not drain within 2-3 days, till and replace the surface soil and replant.	Monthly, or as needed after storm events
3	Inspect inlets for channels, soil exposure or other evidence of erosion. Clear obstructions and remove sediment.	Monthly, or as needed after storm events
4	Remove and replace all dead and diseased vegetation.	Twice a year
5	Maintain vegetation and the irrigation system. Prune and weed to keep bioretention area neat and orderly in appearance. Remove and or replace any dead plants.	Twice a year
6	Check that mulch is at appropriate depth (2 inches per soil specifications) and replenish as necessary before wet season begins.	Monthly
7	Inspect the energy dissipation at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch.	Annually, before the wet season begins
8	Inspect bioretention area using the attached inspection checklist.	Monthly, or after large storm events, and after removal of accumulated debris or material

II. Use of Pesticides

The use of pesticides and quick release fertilizers shall be minimized, and the principles of integrated pest management (IPM) followed:

1. Employ non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
2. Prune plants properly and at the appropriate time of year.
3. Provide adequate irrigation for landscape plants. Do not over water.
4. Limit fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferable. Check with municipality for specific requirements.
5. Pest control should avoid harming non-target organisms, or negatively affecting air and water quality and public health. Apply chemical controls only when monitoring indicates that preventative and non-chemical methods are not keeping pests below acceptable levels. When pesticides are required, apply the least toxic and the least persistent pesticide that will provide adequate pest control. Do not apply pesticides on a prescheduled basis.
6. Sweep up spilled fertilizer and pesticides. Do not wash away or bury such spills.
7. Do not over apply pesticide. Spray only where the infestation exists. Follow the manufacturer's instructions for mixing and applying materials.
8. Only licensed, trained pesticide applicators shall apply pesticides.
9. Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
10. Unwanted/unused pesticides shall be disposed as hazardous waste.

III. Vector Control

Standing water shall not remain in the treatment measures for more than five days, to prevent mosquito generation. Should any mosquito issues arise, contact the Santa Clara Valley Vector Control District (District). Mosquito larvicides shall be applied only when absolutely necessary, as indicated by the District, and then only by a licensed professional or contractor. Contact information for the District is provided below.

Santa Clara Valley Vector Control District
1580 Berger Dr.
San Jose, California 95112
Phone: (408) 918-4770 / (800) 675-1155 - Fax: (408) 298-6356
www.sccgov.org/portal/site/vector

IV. Inspections

The attached Bioretention Area Inspection and Maintenance Checklist shall be used to conduct inspections monthly (or as needed), identify needed maintenance, and record maintenance that is conducted.

Bioretention Area Inspection and Maintenance Checklist

Property Address: 1005 North Park Victoria Drive, Milpitas

Property Owner: Robson Homes

Treatment Measure ID: _____ Date of Inspection: _____ Type of Inspection (Circle): Monthly Pre-Wet Season
After heavy runoff End of Wet Season

Inspector(s): _____

Other: _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if needed maintenance was not conducted, note when it will be done)	Results Expected When Maintenance Is Performed
1. Standing Water	Water stands in the bioretention area between storms and does not drain within 2-3 days after rainfall.			There should be no areas of standing water once storm event has ceased. Any of the following may apply: sediment or trash blockages removed, improved grade from head to foot of bioretention area, or added underdrains.
2. Trash and Debris Accumulation	Trash and debris accumulated in the bioretention area.			Trash and debris removed from bioretention area and disposed of properly.
3. Sediment	Evidence of sedimentation in bioretention area.			Material removed so that there is no clogging or blockage. Material is disposed of properly.
4. Erosion	Channels have formed around inlets, there are areas of bare soil, and/or other evidence of erosion.			Obstructions and sediment removed so that water flows freely and disperses over a wide area. Obstructions and sediment are disposed of properly.
5. Vegetation	Vegetation is dead, diseased and/or overgrown.			Vegetation is healthy and attractive in appearance.
6. Mulch	Mulch is missing or patchy in appearance. Areas of bare earth are exposed, or mulch layer is less than 2 inches in depth.			All bare earth is covered, except mulch is kept 6 inches away from trunks of trees and shrubs. Mulch is even in appearance, at a depth of 2 inches.
7. Miscellaneous	Any condition not covered above that needs attention in order for the bioretention area to function as designed.			Meets the design specifications.

StormCapture Vault Maintenance Plan for North Park Victoria – Tract 10533

April 1, 2021

Project Address and Cross Streets: 1005 North Park Victoria Drive and Creed Street

Assessor's Parcel No.: 029-04-040

Property Owner: Robson Homes

Phone No: _____

Designated Contact: _____

Phone No: _____

Mailing Address: _____

The property contains StormCapture Vault(s), located per the Stormwater Management Plan approved with the Private Improvement Plans for Tract 10533 and included with this Stormwater Water Management Plan Report and further described as follows

1. TCM B – StormCapture Vault at the corner of Rankin Dr and Peony St
2. TCM D – StormCapture Vault at the corner of Rankin Dr and Dogwood St

I. Routine Maintenance Activities

Primary maintenance activities include debris management and sediment removal. Routine maintenance activities, and the frequency at which they will be conducted, are shown in the table below. During the first year of operation system should be inspected quarterly and following any significant rain event.

Routine Maintenance Activities for Extended Detention Vaults (StormCapture)		
No.	Maintenance Task	Frequency of Task
1	At each inspection, determine and record the quantity of sediment and other accumulated matter. Remove accumulated sediment per manufacturer's recommendations.	Prior to and after rainy season. Remove sediment as needed.
2	Inspect inlet and outlet locations for obstructions (i.e. trash and debris). Dispose trash and debris properly.	Prior to and after rainy season.
3	Inspect for evidence of mosquito breeding in the unit. Contact Alameda County Mosquito Abatement District for assistance with mosquito breeding issues.	Prior to and after rainy season.
4	Inspect StormCapture Water Storage Tank using the inspection checklist provided in Exhibit D.	Prior to and after rainy season.

Inspections: The StormCapture Water Storage Tank Inspection and Maintenance Checklist shall be used to conduct inspections quarterly (or as needed), identify needed maintenance, and record maintenance that is conducted.

StormCapture Water Storage Tank Inspection and Maintenance Checklist

Property Address: 1005 North Park Victoria Drive, Milpitas Property Owner: Robson Homes
 Treatment Measure No.: _____ Date of Inspection: _____ Type of Inspection: ☐ Monthly ☐ Pre-Wet Season
 Inspector(s): _____ ☐ Other: _____
 Depth of sediment: _____ Water level: _____ Surface debris: _____

Defect	Conditions When Maintenance Is Needed	Maintenance Needed? (Y/N)	Comments (Describe maintenance completed and if any needed maintenance was not conducted, note when it will be done.)	Results Expected When Maintenance Is Performed
General record keeping – complete checklist and record sediment measurements and observations at each inspection, clean out and access port.				
Trash & Debris	- Trash and debris accumulated in basin. - Visual evidence of obstructions at inlet and outlet locations.			Trash and debris cleared from structure and disposed of properly. Restore unobstructed flow through structure to meet original design.
Contaminants and Pollution	Any evidence of oil, gasoline, contaminants or other pollutants.			No contaminants or pollutants present.
Sediment Accumulation	Accumulated sediment exceeds 6".			Sediment is cleared from the structure by vacuum truck or manual methods. Sediment is disposed of properly. Unobstructed flow through structure is restored. (See Manufacturer's recommendations)
Structural & Miscellaneous	- Inlet and outlet pipe penetrations for movement or leakage - Movement of modules - General interior condition of modules for cracking or deterioration - Condition of pretreatment devices			Meet the design specifications.
General	Any condition in vicinity of water storage tank, not covered above that needs attention to restore STORMCAPTURE Water Storage Tank to design conditions.			Meet the design specifications.

HMP Pump Maintenance Plan for North Park Victoria – Tract 10533

April 1, 2021

Project Address and Cross Streets: 1005 North Park Victoria Drive and Creed Street

Assessor's Parcel No.: 029-04-040

Property Owner: Robson Homes

Phone No: _____

Designated Contact: _____

Phone No: _____

Mailing Address: _____

The property contains HMP Pump(s), located per the Stormwater Management Plan approved with the Private Improvement Plans for Tract 10533 and included with this Stormwater Water Management Plan Report and further described as follows:

1. TCM D – HMP Pump in StormCapture Vault at the corner of Rankin Dr and Dogwood St

Pump System Maintenance Plan

1. **Objective:** To maintain the StormCapture pump system to dewater the HMP vaults after storm events into the storm drain system.

2. **Inspection and Maintenance: On-Going Operation**

- 2.1 **Rainy Season (Oct 15-April 15)**

- 2.1.1 **Beginning of Season:** The pump system must be inspected and tested per the HMP Pump System Inspection and Maintenance Checklist and complete required maintenance (as determined by inspection). The inspection will include manually triggering the system float switches to ensure that the pumps will operate as designed. Any significant floatables shall be removed as needed. Each cleaning will include the following:

- Removal of floatables and debris from the separation chamber
- Visual inspection to ascertain that there are no vector control issues

- 2.1.2 **End of Season:** Any significant floatables and debris shall be removed as needed at the end of the rainy season. The pump system shall be checked to assess if the pumps are operating correctly.

- 2.2 **Dry season (April 16-Oct 14)**

- 2.2.1 **As needed:** The pump system shall be checked as needed when any alarms are observed to assess if the pumps are operating correctly. The inspection will include manually triggering the system float switches to ensure that the pumps will operate as designed.

2.3 Annual maintenance. The following activities shall be completed at least once per year, or more frequently as inspection warrant.

- 2.3.1 **Pump down the vault:** Remove all liquid from the unit. Release wash water to vegetated area or the sanitary sewer system once approval has been given by The City.
- 2.3.2 **Clean the pumps:** The pumps shall be cleaned as needed during the annual inspection and maintenance.
- 2.3.3 **Inspect for presence of mosquitoes or other vectors:** Determine if mosquitoes or other vectors are present in the unit. If mosquitoes are present, contact Santa Clara County Vector Control District.
- 2.3.4 **Inspect the integrity of the pump system:** Inspect for damage to the following components:

- Diversion weir
- Pumps and piping
- Flex hoses and connections
- Check valves and globe valves
- Vault Cover, including lifting mechanism (if applicable)
- Power cables and cable splices (if applicable)
- Float switches, wiring and supports
- Control box and control panel
- Pump alarm system and call (test)

The pump system components should not show any signs of damage or any loosening of bolt used to fasten the various components. If any problems are discovered, repair shall be completed as soon as possible.

NOTE: The pump vault is a confined space. Only properly trained people equipped with required safety gear should be allowed to enter the unit to perform the detailed inspection.

HMP Pump System Inspection and Maintenance Checklist

Property Address: 1005 North Park Victoria Drive, Milpitas Property Owner: Robson Homes

Treatment Measure No: _____ Date of Inspection: _____ Inspector(s): _____

Type of Inspection: ☐ Storm ☐ Monthly ☐ Quarterly ☐ Annual

Defect	Conditions When Maintenance is Needed	Maintenance Needed? (Y/N)	Comments (If needed maintenance was not conducted, note when it will be done; or comment on any work that was done)	Results Expected When Maintenance is performed
Debris, Sediment	Build up of 6 inches in center of pump vault			Remove sediment and debris with vacuum unit or by hand
Floatables	Layer of floatables covers over half water surface			Remove floatables with vacuum unit, long scoop net or by hand
Pump Test	Pump does not start from control panel			Identify failed control or equipment and repair
Control Test	Pumps do not start from float switch			Identify failed control or equipment and repair
Equipment Wear	Observed worn, loose or missing equipment			Repair as necessary
Mosquitoes Present	Mosquito larvae evident in standing water			Contact Santa Clara County Vector Control District

APPENDIX G

HMP Applicability Map – City of Milpitas

Storm Water Control Plan

NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

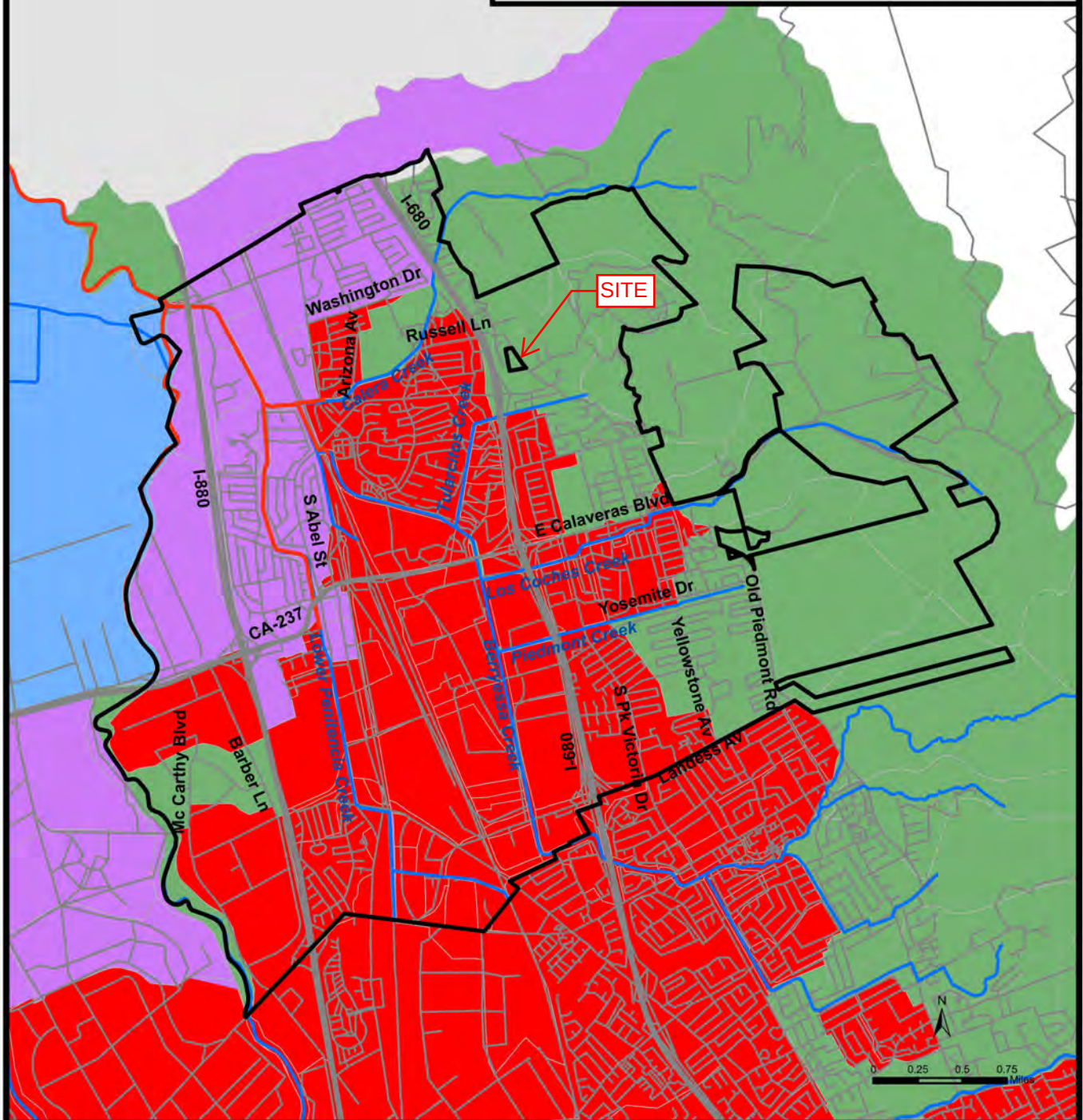
(CEA Project No. 15-115)

HMP APPLICABILITY MAP CITY OF MILPITAS

Legend

- Continuously Hardened Channel
- Major Creeks
- Roads and Highways
- Jurisdictional Boundary
- Catchments Draining to Hardened Channel and/or Tidal Areas
- Catchments and Subwatersheds $\geq$ 65% Imperviousness
- Subwatersheds less than 65%
- Outside SCVURPPP Jurisdiction
- Baylands

Date: November 2010



APPENDIX H

Bay Area Hydrology Model (BAHM) Memo

Storm Water Control Plan

NORTH PARK VICTORIA TRACT 10533

MILPITAS, CA

(CEA Project No. 15-115)

MEMORANDUM

TO: Dennis Gerber
John Gaylord

DATE: April 22, 2020

FROM: Robin Lee, PE
Caitlin Gilmore, PE

JOB#: CEAX.13.18

SUBJECT: North Park Victoria Hydromodification Analysis – Re-Design

The 1005 N Park Victoria project in Milpitas involves the redevelopment of an approximately 4.61 acre parcel. The redeveloped areas will include treatment measures and detention vaults to reduce post project runoff rates to pre-project conditions. A memo was prepared for the City in June of 2019 that described the development and the proposed HMP and C3 measures.

This memo is meant to summarize design changes since June 2019 and to analyze the revised HMP vaults based on drawings provided by CEA dated April 2020 (Attachment 1). Since June 2019, slight changes have been made to the drainage area pervious and impervious breakdowns and the detention vaults are now 12-ft deep, providing similar detention volume. Note that this analysis (similar to June 2019) does not include design of the water quality basins (bio-retention ponds) to meet section C.3.d of the NPDES Permit, which will be shown under separate document by CEA.

HMP Model Development

The HMP storage areas are located below grade beneath biotreatment basins on the west end of watersheds B, C and D. The hydromodification vaults have been designed to detain runoff from the site. Watershed A drains directly to a bioretention area and is hydrologically separate from watersheds B, C, and D.

The 4.61 acre project site contains one existing lot with two structures, and is predominantly vacant with 98.7% pervious, and 1.3% impervious (0.06 acres). Watershed A, modeled as a separate basin in BAHM, on the redeveloped site will be 58.3% impervious (0.64 acres). Watersheds B, C, and D on the redeveloped site will be 65.3% impervious (2.29 acres).

These values were updated into the BAHM to verify that the provided detention vaults and configuration will still detain 10% of the 2- to 10-year storm event using continuous simulation rainfall modeling. The Bay Area Hydrology Model 2013 (BAHM) was used to size the required HMP volume and outlet structure. BAHM is a continuous simulation hydrologic model which was created for use in the San Francisco Bay to meet the HM requirements of the NPDES Municipal Regional Permit (MRP). The MRP requires projects in Santa Clara County to design projects such that post-project discharge rates and durations match pre-project rates and durations from 10% of the pre-project 2-year peak flow up to the pre-project 10-year peak flow.

The model is set up the same way it was previously with two conditions, the pre-project and the post-project. For the pre-project condition, the model has one sub-basin with pervious and impervious areas. For the post-project condition the model has two sub-basins, one for watershed A and one for watersheds B, C, and D, each with pervious area and impervious area. The sub-basin representing watershed A discharges to a bioretention pond which is connected to the point of compliance, and the sub-basin representing watersheds B, C, and D discharge to the HM vault which is connected to the same point of compliance. The project site is generally flat (slopes <5%). According to the NRCS the site is entirely underlain by hydrologic type C/D soils.

The values entered into the BAHM model for the undeveloped site are as follows:

- 4.55 acres C/D, Grass, Flat (0-5%)
- 0.06 acres Roof Area

The values entered into the BAHM model for the developed sub-basin representing watershed A are as follows:

- 0.458 acres C/D, Urban, Flat (0-5%)
- 0.404 acres Roof Area
- 0.151 acres Roads, Flat (0-5%)
- 0.084 acres Sidewalks, Flat (0-5%)

The values entered into the BAHM model for the developed sub-basin representing watersheds B, C, and D are as follows:

- 1.221 acres C/D, Urban, Flat (0-5%)
- 1.192 acres Roof Area
- 0.749 acres Roads, Flat (0-5%)
- 0.351 acres Sidewalks, Flat (0-5%)

Hydromodification Vault

The site HMP storage vaults will be a series of below grade StormCapture vaults that are manufactured by OldCastle. The vaults have an interior vault height of 12-ft. The hydromodification basin is modeled as 18 StormCapture units as are shown in the redesign plans dated April 2, 2020 (Attachment 1). Vault configuration results in an effective volume of 0.515 acre-feet in the BAHM model, however, conversations with OldCastle indicate that the proposed 18 vaults will have a total volume of 0.566 acre-feet or 24,700 cubic feet. The vault volume is shown on the plans prepared by CEA in Attachment 1.

The BAHM model is run in two different ways to ensure that the proposed redesigned vault still meets the same requirements that the proposed vaults did in the June 2019 memo. Since the outlet manhole has a weir plate that is 5-feet tall, the model is run with the equivalent volume in a 5-ft deep vault to design the outlet structure (Attachment 2). The 12-ft vaults are also run in BAHM with a 12-ft weir plate as was done in the June 2019 memo (Attachment 3).

Both model runs produce the same Flow Frequencies for the pre project and slightly different results for the mitigated which has to do with the flows through the orifice and weir plates with varying head. It

should be noted that both the 5-ft and the 12-ft deep vaults pass the BAHM model. We recommend that the weir plate is designed based on the 5-ft deep vault as that will mimic the head on the weir plate more closely to the actual design.

Table 1: Flow Frequencies

Flow Frequency	Flow (cfs)		
	Pre-Project	Mitigated Post-Project 5-ft Deep	Mitigated Post-Project 12-ft Deep
2 Year	0.98	0.30	0.29
5 Year	1.63	0.93	1.28
10 Year	2.05	2.05that good	2.08

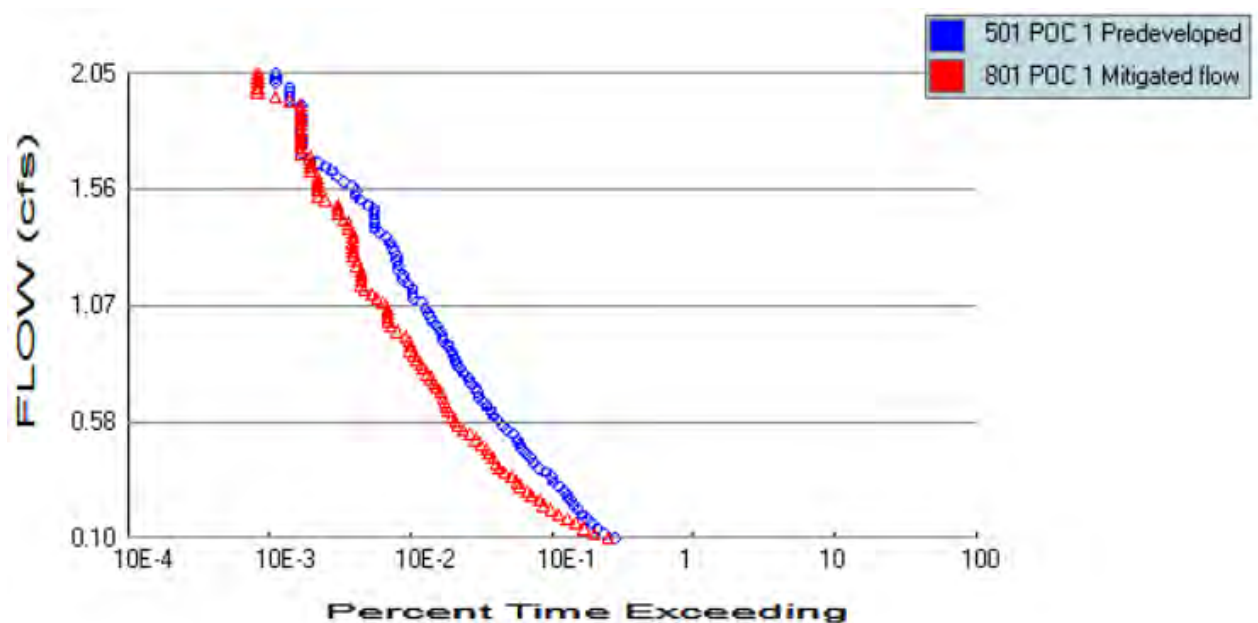


Figure 1: Redeveloped Basin Flow Duration Curve – 5-ft Deep Vault

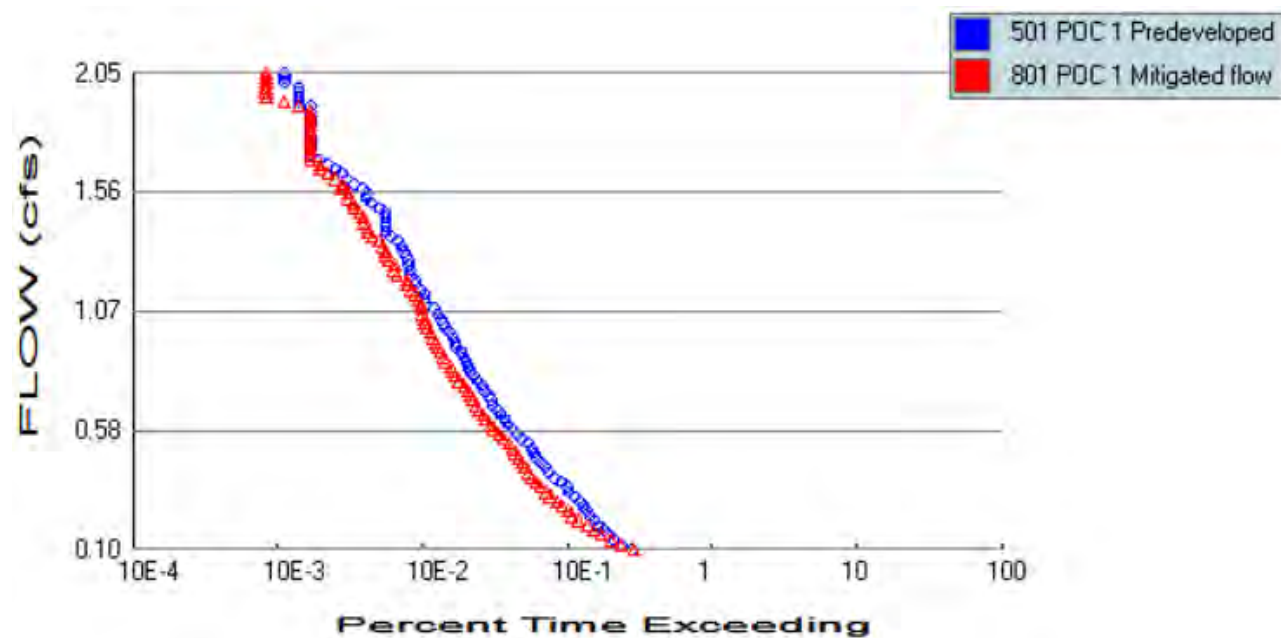


Figure 2: Redeveloped Basin Flow Duration Curve – 12-ft Deep Vault

HMP Sizing and Redesign

The proposed 18 StormCapture Vaults provide 0.566 acre-feet of storage. The system has been designed such that the outlet structure is a manhole with a weir plate that is approximately 4.8-ft off the manhole invert. The HMP design may be seen in Table 2 which is based on the BAHM model run with a 5-ft deep vault and equivalent volume. The HM vault will fill during a storm event and then discharge through a high level 15-inch pipe to the discharge control manhole fitted with a weir plate. This pipe will be designed with a backflow device to prevent water circulating back into the vault.

The model report from BAHM is attached to this memo as Attachment 2 for the 5-ft shallow vault and Attachment 3 for the 12-ft deep vault.

A small sump pump will be included to dewater the system and discharge low flows below the gravity outlet as was provided in the June 2019 memo. The pump is not be modeled directly in BAHM, as it is only possible to model gravity flows or stage-discharge flows in the model, however, the pump discharge will be on the upstream side of the weir plate and thus flows will be metered out as shown in the BAHM model. The 1.1-inch low flow orifice at the bottom of the vault in BAHM has discharge flows in the range of 0-32 gpm, which can be matched using the Flygt N 3085 SH 3~ Imp 456, or equal. This will be detailed further during the design phases; but this pump selection shows the feasibility of meeting the HMP flows.

At a flowrate of 32gpm the vault will drain in about 4 days. Decreasing this time would require increasing the low flow orifice that restricts the flows down to 10% of the 2-year storm event which would then not allow the vault to pass HMP requirements.

Table 2: HMP Redesign Based on Equivalent Volume, 5-ft Weir Plate

Pond Dimension	Value
Depth of StormCapture	5 ft
Width	7 ft
Length	705 ft
Total Volume	0.566 Acre-ft
Weir Width	37.7 in (12" diameter riser)
Riser Height	4.8 ft
Notch Type	Rectangular
Notch Height	1.0 ft (12 in)
Notch Width	0.3 ft (3.6 in)
Orifice Height	0
Orifice Diameter	1.1 in

ReDesign Results

The revised vault configuration consisting of deeper vaults will still meet the same requirements as the proposed design in June 2019. The revised modeling of the shallow vault system should represent the proposed outlet structure. The 10-year storm event stage is about 1-inch below the top of the vault.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Adopt the Proposed City ADA/Section 504 Complaint/Grievance Procedure.
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	11/16/2021
Staff Contact:	Steve Erickson, Engineering Director/City Engineer, 408-586-3301
Recommendation:	Approve and adopt the proposed City ADA/504 Complaint/Grievance Procedure.

BACKGROUND:

The Americans with Disabilities Act was signed into law on July 26, 1990 and became effective on January 26, 1992 to prohibit discrimination against people with disabilities and to ensure people with disabilities have an equal opportunity to participate in public life in terms of employment, access to transportation, public accommodations, communications, and government activities.

Title II of the ADA prohibits discrimination based on a person's disability, and this applies to all services, activities, programs, offered by the City. In addition, jurisdictions are required to ensure their infrastructure including buildings, parks, sidewalks, trails, and rights of way are compliant with the law and do not have barriers that inhibit people with disabilities.

The ADA also requires that agencies employing 50 or more employees adopt an ADA grievance procedure to assist the public in filing a claim and to help the City in responding. The City currently does not have an ADA grievance policy in place as required by the ADA.

Section 504 of the Rehabilitation Act requires the City have complaint/grievance procedures for local governments with 15 or more employees that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504.

ANALYSIS:

On September 7, 2021, the City Council approved a professional service contract with Disability Access Consultants, LLC (DAC) to assist the City with the completion of an ADA evaluation and the required transition plan in accordance with Title II of the ADA Act. As required by the ADA Act, City staff has worked with DAC and the City Attorney's Office in the creation of the proposed City ADA grievance procedure (**Attachment 1**).

Under this new procedure, the City's Engineering Capital Improvement Program Manager will be the City's ADA Coordinator and the 504 Coordinator and will coordinate with other Departments to develop a resolution for ADA/504 complaints/ grievances received including oversight in the completion of required repairs to City infrastructure and modifications to City policies, activities and programs.

As outlined in the Policy, members of the public may submit written complaints using the City's ADA/504 Complaint/Grievance Form (**Attachment 2**) which will be directed to the City ADA/504 Coordinator. Within 15 calendar days after receipt of the complaint, the City's ADA/504 Coordinator will acknowledge receipt of the complaint with the complainant to discuss the complaint and possible resolutions. A shorter timeline will be implemented as appropriate for time-sensitive complaints. Within 15 days after the meeting, the ADA Coordinator will provide a formal response to the complainant with resolution to the issue. The procedure also provides an appeal process where decisions of the City ADA Coordination may be appealed to the City Manager for further review of the issue.

Staff recommends the City Council approve and adopt the proposed ADA504 Complaint/Grievance procedure which will be available to the public and will be prominently linked for access on the City's webpage and by other methods, such as in publications and documents as required by the ADA.

FISCAL IMPACT:

Currently, it is not anticipated that additional costs will be associated with the adoption of this policy, however depending on the number of complaints received, additional staff to manage the program may be required. Required improvements to City infrastructure to address ADA would be programed into the annual Capital Improvement Program (CIP) for Council consideration and approval.

ENVIRONMENTAL REVIEW:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

Recommendation:

Approve and adopt the proposed City ADA/504 Complaint/ Grievance Procedure.

Attachment:

1. ADA/504 Compliant/ Grievance Procedure
2. ADA/504 Complaint Grievance Form



CITY OF MILPITAS

Revision	Date

CITY COUNCIL POLICY

Policy No: Click or tap here to enter text.	American with Disabilities Act and Section 504 Complaint/Grievance Policy and Procedure	Effective Date: Click or tap to enter a date.
Revision No: Click or tap here to enter text.	Policy Administrator: Engineering	Next Review Due: Click or tap to enter a date.
Related Policies and Procedures: Click or tap here to enter text.	Approved by: Click or tap here to enter text.	Date Approved: Click or tap to enter a date.

1. PURPOSE

- 1.1. This Policy and Procedure is established to address concerns related to the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act regarding the City of Milpitas' provision of services, activities, programs or benefits for persons with disabilities.

2. POLICY

- 2.1. The City requests that a complaint/grievance should be in writing when possible and contain information about the concern, such as name, address, and phone number of complainant and location, date, and description of the problem.
- 2.2. The City offers alternate means of filing complaints, such as personal interviews, virtual meetings, tape recording of the complaint, emails or other methods that are available for people with disabilities upon request from the ADA/504 Coordinator.
- 2.3. The City intends to resolve complaints expediently per the procedure below and may include in-person meetings with the ADA/504 Coordinator and, if an appeal is received, with the City Manager or designee.
- 2.4. The City responds in writing or by an accessible alternative method and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audiotape. The response explains the position of the City of Milpitas and offer options for possible resolution of the complaint.
- 2.5. All complaints received by the ADA/504 Coordinator, appeals to the City Manager or its designee, and responses from the ADA/504 Coordinator and the City Manager or its designee are kept by the City for a period of at least three years.

3. PROCEDURE

- 3.1. Procedure to submit a complaint/grievance.
 - 3.1.1. The complainant and/or his/her designee should submit the complaint using the City's ADA /504Complaint/Grievance Form as soon as possible and no later than 60 days if the complaint is related to an incident to:

To submit a complaint:

City of Milpitas
Attention: ADA/504 Coordinator
Engineering Department Dept.
455 E. Calaveras Boulevard
Milpitas, CA 95035
408-586-3300
adacoordinator@ci.milpitas.ca.gov

To appeal a response:

City of Milpitas
City Manager
455 E. Calaveras Boulevard
Milpitas, CA 95035
408-586-3051
CityManagerOffice@ci.milpitas.ca.gov

- 3.1.2. The complaint should be in writing or an accessible alternate method to accommodate the complainant's disability and contain information about the concern, such as name, address, and phone number of complainant and location, date, and description of the problem.
- 3.2. Complaint Process
 - 3.2.1. Within 15 calendar days after receipt of the complaint, the City's ADA Coordinator will contact the complainant to acknowledge receipt of the complaint and to discuss the complaint and possible resolutions. A shorter timeline may be implemented as appropriate by the City for time-sensitive complaints where it is critical to resolve the issue by a certain date.
 - 3.2.2. Within 30 calendar days after the initial contact, the ADA Coordinator will respond in writing or by an accessible alternate method and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audiotape.
 - 3.2.3. The complainant and/or his/her designee may appeal the decision to the City Manager within 15 calendar days after receipt of the response from the ADA Coordinator, if the response by the ADA Coordinator does not satisfactorily resolve the issue.
 - 3.2.4. Within 15 calendar days after receipt of the appeal, the City Manager or its designee will meet with the complainant to discuss the complaint and possible resolutions.
 - 3.2.5. Within 15 calendar days after the meeting, the City Manager or its designee will respond in writing, and, where appropriate, in a format accessible to the complainant.

Please Attach All Exhibits After This Page



ADA /504 Complaint/Grievance Form

The City of Milpitas assures that no person shall on the grounds of a disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity, as provided by Americans with Disabilities Act (ADA) that was signed into law on July 26, 1990. This form is also intended for complaints or grievances regarding Section 504 of the Rehabilitation Act (Section 504).

Any person(s) or organization(s) believing they have been or will be denied access to a City service, program or activity based on a disability may file a complaint with the City of Milpitas's Human Resources Department. Alternate accessible methods are available for persons with disabilities from the ADA/504 Coordinator.

Complaints and completed forms can be filed with the City of Milpitas ADA/504 Coordinator:

City of Milpitas
Attention: Michael Silveira, ADA/504 Coordinator
Engineering Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
408-586-3303, [adacoordinator@ ci.milpitas.ca.gov](mailto:adacoordinator@ci.milpitas.ca.gov)

Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Email Address:			
Accessible Format Requirements?	Large Print	Audio Tape	
	TDD	Other	
Are you filing this complaint on your own behalf?		Yes	No
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No

Date of Incident (Month/Day/Year): _____

Have efforts been made to resolve this complaint? Yes _____ No _____

If yes: what efforts have been taken and what is the status of the complaint/grievance?

What remedy or resolution do you desire?

If your complaint is based on an incident, explain as clearly as possible what happened. Describe all persons who were involved. Include the name and contact information of the person(s) involved (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. If you are requesting an accommodation to submit the information requested on this form, please describe the accommodation that you are seeking.

You may attach any written materials, photographs or other information that you think is relevant to your complaint.

Signature and date:

Signature	Date

Upon request, reasonable accommodations or assistance will be provided in completing the information request. Contact the ADA/504 Coordinator list on this form for assistance or alternate formats or methods to submit your complaint/grievance.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager to Accept the 2021 Bulletproof Vest Partnership Grant and Approve a Related Budget Appropriation in the Amount of \$10,239.97
Category:	Consent Calendar-Public Safety
Meeting Date:	11/16/2021
Staff Contact:	John Torrez, Police Captain, 408-586-2408
Recommendation:	1. Authorize the City Manager to accept the 2021 Bulletproof Vest Partnership Grant in the amount of \$10,239.97; and 2. approve a budget appropriation into the Police Department's FY 2021-22 operating budget in the amount of \$10,239.97.

Background:

The Bulletproof Vest Partnership (BVP) Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. The BVP program's purpose is to reimburse state and local law enforcement up to fifty percent of body armor costs. The Milpitas Police Department has been participating in the BVP Grant Program consecutively since 2008.

The United States Department of Justice, Office of Justice Programs and Bureau of Justice Assistance has awarded the Milpitas Police Department a BVP grant in the amount of \$10,239.97. The grant will reimburse the City of Milpitas fifty (50) percent of the cost for each ballistic vest purchased between April 1, 2021 and August 31, 2023.

Analysis:

The Police Officer's Association Memorandum of Understanding (MOU) section 22.11 compels all uniformed officers to wear a ballistic vest and requires the City of Milpitas to provide each officer with a ballistic vest, and three ballistic vest covers. Officers not in a uniformed assignment, are required to wear a ballistic vest when circumstances dictate the need for the equipment. The life span of a ballistic vest is five years. After a five-year period, all ballistic vests must be replaced as soon as reasonably possible.

The Police Department anticipates purchasing approximately twenty-six (26) ballistic vests during this award period and the expense will be approximately \$20,479.94. Under this grant, the Department of Justice will reimburse the City of Milpitas fifty (50) percent of this cost, up to the grant award of \$10,239.97.

Ballistic vests have been proven to save lives. The Chief of Police will continue to require officers to maintain this equipment in good working order and use the equipment consistent with the MOU, department policy, and sound officer safety practice.

Policy Alternatives:

Alternative 1: Refuse the 2021 Bulletproof Vest Partnership Grant of \$10,239.97.

Pros: There are no identified benefits to this alternative.

Cons: The City would not be reimbursed for fifty (50) percent of the cost for each ballistic vest purchased by the Police Department through August 31, 2023.

Reason not recommended: The City will incur the cost of bulletproof vests for sworn police department employees regardless of acceptance of the grant, however; refusing the grant would result in the City incurring one-hundred (100) percent of the cost of the needed bulletproof vests as opposed to fifty (50) percent of the cost.

Fiscal Impact:

If approved, the City will be reimbursed up to \$10,239.97 for fifty (50) percent of the cost of the needed bulletproof vests, therefore; a budget appropriation is needed for \$10,239.97 into the Police Department's FY 2021-22 operating budget. There are sufficient funds in the Police Department's FY 2021-22 budget to cover the remainder of the cost for the acquisition of the bullet proof vests. Per the Council approved Budget Guidelines, any unused funds related to this grant will be carried over to the next fiscal year.

California Environmental Quality Act:

The City Council's action authorizing the City Manager to accept the grant is exempt from environmental review pursuant to CEQA Guideline 15378(b)(2) as a continuing administrative or maintenance activity which is defined in the CEQA Guideline to include the purchases of supplies such as bulletproof vests. It is also exempt under CEQA Guideline 15378(b)(4) as a government fiscal activity.

Recommendation:

1. Authorize the City Manager to accept the 2021 Bulletproof Vest Partnership Grant.
2. Approve a budget appropriation in the amount of \$10,239.97 into the Police Department operating budget as a result of acceptance of the 2021 Bulletproof Vest Partnership Grant.

Attachments:

1. Budget Change Form
2. FY 2021 BVP Awards

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one: ☒ Budget Appropriation ☐ Budget Transfer	100-3557	\$10,239.97	100-7214223	\$10,239.97

Authorize the City Manager to accept the 2021 Bulletproof Vest Partnership Grant in the amount of \$10,239.97 and approve a budget appropriation into the Police Department's FY 2021-22 operating budget in the amount of \$10,239.97.

Background:

The Bulletproof Vest Partnership (BVP) Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. The BVP program's purpose is to reimburse state and local law enforcement up to fifty percent of body armor costs. The Milpitas Police Department has been participating in the BVP Grant Program consecutively since 2008.

The United States Department of Justice, Office of Justice Programs and Bureau of Justice Assistance has awarded the Milpitas Police Department a BVP grant in the amount of \$10,239.97. The grant will reimburse the City of Milpitas fifty (50) percent of the cost for each ballistic vest purchased between April 1, 2021 and August 31, 2023.

Analysis:

The Police Officer's Association Memorandum of Understanding (MOU) section 22.11 compels all uniformed officers to wear a ballistic vest and requires the City of Milpitas to provide each officer with a ballistic vest, and three ballistic vest covers. Officers not in a uniformed assignment, are required to wear a ballistic vest when circumstances dictate the need for the equipment. The life span of a ballistic vest is five years. After a five-year period, all ballistic vests must be replaced as soon as reasonably possible.

The Police Department anticipates purchasing approximately twenty-six (26) ballistic vests during this award period and the expense will be approximately \$20,479.94. Under this grant, the Department of Justice will reimburse the City of Milpitas fifty (50) percent of this cost, up to the grant award of \$10,239.97.

Ballistic vests have been proven to save lives. The Chief of Police will continue to require officers to maintain this equipment in good working order and use the equipment consistent with the MOU, department policy, and sound officer safety practice.

Policy Alternative:

Alternative 1: Refuse the 2021 Bulletproof Vest Partnership Grant of \$10,239.97.

Pros: There are no identified benefits to this alternative.

Cons: The City would not be reimbursed for fifty (50) percent of the cost for each ballistic vest purchased by the Police Department through August 31, 2023.

Reason not recommended: The City will incur the cost of bulletproof vests for sworn police department employees regardless of acceptance of the grant, however; refusing the grant would result in the City incurring one-hundred (100) percent of the cost of the needed bulletproof vests as opposed to fifty (50) percent of the cost.

Fiscal Impact:

If approved, the City will be reimbursed up to \$10,239.97 for fifty (50) percent of the cost of the needed bulletproof vests, therefore; a budget appropriation is needed for \$10,239.97 into the Police Department's FY 2021-22 operating budget. Per the Council approved Budget Guidelines, any unused funds related to this grant will be carried over to the next fiscal year.

California Environmental Quality Act:

N/A

Recommendations:

- 1) Authorize the City Manager to accept the 2021 Bulletproof Vest Partnership Grant.
- 2) Approve a budget appropriation in the amount of \$10,239.97 into the Police Department operating budget as a result of acceptance of the 2021 Bulletproof Vest Partnership Grant.

Attachments:

1. Budget Change Form

☐ Check if City Council Approval required.

Meeting Date: November 16, 2021

Requested by:	Department Head: Jared Hernandez	Date: November 16, 2021
Reviewed by:	Finance Director: Lauren Lai	Date: November 16, 2021
Date approved by City Council, if required:		Confirmed by:

FY 2021 BVP Awards

State	Jurisdiction Name (City)	BVP Funding Amount
AK	ALASKA	\$21,627.16
AK	ANCHORAGE MUNICIPALITY	\$23,187.61
AK	DILLINGHAM CITY	\$903.50
AK	FAIRBANKS CITY	\$6,000.00
AK	JUNEAU CITY AND BOROUGH	\$6,183.00
AK	KENAI CITY	\$2,314.75
AK	NORTH SLOPE BOROUGH	\$8,736.00
AK	PALMER CITY	\$5,154.50
AK	PETERSBURG CITY	\$2,180.50
AK	SITKA CITY AND BOROUGH	\$2,312.50
AK	SOLDOTNA CITY	\$2,287.50
	Totals for AK(11 Jurisdictions):	\$80,887.02
AL	ALABAMA	\$38,288.25
AL	ALABASTER CITY	\$3,673.26
AL	ALBERTVILLE CITY	\$2,220.00
AL	ANDALUSIA CITY	\$2,275.00
AL	ANNISTON CITY	\$4,581.50
AL	ATHENS CITY	\$2,250.00
AL	AUBURN CITY	\$4,093.13
AL	AUTAUGA COUNTY	\$6,090.00
AL	BARBOUR COUNTY	\$6,452.50
AL	BESSEMER CITY	\$8,487.50
AL	BIRMINGHAM CITY	\$11,109.98
AL	CALERA CITY	\$3,900.00
AL	COTTONWOOD TOWN	\$437.50
AL	CREOLA TOWN	\$3,298.50
AL	CULLMAN COUNTY	\$2,975.00
AL	DE KALB COUNTY	\$6,168.00
AL	DECATUR CITY	\$14,651.00
AL	DEMOPOLIS CITY	\$3,641.00
AL	ENTERPRISE CITY	\$3,749.95
AL	FAIRHOPE CITY	\$1,755.00
AL	FLORENCE CITY	\$13,061.00
AL	FOLEY CITY	\$5,107.50
AL	GARDENDALE CITY	\$2,362.50
AL	HALEYVILLE CITY	\$2,600.00
AL	HARTFORD CITY	\$2,277.00
AL	HEADLAND CITY	\$2,992.50
AL	HENRY COUNTY	\$2,217.50
AL	HOOVER CITY	\$17,458.93
AL	HUEYTOWN CITY	\$2,850.00
AL	IRONDALE CITY	\$3,399.50
AL	JACKSON CITY	\$1,747.50
AL	JASPER CITY	\$11,075.00

AL	LEE COUNTY	\$1,863.27
AL	LOWNDES COUNTY	\$11,224.50
AL	MADISON COUNTY	\$4,599.88
AL	MIDFIELD CITY	\$1,912.50
AL	MOBILE CITY	\$1,028.78
AL	MOBILE COUNTY	\$7,622.53
AL	MONTGOMERY COUNTY	\$7,569.51
AL	MORGAN COUNTY	\$2,208.61
AL	MOUNTAIN BROOK CITY	\$3,600.00
AL	NORTHPORT CITY	\$5,592.00
AL	OPELIKA CITY	\$9,105.00
AL	ORANGE BEACH CITY	\$17,087.72
AL	PELHAM CITY	\$10,275.00
AL	PELL CITY	\$2,400.00
AL	PHENIX CITY	\$7,735.00
AL	PRATTVILLE CITY	\$4,492.50
AL	RAINBOW CITY	\$3,157.00
AL	RAINSVILLE CITY	\$2,875.50
AL	RIVER FALLS TOWN	\$2,246.50
AL	ROBERTSDALE CITY	\$6,000.00
AL	RUSSELLVILLE CITY	\$2,029.50
AL	SARALAND CITY	\$4,927.00
AL	SCOTTSBORO CITY	\$3,915.00
AL	SPANISH FORT CITY	\$2,537.00
AL	TALLAPOOSA COUNTY	\$2,436.00
AL	TALLASSEE CITY	\$800.00
AL	THOMASVILLE CITY	\$4,974.00
AL	TROY CITY	\$6,198.90
AL	TRUSSVILLE CITY	\$3,495.00
AL	TUSCALOOSA CITY	\$1,961.94
AL	TUSCUMBIA CITY	\$4,350.00
AL	VESTAVIA HILLS CITY	\$12,104.50
AL	WETUMPKA CITY	\$2,835.00
	Totals for AL(65 Jurisdictions):	\$362,405.64
AR	ALMA CITY	\$2,028.16
AR	ARKANSAS	\$10,463.52
AR	AUSTIN TOWN	\$2,346.47
AR	BENTON CITY	\$11,780.56
AR	BENTON COUNTY	\$16,534.65
AR	BERRYVILLE CITY	\$1,300.95
AR	CABOT CITY	\$2,357.06
AR	CAMMACK VILLAGE CITY	\$950.00
AR	CLEBURNE COUNTY	\$643.83
AR	CROSS COUNTY	\$4,684.49
AR	DARDANELLE CITY	\$2,392.78
AR	FAYETTEVILLE CITY	\$11,999.70
AR	FORT SMITH CITY	\$12,258.54

AR	GARLAND COUNTY	\$10,400.00
AR	GENTRY CITY	\$1,502.65
AR	GRAVETTE CITY	\$2,288.25
AR	HEBER SPRINGS CITY	\$3,673.00
AR	HOPE CITY	\$3,151.50
AR	HOT SPRINGS CITY	\$20,183.00
AR	INDEPENDENCE COUNTY	\$9,893.88
AR	JACKSONVILLE CITY	\$8,379.79
AR	JONESBORO CITY	\$46,075.00
AR	LAFAYETTE COUNTY	\$926.53
AR	LOGAN COUNTY	\$1,525.00
AR	MAGNOLIA CITY	\$2,663.16
AR	MAUMELLE CITY	\$4,074.42
AR	MAYFLOWER CITY	\$4,945.50
AR	MILLER COUNTY	\$1,982.88
AR	MISSISSIPPI COUNTY	\$17,570.50
AR	MOUNTAIN HOME CITY	\$3,666.60
AR	MOUNTAIN VIEW CITY	\$296.71
AR	OZARK CITY	\$1,554.43
AR	PIGGOTT CITY	\$2,062.50
AR	PIKE COUNTY	\$2,815.00
AR	POCAHONTAS CITY	\$1,248.30
AR	POLK COUNTY	\$486.78
AR	ROGERS CITY	\$2,400.00
AR	RUSSELVILLE CITY	\$11,745.64
AR	SEARCY CITY	\$4,181.46
AR	SHERWOOD CITY	\$19,396.25
AR	SPRINGDALE CITY	\$19,057.50
AR	TEXARKANA CITY	\$7,229.61
AR	TONTITOWN CITY	\$2,958.00
AR	VAN BUREN CITY	\$6,215.76
AR	WALDRON CITY	\$2,970.00
AR	WEST MEMPHIS CITY	\$17,720.00
AR	WHITE HALL CITY	\$465.32
AR	WYNNE CITY	\$1,525.00
	Totals for AR(48 Jurisdictions):	\$326,970.63
AZ	APACHE COUNTY	\$8,169.94
AZ	APACHE JUNCTION CITY	\$8,391.00
AZ	ARIZONA	\$61,325.94
AZ	AVONDALE CITY	\$11,100.00
AZ	BISBEE CITY	\$2,825.92
AZ	BUCKEYE TOWN	\$12,500.00
AZ	BULLHEAD CITY	\$3,500.00
AZ	CASA GRANDE CITY	\$5,446.00
AZ	CHANDLER CITY	\$15,368.67
AZ	CLIFTON TOWN	\$1,106.61
AZ	EAGAR TOWN	\$827.45

AZ	EL MIRAGE CITY	\$10,389.83
AZ	FLAGSTAFF CITY	\$14,708.85
AZ	FLORENCE TOWN	\$3,404.98
AZ	GLENDALE CITY	\$4,130.39
AZ	GRAHAM COUNTY	\$1,370.17
AZ	KINGMAN CITY	\$3,600.00
AZ	LA PAZ COUNTY	\$7,080.00
AZ	MARANA TOWN	\$3,784.95
AZ	MOHAVE COUNTY	\$5,168.49
AZ	NOGALES CITY	\$20,000.00
AZ	ORO VALLEY TOWN	\$4,259.89
AZ	PAGE CITY	\$3,703.15
AZ	PARKER TOWN	\$1,309.35
AZ	PAYSON TOWN	\$4,230.00
AZ	PEORIA CITY	\$13,988.91
AZ	PINETOP-LAKESIDE TOWN	\$1,509.43
AZ	PRESCOTT CITY	\$7,924.44
AZ	PRESCOTT VALLEY TOWN	\$8,300.00
AZ	SAFFORD CITY	\$4,876.61
AZ	SAHUARITA TOWN	\$11,941.35
AZ	SANTA CRUZ COUNTY	\$7,401.53
AZ	SHOW LOW CITY	\$9,492.08
AZ	SIERRA VISTA CITY	\$8,800.00
AZ	ST JOHNS CITY	\$2,332.23
AZ	SURPRISE CITY	\$1,223.82
AZ	WICKENBURG TOWN	\$2,782.97
AZ	WILLIAMS CITY	\$3,550.00
AZ	YAVAPAI APACHE NATION	\$7,045.53
AZ	YUMA CITY	\$30,816.11
	Totals for AZ(40 Jurisdictions):	\$339,686.59
CA	ALAMEDA CITY	\$18,807.27
CA	ALAMEDA COUNTY	\$100,620.79
CA	ALBANY CITY	\$2,256.38
CA	AMADOR COUNTY	\$13,154.00
CA	ANDERSON CITY	\$867.39
CA	ANGELS CITY	\$730.00
CA	ANTIOCH CITY	\$6,596.74
CA	ARCADIA CITY	\$5,962.15
CA	ARCATA CITY	\$2,250.00
CA	ARROYO GRANDE CITY	\$6,535.00
CA	AZUSA CITY	\$8,530.50
CA	BANNING CITY	\$3,223.36
CA	BARSTOW CITY	\$3,060.12
CA	BEAUMONT CITY	\$3,785.45
CA	BELL GARDENS CITY	\$8,530.00
CA	BELLFLOWER CITY	\$8,207.01
CA	BELMONT CITY	\$2,433.96

CA	BEVERLY HILLS CITY	\$7,045.68
CA	BISHOP CITY	\$2,612.57
CA	BLYTHE CITY	\$4,338.99
CA	BREA CITY	\$4,209.00
CA	BRENTWOOD CITY	\$3,640.18
CA	BRISBANE CITY	\$411.54
CA	BUENA PARK CITY	\$7,848.16
CA	BURLINGAME CITY	\$3,300.50
CA	CALAVERAS COUNTY	\$16,542.23
CA	CALIFORNIA	\$1,338,788.37
CA	CALIFORNIA CITY	\$918.20
CA	CATHEDRAL CITY	\$3,000.00
CA	CERES CITY	\$8,819.27
CA	CHINO CITY	\$8,841.30
CA	CHOWCHILLA CITY	\$3,963.31
CA	CHULA VISTA CITY	\$13,458.54
CA	CITRUS HEIGHTS CITY	\$13,414.88
CA	CLAREMONT CITY	\$4,164.19
CA	CLAYTON CITY	\$3,363.62
CA	CLEARLAKE CITY	\$1,898.44
CA	CLOVERDALE CITY	\$5,200.00
CA	CLOVIS UNIF SCH DIST	\$6,024.36
CA	COALINGA CITY	\$2,855.00
CA	COLTON CITY	\$4,536.15
CA	COLUSA COUNTY	\$5,560.17
CA	CORONA CITY	\$12,732.51
CA	CORONADO CITY	\$5,204.36
CA	COSTA MESA CITY	\$5,904.77
CA	COVINA CITY	\$3,864.01
CA	CULVER CITY	\$18,768.42
CA	CYPRESS CITY	\$3,767.62
CA	DEL NORTE COUNTY	\$6,144.60
CA	DINUBA CITY	\$5,429.85
CA	DIXON CITY	\$2,379.04
CA	DUBLIN CITY	\$22,800.00
CA	EAST BAY REGIONAL PARK DIST	\$3,614.98
CA	EL PASO DE ROBLES CITY	\$4,462.64
CA	EUREKA CITY	\$8,369.29
CA	EXETER CITY	\$3,577.10
CA	FARMERSVILLE CITY	\$2,761.00
CA	FOLSOM CITY	\$10,043.52
CA	FORT BRAGG CITY	\$2,507.50
CA	FORTUNA CITY	\$2,279.88
CA	FOSTER CITY	\$4,536.26
CA	FOWLER CITY	\$472.39
CA	FRESNO CITY	\$7,622.15
CA	FRESNO COUNTY	\$79,290.77

CA	FULLERTON CITY	\$3,910.54
CA	GALT CITY	\$2,865.01
CA	GARDENA CITY	\$5,340.06
CA	GILROY CITY	\$20,359.00
CA	GLENDORA CITY	\$12,388.69
CA	GONZALES CITY	\$2,433.96
CA	GRASS VALLEY CITY	\$3,852.64
CA	GREENFIELD CITY	\$5,365.50
CA	GRIDLEY CITY	\$3,497.50
CA	GROVER BEACH CITY	\$3,071.92
CA	HANFORD CITY	\$6,169.10
CA	HAWTHORNE CITY	\$4,024.65
CA	HAYWARD AREA RECREATION AND PARK DISTRICT	\$755.33
CA	HAYWARD CITY	\$8,489.53
CA	HERCULES CITY	\$5,063.05
CA	HERMOSA BEACH CITY	\$2,778.66
CA	HOLLISTER CITY	\$5,643.50
CA	HUMBOLDT COUNTY	\$13,003.07
CA	HUNTINGTON PARK CITY	\$8,269.25
CA	INDIO CITY	\$17,555.08
CA	INGLEWOOD CITY	\$10,761.56
CA	IRWINDALE CITY	\$3,838.88
CA	JACKSON CITY	\$1,579.50
CA	KERMAN CITY	\$2,583.00
CA	KERN COUNTY	\$31,660.36
CA	KINGS COUNTY	\$5,038.69
CA	KINGSBURG CITY	\$2,778.75
CA	LA HABRA CITY	\$4,548.00
CA	LAKE COUNTY	\$6,675.50
CA	LAKE SHASTINA CMTY SERVICES	\$1,157.96
CA	LAKEPORT CITY	\$2,765.00
CA	LARKSPUR CITY	\$5,717.50
CA	LIVERMORE CITY	\$11,412.02
CA	LODI CITY	\$5,829.00
CA	LOS ALTOS CITY	\$6,029.46
CA	LOS ANGELES CITY	\$107,513.46
CA	LOS BANOS CITY	\$5,545.38
CA	LOS GATOS TOWN	\$6,029.46
CA	MADERA COUNTY	\$2,204.28
CA	MANHATTAN BEACH CITY	\$8,161.50
CA	MANTECA CITY	\$10,488.00
CA	MENDOCINO COUNTY	\$14,514.26
CA	MENIFEE CITY	\$904.73
CA	MENLO PARK CITY	\$3,262.50
CA	MERCED CITY	\$11,931.84
CA	MILPITAS CITY	\$10,239.97
CA	MONO COUNTY	\$14,624.75

CA	MONROVIA CITY	\$7,930.65
CA	MONTCLAIR CITY	\$13,592.30
CA	MONTEREY CITY	\$4,370.00
CA	MONTEREY PARK CITY	\$7,119.50
CA	MORGAN HILL CITY	\$1,534.66
CA	MOUNTAIN VIEW CITY	\$8,026.96
CA	MURRIETA CITY	\$3,127.74
CA	NAPA CITY	\$9,837.98
CA	NATIONAL CITY	\$9,899.67
CA	NEVADA COUNTY	\$1,110.00
CA	NEWARK CITY	\$6,999.93
CA	NEWMAN CITY	\$2,399.00
CA	NEWPORT BEACH CITY	\$19,930.00
CA	NORWALK CITY	\$1,496.74
CA	NOVATO CITY	\$2,720.00
CA	ONTARIO CITY	\$7,595.85
CA	ORANGE CITY	\$8,892.03
CA	ORANGE COVE CITY	\$2,814.20
CA	OROVILLE CITY	\$4,859.18
CA	PACIFIC GROVE CITY	\$3,632.46
CA	PACIFICA CITY	\$2,283.56
CA	PALM SPRINGS CITY	\$7,500.00
CA	PALO ALTO CITY	\$12,533.71
CA	PARLIER CITY	\$3,626.26
CA	PETALUMA CITY	\$1,977.50
CA	PIEDMONT CITY	\$1,884.23
CA	PITTSBURG CITY	\$16,500.00
CA	PLACENTIA CITY	\$3,588.00
CA	PLACERVILLE CITY	\$3,258.21
CA	PLEASANT HILL CITY	\$667.00
CA	PLUMAS COUNTY	\$5,491.19
CA	RED BLUFF CITY	\$4,730.38
CA	REDDING CITY	\$8,399.99
CA	REDLANDS CITY	\$5,331.28
CA	REDONDO BEACH CITY	\$7,268.38
CA	REDWOOD CITY	\$4,031.96
CA	RIDGECREST CITY	\$4,025.12
CA	RIPON CITY	\$2,361.77
CA	RIVERSIDE CITY	\$29,732.28
CA	RIVERSIDE COUNTY	\$198,996.80
CA	ROCKLIN CITY	\$9,550.00
CA	ROHNERT PARK CITY	\$10,306.56
CA	RIVERSIDE COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT	\$2,310.00
CA	SAN BERNARDINO CITY	\$7,248.62
CA	SAN BERNARDINO CITY UNIF SCHOOL DIST	\$10,282.14
CA	SAN FRANCISCO BAY AREA RAPID TRANSIT DIST	\$9,178.64
CA	SAN FRANCISCO CITY AND COUNTY	\$123,664.99

CA	SAN GABRIEL CITY	\$4,324.30
CA	SAN JOAQUIN COUNTY	\$38,959.02
CA	SAN JOSE CITY	\$90,587.47
CA	SAN LUIS OBISPO CITY	\$6,520.00
CA	SAN MATEO CITY	\$5,032.30
CA	SAN PABLO CITY	\$6,077.72
CA	SAN RAFAEL CITY	\$13,028.57
CA	SAND CITY	\$942.41
CA	SANGER CITY	\$5,953.00
CA	SANTA BARBARA CITY	\$7,745.00
CA	SANTA CRUZ CITY	\$9,597.09
CA	SANTA CRUZ COUNTY	\$6,137.29
CA	SANTA FE SPRINGS CITY	\$2,251.38
CA	SANTA MONICA CITY	\$27,444.08
CA	SEASIDE CITY	\$2,800.00
CA	SIGNAL HILL CITY	\$3,631.46
CA	SIMI VALLEY CITY	\$1,416.89
CA	SISKIYOU COUNTY	\$6,984.50
CA	SOUTH GATE CITY	\$6,094.72
CA	SOUTH SAN FRANCISCO CITY	\$7,911.04
CA	ST HELENA CITY	\$2,000.00
CA	STOCKTON CITY	\$27,608.76
CA	SUNNYVALE CITY	\$8,107.80
CA	SUSANVILLE CITY	\$2,079.57
CA	SUTTER COUNTY	\$6,030.50
CA	TEHAMA COUNTY	\$8,466.10
CA	TORRANCE CITY	\$11,043.05
CA	TRACY CITY	\$16,040.50
CA	TRUCKEE TOWN	\$5,446.94
CA	TUOLUMNE COUNTY	\$16,650.65
CA	TURLOCK CITY	\$4,969.05
CA	TUSTIN CITY	\$8,650.58
CA	TWIN RIVERS DISTRICT	\$2,142.48
CA	UPLAND CITY	\$8,012.37
CA	VACAVILLE CITY	\$5,813.14
CA	VALLEJO CITY	\$10,499.14
CA	VENTURA COUNTY	\$21,434.26
CA	VERNON CITY	\$18,382.50
CA	WATSONVILLE CITY	\$7,408.41
CA	WEST SACRAMENTO CITY	\$9,792.82
CA	WHITTIER CITY	\$16,439.00
CA	WINTERS CITY	\$351.81
CA	WOODLAKE CITY	\$2,165.08
CA	YOLO COUNTY	\$693.30
CA	YUBA COUNTY	\$17,907.12
	Totals for CA(203 Jurisdictions):	\$3,435,659.37
CO	ALAMOSA CITY	\$4,260.00

CO	ARAPAHOE COUNTY	\$48,646.77
CO	ARCHULETA COUNTY	\$4,000.00
CO	AVON TOWN	\$2,400.00
CO	BASALT TOWN	\$822.79
CO	BENT COUNTY	\$1,680.00
CO	BROOMFIELD CITY	\$15,200.00
CO	CANON CITY CITY	\$1,812.50
CO	CASTLE ROCK TOWN	\$10,350.00
CO	CHERRY HILLS VILLAGE CITY	\$1,400.00
CO	COMMERCE CITY	\$16,800.00
CO	CORTEZ CITY	\$2,517.45
CO	CRIPPLE CREEK CITY	\$4,750.00
CO	DELTA COUNTY	\$4,190.55
CO	DURANGO CITY	\$10,929.24
CO	EAGLE COUNTY	\$6,642.00
CO	EAGLE TOWN	\$3,616.00
CO	ELBERT COUNTY	\$6,187.50
CO	EMPIRE TOWN	\$1,949.18
CO	ENGLEWOOD CITY	\$7,639.50
CO	FORT MORGAN CITY	\$1,525.53
CO	FOUNTAIN CITY	\$3,620.00
CO	FRISCO TOWN	\$3,120.20
CO	GARDEN CITY TOWN	\$1,582.19
CO	GLENWOOD SPRINGS CITY	\$2,800.00
CO	GOLDEN CITY	\$3,200.00
CO	GRANBY TOWN	\$1,200.00
CO	GRAND COUNTY	\$9,135.00
CO	GREELEY CITY	\$3,059.55
CO	GREENWOOD VILLAGE CITY	\$4,523.75
CO	GUNNISON CITY	\$1,600.00
CO	HAYDEN TOWN	\$1,600.00
CO	KERSEY TOWN	\$1,500.00
CO	LAFAYETTE CITY	\$6,802.07
CO	LAS ANIMAS COUNTY	\$2,000.00
CO	LEADVILLE CITY	\$458.00
CO	LITTLETON CITY	\$10,280.00
CO	LOGAN COUNTY	\$4,875.00
CO	LONGMONT CITY	\$12,222.41
CO	LOUISVILLE CITY	\$7,200.00
CO	MEAD TOWN	\$1,500.00
CO	MEEKER TOWN	\$411.25
CO	MONTE VISTA CITY	\$1,850.00
CO	MONTEZUMA COUNTY	\$2,730.00
CO	MONTROSE CITY	\$4,125.00
CO	MOUNT CRESTED BUTTE TOWN	\$512.00
CO	NEW CASTLE TOWN	\$1,687.76
CO	NORTHGLENN CITY	\$10,692.00

CO	OAK CREEK TOWN	\$850.00
CO	OURAY COUNTY	\$1,170.98
CO	PARK COUNTY	\$14,179.00
CO	PUEBLO CITY	\$16,081.74
CO	SHERIDAN CITY	\$2,838.50
CO	SILVERTHORNE TOWN	\$1,200.00
CO	STEAMBOAT SPRINGS CITY	\$1,998.00
CO	STERLING CITY	\$1,764.75
CO	SUMMIT COUNTY	\$8,573.90
CO	TELLER COUNTY	\$8,597.50
CO	TELLURIDE TOWN	\$1,800.00
CO	TRINIDAD CITY	\$3,200.00
CO	VAIL TOWN	\$2,062.50
CO	WHEAT RIDGE CITY	\$9,200.00
CO	WRAY CITY	\$1,200.00
CO	YUMA COUNTY	\$1,550.00
	Totals for CO(64 Jurisdictions):	\$337,872.06
CT	AVON TOWN	\$5,812.50
CT	BETHEL TOWN	\$1,337.00
CT	BLOOMFIELD CITY	\$7,191.00
CT	BRISTOL CITY	\$15,900.00
CT	BROOKFIELD TOWN	\$4,825.00
CT	CANTON TOWN	\$1,600.00
CT	COVENTRY TOWN	\$1,480.00
CT	CROMWELL TOWN	\$4,050.00
CT	DARIEN TOWN	\$4,997.00
CT	EAST HAMPTON TOWN	\$2,454.00
CT	EAST HAVEN TOWN	\$6,720.00
CT	EAST LYME TOWN	\$2,620.00
CT	EASTON TOWN	\$397.50
CT	ENFIELD TOWN	\$1,048.50
CT	FARMINGTON TOWN	\$4,900.00
CT	GLASTONBURY TOWN	\$5,094.00
CT	GRANBY TOWN	\$900.00
CT	GREENWICH TOWN	\$21,862.50
CT	GROTON CITY	\$4,060.00
CT	GROTON TOWN	\$5,180.00
CT	GUILFORD TOWN	\$2,475.00
CT	HAMDEN TOWN	\$11,427.00
CT	MADISON TOWN	\$3,000.00
CT	MANCHESTER TOWN	\$17,195.00
CT	MERIDEN CITY	\$7,880.00
CT	MILFORD CITY	\$11,427.00
CT	MONROE TOWN	\$5,265.54
CT	NAUGATUCK BOROUGH	\$4,740.00
CT	NEW BRITAIN CITY	\$10,000.00
CT	NEW CANAAN TOWN	\$8,311.50

CT	NEWINGTON TOWN	\$8,517.00
CT	NORWALK CITY	\$20,000.00
CT	NORWICH CITY	\$6,400.00
CT	PLAINFIELD TOWN	\$5,500.00
CT	PLAINVILLE TOWN	\$450.00
CT	PLYMOUTH TOWN	\$1,342.50
CT	PROSPECT TOWN	\$1,142.50
CT	SEYMOUR TOWN	\$7,200.00
CT	SIMSBURY TOWN	\$7,110.00
CT	SOUTH WINDSOR TOWN	\$6,375.00
CT	SUFFIELD TOWN	\$5,103.00
CT	TRUMBULL TOWN	\$7,805.93
CT	VERNON TOWN	\$6,600.00
CT	WEST HAVEN CITY	\$11,985.00
CT	WESTPORT TOWN	\$2,100.00
CT	WILTON TOWN	\$2,450.00
CT	WINDHAM TOWN	\$3,200.00
CT	WOODBIDGE TOWN	\$3,202.50
CT	WESTBROOK	\$4,000.00
	Totals for CT(49 Jurisdictions):	\$294,633.47
DC	WASHINGTON D C CITY	\$52,012.27
	Totals for DC(1 Jurisdiction):	\$52,012.27
DE	BETHANY BEACH TOWN	\$2,940.00
DE	CHESWOLD TOWN	\$1,988.00
DE	CLAYTON TOWN	\$497.00
DE	DELAWARE	\$22,949.80
DE	DELAWARE RIVER AND BAY AUTHORITY	\$12,762.50
DE	LAUREL TOWN	\$1,050.00
DE	MIDDLETOWN TOWN	\$6,723.00
DE	MILFORD CITY	\$2,346.00
DE	MILLSBORO TOWN	\$2,241.00
DE	NEW CASTLE COUNTY	\$15,297.73
DE	NEWARK CITY	\$4,861.67
DE	OCEAN VIEW TOWN	\$4,125.00
DE	SEAFORD CITY	\$2,000.00
DE	SMYRNA TOWN	\$2,381.09
DE	WILMINGTON CITY	\$34,393.57
	Totals for DE(15 Jurisdictions):	\$116,556.36
FL	ALTAMONTE SPRINGS CITY	\$7,991.88
FL	APOPKA CITY	\$9,555.00
FL	ARCADIA CITY	\$4,500.00
FL	ATLANTIC BEACH CITY	\$3,745.00
FL	ATLANTIS CITY	\$1,312.50
FL	AUBURNDALE CITY	\$3,600.00
FL	AVENTURA CITY	\$11,400.00
FL	BAKER COUNTY	\$3,504.00
FL	BELLE ISLE CITY	\$1,572.00

FL	BELLEAIR TOWN	\$1,500.00
FL	BELLEVIEW CITY	\$3,937.50
FL	BOYNTON BEACH CITY	\$16,400.00
FL	BRADENTON CITY	\$13,020.00
FL	CALHOUN COUNTY	\$3,500.00
FL	CASSELBERRY CITY	\$5,955.00
FL	CEDAR KEY CITY	\$3,200.00
FL	CLERMONT CITY	\$7,522.20
FL	CLEWISTON CITY	\$3,599.64
FL	COCOA BEACH CITY	\$4,800.00
FL	COCOA CITY	\$13,310.00
FL	COCONUT CREEK CITY	\$22,735.50
FL	COLUMBIA COUNTY	\$6,300.02
FL	DAVENPORT CITY	\$2,260.00
FL	DAYTONA BEACH CITY	\$26,620.00
FL	DAYTONA BEACH SHORES CITY	\$3,144.00
FL	DE FUNIAK SPRINGS CITY	\$2,324.00
FL	DELAND CITY	\$8,000.00
FL	DELRAY BEACH CITY	\$32,857.37
FL	DESOTO COUNTY	\$6,957.50
FL	EDGEWATER CITY	\$3,600.00
FL	EL PORTAL VILLAGE	\$5,200.00
FL	EUSTIS CITY	\$3,600.00
FL	FELLSMERE CITY	\$907.50
FL	FLORIDA CITY	\$1,999.08
FL	FORT MYERS CITY	\$13,200.00
FL	FRUITLAND PARK CITY	\$5,109.00
FL	FT PIERCE CITY	\$6,375.00
FL	GREEN COVE SPRINGS CITY	\$1,505.00
FL	GULF STREAM TOWN	\$1,368.00
FL	GULFPORT CITY	\$2,358.00
FL	GRETNA CITY	\$1,572.00
FL	HAINES CITY	\$5,400.00
FL	HALLANDALE CITY	\$16,025.00
FL	HARDEE COUNTY	\$3,990.00
FL	HAVANA TOWN	\$940.01
FL	HILLSBORO BEACH TOWN	\$1,128.33
FL	HOLMES BEACH CITY	\$2,000.00
FL	HOWEY IN THE HILLS TOWN	\$2,241.00
FL	INDIALANTIC CITY	\$3,103.50
FL	INDIAN HARBOUR BEACH CITY	\$1,317.75
FL	JACKSONVILLE AVIATION AUTHORITY	\$4,681.30
FL	JACKSONVILLE BEACH CITY	\$8,125.00
FL	JUPITER ISLAND TOWN	\$2,325.00
FL	JUPITER TOWN	\$15,743.00
FL	KENNETH CITY TOWN	\$3,200.00
FL	KEY WEST CITY	\$11,305.00

FL	KISSIMMEE CITY	\$12,390.00
FL	LAKE HAMILTON TOWN	\$946.30
FL	LAKE MARY CITY	\$4,800.00
FL	LANTANA TOWN	\$4,110.00
FL	LAUDERHILL CITY	\$20,211.75
FL	LEESBURG CITY	\$7,860.00
FL	LIGHTHOUSE POINT CITY	\$1,200.00
FL	LONGWOOD CITY	\$4,205.00
FL	MAITLAND CITY	\$6,000.00
FL	MANALAPAN TOWN	\$725.00
FL	MARGATE CITY	\$25,627.50
FL	MARIANNA CITY	\$939.98
FL	MELBOURNE CITY	\$21,401.50
FL	MELBOURNE VILLAGE TOWN	\$2,286.55
FL	MICCOSUKEE TRIBE	\$14,925.00
FL	MONROE COUNTY	\$33,505.00
FL	MOUNT DORA CITY	\$3,480.00
FL	NAPLES CITY	\$7,500.00
FL	NEW SMYRNA BEACH CITY	\$4,995.00
FL	NORTH BAY VILLAGE CITY	\$11,999.91
FL	NORTH MIAMI BEACH CITY	\$12,389.10
FL	NORTH MIAMI CITY	\$3,492.00
FL	NORTH PALM BEACH VILLAGE	\$2,538.00
FL	NORTH PORT CITY	\$7,866.00
FL	OAKLAND TOWN	\$1,923.00
FL	OCALA CITY	\$41,969.12
FL	OCEAN RIDGE TOWN	\$3,952.20
FL	OKEECHOBEE COUNTY	\$12,950.00
FL	ORMOND BEACH CITY	\$15,634.62
FL	OPA LOCKA	\$14,391.00
FL	PALM BEACH GARDENS CITY	\$11,310.00
FL	PALM BEACH TOWN	\$3,630.00
FL	PALM SPRINGS VILLAGE	\$6,393.87
FL	PALMETTO CITY	\$4,400.00
FL	PANAMA CITY	\$10,800.00
FL	PANAMA CITY BEACH CITY	\$12,672.00
FL	PENSACOLA CITY	\$20,000.00
FL	PINECREST VILLAGE	\$3,894.00
FL	PINELLAS PARK CITY	\$10,218.00
FL	PLANT CITY	\$4,225.50
FL	PONCE INLET TOWN	\$1,425.60
FL	PORT ORANGE CITY	\$20,040.74
FL	PUTNAM COUNTY	\$26,433.40
FL	RIVIERA BEACH CITY	\$7,049.00
FL	ROCKLEDGE CITY	\$7,646.20
FL	SARASOTA CITY	\$25,768.50
FL	SATELLITE BEACH CITY	\$1,210.00

FL	SEBASTIAN CITY	\$12,690.25
FL	SEBRING CITY	\$7,507.50
FL	SEMINOLE TRIBE OF FLORIDA	\$44,037.50
FL	SEWALLS POINT TOWN	\$2,375.00
FL	ST AUGUSTINE BEACH CITY	\$2,847.44
FL	ST AUGUSTINE CITY	\$6,000.00
FL	ST CLOUD CITY	\$16,240.00
FL	STUART CITY	\$2,450.00
FL	SUNRISE CITY	\$23,340.83
FL	SUWANNEE COUNTY	\$4,400.00
FL	TARPON SPRINGS CITY	\$6,185.45
FL	TAVARES CITY	\$3,001.50
FL	TEMPLE TERRACE CITY	\$325.00
FL	TITUSVILLE CITY	\$12,676.50
FL	UMATILLA CITY	\$897.00
FL	VENICE CITY	\$4,534.80
FL	VERO BEACH CITY	\$9,699.28
FL	WAKULLA COUNTY	\$5,060.00
FL	WALTON COUNTY	\$53,582.00
FL	WAUCHULA CITY	\$1,837.50
FL	WEST MELBOURNE CITY	\$4,650.75
FL	WILDWOOD CITY	\$4,800.00
FL	WILTON MANORS CITY	\$8,405.00
FL	WINTER GARDEN CITY	\$7,200.00
FL	WINTER PARK CITY	\$15,776.28
	Totals for FL(128 Jurisdictions):	\$1,107,291.50
GA	ACWORTH CITY	\$3,745.00
GA	ADEL CITY	\$6,250.00
GA	ALBANY CITY	\$21,600.00
GA	ALMA CITY	\$2,492.50
GA	ALPHARETTA CITY	\$11,623.50
GA	ALTO TOWN	\$1,600.00
GA	AMERICUS CITY	\$1,995.00
GA	ARCADE TOWN	\$1,600.00
GA	ATLANTA PUBLIC SCHOOLS	\$19,610.00
GA	AVONDALE ESTATES CITY	\$2,492.50
GA	BACON COUNTY	\$8,473.00
GA	BAKER COUNTY	\$4,000.00
GA	BALDWIN COUNTY	\$2,452.50
GA	BEN HILL COUNTY	\$3,500.00
GA	BERRIEN COUNTY	\$1,932.50
GA	BLECKLEY COUNTY	\$6,299.10
GA	BREMEN CITY	\$3,000.00
GA	BURKE COUNTY	\$12,825.00
GA	BYRON CITY	\$4,350.00
GA	CANDLER COUNTY	\$2,885.00
GA	CANTON CITY	\$7,650.00

GA	CARTERSVILLE CITY	\$4,811.50
GA	CATOOSA COUNTY	\$3,750.00
GA	CEDARTOWN CITY	\$3,500.00
GA	CHAMBLEE CITY	\$4,639.25
GA	CHARLTON COUNTY	\$2,175.00
GA	CHATTAHOOCHEE HILLS CITY	\$789.00
GA	CHATTOOGA COUNTY	\$4,150.00
GA	CLARKSTON CITY	\$1,988.44
GA	CLAXTON CITY	\$4,617.00
GA	CLEVELAND CITY	\$3,880.00
GA	CLINCH COUNTY	\$4,183.35
GA	COCHRAN CITY	\$1,455.00
GA	COLLEGE PARK CITY	\$5,725.00
GA	CONYERS CITY	\$18,112.50
GA	CORDELE CITY	\$3,905.00
GA	CORNELIA CITY	\$2,200.00
GA	CRISP COUNTY	\$6,075.00
GA	DALTON CITY	\$6,675.00
GA	DAWSON CITY	\$3,600.00
GA	DAWSON COUNTY	\$1,952.00
GA	DECATUR COUNTY	\$13,722.12
GA	DEMOREST CITY	\$2,787.50
GA	DOUGHERTY COUNTY	\$15,650.00
GA	DOUGLAS CITY	\$7,210.00
GA	DOUGLASVILLE CITY	\$12,688.50
GA	DUBLIN CITY	\$3,700.00
GA	DULUTH CITY	\$10,800.00
GA	DUNWOODY CITY	\$8,537.30
GA	EAST POINT CITY	\$7,319.28
GA	ELLIJAY CITY	\$2,220.00
GA	EMERSON CITY	\$2,062.50
GA	EUHARLEE CITY	\$1,510.00
GA	FLOWERY BRANCH CITY	\$467.50
GA	FLOYD COUNTY	\$8,825.00
GA	FOREST PARK CITY	\$9,312.50
GA	FORSYTH CITY	\$1,832.00
GA	FORT OGLETHORPE	\$4,485.00
GA	FRANKLIN COUNTY	\$2,310.00
GA	GAINESVILLE CITY	\$5,650.00
GA	GARDEN CITY	\$5,992.50
GA	GILMER COUNTY	\$3,600.00
GA	GLYNN COUNTY	\$13,750.00
GA	GRANTVILLE CITY	\$3,200.00
GA	HINESVILLE CITY	\$7,944.00
GA	HIRAM CITY	\$2,002.00
GA	JACKSON COUNTY	\$6,800.00
GA	JOHNS CREEK CITY	\$7,600.00

GA	JOHNSON COUNTY	\$6,400.00
GA	JONES COUNTY	\$13,182.50
GA	JONESBORO CITY	\$5,685.00
GA	KENNESAW CITY	\$3,539.93
GA	KINGSLAND CITY	\$5,197.50
GA	LA FAYETTE CITY	\$2,625.00
GA	LAGRANGE CITY	\$10,000.00
GA	LAURENS COUNTY	\$5,505.00
GA	LAWRENCEVILLE CITY	\$7,278.75
GA	LEE COUNTY	\$4,500.00
GA	LIBERTY COUNTY	\$14,000.00
GA	LILBURN CITY	\$3,690.00
GA	LITHONIA CITY	\$9,482.50
GA	LONG COUNTY	\$3,550.00
GA	LUMPKIN COUNTY	\$8,000.00
GA	LYONS CITY	\$4,560.00
GA	MADISON CITY	\$1,200.00
GA	MARIETTA CITY	\$13,850.00
GA	MCDONOUGH CITY	\$4,400.00
GA	MCINTOSH COUNTY	\$15,806.25
GA	MERIWETHER COUNTY	\$6,700.00
GA	METTER CITY	\$1,880.00
GA	MILLEDGEVILLE CITY	\$3,815.00
GA	MONROE CITY	\$2,400.00
GA	MONTGOMERY COUNTY	\$6,396.00
GA	MORGAN COUNTY	\$6,300.00
GA	MURRAY COUNTY	\$15,750.00
GA	MILTON CITY	\$3,377.00
GA	NASHVILLE CITY	\$3,500.00
GA	NEWNAN CITY	\$9,400.00
GA	NORCROSS CITY	\$4,911.00
GA	PEACH COUNTY	\$1,062.50
GA	PELHAM CITY	\$4,560.00
GA	PERRY CITY	\$2,700.00
GA	PICKENS COUNTY	\$12,000.00
GA	POLK COUNTY	\$10,500.00
GA	PUTNAM COUNTY	\$1,822.50
GA	RABUN COUNTY	\$7,200.00
GA	RICHMOND HILL CITY	\$6,943.23
GA	ROCKDALE COUNTY	\$42,266.50
GA	ROME CITY	\$7,000.00
GA	ROSWELL CITY	\$19,350.00
GA	SANDERSVILLE CITY	\$2,295.00
GA	SMYRNA CITY	\$9,757.50
GA	ST MARYS CITY	\$10,400.00
GA	STATESBORO CITY	\$3,352.50
GA	SUMMERVILLE CITY	\$4,607.50

GA	SYLVANIA CITY	\$1,600.00
GA	TELFAIR COUNTY	\$4,150.00
GA	THOMASVILLE CITY	\$1,502.50
GA	TIFTON CITY	\$9,300.00
GA	TOOMBS COUNTY	\$10,172.50
GA	TROUP COUNTY	\$8,640.00
GA	TYBEE ISLAND CITY	\$6,380.00
GA	TYRONE TOWN	\$2,178.75
GA	UNION CITY	\$5,397.50
GA	UPSON COUNTY	\$7,495.50
GA	VALDOSTA CITY	\$12,035.00
GA	VILLA RICA CITY	\$2,205.00
GA	WALKER COUNTY	\$8,840.00
GA	WALTON COUNTY	\$9,555.00
GA	WARE COUNTY	\$4,762.50
GA	WARNER ROBINS CITY	\$19,875.00
GA	WAYCROSS CITY	\$3,313.68
GA	WHITE COUNTY	\$2,992.00
GA	WILKINSON COUNTY	\$2,640.00
GA	WILLACOOCHIE CITY	\$1,179.00
GA	WOODSTOCK CITY	\$9,366.50
GA	WRENS CITY	\$4,230.00
GA	WOODBURY CITY	\$1,870.00
	Totals for GA(138 Jurisdictions):	\$882,915.43
HI	KAUAI COUNTY	\$4,088.70
	Totals for HI(1 Jurisdiction):	\$4,088.70
IA	ALBIA CITY	\$710.00
IA	AMES CITY	\$6,830.50
IA	ANKENY CITY	\$6,800.00
IA	APPANOOSE COUNTY	\$2,711.95
IA	BETTENDORF CITY	\$2,120.00
IA	CARROLL CITY	\$699.00
IA	CEDAR FALLS CITY	\$7,200.00
IA	CENTERVILLE CITY	\$4,400.00
IA	CHARLES CITY	\$1,458.00
IA	CLARINDA CITY	\$1,498.00
IA	CLAY COUNTY	\$734.00
IA	CLEAR LAKE CITY	\$1,600.00
IA	CLINTON CITY	\$1,275.00
IA	CLINTON COUNTY	\$2,310.00
IA	CORALVILLE CITY	\$2,869.97
IA	COUNCIL BLUFFS CITY	\$2,000.00
IA	DE WITT CITY	\$819.25
IA	DENISON CITY	\$2,000.00
IA	DUBUQUE CITY	\$14,800.00
IA	DUBUQUE COUNTY	\$1,788.48
IA	DURANT CITY	\$1,487.50

IA	FORT DODGE CITY	\$12,232.00
IA	FREMONT COUNTY	\$5,083.00
IA	GRINNELL CITY	\$5,600.00
IA	GRUNDY CENTER CITY	\$1,599.25
IA	GRUNDY COUNTY	\$2,800.00
IA	HAMPTON CITY	\$905.00
IA	HARRISON COUNTY	\$4,585.00
IA	HENRY COUNTY	\$2,400.00
IA	HOWARD COUNTY	\$492.50
IA	HUXLEY CITY	\$2,872.78
IA	INDEPENDENCE CITY	\$4,345.00
IA	INDIANOLA CITY	\$3,025.00
IA	IOWA CITY CITY	\$9,456.00
IA	JASPER COUNTY	\$2,100.00
IA	JOHNSTON CITY	\$2,821.00
IA	KNOXVILLE CITY	\$1,632.00
IA	MANCHESTER CITY	\$3,600.00
IA	MAQUOKETA CITY	\$7,250.00
IA	MARION COUNTY	\$2,290.00
IA	MARSHALLTOWN CITY	\$4,560.00
IA	MASON CITY	\$8,000.00
IA	MONTICELLO CITY	\$762.50
IA	MOUNT VERNON CITY	\$1,785.00
IA	MUSCATINE CITY	\$2,520.00
IA	NEWTON CITY	\$2,800.00
IA	NORTH LIBERTY CITY	\$2,062.50
IA	OELWEIN CITY	\$1,600.00
IA	OSCEOLA COUNTY	\$768.96
IA	OTTUMWA CITY	\$2,487.50
IA	PELLA CITY	\$807.50
IA	PLYMOUTH COUNTY	\$3,600.00
IA	POCAHONTAS COUNTY	\$1,200.00
IA	RED OAK CITY	\$4,314.00
IA	SHELDON CITY	\$800.00
IA	SIOUX CITY	\$16,197.50
IA	SPIRIT LAKE CITY	\$1,600.00
IA	STORY COUNTY	\$2,800.00
IA	TAMA COUNTY	\$1,800.98
IA	URBANDALE CITY	\$7,534.80
IA	WARREN COUNTY	\$4,365.00
IA	WASHINGTON CITY	\$1,747.40
IA	WATERLOO CITY	\$13,280.00
IA	WAUKEE CITY	\$1,380.00
IA	WAVERLY CITY	\$1,800.00
IA	WEBSTER COUNTY	\$2,840.00
IA	WEST DES MOINES CITY	\$6,750.00
IA	WILLIAMSBURG CITY	\$390.00

IA	WINDSOR HEIGHTS CITY	\$2,466.50
IA	WINTERSET CITY	\$2,651.25
	Totals for IA(70 Jurisdictions):	\$246,871.57
ID	BENEWAH COUNTY	\$3,490.56
ID	BLACKFOOT CITY	\$2,205.63
ID	BLAINE COUNTY	\$5,600.00
ID	BONNER COUNTY	\$9,600.00
ID	BOUNDARY COUNTY	\$5,062.20
ID	CARIBOU COUNTY	\$2,400.00
ID	COEUR D ALENE CITY	\$5,635.32
ID	ELMORE COUNTY	\$13,125.00
ID	EMMETT CITY	\$3,374.21
ID	FRUITLAND CITY	\$2,062.50
ID	GARDEN CITY	\$800.00
ID	IDAHO COUNTY	\$4,996.00
ID	IDAHO FALLS CITY	\$12,000.00
ID	JEFFERSON COUNTY	\$2,800.00
ID	LATAH COUNTY	\$2,995.76
ID	MADISON COUNTY	\$6,000.00
ID	MCCALL CITY	\$1,696.00
ID	MOSCOW CITY	\$4,447.60
ID	MOUNTAIN HOME CITY	\$7,687.50
ID	NEZ PERCE COUNTY	\$2,841.50
ID	OWYHEE COUNTY	\$5,680.00
ID	PAYETTE CITY	\$914.66
ID	POCATELLO CITY	\$4,000.00
ID	PONDERAY CITY	\$1,087.00
ID	POST FALLS CITY	\$1,761.60
ID	REXBURG CITY	\$3,224.88
ID	RUPERT CITY	\$1,026.36
ID	ST ANTHONY CITY	\$514.30
ID	TWIN FALLS CITY	\$9,735.00
ID	TWIN FALLS COUNTY	\$19,800.00
ID	VALLEY COUNTY	\$2,995.20
	Totals for ID(31 Jurisdictions):	\$149,558.78
IL	ALGONQUIN VILLAGE	\$7,244.91
IL	ALSIP VILLAGE	\$4,160.00
IL	ALTON CITY	\$4,632.00
IL	ARLINGTON HEIGHTS VILLAGE	\$12,942.50
IL	BANNOCKBURN VILLAGE	\$800.00
IL	BARRINGTON HILLS VILLAGE	\$1,999.50
IL	BARTLETT VILLAGE	\$9,870.00
IL	BEARDSTOWN CITY	\$1,376.70
IL	BEDFORD PARK VILLAGE	\$2,067.00
IL	BEECHER VILLAGE	\$1,348.50
IL	BELLWOOD VILLAGE	\$7,560.00
IL	BELVIDERE CITY	\$3,777.68

IL	BENSENVILLE VILLAGE	\$3,127.21
IL	BERKELEY VILLAGE	\$2,000.00
IL	BERWYN CITY	\$6,950.00
IL	BLOOMINGTON CITY	\$8,179.50
IL	BLUE ISLAND CITY	\$4,615.00
IL	BOONE COUNTY	\$2,700.00
IL	BOURBONNAIS VILLAGE	\$800.00
IL	BRADLEY VILLAGE	\$300.00
IL	BRIDGEVIEW VILLAGE	\$9,125.00
IL	BROADVIEW VILLAGE	\$4,400.00
IL	BROOKFIELD VILLAGE	\$4,000.00
IL	BUFFALO GROVE VILLAGE	\$7,394.79
IL	BURBANK CITY	\$4,147.00
IL	BUREAU COUNTY	\$14,673.09
IL	CANTON CITY	\$1,848.00
IL	CAROL STREAM VILLAGE	\$8,400.00
IL	CARPENTERSVILLE VILLAGE	\$6,600.70
IL	CASEY CITY	\$2,445.00
IL	CASEYVILLE VILLAGE	\$2,062.50
IL	CENTRALIA CITY	\$4,972.50
IL	CHAMPAIGN CITY	\$16,232.50
IL	CHAMPAIGN COUNTY	\$298.01
IL	CHARLESTON CITY	\$2,800.00
IL	CHENOA CITY	\$962.50
IL	CHERRY VALLEY VILLAGE	\$2,192.75
IL	CHESTER CITY	\$4,800.00
IL	CHICAGO HGHTS CITY	\$21,779.50
IL	CICERO TOWN	\$13,477.50
IL	CLARENDON HILLS VILLAGE	\$757.50
IL	CLINTON CITY	\$1,600.00
IL	COLES COUNTY	\$6,035.00
IL	COLLINSVILLE CITY	\$2,887.50
IL	COOK COUNTY	\$1,408.93
IL	COUNTRY CLUB HILLS	\$3,487.50
IL	CRAWFORD COUNTY	\$3,077.90
IL	CRYSTAL LAKE CITY	\$8,630.87
IL	DANVILLE CITY	\$9,375.00
IL	DARIEN CITY	\$1,550.00
IL	DE KALB CITY	\$8,000.00
IL	DE KALB COUNTY	\$3,097.79
IL	DECATUR CITY	\$28,400.00
IL	DEERFIELD VILLAGE	\$9,622.50
IL	DIXON CITY	\$1,635.00
IL	DOLTON VILLAGE	\$5,265.00
IL	DOWNERS GROVE VILLAGE	\$7,900.00
IL	DU PAGE COUNTY	\$4,254.44
IL	DU QUOIN CITY	\$3,600.00

IL	EAST HAZEL CREST VILLAGE	\$1,750.00
IL	EAST MOLINE CITY	\$2,650.00
IL	EAST PEORIA CITY	\$5,495.00
IL	EFFINGHAM CITY	\$4,412.00
IL	EFFINGHAM COUNTY	\$2,405.00
IL	ELBURN VILLAGE	\$1,200.00
IL	ELGIN CITY	\$10,899.63
IL	ELMHURST CITY	\$8,587.50
IL	EVANSTON CITY	\$12,000.00
IL	FAIRVIEW HEIGHTS CITY	\$2,870.00
IL	FARMER CITY	\$2,400.00
IL	FAYETTE COUNTY	\$1,073.50
IL	FLORA CITY	\$4,620.00
IL	FORD COUNTY	\$2,672.00
IL	FOREST PARK VILLAGE	\$6,300.00
IL	FOREST VIEW VILLAGE	\$2,717.50
IL	FOX LAKE VILLAGE	\$4,944.50
IL	FRANKFORT VILLAGE	\$1,630.00
IL	FRANKLIN PARK VILLAGE	\$8,340.00
IL	FREEPORT CITY	\$1,601.85
IL	FOREST PRESERVE DISTRICT OF DUPAGE COUNTY	\$1,953.33
IL	GALESBURG CITY	\$4,725.74
IL	GENEVA CITY	\$3,298.50
IL	GILBERTS VILLAGE	\$2,548.00
IL	GLEN CARBON VILLAGE	\$1,680.00
IL	GLEN ELLYN VILLAGE	\$3,787.85
IL	GLENCOE VILLAGE	\$3,875.00
IL	GLENDALE HEIGHTS VILLAGE	\$6,599.89
IL	GLENVIEW VILLAGE	\$28,000.00
IL	GRANITE CITY	\$3,260.00
IL	GRANTFORK VILLAGE	\$1,143.36
IL	GRAYSLAKE VILLAGE	\$1,910.00
IL	GREENVILLE CITY	\$1,788.00
IL	GRUNDY COUNTY	\$4,781.50
IL	GURNEE VILLAGE	\$24,057.50
IL	HAMEL VILLAGE	\$1,206.50
IL	HAMILTON COUNTY	\$3,430.00
IL	HANOVER PARK VILLAGE	\$3,347.85
IL	HARWOOD HEIGHTS VILLAGE	\$1,190.01
IL	HAWTHORNE WOODS VILLAGE	\$1,350.00
IL	HIGHLAND CITY	\$1,155.00
IL	HIGHLAND PARK CITY	\$6,004.60
IL	HINSDALE VILLAGE	\$1,492.98
IL	HOFFMAN ESTATES VILLAGE	\$7,000.00
IL	HOMETOWN CITY	\$7,740.00
IL	HOMewood VILLAGE	\$4,106.50
IL	HUNTLEY VILLAGE	\$5,888.00

IL	ILLINOIS	\$12,539.00
IL	JACKSON COUNTY	\$2,387.84
IL	JUSTICE VILLAGE	\$9,450.00
IL	KANKAKEE COUNTY	\$1,464.76
IL	KENDALL COUNTY	\$4,684.93
IL	KENILWORTH VILLAGE	\$1,533.66
IL	KILDEER VILLAGE	\$1,200.00
IL	KNOX COUNTY	\$6,000.00
IL	LA SALLE CITY	\$744.13
IL	LAKE BLUFF VILLAGE	\$2,087.50
IL	LAKE COUNTY	\$21,065.93
IL	LAKE FOREST CITY	\$9,617.50
IL	LAKE IN THE HILLS VILLAGE	\$4,623.50
IL	LAKE VILLA VILLAGE	\$2,124.50
IL	LAKE ZURICH VILLAGE	\$2,540.00
IL	LAKEMOOR VILLAGE	\$1,125.00
IL	LANARK CITY	\$1,154.93
IL	LE ROY CITY	\$843.75
IL	LEMONT VILLAGE	\$3,412.50
IL	LIBERTYVILLE VILLAGE	\$3,778.00
IL	LINCOLN CITY	\$1,337.50
IL	LINCOLNWOOD VILLAGE	\$2,025.00
IL	LINDENHURST VILLAGE	\$2,805.00
IL	LISLE VILLAGE	\$2,491.00
IL	LOCKPORT CITY	\$8,807.50
IL	LOVES PARK CITY	\$3,087.98
IL	MACOMB CITY	\$1,285.00
IL	MADISON COUNTY	\$157.76
IL	MAHOMET VILLAGE	\$2,712.50
IL	MANTENO VILLAGE	\$4,913.00
IL	MARENGO CITY	\$1,200.00
IL	MARKHAM CITY	\$16,800.00
IL	MARSHALL COUNTY	\$1,530.00
IL	MARYVILLE VILLAGE	\$1,600.00
IL	MASCOUTAH CITY	\$1,600.00
IL	MASON COUNTY	\$3,239.00
IL	MATTESON VILLAGE	\$4,290.00
IL	MATTOON CITY	\$13,300.00
IL	MAYWOOD VILLAGE	\$4,000.00
IL	MCCOOK VILLAGE	\$1,995.00
IL	MCHENRY CITY	\$5,010.00
IL	MCLEANSBORO CITY	\$3,302.49
IL	MELROSE PARK VILLAGE	\$14,000.00
IL	MERRIONETTE PARK VILLAGE	\$10,482.50
IL	MIDLOTHIAN VILLAGE	\$1,925.00
IL	MILAN VILLAGE	\$1,360.00
IL	MILLSTADT VILLAGE	\$2,400.00

IL	MINIER VILLAGE	\$1,800.00
IL	MOKENA VILLAGE	\$2,194.35
IL	MOLINE CITY	\$6,277.50
IL	MOMENCE CITY	\$1,050.00
IL	MONMOUTH CITY	\$2,606.18
IL	MONTGOMERY VILLAGE	\$2,944.00
IL	MORRIS CITY	\$10,800.00
IL	MORRISON CITY	\$265.00
IL	MORTON VILLAGE	\$4,494.62
IL	MOUNT PROSPECT VILLAGE	\$10,125.00
IL	MT. PULASKI CITY	\$1,000.00
IL	MUNDELEIN VILLAGE	\$4,592.50
IL	MURPHYSBORO CITY	\$2,553.50
IL	NAPERVILLE CITY	\$3,346.38
IL	NEW LENOX VILLAGE	\$2,399.46
IL	NILES VILLAGE	\$5,427.50
IL	NORMAL TOWN	\$5,570.00
IL	NORRIDGE VILLAGE	\$3,180.00
IL	NORTH AURORA VILLAGE	\$1,180.42
IL	NORTHFIELD VILLAGE	\$1,290.00
IL	NAPERVILLE PARK DISTRICT	\$1,049.43
IL	O FALLON CITY	\$5,200.00
IL	OAK BROOK VILLAGE	\$4,170.00
IL	OAK PARK VILLAGE	\$4,957.00
IL	OAKBROOK TERRACE CITY	\$2,075.50
IL	OGLE COUNTY	\$2,645.00
IL	OKAWVILLE VILLAGE	\$875.00
IL	OLNEY CITY	\$5,200.00
IL	OLYMPIA FIELDS VILLAGE	\$2,600.00
IL	ORLAND PARK VILLAGE	\$10,650.00
IL	OSWEGO VILLAGE	\$1,806.00
IL	PALATINE VILLAGE	\$6,935.00
IL	PALOS HEIGHTS CITY	\$1,882.50
IL	PALOS HILL CITY	\$2,309.98
IL	PANA CITY	\$3,600.00
IL	PARK RIDGE CITY	\$3,340.00
IL	PEORIA CITY	\$3,889.45
IL	PINGREE GROVE VILLAGE	\$2,185.00
IL	PLAINFIELD VILLAGE	\$9,005.00
IL	PLANO CITY	\$3,599.91
IL	PEORIA PARK DISTRICT	\$568.89
IL	QUINCY CITY	\$5,712.50
IL	RICHMOND VILLAGE	\$3,500.00
IL	RIGHTON PARK VILLAGE	\$1,922.50
IL	RIVER FOREST VILLAGE	\$4,400.00
IL	RIVERSIDE VILLAGE	\$2,064.00
IL	ROCHESTER VILLAGE	\$1,393.99

IL	ROCK FALLS CITY	\$1,057.50
IL	ROCK ISLAND CITY	\$8,190.00
IL	ROCKTON VILLAGE	\$2,876.00
IL	ROMEOVILLE VILLAGE	\$10,000.00
IL	ROSCOE VILLAGE	\$1,684.35
IL	ROSELLE VILLAGE	\$1,850.00
IL	ROSEMONT VILLAGE	\$7,437.50
IL	ROUND LAKE BEACH VILLAGE	\$6,468.00
IL	ROUND LAKE VILLAGE	\$3,107.50
IL	SAVANNA CITY	\$274.85
IL	SCHAUMBURG VILLAGE	\$12,232.50
IL	SCHILLER PARK VILLAGE	\$3,300.00
IL	SHILOH VILLAGE	\$1,237.50
IL	SHOREWOOD VILLAGE	\$4,110.00
IL	SKOKIE VILLAGE	\$9,116.00
IL	SLEEPY HOLLOW VILLAGE	\$1,540.00
IL	SOUTH BARRINGTON VILLAGE	\$1,530.00
IL	SOUTH HOLLAND VILLAGE	\$8,613.00
IL	SPRING GROVE VILLAGE	\$2,094.40
IL	SPRING VALLEY CITY	\$2,316.00
IL	ST CLAIR COUNTY	\$2,259.10
IL	STANFORD VILLAGE	\$830.50
IL	STEPHENSON COUNTY	\$4,218.38
IL	STREAMWOOD VILLAGE	\$6,603.50
IL	SUMMIT VILLAGE	\$2,520.00
IL	SWANSEA VILLAGE	\$5,058.00
IL	SYCAMORE CITY	\$4,631.00
IL	TAZEWELL COUNTY	\$498.33
IL	THORNTON VILLAGE	\$3,200.00
IL	TUSCOLA CITY	\$455.39
IL	URBANA CITY	\$4,604.35
IL	VERNON HILLS VILLAGE	\$5,200.00
IL	VILLA PARK VILLAGE	\$12,500.00
IL	VILLAGE OF LAGRANGE PARK	\$2,412.50
IL	WASHINGTON COUNTY	\$1,429.50
IL	WAUCONDA VILLAGE	\$1,200.00
IL	WAUKEGAN CITY	\$17,042.50
IL	WEST CHICAGO CITY	\$6,174.00
IL	WEST DUNDEE VILLAGE	\$3,300.50
IL	WESTCHESTER VILLAGE	\$4,800.00
IL	WESTERN SPRINGS VILLAGE	\$2,520.00
IL	WESTMONT VILLAGE	\$4,000.00
IL	WHEATON CITY	\$4,000.00
IL	WHEELING VILLAGE	\$6,262.50
IL	WILLIAMSON COUNTY	\$1,770.00
IL	WILLOW SPRINGS VILLAGE	\$2,100.00
IL	WILLOWBROOK VILLAGE	\$1,048.50

IL	WILMETTE VILLAGE	\$2,055.00
IL	WINFIELD VILLAGE	\$3,790.00
IL	WINNETKA VILLAGE	\$5,172.00
IL	WOODRIDGE VILLAGE	\$4,000.00
IL	WOODSTOCK CITY	\$8,358.53
IL	YORKVILLE CITY	\$5,447.50
	Totals for IL(253 Jurisdictions):	\$1,164,698.76
IN	ADAMS COUNTY	\$9,200.00
IN	AUSTIN TOWN	\$854.00
IN	AVON TOWN	\$1,759.98
IN	BATESVILLE CITY	\$850.00
IN	BEDFORD CITY	\$1,572.00
IN	BLUFFTON CITY	\$2,971.50
IN	BOONE COUNTY	\$1,600.00
IN	BOONVILLE CITY	\$6,573.00
IN	BOURBON TOWN	\$1,600.00
IN	BREMEN TOWN	\$400.00
IN	BROWNSBURG TOWN	\$6,812.50
IN	CEDAR LAKE TOWN	\$2,107.91
IN	CENTERVILLE TOWN	\$2,800.00
IN	CHESTERTON TOWN	\$2,700.00
IN	CHURUBUSCO TOWN	\$750.00
IN	CLERMONT TOWN	\$8,050.00
IN	CLINTON COUNTY	\$7,482.54
IN	COLUMBUS CITY	\$3,512.99
IN	CONNERSVILLE CITY	\$2,125.00
IN	CROWN POINT CITY	\$2,902.50
IN	DANVILLE TOWN	\$3,300.84
IN	ELBERFELD TOWN	\$799.00
IN	ELKHART CITY	\$17,600.00
IN	ELLETTSVILLE TOWN	\$1,792.80
IN	FERDINAND TOWN	\$387.50
IN	FISHERS TOWN	\$18,525.00
IN	FLOYD COUNTY	\$33,318.48
IN	FORTVILLE TOWN	\$5,583.80
IN	FRANKLIN CITY	\$4,291.50
IN	FRANKLIN COUNTY	\$2,437.50
IN	GARRETT CITY	\$1,750.00
IN	GAS CITY	\$4,612.50
IN	GREENCASTLE CITY	\$5,422.50
IN	GREENSBURG CITY	\$3,400.00
IN	GREENWOOD CITY	\$6,360.00
IN	GRIFFITH TOWN	\$1,625.00
IN	HAMMOND CITY	\$22,500.00
IN	HANCOCK COUNTY	\$6,899.93
IN	HIGHLAND TOWN	\$2,555.00
IN	HOMECROFT TOWN	\$3,146.50

IN	HUNTINGTON CITY	\$7,425.00
IN	JASPER CITY	\$1,998.00
IN	KNOX COUNTY	\$8,308.63
IN	KOKOMO CITY	\$10,400.00
IN	KOSCIUSKO COUNTY	\$24,000.00
IN	LAFAYETTE CITY	\$7,552.00
IN	LAPORTE CITY	\$3,137.50
IN	LAWRENCEBURG CITY	\$4,129.45
IN	LEBANON CITY	\$8,857.68
IN	LIGONIER CITY	\$3,392.50
IN	LOGANSPOUT CITY	\$3,690.00
IN	MERRILLVILLE TOWN	\$1,770.00
IN	MISHAWAKA CITY	\$30,540.00
IN	MITCHELL CITY	\$4,372.50
IN	MONTGOMERY COUNTY	\$3,911.30
IN	MORGAN COUNTY	\$7,975.00
IN	MUNCIE CITY	\$13,762.50
IN	MUNSTER TOWN	\$2,130.00
IN	NEW HAVEN CITY	\$2,460.00
IN	NEWBURGH TOWN	\$950.00
IN	NOBLESVILLE CITY	\$7,696.50
IN	NORTH VERNON CITY	\$3,694.50
IN	NORTH WEBSTER TOWN	\$824.50
IN	PERU CITY	\$5,287.50
IN	PLAINFIELD TOWN	\$7,076.98
IN	PLYMOUTH CITY	\$2,220.00
IN	PORTAGE CITY	\$6,631.00
IN	RUSHVILLE CITY	\$2,140.00
IN	SCHERERVILLE TOWN	\$6,887.50
IN	SCOTT COUNTY	\$4,815.00
IN	SCOTTSBURG CITY	\$3,000.00
IN	SEYMOUR CITY	\$3,476.00
IN	SHELBY COUNTY	\$2,322.50
IN	SOUTHPORT CITY	\$5,882.50
IN	SPENCER COUNTY	\$2,445.00
IN	SPENCER TOWN	\$5,603.25
IN	SUMMITVILLE TOWN	\$4,800.00
IN	STEBEN COUNTY GOVERNMENT	\$6,275.00
IN	TERRE HAUTE CITY	\$7,580.85
IN	TIPTON CITY	\$1,200.00
IN	TOPEKA TOWN	\$1,612.50
IN	VEEDERSBURG TOWN	\$1,600.00
IN	VINCENNES CITY	\$4,920.00
IN	WALKERTON TOWN	\$5,600.00
IN	WARSAW CITY	\$6,400.00
IN	WAYNE COUNTY	\$8,462.96
IN	WEST LAFAYETTE CITY	\$6,479.08

IN	WEST TERRE HAUTE TOWN	\$10,080.00
IN	WHITESTOWN TOWN	\$1,880.00
IN	WHITLEY COUNTY	\$6,802.00
IN	ZIONSVILLE TOWN	\$6,000.00
	Totals for IN(91 Jurisdictions):	\$513,388.95
KS	ABILENE CITY	\$1,758.00
KS	ANDERSON COUNTY	\$1,170.00
KS	ANDOVER CITY	\$2,325.00
KS	ATCHISON COUNTY	\$413.00
KS	AUGUSTA CITY	\$3,637.50
KS	BASEHOR CITY	\$1,153.50
KS	BELLE PLAINE CITY	\$770.00
KS	BURLINGTON CITY	\$811.90
KS	BUTLER COUNTY	\$11,812.50
KS	CHEROKEE COUNTY	\$2,120.00
KS	COFFEY COUNTY	\$5,961.18
KS	COLBY CITY	\$1,615.00
KS	COWLEY COUNTY	\$2,733.00
KS	CRAWFORD COUNTY	\$3,596.44
KS	DERBY CITY	\$7,110.00
KS	DODGE CITY	\$7,275.00
KS	DOUGLAS COUNTY	\$3,872.24
KS	EL DORADO CITY	\$4,229.78
KS	ELK COUNTY	\$2,400.00
KS	ELLIS CITY	\$468.59
KS	ELLSWORTH CITY	\$2,375.00
KS	EMPORIA CITY	\$2,990.00
KS	FAIRWAY CITY	\$1,010.00
KS	FORD COUNTY	\$5,339.50
KS	FRANKLIN COUNTY	\$8,701.00
KS	FRONTENAC CITY	\$681.30
KS	GALENA CITY	\$2,097.00
KS	GARDEN CITY	\$7,998.80
KS	GARNETT CITY	\$1,155.00
KS	GOODLAND CITY	\$1,235.00
KS	GRANT COUNTY	\$4,622.50
KS	GREAT BEND CITY	\$10,800.00
KS	HAYS CITY	\$4,000.00
KS	HAYSVILLE CITY	\$1,225.00
KS	HESSTON CITY	\$1,508.50
KS	HIAWATHA CITY	\$4,476.00
KS	HOLCOMB CITY	\$1,562.50
KS	IOLA CITY	\$374.50
KS	JACKSON COUNTY	\$1,912.50
KS	JEWELL COUNTY	\$342.63
KS	JOHNSON COUNTY	\$2,782.28
KS	JUNCTION CITY	\$5,262.18

KS	KANSAS	\$75,572.75
KS	LARNED CITY	\$1,047.00
KS	LAWRENCE CITY	\$4,705.59
KS	LEAVENWORTH CITY	\$2,145.00
KS	LEAWOOD CITY	\$3,847.50
KS	LENEXA CITY	\$6,440.00
KS	LIBERAL CITY	\$3,774.00
KS	LOUISBURG CITY	\$5,999.95
KS	LYNDON CITY	\$1,200.00
KS	LYON COUNTY	\$3,562.50
KS	MARION CITY	\$393.64
KS	MARSHALL COUNTY	\$2,390.00
KS	MEADE COUNTY	\$3,231.00
KS	MERRIAM CITY	\$4,600.00
KS	MISSION CITY	\$1,700.00
KS	MITCHELL COUNTY	\$4,000.00
KS	MONTGOMERY COUNTY	\$13,260.00
KS	NORTON CITY	\$1,192.50
KS	OLATHE CITY	\$5,424.96
KS	OSAGE COUNTY	\$5,523.64
KS	OTTAWA CITY	\$4,412.50
KS	OVERLAND PARK CITY	\$19,783.79
KS	PRAIRIE VILLAGE CITY	\$6,720.00
KS	PRAIRIE BAND POTAWATOMI INDIANS	\$3,250.00
KS	RENO COUNTY	\$5,200.00
KS	RILEY COUNTY	\$8,259.88
KS	ROELAND PARK CITY	\$1,530.00
KS	ROSE HILL CITY	\$400.00
KS	RUSSELL COUNTY	\$4,650.00
KS	SALINA CITY	\$7,500.00
KS	SALINE COUNTY	\$12,661.68
KS	SHAWNEE CITY	\$9,828.00
KS	SPRING HILL CITY	\$1,600.00
KS	STERLING CITY	\$1,362.50
KS	THOMAS COUNTY	\$1,200.00
KS	TONGANOXIE CITY	\$992.50
KS	VALLEY CENTER CITY	\$1,589.44
	Totals for KS(79 Jurisdictions):	\$378,634.14
KY	BEREA CITY	\$4,036.50
KY	BOWLING GREEN CITY	\$18,700.00
KY	CAMPBELL COUNTY	\$4,975.00
KY	CAMPBELLSVILLE CITY	\$1,936.00
KY	COVINGTON CITY	\$15,200.00
KY	DAYTON CITY	\$1,400.00
KY	EDGEWOOD CITY	\$705.00
KY	GEORGETOWN CITY	\$8,152.50
KY	GLASGOW CITY	\$2,833.00

KY	HENDERSON CITY	\$4,800.00
KY	INDEPENDENCE CITY	\$2,520.00
KY	JEFFERSONTOWN CITY	\$3,887.22
KY	MURRAY CITY	\$1,989.00
KY	OWENSBORO CITY	\$12,869.85
KY	PADUCAH CITY	\$8,098.38
KY	RADCLIFF CITY	\$7,199.95
KY	RICHMOND CITY	\$4,535.09
KY	RUSSELLVILLE CITY	\$2,133.50
KY	SCOTT COUNTY	\$7,370.00
KY	SHELBYVILLE CITY	\$3,982.50
KY	SOUTHGATE CITY	\$3,993.30
	Totals for KY(21 Jurisdictions):	\$121,316.79
LA	ABBEVILLE CITY	\$1,425.50
LA	ACADIA PARISH	\$8,000.00
LA	ALLEN PARISH	\$4,455.00
LA	ASCENSION PARISH	\$5,321.70
LA	BEAUREGARD PARISH	\$7,300.80
LA	BERWICK TOWN	\$4,095.00
LA	BOSSIER PARISH	\$7,648.87
LA	BREAUX BRIDGE CITY	\$3,282.23
LA	BROUSSARD TOWN	\$3,885.39
LA	CADDO PARISH	\$31,267.85
LA	CARENCRO CITY	\$7,770.78
LA	CHITIMACHA TRIBE	\$5,972.86
LA	CIVIL SHERIFF - ORLEANS PARISH	\$103,068.04
LA	EAST FELICIANA PARISH	\$4,538.50
LA	EAST BATON ROUGE PARISH SHERIFF'S OFFICE	\$43,608.08
LA	FRANKLIN CITY	\$1,200.00
LA	GREENWOOD TOWN	\$1,696.68
LA	GRETNA CITY	\$11,592.90
LA	HAMMOND CITY	\$7,400.00
LA	HARAHAN CITY	\$3,453.64
LA	INDEPENDENCE TOWN	\$1,600.00
LA	KENNER CITY	\$16,335.00
LA	KENTWOOD TOWN	\$4,317.05
LA	LAFOURCHE PARISH SHERIFF'S OFFICE	\$8,437.50
LA	LIVINGSTON PARISH	\$6,851.38
LA	LOUISIANA	\$142,464.19
LA	LUTCHER TOWN	\$800.00
LA	MONROE CITY	\$18,590.00
LA	MOREHOUSE PARISH	\$2,851.20
LA	NATCHITOCHES CITY	\$2,725.00
LA	NATCHITOCHES PARISH	\$10,995.75
LA	NEW IBERIA CITY	\$3,317.60
LA	OAKDALE CITY	\$5,989.05
LA	PEARL RIVER TOWN	\$2,937.12

LA	PLAQUEMINES PARISH	\$14,375.00
LA	POINTE COUPEE PARISH	\$3,885.00
LA	PONCHATOULA CITY	\$5,432.62
LA	PORT ALLEN CITY	\$2,636.88
LA	RAPIDES PARISH	\$21,328.86
LA	ST BERNARD PARISH	\$7,750.00
LA	ST JOHN THE BAPTIST PARISH SHERIFF'S OFFICE	\$40,000.00
LA	ST LANDRY PARISH SHERIFF DEPARTMENT	\$4,307.20
LA	ST MARTIN PARISH	\$15,876.42
LA	ST MARY PARISH	\$8,076.00
LA	ST TAMMANY PARISH	\$31,054.39
LA	SULPHUR CITY	\$5,199.94
LA	THIBODAU CITY	\$2,974.40
LA	VERMILION PARISH	\$25,609.85
LA	WALKER TOWN	\$4,116.00
LA	WEST FELICIANA PARISH	\$9,015.00
LA	ZACHARY CITY	\$24,000.00
	Totals for LA(51 Jurisdictions):	\$720,832.22
MA	ABINGTON TOWN	\$4,922.50
MA	ACTON TOWN	\$16,625.00
MA	AMESBURY TOWN	\$5,600.00
MA	AMHERST TOWN	\$8,455.00
MA	ATTLEBORO CITY	\$16,110.00
MA	AVON TOWN	\$4,714.88
MA	BARNSTABLE CITY	\$20,000.00
MA	BARRE TOWN	\$2,000.00
MA	BEDFORD TOWN	\$2,237.50
MA	BELCHERTOWN TOWN	\$4,500.00
MA	BERKLEY TOWN	\$2,190.00
MA	BERLIN TOWN	\$1,823.00
MA	BEVERLY CITY	\$4,475.00
MA	BILLERICA TOWN	\$7,375.00
MA	BLACKSTONE TOWN	\$1,600.00
MA	BOLTON TOWN	\$2,012.00
MA	BRAINTREE TOWN	\$14,295.00
MA	BRIDGEWATER TOWN	\$2,298.50
MA	BROCKTON CITY	\$15,449.50
MA	CHARLTON TOWN	\$2,110.00
MA	CHELSEA CITY	\$12,000.00
MA	CHESTER TOWN	\$1,350.00
MA	CHICOPEE CITY	\$38,400.00
MA	CLINTON TOWN	\$5,000.00
MA	COHASSET TOWN	\$980.40
MA	DANVERS TOWN	\$18,753.00
MA	DARTMOUTH TOWN	\$16,650.00
MA	DEDHAM TOWN	\$6,360.00
MA	DEERFIELD TOWN	\$2,356.25

MA	DENNIS TOWN	\$1,425.00
MA	DOVER TOWN	\$2,237.50
MA	DRACUT TOWN	\$17,005.00
MA	DUDLEY TOWN	\$7,900.00
MA	EAST BRIDGEWATER TOWN	\$9,600.00
MA	EAST LONGMEADOW TOWN	\$2,675.00
MA	EASTHAM TOWN	\$2,200.00
MA	EASTON TOWN	\$11,187.50
MA	EDGARTOWN TOWN	\$9,579.50
MA	EVERETT CITY	\$12,992.62
MA	FAIRHAVEN TOWN	\$2,385.90
MA	FALMOUTH TOWN	\$8,034.20
MA	FITCHBURG CITY	\$6,000.00
MA	FRANKLIN CITY	\$4,432.50
MA	GARDNER CITY	\$572.50
MA	GLOUCESTER CITY	\$20,196.00
MA	GRANBY TOWN	\$1,840.00
MA	GREENFIELD TOWN	\$13,375.00
MA	HADLEY TOWN	\$7,600.00
MA	HAMILTON TOWN	\$7,200.00
MA	HAMPDEN TOWN	\$2,157.50
MA	HARDWICK TOWN	\$1,900.00
MA	HARWICH TOWN	\$15,572.50
MA	HAVERHILL CITY	\$3,890.10
MA	HINGHAM TOWN	\$8,579.45
MA	HINSDALE TOWN	\$2,300.00
MA	HOLLISTON TOWN	\$1,760.00
MA	HOLYOKE CITY	\$21,000.00
MA	HOPEDALE TOWN	\$1,570.17
MA	HOPKINTON TOWN	\$3,465.60
MA	HUBBARDSTON TOWN	\$1,600.00
MA	HULL TOWN	\$5,848.20
MA	KINGSTON TOWN	\$5,817.50
MA	LAKEVILLE TOWN	\$2,968.56
MA	LANESBOROUGH TOWN	\$4,000.00
MA	LEICESTER TOWN	\$2,900.00
MA	LEOMINSTER CITY	\$25,080.00
MA	LEXINGTON TOWN	\$7,160.00
MA	LONGMEADOW TOWN	\$4,400.00
MA	LUDLOW TOWN	\$7,741.00
MA	MARBLEHEAD TOWN	\$4,410.00
MA	MARSHFIELD TOWN	\$3,727.75
MA	MEDFORD CITY	\$10,000.00
MA	MELROSE CITY	\$4,770.00
MA	MENDON TOWN	\$2,000.00
MA	MILFORD TOWN	\$2,800.00
MA	MILLIS TOWN	\$4,417.50

MA	MILTON TOWN	\$4,184.00
MA	MONTAGUE TOWN	\$7,750.00
MA	NAHANT TOWN	\$2,400.00
MA	NATICK TOWN	\$17,500.00
MA	NEEDHAM TOWN	\$5,817.50
MA	NEW BEDFORD CITY	\$50,697.00
MA	NEWBURY TOWN	\$3,600.00
MA	NORFOLK TOWN	\$3,680.78
MA	NORTH ANDOVER TOWN	\$17,200.00
MA	NORTH BROOKFIELD TOWN	\$2,000.00
MA	NORTHAMPTON CITY	\$9,900.00
MA	NORTON TOWN	\$4,425.00
MA	NORWOOD TOWN	\$8,950.00
MA	OAK BLUFFS TOWN	\$8,457.50
MA	OXFORD TOWN	\$9,600.00
MA	PALMER TOWN	\$4,950.00
MA	PAXTON TOWN	\$3,399.96
MA	PEMBROKE TOWN	\$3,507.22
MA	PHILLIPSTON TOWN	\$1,481.38
MA	PLYMOUTH TOWN	\$15,760.00
MA	PLYMPTON TOWN	\$2,487.50
MA	PRINCETON TOWN	\$2,667.60
MA	PROVINCETOWN TOWN	\$2,487.50
MA	QUINCY CITY	\$27,825.00
MA	RANDOLPH TOWN	\$11,187.50
MA	RAYNHAM TOWN	\$7,199.50
MA	READING TOWN	\$3,975.00
MA	REVERE CITY	\$33,234.00
MA	RUTLAND TOWN	\$1,136.50
MA	SALEM CITY	\$25,650.00
MA	SAUGUS TOWN	\$795.30
MA	SEEKONK TOWN	\$9,904.85
MA	SHREWSBURY TOWN	\$6,050.28
MA	SOMERSET TOWN	\$4,450.50
MA	SOMERVILLE CITY	\$24,000.00
MA	SOUTH HADLEY TOWN	\$9,900.00
MA	SOUTHBOROUGH TOWN	\$2,359.10
MA	SOUTHBRIDGE TOWN	\$1,902.45
MA	SOUTHWICK TOWN	\$3,600.00
MA	STERLING TOWN	\$5,200.00
MA	STOUGHTON TOWN	\$5,282.15
MA	STURBRIDGE TOWN	\$2,796.00
MA	SUDBURY TOWN	\$4,475.00
MA	SUNDERLAND TOWN	\$2,875.00
MA	TAUNTON CITY	\$19,690.00
MA	TEWKSBURY TOWN	\$5,478.20
MA	TISBURY TOWN	\$746.25

MA	TOPSFIELD TOWN	\$2,487.50
MA	TYNGS BOROUGH TOWN	\$3,412.00
MA	UXBRIDGE TOWN	\$4,400.00
MA	WAKEFIELD TOWN	\$3,728.73
MA	WALPOLE TOWN	\$4,475.00
MA	WALTHAM CITY	\$14,000.00
MA	WAREHAM TOWN	\$5,719.00
MA	WARREN TOWN	\$2,000.00
MA	WATERTOWN CITY	\$2,000.00
MA	WAYLAND TOWN	\$895.00
MA	WELLESLEY TOWN	\$2,685.00
MA	WEST TISBURY TOWN	\$5,057.50
MA	WESTBOROUGH TOWN	\$3,132.50
MA	WESTFIELD CITY	\$21,400.00
MA	WESTFORD TOWN	\$8,295.00
MA	WESTPORT TOWN	\$6,651.90
MA	WESTWOOD TOWN	\$3,580.00
MA	WEYMOUTH TOWN	\$8,950.00
MA	WILBRAHAM TOWN	\$3,300.00
MA	WILLIAMSBURG TOWN	\$1,200.00
MA	WILLIAMSTOWN TOWN	\$5,005.00
MA	WILMINGTON TOWN	\$7,750.00
MA	WINCHENDON TOWN	\$6,712.50
MA	WINCHESTER TOWN	\$16,788.00
MA	WOBURN CITY	\$24,738.00
MA	YARMOUTH TOWN	\$2,000.00
	Totals for MA(149 Jurisdictions):	\$1,133,894.73
MD	ABERDEEN CITY	\$5,187.00
MD	BALTIMORE COUNTY	\$31,437.98
MD	CAMBRIDGE CITY	\$4,000.00
MD	CAROLINE COUNTY	\$5,046.00
MD	CECIL COUNTY	\$3,976.75
MD	CHARLES COUNTY	\$18,202.38
MD	CHEVY CHASE VILLAGE TOWN	\$895.90
MD	DELMAR TOWN	\$3,302.00
MD	DORCHESTER COUNTY	\$4,400.00
MD	EASTON TOWN	\$6,750.00
MD	ELKTON TOWN	\$6,615.00
MD	FREDERICK CITY	\$18,000.00
MD	FRUITLAND CITY	\$4,300.00
MD	GAITHERSBURG CITY	\$7,566.00
MD	GARRETT COUNTY	\$2,272.50
MD	HAMPSTEAD TOWN	\$477.29
MD	HURLOCK TOWN	\$1,900.00
MD	HYATTSVILLE CITY	\$14,628.00
MD	LAUREL CITY	\$4,250.00
MD	MARYLAND	\$56,698.41

MD	MONTGOMERY COUNTY	\$9,331.62
MD	OCEAN CITY TOWN	\$19,010.66
MD	POCOMOKE CITY	\$2,239.88
MD	PRINCE GEORGES COUNTY	\$27,153.47
MD	RIVERDALE TOWN	\$4,125.00
MD	ROCKVILLE CITY	\$10,995.75
MD	SALISBURY CITY	\$6,075.00
MD	SEAT PLEASANT CITY	\$14,000.00
MD	TAKOMA PARK CITY	\$3,482.90
MD	WESTMINSTER CITY	\$3,093.75
MD	WICOMICO COUNTY	\$5,816.96
	Totals for MD(31 Jurisdictions):	\$305,230.20
ME	AROOSTOOK COUNTY	\$2,728.00
ME	AUBURN CITY	\$4,384.00
ME	AUGUSTA CITY	\$6,398.00
ME	BANGOR CITY	\$8,233.68
ME	BAR HARBOR TOWN	\$2,000.00
ME	BIDDEFORD CITY	\$6,000.00
ME	BRUNSWICK TOWN	\$5,600.00
ME	CARIBOU CITY	\$2,700.00
ME	CUMBERLAND TOWN	\$1,272.12
ME	DAMARISCOTTA TOWN	\$3,199.00
ME	ELIOT TOWN	\$1,650.00
ME	FAIRFIELD CITY	\$1,480.00
ME	FARMINGTON TOWN	\$2,257.89
ME	FRYEBURG TOWN	\$3,500.00
ME	GARDINER CITY	\$2,130.91
ME	HANCOCK COUNTY	\$5,980.00
ME	KITTERY TOWN	\$2,366.01
ME	KNOX COUNTY	\$7,813.50
ME	LEWISTON CITY	\$5,625.00
ME	LINCOLN COUNTY	\$3,555.00
ME	LISBON TOWN	\$5,992.88
ME	MONMOUTH TOWN	\$395.00
ME	MOUNT DESERT TOWN	\$1,000.00
ME	OLD TOWN CITY	\$1,970.00
ME	ORONO TOWN	\$2,000.00
ME	PISCATAQUIS COUNTY	\$1,116.18
ME	PITTSFIELD TOWN	\$3,920.00
ME	PORTLAND CITY	\$12,668.96
ME	RICHMOND TOWN	\$2,642.78
ME	ROCKLAND CITY	\$1,600.00
ME	RUMFORD TOWN	\$3,892.00
ME	SACO CITY	\$4,449.50
ME	SAGadahoc COUNTY	\$1,865.00
ME	SCARBOROUGH TOWN	\$7,740.00
ME	SKOWHEGAN TOWN	\$2,220.00

ME	SOMERSET COUNTY	\$6,153.00
ME	SOUTH BERWICK TOWN	\$1,234.50
ME	SOUTH PORTLAND CITY	\$8,983.00
ME	WATERVILLE CITY	\$2,000.00
ME	WELLS TOWN	\$1,207.38
ME	WESTBROOK CITY	\$5,782.50
ME	WINDHAM TOWN	\$5,909.50
ME	WINTER HARBOR TOWN	\$1,600.00
ME	WISCASSET TOWN	\$425.00
ME	YARMOUTH TOWN	\$1,704.50
ME	YORK TOWN	\$2,706.00
	Totals for ME(46 Jurisdictions):	\$170,050.79
MI	ADRIAN CITY	\$2,200.00
MI	ALBION CITY	\$3,000.00
MI	ALCONA COUNTY	\$1,019.00
MI	ALLEN PARK CITY	\$3,147.50
MI	ALPENA CITY	\$2,356.00
MI	ANTRIM COUNTY	\$4,790.00
MI	AUBURN HILLS CITY	\$4,400.00
MI	BARODA TOWNSHIP	\$1,222.50
MI	BATH CHARTER TOWNSHIP	\$5,316.25
MI	BATTLE CREEK CITY	\$6,743.58
MI	BAY CITY	\$6,635.00
MI	BELLEVUE VILLAGE	\$1,600.00
MI	BENTON CHARTER TOWNSHIP	\$7,770.00
MI	BENTON HARBOR CITY	\$4,740.00
MI	BENZIE COUNTY	\$5,466.50
MI	BERKLEY CITY	\$1,900.00
MI	BEVERLY HILLS VILLAGE	\$10,000.00
MI	BLACKMAN CHARTER TOWNSHIP	\$12,719.25
MI	BLOOMFIELD HILLS CITY	\$2,677.50
MI	BLOOMFIELD TOWNSHIP	\$800.00
MI	BRIDGEPORT CHARTER TOWNSHIP	\$2,000.00
MI	BRIDGMAN CITY	\$772.50
MI	BRIGHTON CITY	\$2,101.00
MI	BROWN CITY	\$970.00
MI	BROWNSTOWN CHARTER TOWNSHIP	\$6,357.50
MI	BUENA VISTA CHARTER TOWNSHIP	\$3,294.00
MI	CALHOUN COUNTY	\$3,644.31
MI	CANTON CHARTER TOWNSHIP	\$11,550.00
MI	CASS COUNTY	\$3,250.00
MI	CHARLEVOIX CITY	\$693.00
MI	CHARLOTTE CITY	\$2,087.50
MI	CHEBOYGAN CITY	\$1,869.25
MI	CHEBOYGAN COUNTY	\$387.50
MI	CHESTERFIELD CHARTER TOWNSHIP	\$4,290.00
MI	CHOCOLAY CHARTER TOWNSHIP	\$1,061.00

MI	CLARE CITY	\$2,940.00
MI	CLAWSON CITY	\$497.50
MI	CLINTON CHARTER TOWNSHIP	\$2,597.75
MI	CLINTON COUNTY	\$1,075.00
MI	CRAWFORD COUNTY	\$3,225.00
MI	DAVISON TOWNSHIP	\$1,335.00
MI	DE WITT CITY	\$1,040.00
MI	DEARBORN CITY	\$23,200.00
MI	DEARBORN HEIGHTS CITY	\$16,300.00
MI	DENTON TOWNSHIP	\$347.50
MI	DEWITT CHARTER TOWNSHIP	\$1,252.01
MI	DRYDEN TOWNSHIP	\$1,566.78
MI	EAST GRAND RAPIDS CITY	\$735.00
MI	EAST JORDAN CITY	\$1,787.50
MI	EAST LANSING CITY	\$4,627.50
MI	EATON COUNTY	\$3,854.98
MI	EATON RAPIDS CITY	\$750.00
MI	ERIE TOWNSHIP	\$800.00
MI	ESCANABA CITY	\$5,800.00
MI	FARMINGTON HILLS CITY	\$35,775.00
MI	FENTON CITY	\$2,115.00
MI	FLAT ROCK CITY	\$2,012.50
MI	FRANKLIN VILLAGE	\$437.50
MI	FRUITPORT CHARTER TOWNSHIP	\$1,983.73
MI	GARDEN CITY	\$4,919.00
MI	GERRISH TOWNSHIP	\$2,502.50
MI	GRAND BLANC CHARTER TOWNSHIP	\$2,720.00
MI	GRAND BLANC CITY	\$5,799.00
MI	GRAND HAVEN CITY	\$10,445.00
MI	GRAND LEDGE CITY	\$1,245.00
MI	GRAND RAPIDS CITY	\$5,527.26
MI	GRAND TRAVERSE COUNTY	\$6,862.50
MI	GRANDVILLE CITY	\$8,120.00
MI	GRATIOT COUNTY	\$14,799.83
MI	GREEN OAK TOWNSHIP	\$2,052.50
MI	GREENVILLE CITY	\$1,600.00
MI	GROSSE ILE TOWNSHIP	\$1,528.00
MI	GROSSE POINTE FARMS CITY	\$2,800.00
MI	GROSSE POINTE PARK CITY	\$8,000.00
MI	GROSSE POINTE WOODS CITY	\$4,400.00
MI	GUN LAKE TRIBE PUBLIC SAFETY	\$3,132.50
MI	HAMTRAMCK CITY	\$4,290.00
MI	HARBOR SPRINGS CITY	\$880.00
MI	HARPER WOODS CITY	\$3,160.00
MI	HART CITY	\$524.00
MI	HAZEL PARK CITY	\$3,475.00
MI	HOLLAND CITY	\$7,205.00

MI	HOUGHTON CITY	\$4,400.00
MI	HOUGHTON COUNTY	\$5,701.00
MI	HOWELL CITY	\$6,736.87
MI	HURON CHARTER TOWNSHIP	\$1,735.00
MI	HURON COUNTY	\$1,630.00
MI	INGHAM COUNTY	\$1,706.66
MI	INKSTER CITY	\$4,895.00
MI	IOSCO COUNTY	\$737.50
MI	IRONWOOD CITY	\$2,799.99
MI	JACKSON CITY	\$4,695.00
MI	JACKSON COUNTY	\$3,212.53
MI	KALAMAZOO CITY	\$32,303.75
MI	KALAMAZOO VALLEY COMM COLL	\$850.50
MI	KALKASKA COUNTY	\$4,247.50
MI	KENTWOOD CITY	\$5,880.00
MI	LAINGSBURG CITY	\$1,372.00
MI	LAKE COUNTY	\$1,490.00
MI	LANSING CITY	\$9,197.76
MI	LAPEER COUNTY	\$6,100.00
MI	LENAWEE COUNTY	\$2,999.96
MI	LINCOLN CHARTER TOWNSHIP	\$860.00
MI	LINCOLN PARK CITY	\$9,787.50
MI	LUDINGTON CITY	\$3,600.00
MI	MACKINAW CITY VILLAGE	\$1,042.50
MI	MADISON HEIGHTS CITY	\$3,260.00
MI	MANISTEE COUNTY	\$2,572.50
MI	MARINE CITY	\$1,712.50
MI	MARSHALL CITY	\$5,600.00
MI	MASON CITY	\$1,333.00
MI	MASON COUNTY	\$4,547.00
MI	MECOSTA COUNTY	\$8,717.50
MI	MELVINDALE CITY	\$1,837.50
MI	MERIDIAN CHARTER TOWNSHIP	\$2,165.00
MI	MICHIGAN	\$9,663.99
MI	MIDLAND CITY	\$1,490.00
MI	MIDLAND COUNTY	\$11,295.50
MI	MILAN CITY	\$4,504.98
MI	MONROE CITY	\$1,290.00
MI	MORENCI CITY	\$2,220.00
MI	MOUNT PLEASANT CITY	\$2,000.00
MI	MUSKEGON CHARTER TOWNSHIP	\$5,149.98
MI	MUSKEGON CITY	\$4,410.00
MI	MUSKEGON HEIGHTS CITY	\$5,350.00
MI	METRO POLICE AUTHORITY OF GENESEE COUNTY	\$2,450.00
MI	NAPOLEON TOWNSHIP	\$6,117.50
MI	NEW BALTIMORE CITY	\$1,430.00
MI	NEWAYGO CITY	\$735.00

MI	NEWAYGO COUNTY	\$1,125.00
MI	NILES CITY	\$2,030.48
MI	NORTHVILLE CITY	\$1,801.50
MI	NORTON SHORES CITY	\$2,572.50
MI	NOVI CITY	\$7,650.00
MI	OAK PARK CITY	\$2,625.00
MI	OAKLAND COUNTY	\$21,437.85
MI	OCEANA COUNTY	\$3,212.00
MI	OLIVET CITY	\$400.00
MI	ORONOKO CHARTER TOWNSHIP	\$2,687.50
MI	OWOSSO CITY	\$975.00
MI	PAW PAW VILLAGE	\$1,102.50
MI	PERRY CITY	\$1,882.50
MI	PETOSKEY CITY	\$4,455.00
MI	PINCKNEY VILLAGE	\$2,512.50
MI	PITTSFIELD CHARTER TOWNSHIP	\$3,600.00
MI	PLYMOUTH CITY	\$2,625.00
MI	PORT HURON CITY	\$5,200.00
MI	PORTAGE CITY	\$5,005.00
MI	REDFORD CHARTER TOWNSHIP	\$5,464.00
MI	RICHFIELD TOWNSHIP	\$1,200.00
MI	ROSCOMMON COUNTY	\$1,650.00
MI	ROSEVILLE CITY	\$8,360.00
MI	ROYAL OAK CITY	\$11,700.00
MI	SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN	\$6,765.00
MI	SAGINAW CITY	\$7,504.50
MI	SAGINAW COUNTY	\$2,753.56
MI	SALINE CITY	\$1,912.50
MI	SANILAC COUNTY	\$6,000.00
MI	SAULT STE MARIE CITY	\$1,012.50
MI	SHELBY CHARTER TOWNSHIP	\$8,392.50
MI	SHIAWASSEE COUNTY	\$2,008.00
MI	SOUTHFIELD CITY	\$10,437.50
MI	SOUTHGATE CITY	\$3,602.50
MI	SPRINGPORT TOWNSHIP	\$1,150.00
MI	ST CHARLES VILLAGE	\$725.00
MI	ST CLAIR SHORES CITY	\$1,305.00
MI	ST JOHNS CITY	\$2,984.50
MI	ST JOSEPH CITY	\$8,000.00
MI	ST JOSEPH COUNTY	\$4,000.00
MI	STERLING HEIGHTS CITY	\$916.72
MI	STURGIS CITY	\$990.86
MI	SUMPTER TOWNSHIP	\$352.03
MI	SYLVAN LAKE CITY	\$2,800.00
MI	ST. CLAIR COUNTY	\$2,208.61
MI	TAYLOR CITY	\$4,000.00
MI	THOMAS TOWNSHIP	\$1,237.50

MI	THREE RIVERS CITY	\$1,362.50
MI	TROY CITY	\$11,037.50
MI	TUSCARORA TOWNSHIP	\$2,800.00
MI	TUSCOLA COUNTY	\$1,650.00
MI	UTICA CITY	\$1,637.50
MI	VAN BUREN CHARTER TOWNSHIP	\$1,500.00
MI	VAN BUREN COUNTY	\$4,522.50
MI	VICKSBURG VILLAGE	\$1,547.50
MI	WALKER CITY	\$2,555.00
MI	WARREN CITY	\$5,354.21
MI	WATERFORD CHARTER TOWNSHIP	\$4,770.00
MI	WAYLAND CITY	\$2,050.00
MI	WAYNE CITY	\$1,400.00
MI	WEST BLOOMFIELD CHARTER TOWNSHIP	\$9,750.00
MI	WESTLAND CITY	\$4,875.00
MI	WEXFORD COUNTY	\$1,720.00
MI	WHITEHALL CITY	\$2,437.50
MI	WILLIAMSTON CITY	\$1,150.00
MI	WYOMING CITY	\$7,200.00
MI	YPSILANTI CITY	\$3,555.00
MI	ZEELAND CITY	\$2,225.00
	Totals for MI(197 Jurisdictions):	\$820,137.27
MN	AITKIN COUNTY	\$2,625.00
MN	ALBERT LEA CITY	\$5,500.00
MN	ALEXANDRIA CITY	\$6,921.50
MN	ANNANDALE CITY	\$1,530.00
MN	AVON CITY	\$1,779.00
MN	BAXTER CITY	\$2,652.00
MN	BELGRADE CITY	\$896.40
MN	BELTRAMI COUNTY	\$9,200.00
MN	BEMIDJI CITY	\$5,280.00
MN	BENTON COUNTY	\$3,600.00
MN	BLOOMINGTON CITY	\$11,550.00
MN	BLUE EARTH COUNTY	\$12,044.50
MN	BRAINERD CITY	\$3,054.54
MN	BREEZY POINT CITY	\$467.00
MN	BROOKLYN PARK CITY	\$5,600.07
MN	BUFFALO CITY	\$2,500.00
MN	BURNSVILLE CITY	\$11,610.00
MN	CAMBRIDGE CITY	\$800.00
MN	CANNON FALLS CITY	\$1,980.00
MN	CASS COUNTY	\$13,651.41
MN	CHAMPLIN CITY	\$2,550.00
MN	CHISHOLM CITY	\$2,776.95
MN	CLAY COUNTY	\$1,668.00
MN	CLEARWATER COUNTY	\$1,372.95
MN	CLOQUET CITY	\$2,000.00

MN	COLD SPRING CITY	\$2,104.00
MN	COTTAGE GROVE CITY	\$8,085.00
MN	CROOKSTON CITY	\$3,255.00
MN	COUNTY OF COTTONWOOD	\$1,100.00
MN	DEER RIVER CITY	\$800.00
MN	DETROIT LAKES CITY	\$2,600.00
MN	DODGE COUNTY	\$3,200.00
MN	DOUGLAS COUNTY	\$4,725.00
MN	DULUTH CITY	\$17,221.39
MN	EAST GRAND FORKS CITY	\$5,391.00
MN	EDEN PRAIRIE CITY	\$9,600.00
MN	ELK RIVER CITY	\$8,381.70
MN	ELY CITY	\$2,297.90
MN	FARMINGTON CITY	\$3,204.00
MN	FERGUS FALLS CITY	\$1,350.48
MN	FILLMORE COUNTY	\$3,120.00
MN	FOREST LAKE CITY	\$6,100.00
MN	FREEBORN COUNTY	\$3,840.00
MN	FRIDLEY CITY	\$5,165.00
MN	GLENCOE CITY	\$1,000.00
MN	GOODHUE CITY	\$5,082.00
MN	GOODHUE COUNTY	\$10,500.00
MN	GRAND RAPIDS CITY	\$2,264.88
MN	HERMANTOWN CITY	\$1,968.00
MN	HILL CITY	\$1,426.00
MN	HOUSTON COUNTY	\$4,947.50
MN	HOWARD LAKE CITY	\$1,800.00
MN	HUTCHINSON CITY	\$2,182.02
MN	INDEPENDENCE CITY	\$2,400.00
MN	ITASCA COUNTY	\$8,400.00
MN	KANDIYOHI COUNTY	\$7,565.00
MN	KASSON CITY	\$3,200.00
MN	KITTSOON COUNTY	\$2,545.45
MN	LA CRESCENT CITY	\$1,520.54
MN	LAKE CRYSTAL CITY	\$799.00
MN	LAKEFIELD CITY	\$1,227.00
MN	LAKEVILLE CITY	\$21,429.80
MN	LE CENTER CITY	\$713.00
MN	LE SUEUR CITY	\$1,200.00
MN	LE SUEUR COUNTY	\$4,581.00
MN	LESTER PRAIRIE CITY	\$718.50
MN	LEWISTON CITY	\$2,425.00
MN	LINO LAKES CITY	\$2,547.00
MN	LONG PRAIRIE CITY	\$800.00
MN	LYON COUNTY	\$1,200.00
MN	MAHNOMEN COUNTY	\$4,076.00
MN	MAPLE GROVE CITY	\$14,869.27

MN	MAPLETON CITY	\$1,128.33
MN	MAPLEWOOD CITY	\$8,378.66
MN	MCLEOD COUNTY	\$6,134.61
MN	MEEKER COUNTY	\$1,556.33
MN	MOORHEAD CITY	\$11,042.40
MN	MORRIS CITY	\$1,299.00
MN	MOUNTAIN LAKE CITY	\$1,065.00
MN	MOWER COUNTY	\$9,952.50
MN	NEW BRIGHTON CITY	\$3,995.00
MN	NEW HOPE CITY	\$3,400.00
MN	NEW PRAGUE CITY	\$2,250.50
MN	NEW RICHLAND CITY	\$3,000.00
MN	NICOLLET COUNTY	\$780.00
MN	NISSWA CITY	\$1,537.50
MN	NOBLES COUNTY	\$2,781.32
MN	NORTH BRANCH CITY	\$3,000.00
MN	NORTHFIELD CITY	\$2,750.00
MN	OSAKIS CITY	\$2,287.00
MN	OSSEO CITY	\$1,744.50
MN	PARKERS PRAIRIE CITY	\$2,048.84
MN	PLAINVIEW CITY	\$2,020.00
MN	PLYMOUTH CITY	\$9,423.20
MN	POLK COUNTY	\$4,482.00
MN	PRIOR LAKE CITY	\$5,208.00
MN	PROCTOR CITY	\$2,368.50
MN	RAMSEY CITY	\$2,296.63
MN	RICE CITY	\$448.20
MN	RICHFIELD CITY	\$4,122.83
MN	ROBBINSDALE CITY	\$1,856.19
MN	ROCK COUNTY	\$677.00
MN	ROSEAU COUNTY	\$4,376.43
MN	ROSEVILLE CITY	\$6,348.00
MN	SARTELL CITY	\$1,578.90
MN	SAUK CENTRE CITY	\$2,000.00
MN	SAUK RAPIDS CITY	\$3,646.34
MN	SAVAGE CITY	\$6,005.00
MN	SHAKOPEE CITY	\$3,600.00
MN	SHERBURNE COUNTY	\$7,190.50
MN	SHOREWOOD CITY	\$3,750.00
MN	SOUTH ST PAUL CITY	\$4,000.00
MN	SPRINGFIELD CITY	\$2,365.16
MN	SPRINGLAKE PARK CITY	\$2,000.00
MN	ST CLOUD CITY	\$15,513.73
MN	ST LOUIS PARK CITY	\$1,680.00
MN	ST PAUL PARK CITY	\$677.35
MN	STEELE COUNTY	\$3,187.45
MN	STILLWATER CITY	\$2,400.00

MN	SWIFT COUNTY	\$1,590.00
MN	TODD COUNTY	\$3,120.00
MN	VIRGINIA CITY	\$3,500.00
MN	WABASHA COUNTY	\$7,090.00
MN	WADENA COUNTY	\$3,295.56
MN	WAITE PARK CITY	\$3,396.00
MN	WASECA CITY	\$3,000.00
MN	WAYZATA CITY	\$3,600.00
MN	WEST CONCORD CITY	\$1,676.18
MN	WEST ST PAUL CITY	\$4,550.00
MN	WHEATON CITY	\$800.00
MN	WHITE BEAR LAKE CITY	\$4,042.50
MN	WILKIN COUNTY	\$2,225.00
MN	WINDOM CITY	\$1,387.05
MN	WINONA COUNTY	\$4,800.00
MN	WOODBURY CITY	\$4,000.00
MN	WYOMING CITY	\$464.98
MN	ZUMBROTA CITY	\$1,400.00
	Totals for MN(137 Jurisdictions):	\$545,826.92
MO	ADAIR COUNTY	\$2,740.03
MO	ADRIAN CITY	\$2,085.98
MO	ANDREW COUNTY	\$637.20
MO	ARNOLD CITY	\$3,714.00
MO	ASHLAND CITY	\$3,400.00
MO	AURORA CITY	\$1,200.00
MO	AVA CITY	\$1,576.00
MO	BALLWIN CITY	\$5,100.00
MO	BEL NOR VILLAGE	\$2,600.00
MO	BELLEFONTAINE NGHBRYS CITY	\$8,927.50
MO	BELTON CITY	\$1,700.00
MO	BENTON COUNTY	\$6,905.00
MO	BILLINGS CITY	\$1,363.50
MO	BLUE SPRINGS CITY	\$14,525.00
MO	BOONVILLE CITY	\$3,200.00
MO	BOWLING GREEN CITY	\$2,487.50
MO	BRANSON CITY	\$4,815.00
MO	BRECKENRIDGE HILLS CITY	\$3,975.00
MO	BROOKFIELD CITY	\$719.00
MO	BUCHANAN COUNTY	\$31,311.14
MO	BUFFALO CITY	\$3,555.50
MO	BYRNES MILL CITY	\$1,825.00
MO	CALDWELL COUNTY	\$7,004.00
MO	CALLAWAY COUNTY	\$3,300.00
MO	CALVERTON PARK VILLAGE	\$800.00
MO	CAMDEN COUNTY	\$6,082.78
MO	CAMDENTON CITY	\$1,350.00
MO	CAPE GIRARDEAU CITY	\$8,180.00

MO	CAPE GIRARDEAU COUNTY	\$7,997.50
MO	CARL JUNCTION CITY	\$352.50
MO	CARTERVILLE CITY	\$2,000.00
MO	CHAFFEE CITY	\$3,150.00
MO	CHESTERFIELD CITY	\$8,250.00
MO	CHILLCOTHE CITY	\$1,945.00
MO	CHRISTIAN COUNTY	\$4,409.90
MO	CLAYTON CITY	\$9,900.00
MO	CLINTON CITY	\$2,779.00
MO	COLE COUNTY	\$8,250.00
MO	COOPER COUNTY	\$3,425.00
MO	COTTLEVILLE CITY	\$4,125.00
MO	CRANE CITY	\$1,356.00
MO	CREVE COEUR CITY	\$3,300.00
MO	CRYSTAL CITY	\$2,784.00
MO	DEXTER CITY	\$3,014.73
MO	DOUGLAS COUNTY	\$1,188.00
MO	DUNKLIN COUNTY	\$4,317.50
MO	ELLISVILLE CITY	\$2,000.00
MO	EUREKA CITY	\$2,883.50
MO	EXCELSIOR SPRINGS CITY	\$2,992.00
MO	FLORISSANT CITY	\$6,187.50
MO	FULTON CITY	\$2,946.00
MO	GLENDALE CITY	\$2,399.97
MO	GREENWOOD CITY	\$555.00
MO	HANNIBAL CITY	\$3,251.35
MO	HAZELWOOD CITY	\$7,200.00
MO	HOWELL COUNTY	\$4,075.00
MO	JEFFERSON CITY	\$3,865.50
MO	JOPLIN CITY	\$9,599.84
MO	KANSAS CITY	\$22,458.98
MO	KIMBERLING CITY CITY	\$1,282.50
MO	KIRKWOOD CITY	\$8,525.00
MO	LAKE LOTAWANA CITY	\$2,210.00
MO	LAMAR CITY	\$3,079.87
MO	LAWRENCE COUNTY	\$15,399.86
MO	LEES SUMMIT CITY	\$4,786.02
MO	LEWIS COUNTY	\$1,870.98
MO	LIBERTY CITY	\$3,846.38
MO	LICKING CITY	\$2,410.00
MO	LINCOLN CITY	\$1,376.00
MO	LINCOLN COUNTY	\$17,600.00
MO	LINN CITY	\$3,795.00
MO	LIVINGSTON COUNTY	\$2,767.50
MO	MARIONVILLE CITY	\$800.00
MO	MARYVILLE CITY	\$2,164.50
MO	MCDONALD COUNTY	\$2,745.00

MO	MISSOURI	\$8,827.32
MO	MOLINE ACRES CITY	\$5,999.60
MO	MONETT CITY	\$4,000.00
MO	MONITEAU COUNTY	\$1,849.95
MO	MONROE COUNTY	\$3,158.96
MO	MOSCOW MILLS CITY	\$800.00
MO	NEOSHO CITY	\$1,983.00
MO	NEVADA CITY	\$2,451.18
MO	NEW MADRID COUNTY	\$6,050.00
MO	NEWTON COUNTY	\$8,371.88
MO	NIXA CITY	\$4,532.50
MO	NORTH KANSAS CITY	\$3,900.00
MO	O FALLON CITY	\$11,498.25
MO	OAK GROVE CITY	\$3,640.00
MO	OLIVETTE CITY	\$1,630.00
MO	OSAGE BEACH CITY	\$1,990.00
MO	OSAGE COUNTY	\$3,113.55
MO	OVERLAND CITY	\$6,665.00
MO	OZARK CITY	\$3,599.96
MO	PLEASANT VALLEY CITY	\$3,474.00
MO	POPLAR BLUFF CITY	\$15,400.00
MO	RAYMORE CITY	\$2,418.06
MO	RAYTOWN CITY	\$12,308.00
MO	REPUBLIC CITY	\$3,043.96
MO	RICHMOND HEIGHTS CITY	\$412.50
MO	RIVERSIDE CITY	\$2,000.00
MO	ROCKAWAY BEACH CITY	\$1,600.00
MO	ROLLA CITY	\$3,750.00
MO	SEDALIA CITY	\$2,701.41
MO	SIKESTON CITY	\$5,815.00
MO	SMITHVILLE CITY	\$4,081.00
MO	ST ANN CITY	\$21,600.00
MO	ST CHARLES CITY	\$11,137.50
MO	ST CLAIR COUNTY	\$6,380.00
MO	ST JOSEPH CITY	\$10,934.00
MO	ST PETERS CITY	\$7,600.00
MO	ST. JOHN P.D.	\$2,000.00
MO	STODDARD COUNTY	\$4,653.50
MO	SUGAR CREEK CITY	\$2,025.00
MO	TANEY COUNTY	\$4,549.95
MO	TEXAS COUNTY	\$936.50
MO	TOWN AND COUNTRY CITY	\$1,947.50
MO	TRENTON CITY	\$1,258.67
MO	TROY CITY	\$5,366.47
MO	UNION CITY	\$2,655.00
MO	UNIVERSITY CITY	\$4,647.50
MO	VELDA VILLAGE CITY	\$4,971.00

MO	VINITA PARK CITY	\$10,000.00
MO	WARRENSBURG CITY	\$7,707.68
MO	WARRENTON CITY	\$1,237.50
MO	WEATHERBY LAKE CITY	\$1,940.43
MO	WEBB CITY	\$8,365.50
MO	WEBSTER GROVES CITY	\$3,875.00
MO	WEST PLAINS CITY	\$2,413.00
MO	WILLARD CITY	\$2,732.50
	Totals for MO(130 Jurisdictions):	\$624,695.79
MS	AMORY CITY	\$2,230.34
MS	BATESVILLE CITY	\$4,800.00
MS	BROOKHAVEN CITY	\$2,706.98
MS	COLUMBUS CITY	\$13,525.00
MS	CORINTH CITY	\$8,912.25
MS	FOREST CITY	\$1,912.92
MS	FORREST COUNTY	\$4,668.54
MS	GREENWOOD CITY	\$6,875.00
MS	HANCOCK COUNTY	\$6,700.85
MS	HATTIESBURG CITY	\$15,600.00
MS	HERNANDO CITY	\$3,750.00
MS	HORN LAKE CITY	\$2,800.00
MS	JACKSON PUBLIC SCH DIST	\$2,576.00
MS	JONES COUNTY	\$13,515.00
MS	LAMAR COUNTY	\$8,342.60
MS	LAUDERDALE COUNTY	\$4,651.85
MS	LAUREL CITY	\$4,000.00
MS	LEAKE COUNTY	\$2,345.70
MS	LEE COUNTY	\$4,170.00
MS	LOWNDES COUNTY	\$6,016.86
MS	LUCEDALE CITY	\$6,825.00
MS	LONG BEACH	\$5,250.00
MS	MERIDIAN CITY	\$10,500.00
MS	MIZE TOWN CITY	\$2,400.00
MS	MONTICELLO TOWN	\$800.00
MS	NATCHEZ CITY	\$18,135.00
MS	NEWTON CITY	\$4,144.66
MS	NEWTON COUNTY	\$2,460.50
MS	OLIVE BRANCH CITY	\$16,516.13
MS	PASCAGOULA CITY	\$2,025.00
MS	PASS CHRISTIAN CITY	\$1,432.35
MS	PEARL RIVER VALLEY WATER SUPPLY DISTRICT	\$2,200.00
MS	PONTOTOC CITY	\$6,250.00
MS	POPLARVILLE CITY	\$3,100.00
MS	PRENTISS COUNTY	\$8,100.00
MS	RICHLAND CITY	\$3,388.50
MS	RIDGELAND CITY	\$3,280.00
MS	SENATOBIA CITY	\$5,630.37

MS	SIMPSON COUNTY	\$2,550.56
MS	SOUTHAVEN CITY	\$3,480.00
MS	STARKVILLE CITY	\$12,400.00
MS	STONE COUNTY	\$7,487.50
MS	TUNICA TOWN	\$1,590.00
MS	TUPELO CITY	\$7,879.50
MS	WASHINGTON COUNTY	\$5,062.50
MS	WAVELAND CITY	\$3,500.00
MS	WALLS TOWN	\$2,320.00
	Totals for MS(47 Jurisdictions):	\$268,807.46
MT	BLAINE COUNTY	\$3,364.38
MT	BUTTE-SILVER BOW CITY AND COUNTY	\$6,000.00
MT	BOZEMAN CITY	\$4,400.00
MT	CASCADE COUNTY	\$6,800.00
MT	COLUMBIA FALLS CITY	\$1,213.28
MT	FERGUS COUNTY	\$3,197.80
MT	GALLATIN COUNTY	\$2,072.08
MT	GREAT FALLS CITY	\$7,742.10
MT	HAVRE CITY	\$3,613.50
MT	HELENA CITY	\$4,127.70
MT	KALISPELL CITY	\$5,010.00
MT	LAKE COUNTY	\$3,995.00
MT	LEWIS AND CLARK COUNTY	\$5,021.50
MT	LEWISTOWN CITY	\$1,364.56
MT	LINCOLN COUNTY	\$2,284.44
MT	MANHATTAN TOWN	\$1,519.22
MT	MILES CITY	\$1,179.50
MT	MONTANA	\$965.90
MT	PETROLEUM COUNTY	\$754.76
MT	RAVALLI COUNTY	\$5,910.00
MT	RONAN CITY	\$4,366.71
MT	SHERIDAN COUNTY	\$2,340.00
MT	SWEET GRASS COUNTY	\$1,191.00
MT	TETON COUNTY	\$1,939.22
MT	TROY CITY	\$916.16
MT	VALLEY COUNTY	\$2,440.00
MT	WHITEFISH CITY	\$1,623.00
MT	WOLF POINT CITY	\$1,474.00
	Totals for MT(28 Jurisdictions):	\$86,825.81
NC	ABERDEEN TOWN	\$1,918.75
NC	AHOSKIE TOWN	\$5,486.96
NC	ALBEMARLE CITY	\$3,899.91
NC	ANGIER TOWN	\$4,684.25
NC	ASHEVILLE CITY	\$30,870.00
NC	AYDEN TOWN	\$1,821.38
NC	BANNER ELK TOWN	\$1,005.78
NC	BEAUFORT TOWN	\$493.16

NC	BEECH MOUNTAIN TOWN	\$2,425.00
NC	BELHAVEN TOWN	\$2,880.00
NC	BELMONT CITY	\$7,445.50
NC	BLACK MOUNTAIN TOWN	\$1,213.52
NC	BLOWING ROCK TOWN	\$2,123.66
NC	BOILING SPRING LAKES CITY	\$1,291.46
NC	BOONE TOWN	\$4,399.96
NC	BURLINGTON CITY	\$19,386.34
NC	BURNSVILLE TOWN	\$1,412.20
NC	CANTON TOWN	\$1,832.12
NC	CARRBORO TOWN	\$1,654.38
NC	CASWELL COUNTY	\$5,085.00
NC	CHAPEL HILL TOWN	\$20,875.75
NC	CHATHAM COUNTY	\$4,708.35
NC	CLAYTON TOWN	\$6,710.26
NC	CLEVELAND COUNTY	\$7,445.81
NC	CLINTON CITY	\$3,125.00
NC	COLUMBUS COUNTY	\$5,600.00
NC	CONCORD CITY	\$37,400.00
NC	CRAMERTON TOWN	\$2,300.69
NC	DARE COUNTY	\$3,629.26
NC	DAVIE COUNTY	\$16,000.00
NC	DUCK TOWN	\$2,609.56
NC	DUNN CITY	\$4,340.00
NC	ELIZABETH CITY	\$7,339.50
NC	ELIZABETH TOWN TOWN	\$5,273.63
NC	ELON COLLEGE TOWN	\$3,242.50
NC	FOREST CITY TOWN	\$6,160.00
NC	FOUR OAKS TOWN	\$955.06
NC	FRANKLIN COUNTY	\$3,322.50
NC	FUQUAY-VARINA TOWN	\$3,948.17
NC	GARNER TOWN	\$6,035.00
NC	GRAHAM CITY	\$5,352.10
NC	GREENVILLE CITY	\$19,695.00
NC	HALIFAX COUNTY	\$8,379.15
NC	HAVELOCK CITY	\$2,240.00
NC	HAW RIVER TOWN	\$2,640.00
NC	HAYWOOD COUNTY	\$3,962.50
NC	HENDERSON CITY	\$4,822.50
NC	HENDERSONVILLE CITY	\$6,400.00
NC	HICKORY CITY	\$14,400.00
NC	HIGHLANDS TOWN	\$3,458.70
NC	HOKE COUNTY	\$9,911.18
NC	HOPE MILLS TOWN	\$3,602.85
NC	HUNTERSVILLE TOWN	\$4,572.47
NC	JACKSONVILLE CITY	\$18,232.00
NC	KERNERSVILLE TOWN	\$12,875.00

NC	KILL DEVIL HILLS TOWN	\$1,850.36
NC	KINGS MOUNTAIN CITY	\$3,099.60
NC	KINSTON CITY	\$6,870.38
NC	KITTY HAWK TOWN	\$812.50
NC	KNIGHTDALE TOWN	\$2,540.00
NC	LELAND TOWN	\$3,000.00
NC	LENOIR CITY	\$3,909.50
NC	LONG VIEW TOWN	\$1,149.78
NC	LOWELL CITY	\$1,608.67
NC	LUMBERTON CITY	\$10,031.50
NC	MACON COUNTY	\$7,194.73
NC	MAIDEN TOWN	\$2,123.41
NC	MANTEO TOWN	\$1,240.97
NC	MAYODAN TOWN	\$4,547.58
NC	MCDOWELL COUNTY	\$21,150.00
NC	MONTGOMERY COUNTY	\$4,371.88
NC	MOREHEAD CITY	\$3,339.50
NC	MORRISVILLE TOWN	\$3,807.00
NC	MOUNT HOLLY CITY	\$2,582.40
NC	NAGS HEAD TOWN	\$1,476.74
NC	NEW BERN CITY	\$12,504.99
NC	NEWTON CITY	\$4,681.55
NC	NORTH TOPSAIL BEACH TOWN	\$3,437.15
NC	OXFORD CITY	\$3,742.63
NC	PAMLICO COUNTY	\$2,707.80
NC	PASQUOTANK COUNTY	\$3,959.00
NC	PERQUIMANS COUNTY	\$3,477.96
NC	PINEVILLE TOWN	\$2,938.35
NC	ROANOKE RAPIDS CITY	\$5,364.06
NC	ROCKINGHAM COUNTY	\$5,043.68
NC	ROCKY MOUNT CITY	\$19,226.96
NC	RUTHERFORD COUNTY	\$13,519.66
NC	SALISBURY CITY	\$6,922.00
NC	SAMPSON COUNTY	\$5,785.50
NC	SMITHFIELD TOWN	\$2,386.97
NC	SOUTHERN PINES TOWN	\$5,373.50
NC	SOUTHERN SHORES TOWN	\$754.64
NC	SPENCER TOWN	\$1,643.95
NC	STALLINGS TOWN	\$2,175.00
NC	STATESVILLE CITY	\$10,385.65
NC	SHELBY	\$6,314.98
NC	SUGAR MOUNTAIN VILLAGE	\$375.60
NC	THOMASVILLE CITY	\$6,590.00
NC	VALDESE TOWN	\$2,786.27
NC	WADESBORO TOWN	\$4,574.98
NC	WAKE FOREST TOWN	\$8,032.50
NC	WASHINGTON COUNTY	\$3,636.29

NC	WENDELL TOWN	\$2,400.00
NC	WHISPERING PINES VILLAGE	\$1,125.01
NC	WILKESBORO TOWN	\$4,108.80
NC	WILLIAMSTON TOWN	\$3,400.00
NC	WILSON CITY	\$11,519.50
NC	WILSON COUNTY	\$6,138.13
NC	WILSON'S MILLS TOWN	\$1,874.85
NC	WOODFIN TOWN	\$1,892.45
NC	YADKIN COUNTY	\$14,753.00
NC	YOUNGSVILLE TOWN	\$2,800.00
NC	ZEBULON TOWN	\$2,691.50
	Totals for NC(113 Jurisdictions):	\$660,645.18
ND	ADAMS COUNTY	\$1,121.00
ND	BISMARCK CITY	\$20,788.20
ND	BOTTINEAU COUNTY	\$1,458.45
ND	BOWMAN CITY	\$1,598.00
ND	BURLEIGH COUNTY	\$4,400.00
ND	DEVILS LAKE CITY	\$2,256.00
ND	DICKINSON CITY	\$5,757.95
ND	GRAND FORKS CITY	\$25,579.39
ND	GRAND FORKS COUNTY	\$4,492.80
ND	MANDAN CITY	\$5,200.00
ND	MCKENZIE COUNTY	\$3,134.41
ND	MINOT CITY	\$8,000.00
ND	MORTON COUNTY	\$8,500.00
ND	RENVILLE COUNTY	\$800.00
ND	STARK COUNTY	\$5,778.79
ND	STUTSMAN COUNTY	\$9,143.50
ND	VALLEY CITY	\$4,200.00
ND	WAHPETON CITY	\$2,000.00
ND	WALSH COUNTY	\$2,368.23
ND	WARD COUNTY	\$4,938.00
ND	WATFORD CITY	\$2,726.64
	Totals for ND(21 Jurisdictions):	\$124,241.36
NE	BEATRICE CITY	\$1,598.00
NE	BELLEVUE CITY	\$8,000.00
NE	BOYS TOWN VILLAGE	\$1,035.00
NE	BUFFALO COUNTY	\$2,625.00
NE	CHADRON CITY	\$3,400.00
NE	COLUMBUS CITY	\$2,615.00
NE	CRETE CITY	\$800.00
NE	DAKOTA COUNTY	\$3,688.35
NE	DODGE COUNTY	\$2,625.00
NE	GRAND ISLAND CITY	\$10,544.99
NE	HALL COUNTY	\$5,807.38
NE	HASTINGS CITY	\$3,275.00
NE	KEARNEY CITY	\$12,081.74

NE	LA VISTA CITY	\$4,440.00
NE	LEXINGTON CITY	\$2,400.00
NE	LINCOLN COUNTY	\$3,150.00
NE	NEMAHA COUNTY	\$1,853.90
NE	NORFOLK CITY	\$3,515.02
NE	NORTH PLATTE CITY	\$4,146.00
NE	OGALLALA CITY	\$1,215.00
NE	PAPILLION CITY	\$4,935.00
NE	PLATTSMOUTH CITY	\$2,800.00
NE	RALSTON CITY	\$800.00
NE	SAUNDERS COUNTY	\$2,088.00
NE	SCOTTSBLUFF CITY	\$2,682.50
NE	SIDNEY CITY	\$2,765.00
NE	SOUTH SIOUX CITY	\$5,252.50
NE	STANTON COUNTY	\$509.00
NE	VALENTINE CITY	\$1,901.00
NE	WAHOO CITY	\$695.00
NE	WASHINGTON COUNTY	\$2,550.00
	Totals for NE(31 Jurisdictions):	\$105,793.38
NH	ALLENSTOWN TOWN	\$3,495.95
NH	ALTON TOWN	\$852.50
NH	BARRINGTON TOWN	\$4,690.50
NH	BERLIN CITY	\$13,705.00
NH	BOW TOWN	\$1,687.50
NH	CAMPTON TOWN	\$1,497.00
NH	CHESHIRE COUNTY	\$2,305.00
NH	CHESTER TOWN	\$800.00
NH	CONCORD CITY	\$6,712.50
NH	DERRY TOWN	\$5,917.28
NH	DOVER CITY	\$8,194.68
NH	DUNBARTON TOWN	\$312.50
NH	EXETER TOWN	\$2,464.00
NH	GILFORD TOWN	\$2,162.50
NH	GOFFSTOWN TOWN	\$3,850.00
NH	HAMPTON FALLS TOWN	\$1,192.50
NH	HANCOCK TOWN	\$4,800.00
NH	HANOVER TOWN	\$1,520.00
NH	HAVERHILL TOWN	\$3,063.75
NH	HILLSBORO TOWN	\$2,685.00
NH	HOOKSETT TOWN	\$2,782.50
NH	JAFFREY TOWN	\$2,170.00
NH	KEENE CITY	\$5,588.00
NH	LACONIA CITY	\$2,927.50
NH	LANCASTER TOWN	\$459.80
NH	LEBANON CITY	\$2,250.00
NH	LISBON TOWN	\$1,343.79
NH	LONDONDERRY TOWN	\$8,400.00

NH	MERRIMACK TOWN	\$2,714.25
NH	MILFORD TOWN	\$3,410.00
NH	MILTON TOWN	\$1,607.50
NH	MONT VERNON TOWN	\$1,575.00
NH	NASHUA CITY	\$22,400.00
NH	NEW BOSTON TOWN	\$1,200.00
NH	NEWFIELDS TOWN	\$1,192.50
NH	NEWMARKET TOWN	\$2,295.00
NH	NORTH HAMPTON TOWN	\$1,600.00
NH	PORTSMOUTH CITY	\$7,160.86
NH	ROCHESTER CITY	\$8,750.00
NH	RUMNEY TOWN	\$598.50
NH	STRATHAM TOWN	\$2,138.50
NH	THORNTON TOWN	\$846.90
NH	WAKEFIELD TOWN	\$1,425.00
NH	WINDHAM TOWN	\$2,660.00
	Totals for NH(44 Jurisdictions):	\$159,403.76
NJ	ABSECON CITY	\$4,000.00
NJ	ALLENTOWN BOROUGH	\$472.73
NJ	ANDOVER TOWNSHIP	\$1,960.00
NJ	ASBURY PARK CITY	\$14,739.73
NJ	ATLANTIC CITY	\$21,896.00
NJ	ATLANTIC HIGHLANDS BOROUGH	\$2,377.38
NJ	BARNEGAT TOWNSHIP	\$13,599.95
NJ	BARRINGTON BOROUGH	\$1,423.50
NJ	BAYONNE CITY	\$18,287.50
NJ	BEDMINSTER TOWNSHIP	\$2,032.98
NJ	BELLEVILLE TOWNSHIP	\$9,968.75
NJ	BELLMAWR BOROUGH	\$3,180.60
NJ	BERGENFIELD BOROUGH	\$7,612.36
NJ	BERKELEY TOWNSHIP	\$8,000.00
NJ	BERLIN BOROUGH	\$880.00
NJ	BERNARDS TOWNSHIP	\$3,537.72
NJ	BERNARDSVILLE BOROUGH	\$1,201.20
NJ	BLOOMFIELD TOWNSHIP	\$10,790.00
NJ	BLOOMINGDALE BOROUGH	\$2,213.75
NJ	BOGOTA BOROUGH	\$2,000.00
NJ	BORDENTOWN CITY	\$2,733.25
NJ	BORDENTOWN TOWNSHIP	\$546.50
NJ	BOUND BROOK BOROUGH	\$2,464.00
NJ	BRADLEY BEACH BOROUGH	\$1,071.60
NJ	BRIDGETON CITY	\$5,600.00
NJ	BRIGANTINE CITY	\$5,301.00
NJ	BURLINGTON CITY	\$5,550.00
NJ	BURLINGTON TOWNSHIP	\$3,850.00
NJ	BUTLER BOROUGH	\$2,700.00
NJ	BRIDGEWATER TOWNSHIP	\$9,301.60

NJ	CALDWELL BOROUGH	\$2,190.00
NJ	CAPE MAY COUNTY	\$16,400.00
NJ	CARNEYS POINT TOWNSHIP	\$2,537.50
NJ	CARTERET BOROUGH	\$11,887.50
NJ	CHATHAM BOROUGH	\$2,818.80
NJ	CHERRY HILL TOWNSHIP	\$42,391.26
NJ	CHESTERFIELD TOWNSHIP	\$1,609.50
NJ	CINNAMINSON TOWNSHIP	\$3,776.00
NJ	CLARK TOWNSHIP	\$15,187.50
NJ	CLAYTON BOROUGH	\$3,831.80
NJ	CLIFTON CITY	\$5,480.75
NJ	COLTS NECK TOWNSHIP	\$1,514.97
NJ	CRANFORD TOWNSHIP	\$6,059.88
NJ	CRESSKILL BOROUGH	\$2,737.00
NJ	DEAL BOROUGH	\$1,575.00
NJ	DELANCO TOWNSHIP	\$3,430.00
NJ	DELAWARE TOWNSHIP	\$1,890.90
NJ	DELRAN TOWNSHIP	\$2,393.84
NJ	DENVILLE TOWNSHIP	\$4,800.00
NJ	DOVER TOWN	\$5,301.00
NJ	DUMONT BOROUGH	\$998.82
NJ	EAST HANOVER TOWNSHIP	\$5,376.00
NJ	EAST NEWARK BOROUGH	\$3,200.00
NJ	EASTAMPTON TOWNSHIP	\$4,793.22
NJ	EGG HARBOR CITY	\$1,462.50
NJ	ELMWOOD PARK BOROUGH	\$8,360.00
NJ	ENGLEWOOD CITY	\$2,850.00
NJ	EVESHAM TOWNSHIP	\$4,012.00
NJ	EWING TOWNSHIP	\$3,781.80
NJ	EAST WINDSOR TOWNSHIP	\$6,677.70
NJ	FAIRVIEW BOROUGH	\$2,898.00
NJ	FLORENCE TOWNSHIP	\$4,277.00
NJ	FLORHAM PARK BOROUGH	\$4,312.00
NJ	FORT LEE BOROUGH	\$10,397.40
NJ	FRANKLIN BOROUGH	\$2,120.40
NJ	FRANKLIN TOWNSHIP	\$1,828.50
NJ	FREEHOLD BOROUGH	\$1,602.00
NJ	FREEHOLD TOWNSHIP	\$4,427.50
NJ	GALLOWAY TOWNSHIP	\$10,948.00
NJ	GARWOOD BOROUGH	\$1,709.40
NJ	GLASSBORO BOROUGH	\$5,340.00
NJ	GLOUCESTER CITY	\$2,000.00
NJ	GLOUCESTER TOWNSHIP	\$21,246.00
NJ	GREEN BROOK TOWNSHIP	\$2,954.30
NJ	GREENWICH TOWNSHIP	\$2,000.00
NJ	GUTTENBERG TOWN	\$4,666.20
NJ	HACKENSACK CITY	\$29,984.85

NJ	HACKETTSTOWN TOWN	\$1,600.00
NJ	HADDON HEIGHTS BOROUGH	\$1,140.00
NJ	HADDON TOWNSHIP	\$2,019.83
NJ	HADDONFIELD BOROUGH	\$4,000.00
NJ	HALEDON BOROUGH	\$4,321.00
NJ	HAMILTON TOWNSHIP (MAYS LANDING)	\$3,075.00
NJ	HAMILTON TOWNSHIP (TRENTON)	\$29,781.68
NJ	HARDYSTON TOWNSHIP	\$2,863.00
NJ	HARRISON TOWN	\$6,532.25
NJ	HARRISON TOWNSHIP	\$1,553.10
NJ	HARVEY CEDARS BOROUGH	\$1,000.00
NJ	HASBROUCK HEIGHTS BOROUGH	\$4,585.21
NJ	HAWTHORNE BOROUGH	\$3,684.50
NJ	HAZLET TOWNSHIP	\$4,500.00
NJ	HI NELLA BOROUGH	\$1,425.00
NJ	HILLSBOROUGH TOWNSHIP	\$9,522.80
NJ	HILLSDALE BOROUGH	\$4,400.00
NJ	HOBOKEN CITY	\$11,334.40
NJ	HOLMDEL TOWNSHIP	\$2,798.78
NJ	HOPATCONG BOROUGH	\$9,079.28
NJ	HIGHLAND PARK	\$2,000.00
NJ	JACKSON TOWNSHIP	\$7,237.50
NJ	KEANSBURG BOROUGH	\$4,754.75
NJ	KENILWORTH BOROUGH	\$2,247.50
NJ	KINNELON BOROUGH	\$864.20
NJ	LAWRENCE TOWNSHIP	\$3,757.05
NJ	LEONIA BOROUGH	\$3,420.00
NJ	LITTLE EGG HARBOR TOWNSHIP	\$3,540.00
NJ	LITTLE FERRY BOROUGH	\$2,400.00
NJ	LIVINGSTON TOWNSHIP	\$6,511.29
NJ	LOGAN TOWNSHIP	\$1,960.00
NJ	LONG BEACH TOWNSHIP	\$6,600.00
NJ	LONG BRANCH CITY	\$9,256.50
NJ	LOWER ALLOWAYS CREEK TOWNSHIP	\$2,000.00
NJ	LOWER TOWNSHIP	\$11,742.00
NJ	LUMBERTON TOWNSHIP	\$1,512.00
NJ	LYNDHURST TOWNSHIP	\$4,369.75
NJ	MAGNOLIA BOROUGH	\$951.08
NJ	MANALAPAN TOWNSHIP	\$6,413.28
NJ	MANTUA TOWNSHIP	\$2,196.00
NJ	MANVILLE BOROUGH	\$1,577.40
NJ	MAPLE SHADE TOWNSHIP	\$6,624.70
NJ	MAPLEWOOD TOWNSHIP	\$4,369.75
NJ	MARLBORO TOWNSHIP	\$21,694.58
NJ	MEDFORD LAKES BOROUGH	\$1,960.00
NJ	MEDFORD TOWNSHIP	\$3,353.58
NJ	MENDHAM TOWNSHIP	\$1,034.16

NJ	METUCHEN BOROUGH	\$2,800.00
NJ	MIDDLE TOWNSHIP	\$5,070.00
NJ	MIDDLESEX BOROUGH	\$1,976.70
NJ	MIDLAND PARK BOROUGH	\$1,306.80
NJ	MILLTOWN BOROUGH	\$2,502.50
NJ	MILLVILLE CITY	\$4,941.00
NJ	MONROE TOWNSHIP	\$11,355.20
NJ	MONTCLAIR TOWNSHIP	\$13,615.20
NJ	MONTGOMERY TOWNSHIP	\$450.00
NJ	MONTVALE BOROUGH	\$2,000.00
NJ	MONTVILLE TOWNSHIP	\$6,000.00
NJ	MOORESTOWN TOWNSHIP	\$2,582.72
NJ	MORRIS PLAINS BOROUGH	\$800.00
NJ	MORRIS TOWNSHIP	\$2,504.61
NJ	MOUNT EPHRAIM BOROUGH	\$851.95
NJ	MOUNT HOLLY TOWNSHIP	\$3,600.00
NJ	MOUNT LAUREL TOWNSHIP	\$4,427.40
NJ	MOUNT OLIVE TOWNSHIP	\$3,435.60
NJ	MOUNTAIN LAKES BOROUGH	\$3,534.93
NJ	MULLICA TOWNSHIP	\$2,247.50
NJ	NEPTUNE CITY BOROUGH	\$1,365.00
NJ	NEPTUNE TOWNSHIP	\$6,906.90
NJ	NEW BRUNSWICK CITY	\$8,121.30
NJ	NEW PROVIDENCE BOROUGH	\$1,902.16
NJ	NEWTON TOWN	\$2,160.87
NJ	NORTH BERGEN TOWNSHIP	\$3,534.93
NJ	NORTH BRUNSWICK TOWNSHIP	\$9,526.00
NJ	NORTH HALEDON BOROUGH	\$4,800.00
NJ	NORTH PLAINFIELD BOROUGH	\$7,694.82
NJ	NORTHFIELD CITY	\$2,000.00
NJ	NUTLEY TOWNSHIP	\$5,898.75
NJ	OAKLAND BOROUGH	\$457.80
NJ	OAKLYN BOROUGH	\$2,325.00
NJ	OCEAN CITY	\$9,100.00
NJ	OCEAN GATE BOROUGH	\$783.06
NJ	OCEAN TOWNSHIP (OAKHURST)	\$5,148.00
NJ	OCEAN TOWNSHIP (WARETOWN)	\$2,335.00
NJ	OLD BRIDGE TOWNSHIP	\$13,125.00
NJ	OLD TAPPAN BOROUGH	\$1,950.00
NJ	ORADELL BOROUGH	\$3,325.00
NJ	PALISADES PARK BOROUGH	\$6,077.50
NJ	PALMYRA BOROUGH	\$3,222.80
NJ	PARAMUS BOROUGH	\$9,986.34
NJ	PARK RIDGE BOROUGH	\$440.00
NJ	PARSIPPANY-TROY HILLS TOWNSHIP	\$16,977.70
NJ	PASSAIC CITY	\$37,149.60
NJ	PAULSBORO BOROUGH	\$2,262.00

NJ	PEAPACK GLADSTONE BOROUGH	\$518.00
NJ	PEMBERTON BOROUGH	\$400.00
NJ	PENNS GROVE BOROUGH	\$6,965.00
NJ	PENNSVILLE TOWNSHIP	\$1,377.00
NJ	PEQUANNOCK TOWNSHIP	\$2,400.00
NJ	PERTH AMBOY CITY	\$10,620.00
NJ	PHILLIPSBURG TOWN	\$3,270.00
NJ	PINE HILL BOROUGH	\$2,524.95
NJ	PLAINFIELD CITY	\$15,149.70
NJ	PLAINSBORO TOWNSHIP	\$2,555.85
NJ	PLUMSTED TOWNSHIP	\$1,284.00
NJ	POINT PLEASANT BOROUGH	\$3,126.20
NJ	POMPTON LAKES BOROUGH	\$2,128.00
NJ	RAHWAY CITY	\$9,990.00
NJ	RANDOLPH TOWNSHIP	\$9,999.99
NJ	RARITAN TOWNSHIP	\$3,200.00
NJ	RED BANK BOROUGH	\$2,800.00
NJ	RIDGEFIELD BOROUGH	\$2,630.35
NJ	RIDGEFIELD PARK VILLAGE	\$5,493.51
NJ	RINGWOOD BOROUGH	\$2,898.00
NJ	RIVER EDGE BOROUGH	\$3,600.00
NJ	RIVER VALE TOWNSHIP	\$1,751.00
NJ	RIVERDALE BOROUGH	\$1,009.98
NJ	RIVERTON BOROUGH	\$492.23
NJ	ROCKAWAY BOROUGH	\$4,200.00
NJ	ROSELAND BOROUGH	\$4,754.75
NJ	ROSELLE BOROUGH	\$4,374.00
NJ	ROXBURY TOWNSHIP	\$1,994.00
NJ	RUNNEMEDE BOROUGH	\$1,426.62
NJ	RUTHERFORD BOROUGH	\$435.60
NJ	SADDLE RIVER BOROUGH	\$971.60
NJ	SALEM COUNTY	\$1,986.00
NJ	SCOTCH PLAINS TOWNSHIP	\$4,046.30
NJ	SECAUCUS TOWN	\$14,887.60
NJ	SHREWSBURY BOROUGH	\$900.00
NJ	SOUTH BRUNSWICK TOWNSHIP	\$2,255.00
NJ	SOUTH ORANGE VILLAGE TOWNSHIP	\$5,992.92
NJ	SOUTH RIVER BOROUGH	\$5,319.60
NJ	SPARTA TOWNSHIP	\$3,120.00
NJ	SPRING LAKE BOROUGH	\$2,524.88
NJ	SPRING LAKE HTS BOROUGH	\$1,500.00
NJ	STAFFORD TOWNSHIP	\$8,932.65
NJ	SUMMIT CITY	\$2,190.00
NJ	TEANECK TOWNSHIP	\$15,178.80
NJ	TOTOWA BOROUGH	\$2,380.00
NJ	TRENTON CITY	\$40,500.00
NJ	UNION CITY	\$5,514.60

NJ	UNION TOWNSHIP	\$15,384.00
NJ	UPPER SADDLE RIVER BOROUGH	\$1,248.23
NJ	VERNON TOWNSHIP	\$4,950.75
NJ	VINELAND CITY	\$17,108.00
NJ	VOORHEES TOWNSHIP	\$5,210.80
NJ	WALDWICK BOROUGH	\$3,435.60
NJ	WALL TOWNSHIP	\$9,654.40
NJ	WALLINGTON BOROUGH	\$3,600.00
NJ	WANAQUE BOROUGH	\$2,656.50
NJ	WARREN TOWNSHIP	\$3,048.50
NJ	WASHINGTON TOWNSHIP (ROBBINSVILLE)	\$3,453.45
NJ	WASHINGTON TOWNSHIP (TURNERSVILLE)	\$7,161.00
NJ	WAYNE TOWNSHIP	\$23,056.60
NJ	WEEHAWKEN TOWNSHIP	\$6,657.56
NJ	WEST DEPTFORD TOWNSHIP	\$7,574.85
NJ	WEST LONG BRANCH BOROUGH	\$2,633.45
NJ	WEST MILFORD TOWNSHIP	\$16,944.08
NJ	WEST NEW YORK TOWN	\$18,000.00
NJ	WEST ORANGE TOWNSHIP	\$7,526.75
NJ	WEST PATERSON BOROUGH	\$4,185.97
NJ	WEST WILDWOOD BOROUGH	\$800.00
NJ	WESTFIELD TOWN	\$9,341.85
NJ	WHARTON BOROUGH	\$1,145.20
NJ	WILDWOOD CREST BOROUGH	\$3,132.50
NJ	WILLINGBORO TOWNSHIP	\$9,617.00
NJ	WINSLOW TOWNSHIP	\$7,574.85
NJ	WOODBURY CITY	\$3,989.50
NJ	WOODBURY HEIGHTS BOROUGH	\$2,075.99
NJ	WOODCLIFF LAKE BOROUGH	\$1,931.61
NJ	WASHINGTON TOWNSHIP	\$4,707.00
	Totals for NJ(248 Jurisdictions):	\$1,378,844.10
NM	ALAMOGORDO CITY	\$6,800.00
NM	AZTEC CITY	\$1,872.47
NM	BERNALILLO TOWN	\$4,560.00
NM	CLOVIS CITY	\$13,410.00
NM	CURRY COUNTY	\$5,105.61
NM	DEMING CITY	\$2,595.60
NM	EDGEWOOD TOWN	\$4,063.47
NM	ESPANOLA CITY	\$10,429.56
NM	FARMINGTON CITY	\$21,150.00
NM	JEMEZ SPRINGS VILLAGE	\$705.90
NM	LAS VEGAS CITY	\$1,904.13
NM	LEA COUNTY	\$8,000.00
NM	LINCOLN COUNTY	\$6,000.00
NM	LOS LUNAS VILLAGE	\$4,200.00
NM	LOS ALAMOS COUNTY	\$2,650.00
NM	OTERO COUNTY	\$11,400.00

NM	PUEBLO OF SANDIA	\$5,418.00
NM	RAMAH NAVAJO CHAPTER	\$2,036.00
NM	RIO ARriba COUNTY	\$9,316.89
NM	RIO RANCHO CITY	\$11,779.25
NM	RUIDOSO VILLAGE	\$1,173.00
NM	SAN MIGUEL COUNTY	\$2,400.00
NM	SANTA FE CITY	\$12,282.50
NM	SANTA FE COUNTY	\$2,750.84
NM	SANTA ROSA CITY	\$1,200.00
NM	VALENCIA COUNTY	\$8,646.72
	Totals for NM(26 Jurisdictions):	\$161,849.94
NV	BOULDER CITY	\$4,950.00
NV	DOUGLAS COUNTY	\$43,725.00
NV	ELKO CITY	\$9,450.00
NV	ELKO COUNTY	\$10,800.00
NV	EUREKA COUNTY	\$400.00
NV	FALLON CITY	\$6,420.00
NV	LYON COUNTY	\$15,104.00
NV	MINERAL COUNTY	\$4,800.00
NV	NEVADA	\$9,454.39
NV	WEST WENDOVER CITY	\$2,000.00
NV	WINNEMUCCA CITY	\$8,525.00
	Totals for NV(11 Jurisdictions):	\$115,628.39
NY	AKRON VILLAGE	\$1,860.00
NY	ALBANY CITY	\$21,900.00
NY	ALLEGANY COUNTY	\$5,255.85
NY	AMITYVILLE VILLAGE	\$8,393.28
NY	AMSTERDAM CITY	\$9,044.00
NY	ARDSLEY VILLAGE	\$1,544.40
NY	ATHENS VILLAGE	\$4,048.00
NY	AUBURN CITY	\$6,400.00
NY	AVON VILLAGE	\$500.00
NY	BATAVIA CITY	\$3,563.80
NY	BEACON CITY	\$4,185.41
NY	BEDFORD TOWN	\$3,145.50
NY	BETHLEHEM TOWN	\$1,820.00
NY	BINGHAMTON CITY	\$8,000.00
NY	BLASDELL VILLAGE	\$4,800.00
NY	BRANT TOWN	\$2,725.00
NY	BREWSTER VILLAGE	\$2,537.50
NY	BRIARCLIFF MANOR VILLAGE	\$8,000.00
NY	CANAJOHARIE VILLAGE	\$2,972.50
NY	CANANDAIGUA CITY	\$3,825.00
NY	CARMEL TOWN	\$403.13
NY	CATSKILL VILLAGE	\$3,172.00
NY	CATTARAUGUS COUNTY	\$14,000.00
NY	CAYUGA COUNTY	\$26,552.50

NY	CHEEKTOWAGA TOWN	\$11,696.40
NY	CHEMUNG COUNTY	\$5,200.00
NY	CHENANGO COUNTY	\$6,042.50
NY	CICERO TOWN	\$2,335.00
NY	CLARKSTOWN TOWN	\$9,900.00
NY	COBLESKILL VILLAGE	\$2,810.00
NY	COHOES CITY	\$3,200.00
NY	COLD SPRING VILLAGE	\$1,574.00
NY	COLONIE TOWN	\$10,000.00
NY	COLUMBIA COUNTY	\$4,897.50
NY	CORNING CITY	\$1,812.50
NY	CORNWALL ON HUDSON VILLAGE	\$1,140.00
NY	CORNWALL TOWN	\$2,289.00
NY	CORTLAND COUNTY	\$10,650.00
NY	CRAWFORD TOWN	\$5,400.00
NY	CROTON ON HUDSON VILLAGE	\$1,975.00
NY	DE WITT TOWN	\$2,702.70
NY	DEERPARK TOWN	\$3,013.44
NY	DELAWARE COUNTY	\$2,826.20
NY	DELHI VILLAGE	\$6,772.37
NY	DEPEW VILLAGE	\$4,162.76
NY	DOBBS FERRY VILLAGE	\$7,614.81
NY	DRYDEN VILLAGE	\$1,750.00
NY	DUNKIRK CITY	\$4,958.80
NY	EAST GREENBUSH TOWN	\$3,025.00
NY	EAST ROCHESTER VILLAGE	\$2,898.43
NY	EASTCHESTER TOWN	\$5,474.00
NY	ELMIRA CITY	\$7,875.00
NY	ELMIRA HEIGHTS VILLAGE	\$469.50
NY	ENDICOTT VILLAGE	\$3,620.00
NY	ESSEX COUNTY	\$2,850.00
NY	EVANS TOWN	\$2,289.60
NY	FALLSBURG TOWN	\$1,200.00
NY	FISHKILL VILLAGE	\$3,000.00
NY	FORT PLAIN VILLAGE	\$2,000.00
NY	FRANKFORT TOWN	\$4,000.00
NY	FRANKLIN COUNTY	\$1,225.00
NY	FREEPORT VILLAGE	\$7,194.00
NY	FULTON CITY	\$8,163.40
NY	GATES TOWN	\$2,147.85
NY	GENESEE COUNTY	\$6,753.50
NY	GENESEO VILLAGE	\$800.00
NY	GENEVA CITY	\$2,250.00
NY	GLENVILLE TOWN	\$2,747.52
NY	GOUVERNEUR VILLAGE	\$1,350.00
NY	GREAT NECK ESTATES VILLAGE	\$668.25
NY	GREECE TOWN	\$4,815.25

NY	GREENBURGH TOWN	\$36,487.50
NY	GREENE COUNTY	\$4,800.00
NY	GROTON VILLAGE	\$1,847.01
NY	GUILDERLAND TOWN	\$7,702.50
NY	HAMBURG TOWN	\$6,000.00
NY	HARRIMAN VILLAGE	\$570.00
NY	HARRISON TOWN	\$11,407.00
NY	HEMPSTEAD VILLAGE	\$9,372.00
NY	HOOSICK FALLS VILLAGE	\$5,294.45
NY	HUDSON FALLS VILLAGE	\$1,600.00
NY	HYDE PARK TOWN	\$1,533.88
NY	ILION VILLAGE	\$1,425.00
NY	INTERLAKEN VILLAGE	\$2,400.00
NY	IRONDEQUOIT TOWN	\$4,590.00
NY	JOHNSON CITY VILLAGE	\$6,037.50
NY	KENMORE VILLAGE	\$1,129.50
NY	KENSINGTON VILLAGE	\$1,797.00
NY	KENT TOWN	\$4,945.50
NY	LACKAWANNA CITY	\$8,750.00
NY	LAKE SUCCESS VILLAGE	\$3,066.00
NY	LAKEWOOD VILLAGE	\$1,375.00
NY	LEWISTON VILLAGE	\$1,725.00
NY	LIBERTY VILLAGE	\$2,137.50
NY	LITTLE FALLS CITY	\$414.02
NY	LIVERPOOL VILLAGE	\$1,158.30
NY	LIVINGSTON COUNTY	\$9,045.11
NY	LLOYD TOWN	\$8,719.20
NY	LOCKPORT CITY	\$3,940.83
NY	LONG BEACH CITY	\$1,800.00
NY	LOWVILLE VILLAGE	\$905.95
NY	MACEDON TOWN	\$467.50
NY	MADISON COUNTY	\$18,400.00
NY	MALVERNE VILLAGE	\$7,920.00
NY	MAMARONECK VILLAGE	\$7,100.00
NY	MANLIUS TOWN	\$3,013.20
NY	MARLBOROUGH TOWN	\$1,995.00
NY	MEDINA VILLAGE	\$1,462.50
NY	MENANDS VILLAGE	\$1,343.79
NY	MOHAWK VILLAGE	\$2,648.70
NY	MONROE VILLAGE	\$3,200.00
NY	MONTGOMERY TOWN	\$3,088.00
NY	MONTGOMERY VILLAGE	\$1,635.00
NY	MOUNT HOPE TOWN	\$2,900.00
NY	MOUNT VERNON CITY	\$13,125.00
NY	MT. MORRIS	\$2,000.00
NY	NASSAU VILLAGE	\$2,000.00
NY	NEW CASTLE TOWN	\$3,800.00

NY	NEW HARTFORD TOWN	\$2,215.36
NY	NEW ROCHELLE CITY	\$25,125.00
NY	NEW WINDSOR TOWN	\$5,812.50
NY	NEW YORK MILLS VILLAGE	\$2,445.00
NY	NEWBURGH CITY	\$11,000.00
NY	NIAGARA FALLS CITY	\$12,000.00
NY	NIAGARA TOWN	\$10,000.00
NY	NORFOLK TOWN	\$1,106.46
NY	NORTH GREENBUSH TOWN	\$3,627.00
NY	NORTH SALEM TOWN	\$1,125.00
NY	NORTH TONAWANDA CITY	\$5,004.75
NY	NORWICH CITY	\$800.00
NY	NORTH COLLINS VILLAGE	\$2,306.25
NY	OGDEN TOWN	\$1,147.50
NY	OLD WESTBURY VILLAGE	\$2,048.75
NY	OLEAN CITY	\$13,200.00
NY	OLIVE TOWN	\$4,800.00
NY	ONEIDA CITY	\$5,595.70
NY	ONEONTA CITY	\$3,221.78
NY	ORANGETOWN TOWN	\$7,600.00
NY	ORCHARD PARK TOWN	\$2,225.00
NY	ORLEANS COUNTY	\$9,832.50
NY	OSWEGO CITY	\$5,728.20
NY	PEEKSKILL CITY	\$2,324.50
NY	PENN YAN VILLAGE	\$400.00
NY	PIERMONT VILLAGE	\$1,575.00
NY	PLATTSBURGH CITY	\$6,525.00
NY	PORT CHESTER VILLAGE	\$5,900.00
NY	POTSDAM VILLAGE	\$995.00
NY	POUGHKEEPSIE CITY	\$6,710.00
NY	POUGHKEEPSIE TOWN	\$6,430.00
NY	PUTNAM COUNTY	\$30,030.00
NY	QUOGUE VILLAGE	\$1,983.50
NY	RENSSELAER CITY	\$3,740.00
NY	RIVERHEAD TOWN	\$20,074.50
NY	ROCKVILLE CENTRE VILLAGE	\$2,871.00
NY	ROSENDALE TOWN	\$1,676.70
NY	RYE BROOK VILLAGE	\$3,832.00
NY	RYE CITY	\$4,400.00
NY	SARANAC LAKE VILLAGE	\$1,200.00
NY	SARATOGA SPRINGS CITY	\$16,000.00
NY	SCHENECTADY CITY	\$15,033.60
NY	SCHOHARIE COUNTY	\$6,617.50
NY	SCHUYLER COUNTY	\$2,596.14
NY	SCOTIA VILLAGE	\$2,646.70
NY	SENECA FALLS VILLAGE	\$2,388.00
NY	SHELTER ISLAND TOWN	\$399.00

NY	SHERRILL CITY	\$800.00
NY	SIDNEY VILLAGE	\$2,680.51
NY	SLEEPY HOLLOW VILLAGE	\$4,653.68
NY	SOMERS TOWN	\$2,400.00
NY	SOUTHAMPTON TOWNSHIP	\$12,136.50
NY	SOUTHOLD TOWN	\$5,383.50
NY	SPRING VALLEY VILLAGE	\$3,712.50
NY	SPRINGVILLE VILLAGE	\$2,100.00
NY	STEUBEN COUNTY	\$8,550.00
NY	STONY POINT TOWN	\$4,108.50
NY	SUFFERN VILLAGE	\$5,775.00
NY	SULLIVAN COUNTY	\$6,150.00
NY	TARRYTOWN VILLAGE	\$936.36
NY	TONAWANDA CITY	\$2,348.50
NY	TONAWANDA TOWN	\$5,186.50
NY	TOWN OF WINDHAM	\$392.00
NY	TROY CITY	\$16,560.00
NY	TUCKAHOE VILLAGE	\$2,337.50
NY	TUPPER LAKE VILLAGE	\$1,087.50
NY	TUXEDO PARK VILLAGE	\$1,284.07
NY	ULSTER TOWN	\$3,200.00
NY	UTICA CITY	\$15,848.00
NY	VERNON VILLAGE	\$2,000.00
NY	VESTAL TOWN	\$4,840.00
NY	WALDEN VILLAGE	\$1,635.00
NY	WALLKILL TOWN	\$2,695.00
NY	WAPPINGERS FALLS VILLAGE	\$2,896.00
NY	WARWICK TOWN	\$8,250.00
NY	WASHINGTON COUNTY	\$6,663.93
NY	WATERFRONT COMM OF NEW YORK HARBOR	\$7,392.00
NY	WATERVLIET CITY	\$1,960.00
NY	WAYNE COUNTY	\$9,597.29
NY	WELLSVILLE VILLAGE	\$1,668.00
NY	WEST SENECA TOWN	\$3,375.00
NY	WHITE PLAINS CITY	\$17,872.65
NY	WHITESBORO VILLAGE	\$2,948.40
NY	WOODBURY TOWN	\$1,309.50
NY	WOODSTOCK TOWN	\$5,964.00
NY	WYOMING COUNTY	\$8,000.00
NY	YATES COUNTY	\$4,602.15
NY	YORKTOWN TOWN	\$6,577.50
	Totals for NY(206 Jurisdictions):	\$1,060,453.52
OH	AMERICAN TOWNSHIP	\$1,870.00
OH	ASHLAND COUNTY	\$9,571.80
OH	ATHENS CITY	\$3,150.00
OH	ATHENS COUNTY	\$7,940.10
OH	BARBERTON CITY	\$2,275.00

OH	BAY VILLAGE CITY	\$1,814.00
OH	BEACHWOOD CITY	\$10,222.50
OH	BEAVERCREEK CITY	\$5,250.00
OH	BEDFORD CITY	\$3,907.50
OH	BEDFORD HEIGHTS CITY	\$3,345.00
OH	BELLBROOK CITY	\$536.72
OH	BELMONT COUNTY	\$1,200.00
OH	BEXLEY CITY	\$2,760.03
OH	BRECKSVILLE CITY	\$5,322.00
OH	BRIMFIELD TOWNSHIP	\$2,174.98
OH	BROOKFIELD TOWNSHIP	\$2,634.66
OH	BROOKVILLE VILLAGE	\$1,230.23
OH	BROWN COUNTY	\$3,844.50
OH	BRUNSWICK HILLS TOWNSHIP	\$488.50
OH	CANFIELD CITY	\$3,448.44
OH	CANTON CITY	\$34,880.00
OH	CARROLL COUNTY	\$20,113.65
OH	CARROLL VILLAGE	\$3,200.00
OH	CENTERVILLE CITY	\$3,200.00
OH	CHARDON VILLAGE	\$1,537.00
OH	CHILLICOTHE CITY	\$6,473.43
OH	COLERAIN TOWNSHIP	\$5,045.10
OH	CORTLAND CITY	\$2,400.00
OH	CUYAHOGA FALLS CITY	\$3,525.00
OH	CUYAHOGA METROPOLITAN HOUSING AUTHORITY	\$7,802.00
OH	DARKE COUNTY	\$16,739.45
OH	DEFIANCE CITY	\$5,503.50
OH	DELHI TOWNSHIP	\$2,800.00
OH	DOYLESTOWN VILLAGE	\$2,000.00
OH	DUBLIN CITY	\$7,191.00
OH	ELYRIA CITY	\$32,400.00
OH	ERIE COUNTY	\$20,000.00
OH	EUCLID CITY	\$6,800.00
OH	FAIRBORN CITY	\$4,000.00
OH	FINDLAY CITY	\$7,546.00
OH	FOREST PARK CITY	\$3,196.50
OH	GALLIA COUNTY	\$2,000.00
OH	GARFIELD HEIGHTS CITY	\$6,750.00
OH	GEAUGA COUNTY	\$6,187.15
OH	GERMAN TOWNSHIP	\$2,203.49
OH	GOSHEN TOWNSHIP	\$2,217.40
OH	GREEN TOWNSHIP	\$2,590.00
OH	GROVE CITY	\$3,985.75
OH	GROVEPORT VILLAGE	\$2,689.26
OH	HAMILTON CITY	\$13,214.40
OH	HARDIN COUNTY	\$4,075.00
OH	HENRY COUNTY	\$10,227.89

OH	HIGHLAND COUNTY	\$2,400.00
OH	HIGHLAND HEIGHTS CITY	\$2,121.20
OH	HILLIARD CITY	\$4,325.80
OH	HILLSBORO CITY	\$1,457.00
OH	HOLLAND VILLAGE	\$1,648.50
OH	HOLMES COUNTY	\$7,820.00
OH	HUBER HEIGHTS CITY	\$5,600.00
OH	HUDSON VILLAGE CITY	\$2,407.50
OH	HURON COUNTY	\$7,205.25
OH	KENTON CITY	\$1,600.00
OH	KIRTLAND CITY	\$2,000.00
OH	KIRTLAND HILLS VILLAGE	\$1,600.00
OH	LAKEWOOD CITY	\$11,772.00
OH	LIMA CITY	\$7,600.00
OH	LYNDHURST CITY	\$5,200.00
OH	MANSFIELD CITY	\$10,400.00
OH	MAPLE HEIGHTS CITY	\$9,025.00
OH	MARIEMONT VILLAGE	\$1,254.00
OH	MARYSVILLE CITY	\$4,387.50
OH	MASON CITY	\$11,137.50
OH	MAUMEE CITY	\$5,600.00
OH	MENTOR CITY	\$17,852.13
OH	MIAMISBURG CITY	\$4,359.25
OH	MILFORD CITY	\$1,950.00
OH	MINERVA PARK VILLAGE	\$1,069.50
OH	MORAINES CITY	\$4,770.50
OH	MOUNT HEALTHY CITY	\$2,502.50
OH	MUNROE FALLS CITY	\$3,599.96
OH	MUSKINGUM COUNTY	\$9,463.50
OH	NEW LEBANON VILLAGE	\$846.00
OH	NEWARK CITY	\$2,000.00
OH	NORTHFIELD VILLAGE	\$800.00
OH	NORTHWOOD CITY	\$1,837.70
OH	OAKWOOD CITY	\$2,398.35
OH	OAKWOOD VILLAGE	\$5,599.98
OH	OREGON CITY	\$4,252.50
OH	OTTAWA COUNTY	\$2,217.81
OH	OXFORD CITY	\$2,400.00
OH	OLMSTED TOWNSHIP	\$2,800.00
OH	PARMA CITY	\$13,242.50
OH	PICKAWAY COUNTY	\$4,008.00
OH	PIQUA CITY	\$2,765.00
OH	PLAIN CITY VILLAGE	\$1,394.00
OH	PERRY TOWNSHIP	\$2,000.00
OH	RAVENNA CITY	\$2,985.00
OH	RICHMOND HEIGHTS CITY	\$5,355.50
OH	SANDUSKY CITY	\$5,100.00

OH	SANDUSKY COUNTY	\$2,340.00
OH	SHAKER HEIGHTS CITY	\$8,606.25
OH	SHELBY CITY	\$910.00
OH	SIDNEY CITY	\$2,117.90
OH	SILVER LAKE VILLAGE	\$1,199.99
OH	SINCLAIR COMMUNITY COLL	\$4,501.60
OH	SOUTH EUCLID CITY	\$4,362.50
OH	SPRINGDALE CITY	\$1,185.75
OH	SPRINGFIELD CITY	\$11,162.50
OH	SPRINGFIELD TOWNSHIP (AKRON)	\$2,574.00
OH	SPRINGFIELD TOWNSHIP (CINCINNATI)	\$5,600.00
OH	STREETSBORO CITY	\$4,650.00
OH	SYLVANIA TOWNSHIP	\$6,393.00
OH	TRENTON CITY	\$3,465.00
OH	TROTWOOD CITY	\$2,184.45
OH	TROY CITY	\$6,000.00
OH	TUSCARAWAS COUNTY	\$5,598.75
OH	TWINSBURG CITY	\$6,027.45
OH	UNION CITY	\$2,607.50
OH	UNION COUNTY	\$9,647.50
OH	UNION TOWNSHIP	\$8,628.69
OH	UNIVERSITY HEIGHTS CITY	\$1,875.00
OH	UPPER ARLINGTON CITY	\$7,768.32
OH	URBANA CITY	\$1,200.00
OH	VALLEY VIEW VILLAGE	\$2,700.00
OH	VANDALIA CITY	\$2,385.25
OH	VERMILION CITY	\$2,975.00
OH	WADSWORTH CITY	\$1,766.49
OH	WALTON HILLS VILLAGE	\$1,175.00
OH	WARREN CITY	\$18,800.00
OH	WARRENSVILLE HEIGHTS CITY	\$4,000.00
OH	WEST LAFAYETTE VILLAGE	\$2,635.26
OH	WEST MILTON VILLAGE	\$1,078.91
OH	WESTERVILLE CITY	\$5,600.00
OH	WESTLAKE CITY	\$2,291.50
OH	WHITEHALL CITY	\$8,550.00
OH	WILLIAMS COUNTY	\$3,491.60
OH	WORTHINGTON CITY	\$4,580.00
OH	XENIA CITY	\$2,467.50
OH	YOUNGSTOWN CITY	\$16,000.00
	Totals for OH(139 Jurisdictions):	\$730,712.52
OK	ARDMORE CITY	\$1,600.00
OK	BARTLESVILLE CITY	\$6,900.00
OK	BETHANY CITY	\$3,990.85
OK	BIXBY CITY	\$3,494.75
OK	CANADIAN COUNTY	\$6,317.77
OK	CHOCTAW CITY	\$2,100.00

OK	CLAREMORE CITY	\$8,452.50
OK	CUSTER COUNTY	\$4,800.00
OK	DURANT CITY	\$6,000.00
OK	EL RENO CITY	\$3,975.00
OK	ENID CITY	\$13,700.00
OK	GUTHRIE CITY	\$3,875.00
OK	MADILL CITY	\$5,070.50
OK	MARIETTA CITY	\$1,099.16
OK	MARSHALL COUNTY	\$5,433.37
OK	MCALESTER CITY	\$1,812.20
OK	MCINTOSH COUNTY	\$4,248.75
OK	MOORE CITY	\$9,000.00
OK	MUSKOGEE CITY	\$3,161.21
OK	NICHOLS HILLS CITY	\$3,761.00
OK	NOBLE CITY	\$1,029.60
OK	OKLAHOMA	\$42,476.15
OK	OWASSO CITY	\$5,477.55
OK	ROGERS COUNTY	\$16,400.00
OK	SAND SPRINGS CITY	\$2,312.50
OK	SEMINOLE CITY	\$2,914.56
OK	STROUD CITY	\$1,192.50
OK	TAHLEQUAH CITY	\$2,789.96
OK	WOODWARD CITY	\$3,600.00
	Totals for OK(29 Jurisdictions):	\$176,984.88
OR	ALBANY CITY	\$9,240.00
OR	ASHLAND CITY	\$6,310.00
OR	ASTORIA CITY	\$1,895.00
OR	AUMSVILLE CITY	\$1,800.00
OR	BAKER COUNTY	\$2,261.50
OR	BEAVERTON CITY	\$21,197.00
OR	BENTON COUNTY	\$7,600.00
OR	BLACK BUTTE	\$1,275.00
OR	CANBY CITY	\$3,080.00
OR	CANNON BEACH CITY	\$1,455.00
OR	CLATSOP COUNTY	\$9,600.00
OR	COBURG CITY	\$5,600.00
OR	COOS BAY CITY	\$2,562.50
OR	CORVALLIS CITY	\$7,740.00
OR	COTTAGE GROVE CITY	\$455.00
OR	DALLAS CITY	\$2,065.00
OR	FLORENCE CITY	\$2,800.00
OR	FOREST GROVE CITY	\$2,131.27
OR	GLADSTONE CITY	\$1,750.00
OR	HOOD RIVER CITY	\$1,220.00
OR	HUBBARD CITY	\$1,590.00
OR	INDEPENDENCE CITY	\$1,485.00
OR	JOSEPHINE COUNTY	\$4,340.00

OR	KEIZER CITY	\$7,624.00
OR	KLAMATH COUNTY	\$8,000.00
OR	LA GRANDE CITY	\$2,850.00
OR	LINCOLN COUNTY	\$15,375.00
OR	MALHEUR COUNTY	\$3,200.00
OR	MALIN CITY	\$1,720.00
OR	MILTON FREEWATER CITY	\$1,187.38
OR	MILWAUKIE CITY	\$2,050.00
OR	MOLALLA CITY	\$2,237.50
OR	MYRTLE POINT CITY	\$5,197.50
OR	NEWBERG CITY	\$3,862.50
OR	OREGON CITY	\$3,690.00
OR	PENDLETON CITY	\$3,000.00
OR	POLK COUNTY	\$6,830.00
OR	REEDSPORT CITY	\$1,200.00
OR	ROSEBURG CITY	\$5,445.50
OR	SANDY CITY	\$4,572.00
OR	SILVERTON CITY	\$2,000.00
OR	SPRINGFIELD CITY	\$2,956.62
OR	STAYTON CITY	\$1,599.98
OR	SUTHERLIN CITY	\$3,652.00
OR	TIGARD TOWN	\$10,462.50
OR	TILLAMOOK COUNTY	\$8,000.00
OR	TOLEDO CITY	\$571.45
OR	TUALATIN CITY	\$5,199.75
OR	WARRENTON CITY	\$1,600.00
OR	WASCO COUNTY	\$2,175.00
OR	WOODBURN CITY	\$3,534.00
	Totals for OR(51 Jurisdictions):	\$219,244.95
PA	ABINGTON TOWNSHIP	\$10,581.50
PA	ALLEGHENY COUNTY HOUSING AUTHORITY	\$850.00
PA	ALTOONA CITY	\$6,475.00
PA	AMITY TOWNSHIP	\$312.78
PA	APOLLO BOROUGH	\$399.98
PA	ARMSTRONG COUNTY	\$2,002.39
PA	ASTON TOWNSHIP	\$3,306.45
PA	ATHENS BOROUGH	\$800.00
PA	AVALON BOROUGH	\$2,400.00
PA	BADEN BOROUGH	\$4,125.00
PA	BEAVER BOROUGH	\$7,950.00
PA	BELL ACRES BOROUGH	\$1,382.43
PA	BELLEFONTE BOROUGH	\$1,383.00
PA	BENSALEM TOWNSHIP	\$12,758.76
PA	BERLIN BOROUGH	\$1,979.50
PA	BERN TOWNSHIP	\$4,773.42
PA	BETHEL PARK MUNICIPALITY	\$3,050.00
PA	BETHEL TOWNSHIP	\$2,400.00

PA	BIRMINGHAM TOWNSHIP	\$2,730.75
PA	BLOOMSBURG TOWN	\$2,000.00
PA	BRADFORD CITY	\$6,077.50
PA	BRADFORD COUNTY	\$1,477.50
PA	BRISTOL BOROUGH	\$2,363.63
PA	BRISTOL TOWNSHIP	\$2,860.00
PA	BROOKHAVEN BOROUGH	\$2,085.63
PA	BUCKINGHAM TOWNSHIP	\$807.69
PA	BUFFALO TOWNSHIP	\$2,000.00
PA	BUSHKILL TOWNSHIP	\$1,752.00
PA	BUTLER CITY	\$1,600.00
PA	CARLISLE BOROUGH	\$8,469.50
PA	CARROLL TOWNSHIP	\$1,039.99
PA	CENTRAL BUCKS REGIONAL POLICE DEPT	\$4,000.00
PA	CHELTENHAM TOWNSHIP	\$8,750.00
PA	CHESTER CITY	\$14,524.13
PA	CHIPPEWA TOWNSHIP	\$3,955.50
PA	CHRISTIANA BOROUGH	\$2,000.00
PA	CLAIRTON CITY	\$799.00
PA	CLARION COUNTY	\$8,547.93
PA	CLARKS SUMMIT BOROUGH	\$800.00
PA	CLAY TOWNSHIP	\$1,912.66
PA	CLEARFIELD BOROUGH	\$1,378.50
PA	CLEARFIELD COUNTY	\$4,070.00
PA	COAL TOWNSHIP	\$562.00
PA	COATESVILLE CITY	\$2,745.54
PA	COLUMBIA BOROUGH	\$2,495.40
PA	CONEWAGO TOWNSHIP	\$513.53
PA	CONNELLSVILLE CITY	\$6,000.00
PA	CONSHOHOCKEN BOROUGH	\$1,504.16
PA	CORAOPOLIS BOROUGH	\$970.00
PA	CORNWALL BOROUGH	\$1,625.00
PA	CRANBERRY TOWNSHIP	\$4,740.00
PA	CRAWFORD COUNTY	\$6,630.51
PA	CRESSON BOROUGH	\$839.00
PA	CRESSON TOWNSHIP	\$750.00
PA	CUMBERLAND TOWNSHIP	\$2,685.00
PA	CUMRU TOWNSHIP	\$8,389.50
PA	COLONIAL REGIONAL POLICE DEPARTMENT	\$2,877.00
PA	DANVILLE BOROUGH	\$800.00
PA	DARBY BOROUGH	\$2,385.00
PA	DELMONT BOROUGH	\$800.00
PA	DERRY TOWNSHIP	\$4,800.00
PA	DONORA BOROUGH	\$3,412.50
PA	DOVER TOWNSHIP	\$3,228.75
PA	DUBLIN BOROUGH	\$985.00
PA	EAST HEMPFIELD TOWNSHIP	\$3,667.50

PA	EAST NORRITON TOWNSHIP	\$2,676.50
PA	EAST PENNSBORO TOWNSHIP	\$2,070.00
PA	EAST PIKELAND TOWNSHIP	\$800.00
PA	EAST VINCENT TOWNSHIP	\$1,591.14
PA	EASTERN PIKE REGIONAL POLICE	\$1,448.36
PA	ELK COUNTY	\$6,400.00
PA	EMMAUS BOROUGH	\$1,600.00
PA	EPHRATA BOROUGH	\$5,850.00
PA	ERIE CITY	\$18,125.00
PA	EXETER TOWNSHIP	\$5,067.10
PA	EASTERN BERKS REGIONAL POLICE DEPARTMENT	\$1,368.50
PA	FAIRVIEW TOWNSHIP (MOUNTAINTOP)	\$2,800.00
PA	FAIRVIEW TOWNSHIP (NEW CUMBERLAND)	\$2,040.00
PA	FARRELL CITY	\$3,981.65
PA	FERGUSON TOWNSHIP	\$2,625.00
PA	FLEETWOOD BOROUGH	\$3,514.50
PA	FOLCROFT BOROUGH	\$6,800.00
PA	FOREST CITY BOROUGH	\$1,650.00
PA	FOREST HILLS BOROUGH	\$4,394.50
PA	FORWARD TOWNSHIP	\$3,981.65
PA	FOUNTAIN HILL BOROUGH	\$502.50
PA	FRANKLIN TOWNSHIP	\$1,565.00
PA	GETTYSBURG BOROUGH	\$1,710.27
PA	GLASSPORT BOROUGH	\$1,835.15
PA	GRANVILLE TOWNSHIP	\$2,400.00
PA	GREEN TREE BOROUGH	\$1,103.00
PA	GREENSBURG CITY	\$2,284.10
PA	HANOVER BOROUGH	\$3,228.00
PA	HANOVER TOWNSHIP	\$511.22
PA	HARMAR TOWNSHIP	\$1,600.00
PA	HARRISON TOWNSHIP	\$3,125.50
PA	HATBORO BOROUGH	\$1,312.50
PA	HATFIELD TOWNSHIP	\$3,140.50
PA	HAVERFORD TOWNSHIP	\$8,182.30
PA	HAZLETON CITY	\$3,200.00
PA	HEIDELBERG BOROUGH	\$932.80
PA	HELLERTOWN BOROUGH	\$1,923.42
PA	HIGHSPIRE BOROUGH	\$1,050.00
PA	HILLTOWN TOWNSHIP	\$457.59
PA	HORSHAM TOWNSHIP	\$5,921.45
PA	HARRISBURG INTERNATIONAL AIRPORT	\$451.00
PA	INDIANA TOWNSHIP	\$5,812.50
PA	JEFFERSON BOROUGH	\$3,180.00
PA	JUNIATA COUNTY	\$2,400.00
PA	KENNEDY TOWNSHIP	\$1,199.93
PA	KENNETT TOWNSHIP	\$3,182.28
PA	LAKE CITY BOROUGH	\$1,249.99

PA	LAWRENCE TOWNSHIP	\$1,793.50
PA	LEBANON CITY	\$5,915.00
PA	LEET TOWNSHIP	\$3,600.00
PA	LEHIGH TOWNSHIP	\$1,716.46
PA	LEWISTOWN BOROUGH	\$1,600.00
PA	LIMERICK TOWNSHIP	\$3,433.50
PA	LINCOLN BOROUGH	\$2,000.00
PA	LINESVILLE BOROUGH	\$799.99
PA	LOCK HAVEN CITY	\$520.00
PA	LOWER ALLEN TOWNSHIP	\$3,228.75
PA	LOWER MAKEFIELD TOWNSHIP	\$2,764.29
PA	LOWER MERION TOWNSHIP	\$12,262.24
PA	LOWER MORELAND TOWNSHIP	\$3,370.05
PA	LOWER PAXTON TOWNSHIP	\$7,665.00
PA	LOWER POTTSBORO TOWNSHIP	\$2,386.56
PA	LOWER PROVIDENCE TOWNSHIP	\$2,784.50
PA	LOWER SALFORD TOWNSHIP	\$2,400.00
PA	LOWER SAUCON TOWNSHIP	\$1,875.00
PA	LOWER SOUTHAMPTON TOWNSHIP	\$3,780.00
PA	MAHONING TOWNSHIP	\$2,264.60
PA	MAIDEN CREEK TOWNSHIP	\$1,449.48
PA	MALVERN BOROUGH	\$1,503.00
PA	MANHEIM TOWNSHIP	\$4,176.00
PA	MANOR TOWNSHIP	\$3,896.40
PA	MARCUS HOOK BOROUGH	\$1,600.00
PA	MARLBOROUGH TOWNSHIP	\$762.00
PA	MARPLE TOWNSHIP	\$1,714.05
PA	MCDONALD BOROUGH	\$1,200.00
PA	MCKEES ROCKS BOROUGH	\$850.00
PA	MIDDLEBURG BOROUGH	\$1,200.00
PA	MIDDLESEX TOWNSHIP	\$400.00
PA	MIDDLETOWN BOROUGH	\$3,587.50
PA	MIDDLETOWN TOWNSHIP	\$3,859.18
PA	MIFFLIN COUNTY	\$2,616.00
PA	MIFFLINBURG BOROUGH	\$800.00
PA	MILLCREEK TOWNSHIP	\$6,400.00
PA	MILLERSVILLE BOROUGH	\$1,590.00
PA	MILLVALE BOROUGH	\$3,762.00
PA	MILTON BOROUGH	\$3,212.50
PA	MONESSEN CITY	\$2,017.50
PA	MONTOURSVILLE BOROUGH	\$950.00
PA	MOON TOWNSHIP	\$2,402.50
PA	MOORE TOWNSHIP	\$3,150.00
PA	MOSCOW BOROUGH	\$400.00
PA	MOUNT JOY BOROUGH	\$639.00
PA	MOUNT OLIVER BOROUGH	\$896.25
PA	MUHLBERG TOWNSHIP	\$4,174.68

PA	MUNCY BOROUGH	\$1,850.00
PA	MOUNT CARMEL BOROUGH	\$855.00
PA	NEW BERLIN BOROUGH	\$1,200.00
PA	NEW CASTLE CITY	\$1,990.00
PA	NEW HANOVER TOWNSHIP	\$2,000.00
PA	NEW WILMINGTON BOROUGH	\$799.00
PA	NEWTOWN TOWNSHIP (NEWTOWN)	\$3,781.80
PA	NEWTOWN TOWNSHIP (NEWTOWN SQUARE)	\$2,140.29
PA	NORRISTOWN BOROUGH	\$11,535.77
PA	NORTH CATASAUQUA BOROUGH	\$854.04
PA	NORTH COVENTRY TOWNSHIP	\$1,112.50
PA	NORTH LONDONDERRY TOWNSHIP	\$925.00
PA	NORTHAMPTON TOWNSHIP	\$5,016.00
PA	NORTHERN CAMBRIA BOROUGH	\$1,200.00
PA	NORTHUMBERLAND COUNTY	\$4,800.00
PA	NORTH STRABANE TOWNSHIP	\$4,260.00
PA	NORTHWEST REGIONAL POLICE	\$2,000.00
PA	O HARA TOWNSHIP	\$800.00
PA	OHIO TOWNSHIP	\$4,000.00
PA	OXFORD BOROUGH	\$788.95
PA	PALMER TOWNSHIP	\$800.00
PA	PALMYRA BOROUGH	\$547.00
PA	PARKESBURG BOROUGH	\$6,642.45
PA	PARKS TOWNSHIP	\$1,150.00
PA	PATTON TOWNSHIP	\$1,451.99
PA	PENN HILLS MUNICIPALITY	\$4,800.00
PA	PENN TOWNSHIP	\$2,301.89
PA	PENNDDEL BOROUGH	\$2,462.50
PA	PHOENIXVILLE BOROUGH	\$4,499.55
PA	PINE TOWNSHIP	\$1,275.00
PA	PLAINFIELD TOWNSHIP	\$3,636.50
PA	PLYMOUTH TOWNSHIP	\$3,778.80
PA	POTTSVILLE CITY	\$2,142.00
PA	PROSPECT BOROUGH	\$575.00
PA	PULASKI TOWNSHIP	\$2,145.08
PA	PUNXSUTAWNEY BOROUGH	\$1,857.00
PA	PYMATUNING TOWNSHIP	\$1,419.00
PA	POCONO MOUNTAIN REGIONAL POLICE COMMISSION	\$4,750.00
PA	RADNOR TOWNSHIP	\$3,126.50
PA	READING CITY	\$14,414.58
PA	RICHLAND TOWNSHIP	\$9,180.00
PA	RIDLEY PARK BOROUGH	\$4,000.00
PA	RIVERSIDE BOROUGH	\$1,950.00
PA	ROBESON TOWNSHIP	\$3,195.00
PA	ROCHESTER BOROUGH	\$4,554.00
PA	ROCKLEDGE BOROUGH	\$2,000.00
PA	ROSS TOWNSHIP	\$1,424.00

PA	ROSTRAVER TOWNSHIP	\$2,137.80
PA	RICHLAND TOWNSHIP	\$2,006.50
PA	SALEM TOWNSHIP	\$1,250.00
PA	SALISBURY TOWNSHIP	\$1,050.00
PA	SAXONBURG BOROUGH	\$1,900.00
PA	SAYRE BOROUGH	\$6,400.00
PA	SCRANTON CITY	\$8,000.00
PA	SEWICKLEY HGTS BOROUGH	\$2,190.00
PA	SHARON CITY	\$8,350.97
PA	SHENANGO TOWNSHIP	\$2,937.50
PA	SHIPPENSBURG BOROUGH	\$1,200.00
PA	SMETHPORT BOROUGH	\$2,412.50
PA	SOLEBURY TOWNSHIP	\$1,193.36
PA	SOUTH STRABANE TOWNSHIP	\$2,178.00
PA	SOUTHERN CHESTER COUNTY REGIONAL	\$2,000.00
PA	SOUTHERN REGIONAL POLICE DEPARTMENT	\$956.33
PA	SPRING TOWNSHIP (BELLEFONTE)	\$460.00
PA	SPRING TOWNSHIP (READING)	\$4,171.25
PA	SPRINGETTSBURY TOWNSHIP	\$4,438.00
PA	SPRINGFIELD TOWNSHIP (SPRINGFIELD)	\$3,345.00
PA	SPRINGFIELD TOWNSHIP (WYNDMOOR)	\$3,970.10
PA	ST. MARYS CITY	\$1,200.00
PA	STATE COLLEGE BOROUGH	\$14,182.00
PA	STEELTON BOROUGH	\$345.00
PA	STROUD AREA REGIONAL POLICE DEPARTMENT	\$7,600.00
PA	SUMMERHILL TOWNSHIP	\$3,000.00
PA	SUSQUEHANNA TOWNSHIP	\$2,957.50
PA	SWATARA TOWNSHIP	\$7,661.50
PA	TINICUM TOWNSHIP	\$445.00
PA	TITUSVILLE CITY	\$3,762.50
PA	TOWAMENCIN TOWNSHIP	\$2,548.80
PA	TREDYFFRIN TOWNSHIP	\$2,800.00
PA	TURTLE CREEK BOROUGH	\$4,000.00
PA	UNION CITY BOROUGH	\$900.00
PA	UPPER DARBY TOWNSHIP	\$9,905.61
PA	UPPER DUBLIN TOWNSHIP	\$6,180.00
PA	UPPER MACUNGIE TOWNSHIP	\$1,888.00
PA	UPPER MAKEFIELD TOWNSHIP	\$775.72
PA	UPPER MERION TOWNSHIP	\$8,820.00
PA	UPPER MORELAND TOWNSHIP	\$5,012.00
PA	UPPER POTTSBORO TOWNSHIP	\$3,000.00
PA	UPPER PROVIDENCE TOWNSHIP	\$5,908.50
PA	UPPER SOUTHAMPTON TOWNSHIP	\$2,656.50
PA	UPPER ST CLAIR TOWNSHIP	\$2,745.00
PA	WARMINSTER TOWNSHIP	\$3,163.84
PA	WARREN CITY	\$1,990.00
PA	WARREN COUNTY	\$7,920.00

PA	WARWICK TOWNSHIP	\$2,287.95
PA	WASHINGTON CITY	\$11,935.00
PA	WASHINGTON TOWNSHIP	\$1,803.50
PA	WAYNESBORO BOROUGH	\$2,200.00
PA	WEATHERLY BOROUGH	\$3,196.00
PA	WEST BRANDYWINE TOWNSHIP	\$1,200.00
PA	WEST CHESTER BOROUGH	\$5,839.75
PA	WEST CONSHOHOCKEN BOROUGH	\$4,987.50
PA	WEST DEER TOWNSHIP	\$1,055.00
PA	WEST GOSHEN TOWNSHIP	\$6,109.32
PA	WEST HAZLETON BOROUGH	\$2,472.50
PA	WEST LAMPETER TOWNSHIP	\$981.15
PA	WEST MANHEIM TOWNSHIP	\$415.13
PA	WEST READING BOROUGH	\$1,478.14
PA	WEST SADSBUURY TOWNSHIP	\$1,200.00
PA	WEST SHORE REGIONAL POLICE DEPARTMENT	\$1,200.00
PA	WEST VIEW BOROUGH	\$4,800.00
PA	WEST VINCENT TOWNSHIP	\$472.35
PA	WEST WHITELAND TOWNSHIP	\$3,750.00
PA	WHITEHALL TOWNSHIP	\$4,644.37
PA	WHITEMARSH TOWNSHIP	\$3,069.00
PA	WHITPAIN TOWNSHIP	\$3,450.00
PA	WILKES BARRE CITY	\$4,317.76
PA	WILKES BARRE TOWNSHIP	\$3,724.08
PA	WILLIAMSPORT CITY	\$1,592.00
PA	WILSON BOROUGH	\$1,918.00
PA	WYOMISSING BOROUGH	\$24.96
PA	YORK CITY	\$12,710.00
	Totals for PA(281 Jurisdictions):	\$892,684.32
PR	ARECIBO MUNICIPALITY	\$14,400.00
PR	ISABELA	\$9,200.00
PR	MUNICIPALITY GUAYNABO	\$39,852.00
	Totals for PR(3 Jurisdictions):	\$63,452.00
RI	BRISTOL TOWN	\$6,000.00
RI	BURRILLVILLE TOWN	\$4,000.00
RI	CENTRAL FALLS CITY	\$4,264.00
RI	COVENTRY TOWN	\$13,162.50
RI	JAMESTOWN TOWN	\$1,634.55
RI	JOHNSTON TOWN	\$6,143.77
RI	MIDDLETOWN TOWN	\$12,930.45
RI	NARRAGANSETT TOWN	\$4,922.50
RI	NEWPORT CITY	\$10,200.00
RI	NORTH PROVIDENCE TOWN	\$6,000.00
RI	NORTH SMITHFIELD TOWN	\$4,050.00
RI	PAWTUCKET CITY	\$20,370.00
RI	PORTSMOUTH TOWN	\$9,450.00
RI	RICHMOND TOWN	\$1,550.00

RI	SCITUATE TOWN	\$1,469.15
RI	SOUTH KINGSTOWN TOWN	\$14,800.00
RI	SMITHFIELD	\$5,000.00
RI	WARWICK CITY	\$22,000.00
RI	WEST GREENWICH TOWN	\$2,364.00
RI	WEST WARWICK TOWN	\$1,831.13
RI	WOONSOCKET CITY	\$10,462.50
	Totals for RI(21 Jurisdictions):	\$162,604.55
SC	AIKEN CITY	\$8,175.00
SC	BARNWELL CITY	\$1,596.30
SC	BARNWELL COUNTY	\$4,378.00
SC	BATESBURG-LEESVILLE TOWN	\$1,733.12
SC	BEAUFORT CITY	\$5,820.80
SC	BEAUFORT COUNTY	\$3,839.16
SC	BENNETTSVILLE CITY	\$8,906.95
SC	BLUFFTON TOWN	\$1,637.10
SC	CENTRAL TOWN	\$1,117.62
SC	CHARLESTON COUNTY AVIATION AUTHORITY	\$4,414.38
SC	CHERAW TOWN	\$4,162.50
SC	CHESTER COUNTY	\$5,097.60
SC	CHESTERFIELD COUNTY	\$22,032.00
SC	CLARENDON COUNTY	\$2,970.00
SC	COLLETON COUNTY	\$17,835.60
SC	COLUMBIA CITY	\$12,720.58
SC	CONWAY	\$4,980.00
SC	DARLINGTON COUNTY	\$12,015.60
SC	DORCHESTER COUNTY	\$16,015.75
SC	EDGEFIELD COUNTY	\$11,200.00
SC	FOLLY BEACH CITY	\$1,329.25
SC	GEORGETOWN CITY	\$4,327.12
SC	GOOSE CREEK CITY	\$8,390.50
SC	GREENVILLE CITY	\$34,151.67
SC	GREENWOOD CITY	\$5,279.67
SC	GREENWOOD COUNTY	\$2,542.32
SC	GREER CITY	\$6,840.75
SC	HANAHAN CITY	\$3,750.00
SC	HARTSVILLE CITY	\$1,840.00
SC	HORRY COUNTY	\$17,385.48
SC	JASPER COUNTY	\$9,471.34
SC	LANCASTER COUNTY	\$8,039.84
SC	LAURENS COUNTY	\$10,871.10
SC	MARION CITY	\$21,417.00
SC	MOUNT PLEASANT TOWN	\$9,940.80
SC	MYRTLE BEACH CITY	\$17,329.00
SC	NEWBERRY COUNTY	\$4,973.50
SC	NORTH AUGUSTA CITY	\$9,179.10
SC	NORTH CHARLESTON CITY	\$5,653.71

SC	ORANGEBURG CITY	\$5,278.32
SC	OCONEE COUNTY	\$14,140.00
SC	PICKENS COUNTY	\$1,546.95
SC	PORT ROYAL TOWN	\$2,844.50
SC	RICHLAND COUNTY	\$12,611.14
SC	ROCK HILL CITY	\$9,818.75
SC	RIDGE SPRING CITY	\$506.25
SC	SIMPSONVILLE CITY	\$5,384.00
SC	SOUTH CAROLINA	\$120,789.77
SC	SPARTANBURG CITY	\$10,758.34
SC	SUMMERVILLE TOWN	\$7,621.85
SC	TEGA CAY CITY	\$1,933.50
SC	TRAVELERS REST CITY	\$2,313.00
SC	WAGENER TOWN	\$484.14
SC	WEST COLUMBIA CITY	\$4,163.50
SC	WILLIAMSTON TOWN	\$1,444.56
	Totals for SC(55 Jurisdictions):	\$534,998.78
SD	ABERDEEN CITY	\$5,042.38
SD	BENNETT COUNTY	\$1,600.00
SD	BROOKINGS CITY	\$4,687.50
SD	CHARLES MIX COUNTY	\$850.00
SD	CLARK CITY	\$1,930.50
SD	CUSTER COUNTY	\$4,104.36
SD	DAVISON COUNTY	\$892.50
SD	ELK POINT CITY	\$477.50
SD	HURON CITY	\$2,175.00
SD	JONES COUNTY	\$1,191.00
SD	LENNOX CITY	\$1,358.00
SD	LINCOLN COUNTY	\$5,188.00
SD	RAPID CITY	\$10,076.00
SD	ROBERTS COUNTY	\$2,245.28
SD	SISSETON CITY	\$1,541.54
SD	SPINK COUNTY	\$1,584.00
SD	UNION COUNTY	\$628.95
SD	VERMILLION CITY	\$1,700.00
SD	WATERTOWN CITY	\$10,400.00
SD	YANKTON CITY	\$4,487.83
SD	YANKTON COUNTY	\$2,170.00
	Totals for SD(21 Jurisdictions):	\$64,330.34
TN	ALCOA CITY	\$5,500.00
TN	BEAN STATION CITY	\$937.50
TN	BRISTOL CITY	\$5,775.00
TN	BROWNSVILLE CITY	\$3,195.00
TN	BARTLETT	\$15,000.00
TN	CAMPBELL COUNTY	\$13,437.50
TN	CARROLL COUNTY	\$2,980.00
TN	CARTER COUNTY	\$5,100.00

TN	CLEVELAND CITY	\$7,875.00
TN	COCKE COUNTY	\$5,753.50
TN	COLLIERVILLE TOWN	\$4,987.50
TN	COLUMBIA CITY	\$2,947.50
TN	COVINGTON CITY	\$1,710.00
TN	CROSSVILLE CITY	\$2,000.00
TN	CUMBERLAND COUNTY	\$4,860.00
TN	DICKSON CITY	\$4,614.00
TN	DYERSBURG CITY	\$4,500.00
TN	ELIZABETHTON CITY	\$4,733.00
TN	ERWIN CITY	\$6,400.00
TN	FAIRVIEW CITY	\$3,430.00
TN	FAYETTEVILLE CITY	\$10,482.22
TN	FRANKLIN CITY	\$7,812.50
TN	GALLATIN CITY	\$4,400.00
TN	GOODLETTSVILLE CITY	\$5,180.00
TN	GREENE COUNTY	\$2,300.00
TN	GREENEVILLE TOWN	\$7,150.00
TN	GRUNDY COUNTY	\$2,000.00
TN	HAMBLEN COUNTY	\$1,200.00
TN	HAMILTON COUNTY	\$9,838.35
TN	HAWKINS COUNTY	\$3,200.00
TN	HENDERSONVILLE CITY	\$15,075.00
TN	HICKMAN COUNTY	\$2,668.75
TN	JACKSBORO TOWN	\$322.50
TN	JACKSON CITY	\$3,937.50
TN	JEFFERSON CITY	\$4,100.00
TN	JELICO CITY	\$1,562.50
TN	JOHNSON CITY	\$11,760.00
TN	KINGSPORT CITY	\$8,450.00
TN	KNOX COUNTY	\$34,018.32
TN	KNOXVILLE CITY	\$17,133.46
TN	LA FOLLETTE CITY	\$2,060.48
TN	LAKE CITY	\$1,875.00
TN	LAVERGNE CITY	\$4,924.28
TN	LEBANON CITY	\$11,625.00
TN	LENOIR CITY	\$2,610.00
TN	LEWISBURG CITY	\$3,020.00
TN	MADISON COUNTY	\$15,480.00
TN	MARSHALL COUNTY	\$4,197.50
TN	MARTIN CITY	\$312.50
TN	MARYVILLE CITY	\$8,050.00
TN	MAURY COUNTY	\$2,753.60
TN	MILAN CITY	\$1,875.00
TN	MILLINGTON CITY	\$9,750.00
TN	MORRISTOWN CITY	\$8,062.50
TN	MOSHEIM TOWN	\$1,200.00

TN	MOUNT PLEASANT CITY	\$1,915.00
TN	MT JULIET CITY	\$4,191.06
TN	MURFREESBORO CITY	\$45,510.74
TN	OAK RIDGE CITY	\$2,750.00
TN	OAKLAND TOWN	\$7,000.00
TN	OVERTON COUNTY	\$4,800.00
TN	PARIS CITY	\$3,200.00
TN	PIGEON FORGE CITY	\$5,087.50
TN	PIPERTON CITY	\$1,574.00
TN	PLAINVIEW CITY	\$312.50
TN	PULASKI CITY	\$3,196.00
TN	RED BANK CITY	\$7,862.50
TN	ROBERTSON COUNTY	\$5,400.00
TN	ROANE COUNTY GOVERNMENT	\$8,595.00
TN	SEVIER COUNTY	\$8,444.45
TN	SEVIERVILLE CITY	\$8,000.00
TN	SHELBYVILLE CITY	\$1,500.00
TN	SMITH COUNTY	\$14,279.43
TN	SMYRNA TOWN	\$4,355.00
TN	SOMERVILLE TOWN	\$1,450.00
TN	SPRING HILL TOWN	\$6,760.00
TN	STEWART COUNTY	\$3,081.00
TN	SURGOINSVILLE TOWN	\$2,800.00
TN	SWEETWATER CITY	\$9,062.50
TN	TAZEWELL TOWN	\$3,225.00
TN	TENNESSEE	\$3,847.39
TN	TIPTON COUNTY	\$9,386.00
TN	WARTBURG CITY	\$2,190.00
TN	WAYNESBORO CITY	\$1,520.00
TN	WHITE HOUSE CITY	\$2,158.75
TN	SPRINGFIELD	\$2,220.00
	Totals for TN(86 Jurisdictions):	\$521,796.28
TX	ABERNATHY CITY	\$1,772.50
TX	ADDISON TOWN	\$7,547.93
TX	ALAMO CITY	\$6,000.00
TX	ALAMO HEIGHTS CITY	\$2,237.50
TX	ALDINE IND SCH DISTRICT 902	\$12,384.50
TX	ALICE CITY	\$2,000.00
TX	ALLEN CITY	\$4,531.90
TX	ALVIN CITY	\$4,000.00
TX	ALVIN IND SCH DIST 901	\$12,487.50
TX	ANDERSON COUNTY	\$7,807.36
TX	ANNA CITY	\$4,105.00
TX	ARCHER COUNTY	\$8,666.24
TX	ARGYLE CITY	\$838.50
TX	ARP CITY	\$1,411.02
TX	AUBREY CITY	\$3,213.00

TX	AZLE CITY	\$3,995.00
TX	BALCH SPRINGS CITY	\$5,200.00
TX	BALCONES HEIGHTS CITY	\$1,775.00
TX	BALLINGER CITY	\$3,976.60
TX	BANDERA TOWN	\$1,600.00
TX	BASTROP CITY	\$6,079.13
TX	BASTROP COUNTY	\$6,450.00
TX	BAY CITY	\$4,680.00
TX	BEDFORD TOWN	\$10,000.00
TX	BELLMEAD CITY	\$4,619.50
TX	BELTON CITY	\$2,137.50
TX	BENBROOK CITY	\$2,534.35
TX	BEVERLY HILLS CITY	\$2,000.00
TX	BIG SPRING CITY	\$4,795.40
TX	BOERNE CITY	\$3,875.00
TX	BORGER CITY	\$5,402.21
TX	BOWIE COUNTY	\$9,602.50
TX	BRAZORIA COUNTY	\$1,763.36
TX	BRENHAM CITY	\$2,985.95
TX	BREWSTER COUNTY	\$4,454.00
TX	BRIDGEPORT CITY	\$3,200.00
TX	BRISCOE COUNTY	\$1,575.00
TX	BROWN COUNTY	\$4,215.00
TX	BROWNSVILLE CITY	\$3,424.40
TX	BRYAN CITY	\$14,922.00
TX	BUDA CITY	\$6,543.03
TX	BUNKER HILL VILLAGE	\$1,837.50
TX	BRIDGE CITY	\$1,565.20
TX	CALDWELL COUNTY	\$4,956.00
TX	CAMERON COUNTY	\$8,413.75
TX	CASTRO COUNTY	\$1,200.00
TX	CEDAR HILL CITY	\$5,970.00
TX	CEDAR PARK CITY	\$5,857.36
TX	CIBOLO CITY	\$3,880.80
TX	CLEBURNE CITY	\$5,988.00
TX	COLLEYVILLE CITY	\$3,251.50
TX	COLLIN COUNTY	\$87,451.28
TX	COMANCHE CITY	\$1,756.40
TX	CONROE CITY	\$13,566.20
TX	CONROE IND SCH DIST 902	\$11,200.00
TX	CONVERSE CITY	\$4,005.00
TX	COPPELL CITY	\$4,477.66
TX	COPPERAS COVE CITY	\$4,800.00
TX	CORSICANA CITY	\$2,295.00
TX	CORYELL COUNTY	\$23,200.00
TX	CRANE COUNTY	\$579.94
TX	CROWLEY CITY	\$2,850.00

TX	CITY OF BULVERDE	\$1,997.50
TX	DECATUR CITY	\$3,399.52
TX	DEER PARK CITY	\$6,712.50
TX	DEL RIO CITY	\$12,260.50
TX	DENISON CITY	\$6,800.00
TX	DENVER CITY	\$800.00
TX	DESOTO CITY	\$10,074.38
TX	DIBOLL CITY	\$2,800.00
TX	DICKINSON CITY	\$5,335.00
TX	DONNA CITY	\$9,995.00
TX	DUMAS CITY	\$8,297.86
TX	DUNCANVILLE CITY	\$2,247.50
TX	DUVAL COUNTY	\$8,800.00
TX	DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD	\$4,075.50
TX	EAGLE PASS CITY	\$15,200.00
TX	EARLY CITY	\$1,200.00
TX	EAST TAWAKONI TOWN	\$5,250.00
TX	EDCOUCH CITY	\$2,281.00
TX	EDINBURG CITY	\$8,014.10
TX	EDNA CITY	\$800.00
TX	EL CAMPO CITY	\$4,674.00
TX	EL PASO COUNTY	\$8,447.22
TX	ESCOBARES CITY	\$2,565.00
TX	EULESS CITY	\$6,000.00
TX	FARMERS BRANCH CITY	\$1,899.98
TX	FARMERSVILLE CITY	\$3,990.65
TX	FAYETTE COUNTY	\$1,975.00
TX	FLOWER MOUND CITY	\$12,934.74
TX	FORNEY CITY	\$3,019.50
TX	FORT BEND COUNTY	\$12,372.04
TX	FRANKSTON TOWN	\$1,371.76
TX	FREDERICKSBURG CITY	\$2,000.00
TX	FREER TOWN	\$2,875.00
TX	FRIENDSWOOD CITY	\$6,400.00
TX	FULSHEAR CITY	\$1,880.00
TX	GAINESVILLE CITY	\$3,700.00
TX	GATESVILLE CITY	\$3,220.00
TX	GIDDINGS CITY	\$5,462.45
TX	GILLESPIE COUNTY	\$3,200.00
TX	GRANBURY CITY	\$9,828.53
TX	GRAND PRAIRIE CITY	\$3,669.16
TX	GRANDVIEW CITY	\$2,828.84
TX	GRAPEVINE CITY	\$13,019.86
TX	GRAYSON COUNTY	\$2,529.87
TX	HALLETTSVILLE CITY	\$1,200.00
TX	HARLINGEN CITY	\$37,446.00
TX	HARRIS COUNTY	\$127,470.22

TX	HARRISON COUNTY	\$20,042.81
TX	HARTLEY COUNTY	\$1,840.50
TX	HAYS COUNTY	\$5,479.58
TX	HEARNE CITY	\$1,900.00
TX	HEATH CITY	\$1,970.00
TX	HELOTES CITY	\$2,223.80
TX	HEMPHILL CITY	\$1,004.48
TX	HENDERSON COUNTY	\$5,200.00
TX	HEREFORD CITY	\$3,629.49
TX	HEWITT CITY	\$975.00
TX	HIDALGO CITY	\$5,152.50
TX	HIGHLAND PARK CITY	\$2,547.88
TX	HIGHLAND VILLAGE CITY	\$2,247.50
TX	HILL COUNTY	\$7,200.00
TX	HOLLYWOOD PARK TOWN	\$1,050.00
TX	HOOD COUNTY	\$6,750.00
TX	HOWARD COUNTY	\$2,250.00
TX	HUNT COUNTY	\$2,437.69
TX	HURST CITY	\$4,256.28
TX	HOUSTON INDEPENDENT SCHOOL	\$8,045.65
TX	INGLESIDE CITY	\$5,421.00
TX	IOWA COLONY VILLAGE	\$3,199.68
TX	JACINTO CITY	\$3,250.00
TX	JACK COUNTY	\$864.00
TX	JACKSON COUNTY	\$2,335.00
TX	JACKSONVILLE CITY	\$2,250.00
TX	JASPER CITY	\$6,800.00
TX	JONESTOWN CITY	\$1,595.26
TX	JOSHUA CITY	\$399.99
TX	KELLER CITY	\$4,315.00
TX	KEMP TOWN	\$1,841.36
TX	KENNEDALE CITY	\$2,324.98
TX	KILGORE CITY	\$6,486.00
TX	KILLEEN CITY	\$9,086.85
TX	KINGSVILLE CITY	\$5,000.00
TX	KIRBY CITY	\$1,699.84
TX	LA PORTE CITY	\$9,515.00
TX	LAKEWAY CITY	\$2,500.00
TX	LAMPASAS CITY	\$2,800.00
TX	LAREDO CITY	\$19,887.05
TX	LEANDER CITY	\$5,512.50
TX	LEE COUNTY	\$500.00
TX	LEON VALLEY CITY	\$8,407.25
TX	LIBERTY HILL CITY	\$6,450.00
TX	LIVE OAK CITY	\$7,125.00
TX	LIVINGSTON TOWN	\$1,680.80
TX	LLANO CITY	\$1,146.00

TX	LOCKHART CITY	\$2,992.00
TX	LONGVIEW CITY	\$22,264.50
TX	LORENA CITY	\$1,200.00
TX	LOS FRESNOS CITY	\$2,389.80
TX	LUFKIN CITY	\$15,989.00
TX	LYTLE CITY	\$775.00
TX	MANOR CITY	\$2,686.24
TX	MANSFIELD CITY	\$16,342.20
TX	MANSFIELD IND SCH DIST 908	\$8,926.88
TX	MARBLE FALLS CITY	\$2,205.00
TX	MARION COUNTY	\$3,625.95
TX	MARSHALL CITY	\$13,903.00
TX	MCLENNAN COUNTY	\$7,529.35
TX	MEADOWS CITY	\$1,550.00
TX	MEDINA COUNTY	\$24,911.15
TX	MINERAL WELLS CITY	\$2,796.57
TX	MISSION CITY	\$10,000.00
TX	MISSOURI CITY	\$4,740.00
TX	MONAHANS CITY	\$2,674.56
TX	MONT BELVIEU TOWN	\$4,906.00
TX	MONTAGUE COUNTY	\$384.98
TX	NACOGDOCHES COUNTY	\$4,268.00
TX	NAPLES CITY	\$1,129.50
TX	NAVARRO COUNTY	\$7,200.00
TX	NAVASOTA CITY	\$2,380.95
TX	NEDERLAND CITY	\$1,926.23
TX	NEW BRAUNFELS CITY	\$19,390.00
TX	NORTH RICHLAND HILLS CITY	\$8,499.50
TX	NORTHLAKE TOWN	\$2,403.00
TX	ODESSA CITY	\$5,201.23
TX	ORANGE CITY	\$2,129.98
TX	ORANGE COUNTY	\$4,800.00
TX	OVILLA CITY	\$1,281.92
TX	PALACIOS CITY	\$270.16
TX	PALMER TOWN	\$773.66
TX	PALMVIEW CITY	\$8,315.00
TX	PANORAMA VILLAGE	\$1,858.84
TX	PANTEGO TOWN	\$2,607.50
TX	PASADENA CITY	\$10,993.03
TX	PENITAS CITY	\$6,239.00
TX	PHARR CITY	\$4,315.00
TX	PINEHURST CITY	\$442.50
TX	PLAINVIEW CITY	\$3,673.50
TX	PLEASANTON CITY	\$10,350.00
TX	POLK COUNTY	\$11,220.00
TX	PORT ISABEL CITY	\$3,916.89
TX	PORT LAVACA CITY	\$3,218.73

TX	PORT NECHES CITY	\$2,000.00
TX	POTTSBORO TOWN	\$3,554.82
TX	PADUCAH CITY	\$1,083.02
TX	RANCHO VIEJO TOWN	\$2,028.33
TX	RAYMONDVILLE CITY	\$5,786.80
TX	RED OAK TOWN	\$2,025.00
TX	RHOME CITY	\$2,056.93
TX	RICHARDSON CITY	\$13,854.01
TX	RICHLAND HILLS CITY	\$3,200.00
TX	RICHMOND CITY	\$3,157.50
TX	RIVER OAKS CITY	\$4,000.00
TX	ROBINSON CITY	\$1,500.00
TX	ROBSTOWN CITY	\$2,025.00
TX	ROCKDALE CITY	\$2,550.00
TX	ROCKWALL CITY	\$9,504.30
TX	ROCKWALL COUNTY	\$1,903.62
TX	ROMA CITY	\$10,945.00
TX	ROSENBERG CITY	\$9,937.50
TX	ROWLETT CITY	\$11,314.62
TX	SABINE COUNTY	\$5,160.00
TX	SACHSE CITY	\$2,808.90
TX	SAN ANGELO CITY	\$4,313.96
TX	SAN BENITO CITY	\$4,829.50
TX	SAN JUAN CITY	\$5,518.50
TX	SAN MARCOS CITY	\$16,350.00
TX	SCHERTZ CITY	\$12,314.87
TX	SEABROOK CITY	\$2,625.00
TX	SEAGOVILLE CITY	\$2,400.00
TX	SEGUIN CITY	\$8,400.00
TX	SELMA CITY	\$4,400.00
TX	SHAVANO PARK CITY	\$4,555.59
TX	SHERMAN CITY	\$10,191.00
TX	SINTON CITY	\$458.83
TX	SOUR LAKE CITY	\$2,075.00
TX	SOUTH PADRE ISLAND TOWN	\$14,724.75
TX	SOUTHLAKE CITY	\$5,018.50
TX	SOUTHSIDE PLACE CITY	\$1,750.00
TX	SUGAR LAND CITY	\$16,810.67
TX	SULPHUR SPRINGS CITY	\$1,345.28
TX	SULLIVAN CITY	\$4,275.00
TX	TAYLOR CITY	\$2,000.00
TX	TAYLOR COUNTY	\$7,995.00
TX	TEAGUE CITY	\$2,093.92
TX	TEMPLE CITY	\$9,900.00
TX	TERRY COUNTY	\$3,553.24
TX	TEXARKANA CITY	\$3,600.00
TX	TEXAS	\$6,391.07

TX	THE COLONY CITY	\$9,299.90
TX	TYLER CITY	\$5,483.28
TX	UNITED IND SCH DIST 903	\$10,481.56
TX	UVALDE CITY	\$6,372.20
TX	VAL VERDE COUNTY	\$5,200.00
TX	VAN ALSTYNE TOWN	\$2,085.00
TX	WACO CITY	\$9,178.64
TX	WALKER COUNTY	\$3,100.00
TX	WALLER TOWN	\$2,475.00
TX	WATAUGA CITY	\$4,144.50
TX	WEATHERFORD CITY	\$10,400.00
TX	WEST COLUMBIA CITY	\$1,800.00
TX	WEST ORANGE CITY	\$4,225.00
TX	WESTWORTH VILLAGE	\$868.20
TX	WHARTON CITY	\$2,350.00
TX	WHITE SETTLEMENT CITY	\$3,329.55
TX	WHITNEY TOWN	\$2,569.40
TX	WICHITA FALLS CITY	\$3,278.50
TX	WILLIS CITY	\$1,190.00
TX	WILLOW PARK CITY	\$2,250.00
TX	WILMER CITY	\$10,800.00
TX	WINDCREST CITY	\$4,000.00
TX	WISE COUNTY	\$12,800.00
TX	WOODWAY CITY	\$1,635.00
TX	WYLIE CITY	\$2,800.00
TX	WICHITA FALLS INDEPENDENT SCHOOL DISTRICT	\$4,391.00
TX	YANTIS IND SCH DIST	\$400.00
TX	YOAKUM CITY	\$6,065.60
	Totals for TX(278 Jurisdictions):	\$1,683,679.03
UT	AMERICAN FORK CITY	\$4,020.00
UT	BEAVER COUNTY	\$8,000.00
UT	BOX ELDER COUNTY	\$7,754.10
UT	CARBON COUNTY	\$9,971.50
UT	CENTERVILLE CITY	\$926.73
UT	CLEARFIELD CITY	\$4,635.00
UT	CLINTON CITY	\$2,266.25
UT	DRAPER CITY	\$2,293.50
UT	FARMINGTON CITY	\$2,400.00
UT	GARFIELD COUNTY	\$2,157.84
UT	GRANTSVILLE CITY	\$4,625.00
UT	HEBER CITY	\$3,150.00
UT	HERRIMAN CITY	\$3,600.00
UT	HURRICANE CITY	\$7,827.84
UT	IRON COUNTY	\$6,012.50
UT	LA VERKIN CITY	\$1,125.00
UT	LAYTON CITY	\$16,637.50
UT	LEHI CITY	\$7,254.00

UT	LOGAN CITY	\$5,362.50
UT	NORTH LOGAN CITY	\$974.16
UT	NORTH SALT LAKE CITY	\$2,782.50
UT	OGDEN CITY	\$11,637.50
UT	OREM CITY	\$12,375.00
UT	PRICE CITY	\$3,020.50
UT	ROOSEVELT CITY	\$1,575.00
UT	SALINA CITY	\$1,650.00
UT	SANDY CITY	\$13,110.00
UT	SANTAQUIN CITY	\$2,127.60
UT	SOUTH SALT LAKE CITY	\$6,791.50
UT	SPANISH FORK CITY	\$4,889.28
UT	SUMMIT COUNTY	\$14,500.00
UT	SYRACUSE CITY	\$1,600.00
UT	TAYLORSVILLE CITY	\$24,769.00
UT	TOOELE CITY	\$1,800.00
UT	TOOELE COUNTY	\$3,625.00
UT	UINTAH COUNTY	\$7,229.25
UT	VERNAL CITY	\$5,390.00
UT	WEST BOUNTIFUL CITY	\$1,600.00
	Totals for UT(38 Jurisdictions):	\$221,465.55
VA	AMHERST COUNTY	\$6,000.00
VA	ASHLAND TOWN	\$2,940.00
VA	AUGUSTA COUNTY	\$7,290.00
VA	BEDFORD COUNTY	\$10,440.50
VA	BLACKSTONE TOWN	\$735.00
VA	BLUEFIELD TOWN	\$3,546.00
VA	BOTETOURT COUNTY	\$3,790.50
VA	BRISTOL CITY	\$7,187.50
VA	BUCKINGHAM COUNTY	\$3,757.50
VA	BUENA VISTA CITY	\$6,500.00
VA	CAMPBELL COUNTY	\$8,340.00
VA	CAROLINE COUNTY	\$5,037.50
VA	CHILHOWIE TOWN	\$685.00
VA	CHINCOTEAGUE TOWN	\$944.30
VA	CHRISTIANSBURG TOWN	\$2,304.75
VA	CLARKE COUNTY	\$3,561.32
VA	COLONIAL HEIGHTS CITY	\$4,425.00
VA	COVINGTON CITY	\$2,000.00
VA	CULPEPER COUNTY	\$10,150.00
VA	DANVILLE CITY	\$11,700.00
VA	DINWIDDIE COUNTY	\$3,780.00
VA	DUMFRIES TOWN	\$1,600.00
VA	ELKTON TOWN	\$1,095.00
VA	EMPORIA CITY	\$2,242.50
VA	FAUQUIER COUNTY	\$17,677.50
VA	FLUVANNA COUNTY	\$1,428.00

VA	FRANKLIN COUNTY	\$11,070.00
VA	FREDERICK COUNTY	\$12,862.50
VA	FRONT ROYAL TOWN	\$4,707.23
VA	GALAX CITY	\$4,410.00
VA	GLOUCESTER COUNTY	\$5,011.88
VA	GRAYSON COUNTY	\$1,207.55
VA	GREENE COUNTY	\$3,208.90
VA	GREENSVILLE COUNTY	\$2,001.38
VA	HARRISONBURG CITY	\$12,470.37
VA	HENRY COUNTY	\$47,920.00
VA	HERNDON TOWN	\$6,000.00
VA	JAMES CITY COUNTY	\$14,000.00
VA	KING AND QUEEN COUNTY	\$2,199.50
VA	KING GEORGE COUNTY	\$10,349.37
VA	LANCASTER COUNTY	\$2,470.00
VA	LEESBURG TOWN	\$5,669.63
VA	LEXINGTON CITY	\$1,021.17
VA	LOUISA COUNTY	\$5,567.63
VA	LYNCHBURG CITY	\$30,000.00
VA	MANASSAS CITY	\$8,627.50
VA	MARION TOWN	\$2,733.00
VA	MARTINSVILLE CITY	\$14,925.00
VA	NEW KENT COUNTY	\$2,800.00
VA	NOTTOWAY COUNTY	\$3,307.50
VA	PAGE COUNTY	\$9,662.50
VA	PAMUNKEY REGIONAL JAIL AUTHORITY	\$1,837.50
VA	PENINSULA AIRPORT COMMISSION	\$1,662.50
VA	PORTSMOUTH CITY	\$47,722.50
VA	PRINCE GEORGE COUNTY	\$8,937.21
VA	PURCELLVILLE TOWN	\$1,789.00
VA	ROANOKE CITY	\$28,887.60
VA	ROANOKE COUNTY	\$4,777.50
VA	ROCKBRIDGE COUNTY	\$7,600.00
VA	ROCKY MOUNT TOWN	\$2,030.00
VA	RAPPAHANNOCK REGIONAL JAIL	\$7,200.00
VA	SALEM CITY	\$5,242.00
VA	SCOTTSVILLE TOWN	\$1,200.00
VA	STANLEY TOWN	\$400.00
VA	TOWN OF DAYTON	\$1,510.00
VA	VINTON TOWN	\$2,286.00
VA	WARREN COUNTY	\$8,000.00
VA	WARRENTON TOWN	\$1,500.31
VA	WARSAW TOWN	\$790.00
VA	WESTMORELAND COUNTY	\$3,307.50
VA	WILLIAMSBURG CITY	\$7,332.56
VA	WINCHESTER CITY	\$16,400.00
VA	WISE COUNTY	\$6,695.00

VA	WESTERN VIRGINIA REGIONAL JAIL	\$5,935.00
VA	YORK COUNTY	\$9,468.00
	Totals for VA(75 Jurisdictions):	\$535,870.66
VT	BARRE CITY	\$1,956.00
VT	BARRE TOWN	\$1,298.00
VT	BELLOWS FALLS VILLAGE	\$858.00
VT	BERLIN TOWN	\$1,715.13
VT	BRATTLEBORO TOWN	\$2,112.50
VT	BURLINGTON CITY	\$6,184.50
VT	CALEDONIA COUNTY	\$3,834.75
VT	ESSEX JUNCTION VILLAGE	\$3,569.50
VT	GRAND ISLE COUNTY	\$1,348.00
VT	HARDWICK TOWN	\$800.00
VT	LAMOILLE COUNTY	\$4,504.50
VT	MILTON TOWN	\$2,705.00
VT	MONTPELIER CITY	\$2,000.00
VT	MORRISTOWN TOWN	\$1,347.00
VT	NORTHFIELD TOWN	\$1,068.84
VT	NORWICH TOWN	\$1,110.00
VT	PITTSFORD TOWN	\$2,400.00
VT	RUTLAND CITY	\$3,798.00
VT	SHELBURNE TOWN	\$1,195.00
VT	SOUTH BURLINGTON CITY	\$2,250.00
VT	SPRINGFIELD TOWN	\$2,157.00
VT	SWANTON VILLAGE	\$1,121.99
VT	VERGENNES CITY	\$3,200.00
VT	WASHINGTON COUNTY	\$3,395.00
VT	WILLISTON TOWN	\$2,271.50
VT	WILMINGTON TOWN	\$995.00
VT	WINDHAM COUNTY	\$2,987.00
VT	WINDSOR TOWN	\$2,400.00
	Totals for VT(28 Jurisdictions):	\$64,582.21
WA	ABERDEEN CITY	\$5,265.00
WA	ANACORTES CITY	\$1,277.86
WA	ARLINGTON CITY	\$3,012.20
WA	ASOTIN COUNTY	\$1,996.44
WA	AUBURN CITY	\$15,726.02
WA	ASOTIN CITY	\$400.00
WA	BATTLE GROUND CITY	\$5,641.88
WA	BELLINGHAM CITY	\$18,012.00
WA	BLACK DIAMOND TOWN	\$1,412.31
WA	BONNEY LAKE CITY	\$1,773.97
WA	BOTHELL CITY	\$12,804.75
WA	BREMERTON CITY	\$12,532.46
WA	BRIER CITY	\$722.50
WA	CASTLE ROCK CITY	\$3,072.50
WA	CHELAN COUNTY	\$11,284.00

WA	CHENEY CITY	\$4,328.20
WA	CLALLAM COUNTY	\$8,244.84
WA	COLLEGE PLACE TOWN	\$1,890.81
WA	CONNELL CITY	\$1,198.95
WA	DES MOINES CITY	\$6,385.00
WA	DOUGLAS COUNTY	\$4,511.04
WA	DUPONT CITY	\$2,850.00
WA	EDMONDS CITY	\$6,473.88
WA	ELLENSBURG CITY	\$3,250.00
WA	ELMA CITY	\$1,549.30
WA	ENUMCLAW CITY	\$4,768.00
WA	EPHRATA CITY	\$1,179.92
WA	FEDERAL WAY CITY	\$16,400.00
WA	FERNDALE CITY	\$2,592.51
WA	FIFE CITY	\$5,404.60
WA	FRANKLIN COUNTY	\$3,469.75
WA	GARFIELD COUNTY	\$699.01
WA	GRANDVIEW CITY	\$8,377.50
WA	GRAYS HARBOR COUNTY	\$10,954.99
WA	HOQUIAM CITY	\$3,467.49
WA	JEFFERSON COUNTY	\$4,673.19
WA	KALAMA CITY	\$944.12
WA	KELSO CITY	\$4,501.80
WA	KENNEWICK CITY	\$14,628.50
WA	KIRKLAND CITY	\$17,082.89
WA	KITTITAS COUNTY	\$21,266.40
WA	LAKE FOREST PARK CITY	\$2,607.59
WA	LAKE STEVENS CITY	\$9,830.67
WA	LAKEWOOD CITY	\$17,200.00
WA	LEWIS COUNTY	\$6,000.00
WA	LONGVIEW CITY	\$8,431.84
WA	LYNNWOOD CITY	\$8,130.86
WA	MARYSVILLE CITY	\$9,717.11
WA	MASON COUNTY	\$13,636.85
WA	MCCLEARY CITY	\$768.69
WA	MEDINA CITY	\$398.75
WA	MILL CREEK CITY	\$8,129.50
WA	MONROE CITY	\$7,039.46
WA	MOSES LAKE CITY	\$8,341.32
WA	MOUNT VERNON CITY	\$7,989.45
WA	MOUNTLAKE TERRACE CITY	\$2,599.20
WA	MOXEE CITY	\$1,165.26
WA	MUKILTEO CITY	\$8,336.89
WA	NORMANDY PARK CITY	\$1,139.00
WA	OAK HARBOR CITY	\$6,334.98
WA	OCEAN SHORES CITY	\$1,728.00
WA	OKANOGAN COUNTY	\$493.68

WA	OLYMPIA CITY	\$12,001.32
WA	PACIFIC CITY	\$1,197.50
WA	PORT ANGELES CITY	\$6,891.55
WA	PULLMAN CITY	\$6,295.50
WA	PUYALLUP CITY	\$7,948.17
WA	QUINULT TRIBE	\$2,219.38
WA	QUINCY CITY	\$3,263.27
WA	REDMOND CITY	\$12,320.00
WA	RICHLAND CITY	\$4,837.50
WA	RIDGEFIELD CITY	\$826.31
WA	SAN JUAN COUNTY	\$6,436.77
WA	SEDRO WOOLLEY CITY	\$1,800.00
WA	STEILACOOM TOWN	\$3,434.60
WA	STEVENS COUNTY	\$8,213.55
WA	SUMNER CITY	\$3,586.95
WA	SPOKANE TRIBAL	\$8,155.88
WA	TOPPENISH CITY	\$2,845.00
WA	TUKWILA CITY	\$3,951.27
WA	UNION GAP CITY	\$2,400.00
WA	WALLA WALLA CITY	\$5,234.00
WA	WALLA WALLA COUNTY	\$4,303.23
WA	WAPATO CITY	\$4,364.04
WA	WENATCHEE CITY	\$7,297.92
WA	WHITE SALMON CITY	\$400.00
WA	YAKIMA CITY	\$24,187.50
WA	ZILLAH CITY	\$4,779.00
	Totals for WA(88 Jurisdictions):	\$535,235.89
WI	ADAMS COUNTY	\$4,299.76
WI	ALBANY VILLAGE	\$3,600.00
WI	ALGOMA CITY	\$1,135.00
WI	APPLETON CITY	\$11,600.00
WI	ASHLAND CITY	\$1,809.85
WI	ASHLAND COUNTY	\$9,127.32
WI	ATHENS VILLAGE	\$375.00
WI	BARABOO CITY	\$2,300.00
WI	BARRON CITY	\$457.65
WI	BARRON COUNTY	\$2,577.50
WI	BAYFIELD COUNTY	\$2,606.81
WI	BAYSIDE VILLAGE	\$1,475.00
WI	BEAVER DAM CITY	\$2,405.00
WI	BELOIT CITY	\$7,277.48
WI	BELOIT TOWN	\$1,750.00
WI	BERLIN CITY	\$1,353.75
WI	BIG BEND VILLAGE	\$1,125.00
WI	BOSCOBEL CITY	\$899.99
WI	BRILLION CITY	\$1,312.50
WI	BRODHEAD CITY	\$611.25

WI	BROOKFIELD CITY	\$6,409.48
WI	BROOKFIELD TOWN	\$1,170.00
WI	BROWN DEER VILLAGE	\$2,781.00
WI	BURLINGTON CITY	\$1,807.50
WI	CALEDONIA TOWN	\$2,619.98
WI	CALUMET COUNTY	\$3,040.00
WI	CEDARBURG CITY	\$2,350.00
WI	CHIPPEWA COUNTY	\$6,120.00
WI	CHIPPEWA FALLS CITY	\$2,339.00
WI	CLARK COUNTY	\$1,809.22
WI	CLEVELAND VILLAGE	\$455.17
WI	COLUMBIA COUNTY	\$4,522.50
WI	CORNELL CITY	\$1,200.45
WI	CRANDON CITY	\$420.00
WI	CRAWFORD COUNTY	\$4,320.00
WI	CUDAHY CITY	\$2,144.98
WI	DARLINGTON CITY	\$3,387.50
WI	DE FOREST VILLAGE	\$2,187.50
WI	DELAFIELD CITY	\$2,000.00
WI	DODGE COUNTY	\$2,250.00
WI	DODGEVILLE CITY	\$1,807.43
WI	DOOR COUNTY	\$5,591.29
WI	DOUGLAS COUNTY	\$3,973.37
WI	DUNN COUNTY	\$3,840.00
WI	EAGLE RIVER CITY	\$1,364.80
WI	EAST TROY VILLAGE	\$4,607.33
WI	EAU CLAIRE CITY	\$8,112.00
WI	EDGERTON CITY	\$584.00
WI	ELM GROVE VILLAGE	\$993.22
WI	ELROY CITY	\$447.50
WI	FALL RIVER VILLAGE	\$2,222.44
WI	FENNIMORE CITY	\$441.99
WI	FITCHBURG CITY	\$5,400.00
WI	FOND DU LAC CITY	\$8,357.50
WI	FORT ATKINSON CITY	\$1,700.00
WI	FOX POINT VILLAGE	\$2,000.00
WI	FRANKLIN CITY	\$4,000.00
WI	GALESVILLE CITY	\$1,600.00
WI	GENOA CITY VILLAGE	\$1,200.00
WI	GRAFTON VILLAGE	\$4,579.50
WI	GRAND CHUTE TOWN	\$2,752.75
WI	GRANT COUNTY	\$1,000.00
WI	GRANTSBURG VILLAGE	\$1,098.00
WI	GREEN COUNTY	\$3,062.50
WI	GREENDALE VILLAGE	\$7,295.00
WI	GREENFIELD CITY	\$8,000.00
WI	HALES CORNERS VILLAGE	\$1,987.50

WI	HAMMOND VILLAGE	\$405.00
WI	HARTFORD CITY	\$1,894.98
WI	HARTLAND VILLAGE	\$800.00
WI	HAYWARD CITY	\$800.00
WI	HIGHLAND VILLAGE	\$800.00
WI	HOLMEN VILLAGE	\$845.00
WI	HORICON CITY	\$1,750.00
WI	HUDSON CITY	\$2,887.50
WI	HURLEY CITY	\$1,312.50
WI	IOWA COUNTY	\$2,339.97
WI	JACKSON COUNTY	\$1,568.48
WI	JACKSON VILLAGE	\$1,598.00
WI	JANESVILLE CITY	\$11,635.00
WI	JUNEAU CITY	\$400.00
WI	JUNEAU COUNTY	\$5,200.00
WI	KENOSHA CITY	\$26,977.50
WI	KEWASKUM VILLAGE	\$799.00
WI	KEWAUNEE CITY	\$470.00
WI	KEWAUNEE COUNTY	\$2,397.00
WI	KRONEWETTER TOWN	\$1,348.50
WI	LA CROSSE CITY	\$6,791.50
WI	LAKE DELTON VILLAGE	\$2,375.00
WI	LAKE GENEVA CITY	\$2,181.00
WI	LAKE HALLIE VILLAGE	\$1,612.50
WI	LANCASTER CITY	\$1,169.00
WI	LANGLADE COUNTY	\$3,753.00
WI	LINCOLN COUNTY	\$4,060.00
WI	LITTLE CHUTE VILLAGE	\$2,400.00
WI	LODI CITY	\$875.00
WI	LUCK VILLAGE	\$1,051.49
WI	LUXEMBURG VILLAGE	\$1,536.58
WI	MANITOWOC CITY	\$4,010.00
WI	MANITOWOC COUNTY	\$3,712.50
WI	MARINETTE CITY	\$1,985.00
WI	MARINETTE COUNTY	\$2,800.00
WI	MARQUETTE COUNTY	\$1,004.00
WI	MARSHFIELD CITY	\$2,325.00
WI	MAYVILLE CITY	\$1,575.00
WI	MCFARLAND VILLAGE	\$4,500.00
WI	MELROSE VILLAGE	\$400.00
WI	MENASHA CITY	\$3,429.81
WI	MENOMINEE COUNTY	\$1,200.00
WI	MENOMONIE CITY	\$4,575.00
WI	MEQUON CITY	\$4,040.00
WI	MERRILL CITY	\$4,465.50
WI	MIDDLETON CITY	\$4,812.50
WI	MILTON CITY	\$928.99

WI	MINOCQUA TOWN	\$1,740.00
WI	MONROE CITY	\$1,710.00
WI	MONROE COUNTY	\$4,163.18
WI	MOUNT HOREB VILLAGE	\$1,750.00
WI	MOUNT PLEASANT TOWN	\$2,400.00
WI	MUSKEGO CITY	\$3,200.00
WI	NEENAH CITY	\$1,920.00
WI	NEW BERLIN CITY	\$7,200.00
WI	NEW GLARUS VILLAGE	\$2,440.00
WI	NEW LONDON CITY	\$800.00
WI	NEW RICHMOND CITY	\$891.00
WI	NORTH FOND DU LAC VILLAGE	\$1,226.00
WI	NORTH HUDSON VILLAGE	\$577.50
WI	OAK CREEK CITY	\$8,750.91
WI	OCONOMOWOC CITY	\$3,171.50
WI	OCONTO COUNTY	\$4,275.00
WI	ONALASKA CITY	\$4,400.00
WI	ONEIDA COUNTY	\$5,009.20
WI	OREGON VILLAGE	\$2,625.00
WI	OSCEOLA TOWN	\$2,128.98
WI	OSHKOSH CITY	\$8,607.50
WI	OSSEO CITY	\$1,461.18
WI	PALMYRA VILLAGE	\$336.00
WI	PIERCE COUNTY	\$942.00
WI	PLATTEVILLE CITY	\$2,451.98
WI	PLEASANT PRARIE VILLAGE	\$6,000.00
WI	PLOVER VILLAGE	\$2,049.98
WI	PLYMOUTH CITY	\$2,365.50
WI	PORTAGE COUNTY	\$4,399.90
WI	PRAIRIE DU CHIEN CITY	\$1,425.00
WI	PRICE COUNTY	\$2,477.97
WI	RACINE CITY	\$28,245.00
WI	REDGRANITE VILLAGE	\$2,000.00
WI	REEDSBURG CITY	\$2,000.00
WI	RHINELANDER CITY	\$2,704.85
WI	RICE LAKE CITY	\$1,900.00
WI	RICHLAND CENTER CITY	\$875.00
WI	RICHLAND COUNTY	\$2,872.50
WI	RIVER FALLS CITY	\$2,730.00
WI	ROBERTS VILLAGE	\$1,200.00
WI	ROME TOWN	\$1,600.00
WI	ROTHSCHILD VILLAGE	\$1,923.90
WI	RUSK COUNTY	\$1,630.00
WI	SAUK COUNTY	\$5,400.00
WI	SAUKVILLE VILLAGE	\$1,249.00
WI	SAWYER COUNTY	\$3,056.00
WI	SCHOFIELD CITY	\$3,600.00

WI	SHARON VILLAGE	\$703.87
WI	SHAWANO CITY	\$2,400.00
WI	SHAWANO COUNTY	\$4,000.00
WI	SHEBOYGAN FALLS CITY	\$2,194.50
WI	SHOREWOOD VILLAGE	\$2,247.50
WI	SHULLSBURG CITY	\$1,145.00
WI	SLINGER VILLAGE	\$1,850.00
WI	SOMERSET VILLAGE	\$1,200.00
WI	SPRING VALLEY VILLAGE	\$531.00
WI	ST CROIX COUNTY	\$14,289.50
WI	ST FRANCIS CITY	\$3,750.00
WI	SUPERIOR CITY	\$8,645.00
WI	SUMMIT VILLAGE	\$1,844.00
WI	TAYLOR COUNTY	\$2,468.50
WI	THIENVILLE VILLAGE	\$1,200.00
WI	TOMAH CITY	\$2,786.00
WI	TREMPEALEAU COUNTY	\$2,257.50
WI	TWIN LAKES VILLAGE	\$2,752.50
WI	VERONA CITY	\$1,752.50
WI	VILLAGE OF FOX CROSSING	\$5,348.00
WI	WALWORTH VILLAGE	\$2,000.00
WI	WATERLOO CITY	\$2,187.50
WI	WATERTOWN CITY	\$3,200.00
WI	WAUKESHA CITY	\$8,925.00
WI	WAUNAKEE VILLAGE	\$1,798.00
WI	WAUPACA CITY	\$1,950.00
WI	WAUPACA COUNTY	\$4,342.50
WI	WAUSAU CITY	\$7,578.57
WI	WAUSHARA COUNTY	\$1,575.00
WI	WAUWATOSA CITY	\$5,175.00
WI	WEBSTER VILLAGE	\$722.93
WI	WEST ALLIS CITY	\$12,325.00
WI	WEST BEND CITY	\$5,645.50
WI	WHITEFISH BAY VILLAGE	\$2,663.50
WI	WHITEWATER CITY	\$2,625.00
WI	WILD ROSE VILLAGE	\$431.00
WI	WISCONSIN RAPIDS CITY	\$6,050.00
WI	WOOD COUNTY	\$5,850.00
WI	WRIGHTSTOWN VILLAGE	\$1,680.00
	Totals for WI(200 Jurisdictions):	\$635,219.46
WV	BECKLEY CITY	\$8,040.00
WV	BOONE COUNTY	\$6,750.00
WV	BRIDGEPORT CITY	\$5,103.00
WV	CHARLES TOWN CITY	\$3,705.00
WV	CLARKSBURG CITY	\$4,710.00
WV	COWEN TOWN	\$1,192.50
WV	DUNBAR CITY	\$4,842.50

WV	HARDY COUNTY	\$1,327.50
WV	HUNTINGTON CITY	\$11,625.00
WV	HURRICANE CITY	\$3,716.00
WV	JEFFERSON COUNTY	\$1,575.00
WV	MARION COUNTY	\$5,670.00
WV	MERCER COUNTY	\$6,875.00
WV	MOOREFIELD TOWN	\$2,103.33
WV	MORGAN COUNTY	\$4,800.00
WV	MORGANTOWN CITY	\$2,988.00
WV	PARKERSBURG CITY	\$3,900.00
WV	PHILIPPI TOWN	\$2,400.00
WV	PRINCETON CITY	\$1,200.00
WV	PUTNAM COUNTY	\$2,197.50
WV	SOUTH CHARLESTON CITY	\$1,852.50
WV	SUMMERS COUNTY	\$2,390.00
WV	TOWN OF CAPON BRIDGE	\$1,000.00
WV	UPSHUR COUNTY	\$1,808.10
WV	VIENNA CITY	\$2,000.00
WV	WEIRTON CITY	\$2,932.50
WV	WILLIAMSTOWN CITY	\$3,200.00
WV	WINFIELD TOWN	\$800.00
WV	WOOD COUNTY	\$1,962.50
WV	WYOMING COUNTY	\$1,935.00
	Totals for WV(30 Jurisdictions):	\$104,600.93
WY	ALBANY COUNTY	\$7,773.45
WY	BIG HORN COUNTY	\$8,715.00
WY	CAMPBELL COUNTY	\$3,000.00
WY	CARBON COUNTY	\$3,225.00
WY	CHEYENNE CITY	\$29,920.00
WY	CODY CITY	\$1,600.00
WY	CROOK COUNTY	\$520.00
WY	DOUGLAS CITY	\$970.00
WY	EVANSTON CITY	\$3,117.97
WY	FREMONT COUNTY	\$9,172.50
WY	GILLETTE CITY	\$5,530.00
WY	GREEN RIVER CITY	\$475.00
WY	LARAMIE CITY	\$3,876.00
WY	LARAMIE COUNTY	\$11,276.35
WY	LINCOLN COUNTY	\$2,775.00
WY	MANDERSON TOWN	\$510.38
WY	MILLS TOWN	\$3,121.99
WY	MOORCROFT TOWN	\$1,129.05
WY	RAWLINS CITY	\$1,587.60
WY	RIVERTON CITY	\$2,217.50
WY	ROCK SPRINGS CITY	\$2,928.00
WY	SHERIDAN CITY	\$3,260.00
WY	SHERIDAN COUNTY	\$1,946.65

WY	SWEETWATER COUNTY	\$8,155.00
WY	TETON COUNTY	\$4,019.37
WY	UINTA COUNTY	\$1,774.98
	Totals for WY(26 Jurisdictions):	\$122,596.79
	Report Totals for (4273 Jurisdictions):	\$25,628,667.99



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager to execute the grant agreement with the County of Santa Clara to accept the 2020 State Homeland Security Grant Program award; Approve and authorize the sole source purchase of mobile crash barriers; and approve a budget appropriation in the amount of \$106,836.95
Category:	Consent Calendar-Public Safety
Meeting Date:	11/16/2021
Staff Contact:	John Torrez, Police Captain, 408-586-2408
Recommendation:	Authorize the City Manager to execute the grant agreement with the County of Santa Clara to accept the 2020 State Homeland Security Grant Program award and approve and authorize the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and approve a budget appropriation of \$106,836.95 into the Police Department's FY 2021-22 operating budget.

Background:

The U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency's (FEMA) Homeland Security Grant Program provides funding to federal, state and local governments for the purpose of strengthening national security in the ability to prevent, respond to, and recover from major events such as terrorist attacks. This grant program is comprised of three sub-programs, including the State Homeland Security Program.

California's State Homeland Security Grant Program (SHSGP) is administered by the California Governor's Office of Emergency Services (CalOES). The grant funding must be used to supplement existing funds and may not be used to supplant funds that have been appropriated for the same purpose. CalOES prioritized use of the FY 2020 SHSGP funds into 10 homeland security strategy goals including the prevention of violent extremism through multi-jurisdictional collaboration and coordination.

The Milpitas Police Department (MPD), in coordination with four other jurisdictions in Santa Clara County, applied for the FY 2019 and FY 2020 SHSGP for a regional project to purchase portable security equipment for public events (equipment to be shared regionally, as needed). Subsequently, the applications for the regional project were approved. In January of 2020, MPD was awarded \$102,000 for this program and subsequently purchased and took delivery of the approved portable security equipment. In September of 2021, MPD was awarded \$98,000 in reimbursement grant funds for the same purpose—to purchase additional portable security equipment, as approved and outlined below.

Analysis:

The acceptance of the FY 2020 SHSGP fund award is contingent upon purchasing interoperable mobile crash barriers with those purchased by the City with FY 2019 SHSGP funding and by four other neighboring law enforcement agencies in Santa Clara County. The sole source purchase of two MP5000 mobile crash barrier systems from vendor Delta Scientific Corporation with the FY 2020 SHSGP funds will 1) be eligible for FY 2020 SHSGP reimbursement in total, 2) align with the equipment purchased by neighboring law enforcement agencies for shared use, and 3) enhance public safety. Campbell, Los Gatos Monte Sereno, Milpitas, Morgan Hill and Santa Clara Police Departments were awarded funds for the same project to purchase the same equipment.

The MP5000 system is crash tested to stop a 15,000-pound vehicle traveling 40 miles per hour yet is easily operated for accessibility of emergency vehicles, for example. Santa Clara County routinely hosts high-profile events, some of which are Special Event Assessment Rating (SEAR) Level 1 events, requiring extensive security measures. In addition, the City of Milpitas routinely hosts large scale City-sponsored and community events such as the annual Fourth of July fireworks event. With the global increase in terror related incidents involving vehicle borne assaults and mass casualties, the MP5000 mobile crash barrier systems are needed around the City and County to provide public protection at community and high-profile events. We expect these highly visible security devices to assist in the prevention and deterrence of vehicle assaults, thus safeguarding our community.

On October 6, 2020 the City Council adopted Resolution No. 9004 approving the sole source purchase of the same equipment through the same grant program funds. Staff finds that all the previous findings and conclusions are still accurate, and staff is not aware of any information that would change those findings or conclusions in the prior sole source resolution. On that basis, City staff is asking the City Council to approve the purchase of the equipment as a sole source based on the findings contained within Resolution No. 9004.

A quotation for the equipment is attached, totaling \$106,836.95 (Attachment 1). As the cost of the equipment exceeds the total 2020 SHSGP grant award by \$8,836.95, the County of Santa Clara has agreed to fund the \$8,836.95 overage with unused 2019 SHSGP reimbursement funding to cover the full cost of the equipment. Therefore, the City's total grant award is \$106,836.95.

Policy Alternatives:

Alternative 1: Do not authorize the City Manager to execute the grant agreement, and thus refuse the 2020 State Homeland Security Grant Program award, and do not authorize the purchase of approved equipment.

Pros: There are no identified benefits to this alternative.

Cons: The police department would not have the opportunity to purchase needed equipment or City general funds would be required to purchase the equipment.

Reason not recommended: The State Homeland Security Grant Program does not require matching funds nor are there any requirements that result in a negative impact. The City will be reimbursed for the total amount of the proposed equipment purchase.

Fiscal Impact:

There is sufficient funding in the FY 2019 and FY 2020 SHSGP award to purchase the approved equipment; we do not anticipate unexpected spending beyond the grant allocation. A budget amendment to appropriate \$106,836.95 to the Police Department's FY 2021-22 operating budget is needed (Attachment 2). The grant does not require any matching funds.

California Environmental Quality Act:

The City Council's action to authorize the City Manager to accept the grant and to sole source the purchase of the crash barriers is exempt from environmental review pursuant to CEQA Guideline 15378(b)(2) as a continuing administrative or maintenance activity which is defined in the CEQA Guideline to include the purchases of supplies such as crash barriers. It is also exempt under CEQA Guideline 15378(b)(4) as a government fiscal activity.

Recommendation:

1. Authorize the City Manager to execute the agreement to accept the 2020 State Homeland Security Grant Program funding, and approve and authorize the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and
2. Approve a budget appropriation of \$106,836.95 into the Police Department's FY 2021-22 operating budget.

Attachments:

1. Delta Scientific Corporation quotation JA0929212
2. Budget change form

3. Agreement with Santa Clara County
4. California OES Assurances for Federal Grant Program
5. Resolution #9004



40355 Delta Lane
 Palmdale, CA 93551 USA
 Phone: (661) 575-1100
 Fax: (661) 575-1110

CITY OF MILPITAS

MP5000 MOBILE CRASH BARRIER

Quote #: JA0929212R1

MP5000 HYDRAULICALLY OPERATED MOBILE SURFACE MOUNTED BARRIER SYSTEM

****IN ACCORDANCE WITH DEPARTMENT OF STATE SPECIFICATION FOR VEHICLE CRASH TESTING OF PERIMETER BARRIERS AND GATES SD-SDT-02.01 (APRIL 1985).
 ASSESSMENT PER DOS SPECIFICATION: K4/L1**

2	MP5000	BASIC STRUCTURE, -12 FT. (STANDARD) CLEAR OPENING	\$	97,713.65
2	H8050	24V BATTERY OPERATED HYDRAULIC PUMP / W CONTROL STATION	\$	21,938.53
2	MP5000TA	BARRIER TRAILER ASSEMBLY - INCLUDES SPARE TIRE, UTILITY BOX, AND VIN NUMBER	\$	9,478.33

BASIC SYSTEM CONSISTS OF:

- * QUICK DEPLOYMENT MOBILE BARRIER ASSEMBLY
- * HINGED, RIGID CRASH PLATE ASSEMBLY
- * TRAILER HITCH ASSEMBLY
- * STANDARD WHITE/YELLOW OR BLACK/YELLOW PAINT (OPTIONS AVAILABLE)
- * COMPLETE INSTRUCTIONS, START UP AND TROUBLE-SHOOTING MANUAL



MP5000 SYSTEM OPTIONS: (NOT INCLUDED WITH BASIC SYSTEM)

2	MPL-4050	REMOTE OPEN/CLOSE PUSH BUTTON STATION W/20' CABLE	\$	348.20	\$	696.39
0	MPL-4050-300	ADDITIONAL MPL4050 CABLE---300FT OF TOTAL CABLE	\$	827.29	\$	-
0	POWER CABLE	POWER CORD (300 FT) / SOW 14/3 BLACK NEOPRENE CONNECTORS ARE: 71435K41 PLUG / 509-2016 CONNECTOR MATE	\$	1,072.41	\$	-
2	B2010	BARRICADE FULLY DOWN AUXILIARY LIMIT SWITCH not on GSA	\$	264.73	\$	529.46
0	B1154	BOOSTER PAK 12VDC not on GSA	\$	489.02	\$	-
2	90590-2	SIGNAL LIGHT MODULE not on GSA	\$	-	\$	-
2	MPL-10	STOP GO SIGNAL LIGHT(S) (EXTERNAL POWER REQUIRED)	\$	970.04	\$	1,940.07
2	MPL-20W	48" TALL TRAFFIC LIGHT MOUNTING POST WITH 24" SQ BASE	\$	227.95	\$	455.90
0	SOLAR1	PEDESTAL MOUNTED SOLAR PANEL ASSEMBLY not on GSA	\$	2,147.27	\$	-
0	2461-81SCC8.5	SOLAR CHARGE CONTROLLER FOR USE WITH SOLAR PANEL	\$	157.18	\$	-
0	MPL-20W	48" TALL SOLAR MOUNTING POST WITH 24" SQUARE BASE	\$	227.95	\$	-
0	B6014	GALVANIZE MOBILE BARRIER not on GSA	\$	5,141.44	\$	-
2	CAB KIT	CABLE KIT (JUMPER CABLE, UTILITY OUTLET CONNECTION) not	\$	362.78	\$	725.56
2	MP5K-TT1	BARRIER TURN TABLE	\$	590.21	\$	1,180.41
0	TB100-1	PORTABLE BOLLARD EXTENDS BARRIER PROTECTION ZONE	\$	3,860.68	\$	-
0	EXP	EXPORT PREPARATION/BARRIER	\$	1,860.66	\$	-
0	EXWA1	EXWARR ONE YEAR EXTENDED WARRANTY PER DELTA SCIENTIFIC'S EXISTING WARRANTY POLICY	\$	-	\$	-
0	EXWA2	EXWARR TWO YEAR EXTENDED WARRANTY PER DELTA SCIENTIFIC'S EXISTING WARRANTY POLICY	\$	-	\$	-
0		PREVENTIVE MAINTENANCE AGREEMENTS AVAILABLE, CONTACT OFFICE				

** ALL EQUIPMENT IS FOB FACTORY*

TOTAL EQUIPMENT COST	\$	134,658.32
DISCOUNT 30%	\$	(40,397.49)
SALES TAX 9.375%	\$	8,836.95
Freight (if applicable)	\$	3,739.17
GRAND TOTAL (Quote is valid 45 days from 09/29/21)	\$	106,836.95

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one: ☒ Budget Appropriation ☐ Budget Transfer	267-3557	\$106,836.95	267-7214851	\$106,836.95

Authorize the City Manager to execute the grant agreement with the County of Santa Clara to accept the 2020 State Homeland Security Grant Program award and approve and authorize the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and approve a budget appropriation of \$106,836.95 into the Police Department's FY 2021-22 operating budget

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related incidents involving vehicle borne assaults and mass casualties, the MP5000 mobile crash barrier systems are needed around the City and County to provide public protection at community and high-profile events. We expect these highly visible security devices to assist in the prevention and deterrence of vehicle assaults, thus safeguarding our community.

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There is sufficient funding in the FY 2019 and FY 2020 SHSGP award to purchase the approved equipment; we do not anticipate unexpected spending beyond the grant allocation. A budget amendment to appropriate \$106,836.95 to the Police Department's FY 2021-22 operating budget is needed (Attachment 2). The grant does not require any matching funds

California Environmental Quality Act: N/A

Recommendation:

- 1) Authorize the City Manager to execute the agreement to accept the 2020 State Homeland Security Grant Program funding, and approve and authorize the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and
- 2) Approve a budget appropriation of \$106,836.95 into the Police Department's FY 2021-22 operating budget.

Attachments:

1. Delta Scientific Corporation quotation JA0929212
2. Budget change form
3. Agreement with Santa Clara County
4. California OES Assurances for Federal Grant Program

☐ Check if City Council Approval required.

Meeting Date: November 16, 2021

Requested by:	Department Head: Jared Hernandez	Date: November 16, 2021
Reviewed by:	Finance Director: Lauren Lai	Date: November 16, 2021
Date approved by City Council, if required:		Confirmed by:

**AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND
THE CITY OF MILPITAS GRANTING PROGRAM FUNDS FOR THE
2020 STATE HOMELAND SECURITY GRANT PROGRAM FUNDS**

THIS AGREEMENT is made effective when fully executed by the County of Santa Clara (“County”) and the City of Milpitas (“City”) for the allocation and distribution of 2020 State Homeland Security Grant Program (SHSGP) funds.

RECITALS

WHEREAS, the 2020 SHSGP (CFDA #97.067) supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training and exercise needs for acts of terrorism and other catastrophic events, and management and administration of the grant. In addition, SHSGP supports the implementation of the National Preparedness Guidelines, the National Incident Management System (NIMS), and the National Response Network (NRF);

WHEREAS, the State of California (“State”) has designated the County as the Operational Area for purposes of distributing SHSGP funds to the cities, special districts and other entities within the County. An Anti-Terrorism Approval Body (“County Approval Authority”), comprised of one County Public Health Officer, County Fire Chief, Municipal Fire Chief, County Sheriff, and Chief of Police, has been appointed for the purpose of approving the distribution of SHSGP funds at the Operational Area level;

WHEREAS, on September 1, 2020 the California Governor’s Office of Emergency Services (“Cal OES”) awarded the County 2020 SHSGP funds in the amount of \$2,079,773. The allocation of the SHSGP funds will be determined by the County Approval Authority in accordance with the grant guidelines.

NOW, THEREFORE, the County and City agree as follows:

THE AGREEMENT

Article I. Definitions

1. Specific Terms

- (a) **“Burdened Labor Rate”** shall mean the labor rate including benefits, taxes and other deductions from an employee’s paycheck. This rate does not include vacation benefits.
- (b) **“City”** shall mean the City of Milpitas, its officers, board members, employees, and agents.
- (c) **“County”** shall mean the County of Santa Clara, its officers, board members, employees, and agents.
- (d) **“SHSGP funds”** or **“SHSGP funding”** shall mean the funding City receives under this Agreement.

- (e) **“Federal Program Guidance”** shall mean guidance documents issued by the Federal Emergency Management Agency, including the SHSGP Program Funding Opportunity Announcement, for Fiscal Year 2020.
- (f) **“Grant Certifications and Assurances”** shall mean the FY20 SHSGP Agreement Articles, Assurances, Certifications, Terms, and Conditions
- (g) **“Highly Compensated Individual”** shall mean an individual whose income is \$300,000 or more per year.
- (h) **“Prime Recipient”** shall refer to County.
- (i) **“State Guidance”** shall mean the California Supplement to the Federal Program Funding Opportunity Announcement, issued by Cal OES for Fiscal Year 2020.
- (j) **“Sub-Recipient”** shall refer to City.

2. References to This Agreement

Any reference to this Agreement shall include: (a) the Agreement; (b) all exhibits, appendices, schedules, and attachments to this Agreement; (c) all statutes, ordinances, regulations, rules, or other documents incorporated by reference into this Agreement; (d) all amendments, modifications, or supplements to this Agreement.

Article II. Payment

1. Payment Eligibility

Unless otherwise approved in advance by the County Office of Emergency Management (OEM) Grants Administrator (hereinafter “grants administrator”), only an actual cash disbursement by City for a claimed expense shall be eligible for reimbursement by the County as approved and specified in Exhibit A, SHSGP Project Funding, which is attached and hereby incorporated into this Agreement.

2. Amount of Payment

The County will provide City, unless otherwise specified, with the equipment, supplies, and/or other resources as set forth in Exhibit A, SHSGP Project Funding. Specifications for such equipment shall be provided by City’s requesting agency to the County for the appropriate procurement process. City’s requesting agency will be notified when the procurement process is complete for final approval of equipment prior to the order being placed. If, through previous agreement with the County, City is to procure its own equipment, performance milestone dates will apply (refer to Article IV, Section 3(b)).

The County may reallocate SHSGP funds as specified in Article II, section 4 of this Agreement. County does not guarantee a minimum payment to City.

Funds in the amount of \$226,698 have been set aside for the training and exercise programs from the total amount of the SHSGP grant to be allocated during the term of this Agreement. OEM will allocate

training and exercise funds to agencies as determined by the Training/Exercise Advisory Group.

Authorized personnel budgets are allowable within the County OEM, Central Fire, and County Emergency Medical Services. The personnel budget for these departments will reflect the expenditure authority. Reimbursement for actual cash disbursements will be requested through the County OEM. Based on the preference of the Department/Agency, reimbursement requests may be requested on a monthly or quarterly basis. For County Departments, reimbursements will be made via inter-county transfer. For all others, a County warrant will be issued.

3. Maximum Amount Payable

Subject to the availability of funds and the priorities established by the County Approval Authority, the maximum amount of SHSGP funds payable by the County to City under this Agreement must not exceed \$98,000, as allocated by the County Approval Authority.

4. Reallocation of SHSGP Grant Funds

For the purpose of maximizing the resources available for preparedness for acts of terrorism and other catastrophic events within the Operational Area, City agrees that the County Approval Authority may reallocate funds under this Agreement to another applicant if the County determines that City is unable to utilize the amount allocated under this Agreement. The County may base its determination on factors that include but are not limited to the following: delivery timelines, fund expenditure capabilities, and timeliness of expenditure. The County will notify City in writing of any determination to reallocate funds, by issuing a "Notice of Reallocation." SHSGP funds will be put forth to the County Approval Authority for reallocation. City agrees that the County has the authority to increase or decrease the maximum amount payable under this Agreement as specified in the Notice of Reallocation document without liability and the County has the authority to amend Exhibit A, "SHSGP Project Funding," accordingly. Upon issuance, the Notice of Reallocation will automatically become part of this Agreement.

Article III. Requests for Reimbursement and Reimbursements

1. Required Documentation for Reimbursement

The SHSGP is a reimbursement grant under which Cal OES disburses reimbursement funds to County, and County disburses reimbursement funds to City. No cash advances are permitted under the SHSGP program.

(a) Requests for Equipment

The following documentation is required for all reimbursement requests for equipment:

- Quote or solicitation documents
- Summary of pricing and chosen vendor
- Documentation that vendor is not on the excluded parties list (<https://www.epls.gov/>) (a print-out of the search result page will suffice)
- Purchase order and/or contract

- Receiving documentation/packing slip
- Invoice
- Proof of payment

All equipment must be approved by the County Approval Authority and must be authorized per the web-based Authorized Equipment List on the Responder Knowledge Base, which is sponsored by Grants & Training and the National Memorial Institute for the Prevention of Terrorism at <https://www.rkb.us/>. (Contact the Grant Manager for a current Authorized Equipment List.)

(b) Subcontracts

If City awards subcontracts totaling \$25,000 or more, it must report on any such subcontracts and on Highly Compensated Individuals on the Financial Disclosure Form, Exhibit D, within 30 days of the award. The following information must be included in City' report on any sub-award exceeding \$25,000:

- Name of entity receiving award;
- Amount of award;
- Funding agency;
- Catalog of Federal Domestic Assistance program number;
- Award title (descriptive of the purpose of the funding action);
- Location of the receiving entity and primary location of performance including city, state, and federal Congressional district;
- Dun & Bradstreet (D&B) DUNS Number of the receiving entity, and of its parent if applicable; and
- Total compensation and names of receiving entity's five most highly compensated executives if:
 - In the preceding fiscal year, the subcontractor received 80 percent or more, and \$25,000,000 or more, of its gross annual revenue from federal procurement contracts or subcontracts or from federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.230; and
 - The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. § 78m(a), 78o(d), or under section 6104 of the Internal Revenue Code of 1986.
 - City must report subcontractor executive compensation by the end of the month following the month in which it makes the sub-award. For example, if the sub-award is obligated in any date in April 2020, City must report any required compensation information by May 31, 2020.

Classified information that, in the interest of national security, requires protection against unauthorized disclosure (i.e., information deemed Top Secret, Secret, or Confidential under Executive Order 12958) is exempt from the Prime and Sub-Recipient reporting requirements, as are contracts with individuals.

(c) Sole Source Contracts

Sole source contracts of \$250,000 or more are not allowable under the SHSGP program unless first approved by Cal OES. City must obtain sole source request documentation and submit it to the Grants Manager of County's OEM. Upon City's completion and submission of the required sole source documentation, County's Grants Manager shall forward all sole source documents to the appropriate Cal OES contact for review and approval. Only after Cal OES approval is given can a sole source procurement be completed and expenditures reimbursed using SHSGP allocated funds. Sole source requests below the \$250,000 threshold must follow City's own procurement policies.

(d) Other Requests

The following documentation is required for all reimbursement requests for contractors:

- Quote or solicitation documents
- Executive summary of how contractor was chosen
- Documentation that vendor is not on the excluded parties list (<https://www.sam.gov/>) (a print-out of the search result page will suffice)
- Purchase order and/or contract
- Invoice showing deliverables and milestones completed
- Proof of payment
- Financial Disclosure Form (Exhibit D) if awarded contract exceeds \$25,000

The following documentation is required for reimbursement of Salaries:

- Functional timesheet
- Description of scope of job which includes Homeland Security-related functions
- Burdened Labor Rate
- Payroll reports showing amount paid for each pay period being claimed

The following documentation is required for reimbursement for Training activities:

- Class syllabus
- Class sign-in sheet
- Instructor/consultant contract documents
- Instructor's invoice
- Proof of payment

2. Submission of Requests for Reimbursement

(a) City shall submit reimbursement requests to County's OEM on a quarterly basis. Unless pre-approved by County's OEM Director or designee, all reimbursement requests shall be due fifteen calendar days after the end of the quarter, with the exception of the final expenditure and/or invoice, as indicated below. Any expenditure during the final period identified in the chart below shall be made by April 15, 2022, and any related invoice shall be submitted by April 30, 2022, unless otherwise pre-approved by County's OEM Director or designee, in order to meet 2020 SHSGP deadlines.

- (b) During the term of this Agreement, County is not obligated to honor any request for reimbursement that is submitted after April 30, 2022.

Article IV. Use of Funds

1. Master Grant Obligations

- (a) City shall comply with the SHSGP Federal Program Guidance, the State Guidance, and the Grant Certifications and Assurances, attached as Exhibit B. City shall require any sub-grantee, contractor, or other entity receiving SHSGP funds through or from City to execute a copy of the Grant Certifications and Assurances, and shall be responsible for ensuring that sub-grantee, contractor, or other entity complies with the Grant Certifications and Assurances.
- (b) City shall comply with all other applicable statutes, regulations, executive orders, requirements, policies, guides, guidelines, information bulletins, Cal OES grant management memos, and instructions; the terms and conditions of the grant award; and any other conditions imposed by Cal OES or by this Agreement, provided that if any provisions of this Agreement conflict with any State requirements, the State requirements will control. City shall ensure that any sub-grantee, contractor, or other entity receiving SHSGP funds through or from City complies with all applicable statutes, regulations, executive orders, requirements, policies, guides, guidelines, information bulletins, Cal OES grant management memos, and instructions; the terms and conditions of the grant award; and any other conditions imposed by Cal OES or by this Agreement.
- (c) City shall establish and maintain administrative, programmatic and fiscal management records in accordance with federal and state requirements, and:
- i. Maintain financial management systems that support grant activities in accordance with federal and state requirements, including but not limited to requirements in 44 Code of Federal Regulations (“C.F.R.”) Part 13.20, and the Office of Justice Programs Financial and Administrative Guide for Grants, Part II, Chapter 3.
 - ii. The County shall provide and affix equipment tracking numbers for all equipment purchased through its procurement process. Using the County-issued tracking number, City shall maintain an equipment tracking ledger that tracks the equipment within City and complies with federal and state requirements, including but not limited to requirements in 44 C.F.R., Parts 13.32 and 13.33, and the Office of Justice Programs Financial and Administrative Guide for Grants, Part III, Chapter 6.
- (d) By executing this Agreement, City certifies that it is not debarred, suspended, or otherwise ineligible to receive SHSGP funds. In addition, City shall ensure and independently verify that any sub-grantee, contractor, or other entity receiving SHSGP funds through or from City complies with federal and state requirements, including but not limited to requirements in 44 C.F.R., Parts 13.32 and 13.33, and the Office of Justice Programs Financial and Administrative Guide for Grants, Part III, Chapter 6, and is not debarred, suspended, or otherwise excluded from participation in the SHSGP program. City shall maintain

documentary proof of this verification in its files.

2. Scope of Services

- (a) If City has been allocated funding for a project, Exhibit A, “SHSGP Project Funding,” will serve as the basis for the project. A further detailed description may be necessary and will be requested by the County if needed to be incorporated by reference herein. If future funding is allocated, City shall provide a detailed description of the approved project to be attached hereto and incorporated by reference herein.
- (b) City shall use the funds granted under this Agreement in a manner consistent with:
 - i. The applications submitted by the County to the State for the grant under this Agreement;
 - ii. The grant guidelines issued by the State for the grant under this Agreement; and
 - iii. The notifications issued by the State of the approval of the grant under this Agreement
- (c) The documents described in Exhibit B of this Agreement (collectively the “State Grant Requirements”) are on file with the County and the granting agencies of the State, and are hereby incorporated into this Agreement. City hereby acknowledges that it has received a copy of the State Grant Requirements.
- (d) City shall use the funds granted under this Agreement only for the purpose of implementing applicable initiatives under the 2020 SHSGP program, as indicated in Exhibit A, “SHSGP Project Funding”. City shall not use the funds granted under this Agreement for any other purpose. Incumbents filling positions funded by the 2020 SHSGP program shall work at a location inside of the City County Operational Area, and the work of grant-funded personnel must be solely focused on threats to the Santa Clara County Operational Area. County will not disburse funds to or otherwise pay City for services that do not address a terrorism nexus, or for materials, equipment, or supplies provided by City that are beyond the scope of the services, materials, equipment, or supplies agreed upon in this Agreement or a lawfully executed written amendment.

3. Performance and Reporting Requirements

- (a) Performance reports indicating the status of outstanding projects are due to the County Grants Administrator on a quarterly basis as follows:
- (b) The following dates represent the Grant Performance Period for the SHSGP program:
 - Performance Period 1 (September 1, 2020 – December 31, 2020) – due by January 15, 2020
 - Performance Period 2 (January 1, 2021 – March 31, 2021) – due by April 15, 2021
 - Performance Period 3 (April 1, 2021 – June 30, 2021) – due by July 15, 2021
 - Performance Period 4 (July 1, 2021 – September 30, 2021) – due by October 15, 2021
 - Performance Period 5 (October 1, 2021 – December 31, 2021) – due by January 15,

2022

- Performance Period 6 (January 1, 2022 – March 31, 2022) – due by April 15, 2022
- Performance Period 7 (April 1, 2022 – June 30, 2022) – due by July 15, 2022
- Performance Period 8 (July 1, 2022 – September 30, 2022) – due by October 15, 2022
- Performance Period 9 (October 1, 2022 – December 31, 2022) – due by January 15, 2023
- Performance Period 10 (January 1, 2023 – March 31, 2023) – due by April 30, 2023

- (c) The County will provide City with a report template (Exhibit C, “Performance Report”), and City will utilize the template to complete the performance submittal to the County.
- (d) Payments made by the County to City are conditioned upon the timely receipt of applicable, accurate and complete reports, including supporting document, to be submitted by City.
- (e) City will notify the County representative identified in Article VII, Section I, within 15 days, when City has completed all performance obligations for these grants.
- (f) City will provide single audit reports to the County by July 31st of each fiscal year.

Article V. Term and Termination

1. Term of Agreement

This Agreement is effective from September 1, 2020 through May 31, 2023.

2. Availability of Funds

- (a) The parties acknowledge and agree that this Agreement is dependent upon the availability of county, regional, State and/or federal funding.
- (b) Budgetary Contingency: This Agreement is contingent upon the appropriation of sufficient funding by County for the products and services covered by this Agreement. If funding is reduced or eliminated by County for the products or services covered by this Agreement, County has the option to either terminate this Agreement with no liability occurring to County or to offer an amendment to this Agreement indicating the reduced amount.
- (c) The obligations of County to make payments in accordance with the provisions of this Agreement may be delayed, reduced or terminated as a result of any delay, reduction, or change in allocation or allotment in funding to County from federal, State or other regional funding sources.

4. Termination

- (a) Termination for Convenience. County shall have the option, in its sole discretion, to terminate this Agreement at any time without cause upon written notice to City. The

written notice shall specify the date on which termination shall become effective, which shall be no less than seven (7) days from the date of the notice.

- (b) Termination for Cause. Either party may terminate this Agreement for cause upon written notice to the other party. The written notice shall specify the date on which termination shall become effective, which shall be no less than thirty (30) days from the date of the notice. Termination for cause includes, but is not limited to, a material breach of this Agreement, a violation of any applicable laws, or failure to comply with applicable SHSGP guidelines.
- (c) Opportunity to Cure. In the event of termination for material breach of this Agreement, the non-breaching party shall give written notice of the breach to the breaching party, specifying the breach/cause. The breaching party shall not be deemed in default and the non-breaching party shall not institute proceedings or exercise any remedies against the breaching party unless the breach has not been cured, corrected or remedied within thirty (30) days after the breaching party's receipt of the notice of breach, or within such longer period as may be reasonably required to cure, correct or remedy the breach, provided the breaching party has commenced its cure, correction or remedy within the thirty (30) day period and diligently and continuously pursues that cure, correction or remedy.
- (d) If this Agreement is terminated, City shall return SHSGP funding in accordance with SHSGP program guidelines.

Article VI. Indemnification and Liabilities

1. Indemnification by City

In lieu of and notwithstanding the pro rata risk allocation that might otherwise be imposed between the parties under Government Code section 895.6, County and City agree instead that under Government Code section 895.4, City shall fully indemnify and hold County, its officers, board members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of City, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to City under this Agreement. This indemnity shall include, without limitation, reasonable attorneys' fees, consultants and experts and related costs, and County's cost of investigating any claim.

2. Duty to Defend

City acknowledges and agrees that its obligation to defend County under Article VI: (a) is an immediate obligation, independent of its other obligations under this Agreement; and (b) applies to any claim, expense, cost, damage, or liability falling within the scope of Article VI, regardless of whether the allegations made in connection with that claim, expense, cost, damage, or liability may be groundless, false, or fraudulent. County shall provide City with prompt notice of any claim, expense, cost, damage, or liability under Article VI and City shall have the right to defend, settle, or compromise that claim, expense, cost, damage, or liability, provided, however, that County shall have the right to retain its own counsel at City's expense if representation of County by counsel retained by City would result in a

conflict of interest, and that City shall obtain County's prior written consent to settle or compromise if City contends that County shares in any liability. County's failure to notify City promptly of any claim, expense, cost, damage, or liability shall not relieve City of liability to County under Article VI unless that failure materially impairs City's ability to defend against the claim, expense, cost, damage, or liability.

3. Limitation on Liability

County, its officers, board members, employees, and agents shall not be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of Santa Clara, its officers, board members, employees, or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to Santa Clara under this Agreement.

County's obligations under this Agreement shall be limited to the aggregate amount of SHSGP funds actually disbursed. Notwithstanding any other provision in this Agreement or any other document or communication between County and Santa Clara relating to this Agreement, in no event shall County be liable for any damages arising out of or in connection with this Agreement, the SHSGP funds, Santa Clara's Spend Plan, or any activities performed in connection with this Agreement.

Article VII. Miscellaneous

1. Notice

All notices required by this Agreement shall be deemed given when provided in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing:

To City:

John Torrez, Police Captain
Milpitas Police Department
1275 North Milpitas Boulevard,
Milpitas, CA 95035

To County:

Michelle Sandoval
Grant and Administrative Services Manager
County of Santa Clara Office of Emergency Management
55 W. Younger Ave., Suite 450
San Jose, CA 95110

2. Compliance with all Laws, Including Nondiscrimination, Equal Opportunity, and Wage Theft Prevention

- (a) Compliance with All Laws. Santa Clara shall comply with all applicable Federal, State, and local laws, regulations, rules, and policies (collectively, “Laws”), including but not limited to the non-discrimination, equal opportunity, and wage and hour Laws referenced in the paragraphs below.
- (b) Compliance with Non-Discrimination and Equal Opportunity Laws: Santa Clara shall comply with all applicable Laws concerning nondiscrimination and equal opportunity in employment and contracting, including but not limited to the following: Santa Clara County’s policies for contractors on nondiscrimination and equal opportunity; Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973 (Sections 503 and 504); the Equal Pay Act of 1963; California Fair Employment and Housing Act (Gov. Code § 12900 et seq.); California Labor Code sections 1101, 1102, and 1197.5; and the Genetic Information Nondiscrimination Act of 2008. In addition to the foregoing, Santa Clara shall not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex, gender identity, gender expression, sexual orientation, mental disability, physical disability, medical condition, political belief, organizational affiliation, or marital status in the recruitment, selection for training (including but not limited to apprenticeship), hiring, employment, assignment, promotion, layoff, rates of pay or other forms of compensation. Nor shall Santa Clara discriminate in the provision of services provided under this contract because of age, race, color, national origin, ancestry, religion, sex, gender identity, gender expression, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.
- (c) Compliance with Wage and Hour Laws: Santa Clara shall comply with all applicable wage and hour Laws, which may include but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code, and, if applicable, any local minimum wage, prevailing wage, or living wage Laws.
- (d) Definitions: For purposes of this Subsection (h), the following definitions shall apply. A “Final Judgment” shall mean a judgment, decision, determination, or order (a) which is issued by a court of law, an investigatory government agency authorized by law to enforce an applicable Law, an arbiter, or arbitration panel and (b) for which all appeals have been exhausted or the time period to appeal has expired. For pay equity Laws, relevant investigatory government agencies include the federal Equal Employment Opportunity Commission, the California Division of Labor Standards Enforcement, and the California Department of Fair Employment and Housing. Violation of a pay equity Law shall mean unlawful discrimination in compensation on the basis of an individual’s sex, gender, gender identity, gender expression, sexual orientation, race, color, ethnicity, or national origin under Title VII of the Civil Rights Act of 1964 as amended, the Equal Pay Act of 1963, California Fair Employment and Housing Act, or California Labor Code section 1197.5, as applicable. For wage and hour Laws, relevant investigatory government agencies include the federal Department of Labor, the California Division of Labor Standards Enforcement, and the Santa Clara’s Office of Equality Assurance.

- (e) **Prior Judgments, Decisions or Orders against Contractor:** By signing this Agreement, Santa Clara affirms that it has disclosed any final judgments that (A) were issued in the five years prior to executing this Agreement by a court, an investigatory government agency, arbiter, or arbitration panel and (B) found that Santa Clara violated an applicable wage and hour law or pay equity law. Santa Clara further affirms that it has satisfied and complied with – or has reached Agreement with the County regarding the manner in which it will satisfy – any such final judgments.
- (f) **Violations of Wage and Hour Laws or Pay Equity Laws During Term of Contract:** If at any time during the term of this Agreement, Santa Clara receives a Final Judgment rendered against it for violation of an applicable wage and hour Law or pay equity Law, then Santa Clara shall promptly satisfy and comply with any such Final Judgment. Santa Clara shall inform the Office of the County Executive-Office of Countywide Contracting Management (OCCM) of any relevant Final Judgment against it within 30 days of the Final Judgment becoming final or of learning of the Final Judgment, whichever is later. Santa Clara shall also provide any documentary evidence of compliance with the Final Judgment within 5 days of satisfying the Final Judgment. Any notice required by this paragraph shall be addressed to the Office of the County Executive-OCCM at 70 W. Hedding Street, East Wing, 11th Floor, San José, CA 95110. Notice provisions in this paragraph are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the Office of the County Executive-OCCM satisfies the notice requirements in this paragraph.
- (g) **Access to Records Concerning Compliance with Pay Equity Laws:** In addition to and notwithstanding any other provision of this Agreement concerning access to Santa Clara's records, Santa Clara shall permit the County and/or its authorized representatives to audit and review records related to compliance with applicable pay equity Laws. Upon the County's request, Santa Clara shall provide the County with access to any and all facilities and records, including but not limited to financial and employee records that are related to the purpose of this Section, except where prohibited by federal or state laws, regulations or rules. County's access to such records and facilities shall be permitted at any time during Santa Clara's normal business hours upon no less than 10 business days' advance notice.
- (h) **Pay Equity Notification:** Santa Clara shall (1) at least once in the first year of this Agreement and annually thereafter, provide each of its employees working in California and each person applying to Santa Clara for a job in California (collectively, "Employees and Job Applicants") with an electronic or paper copy of all applicable pay equity Laws or (2) throughout the term of this Agreement, continuously post an electronic copy of all applicable pay equity Laws in conspicuous places accessible to all of Santa Clara's Employees and Job Applicants.
- (i) **Material Breach:** Failure to comply with any part of this Section shall constitute a material breach of this Agreement. In the event of such a breach, the County may, in its discretion, exercise any or all remedies available under this Agreement and at law. County may, among other things, take any or all of the following actions:
1. Suspend or terminate any or all parts of this Agreement.
 2. Withhold payment to Santa Clara until full satisfaction of a Final Judgment concerning violation of an applicable wage and hour Law or pay equity Law.
 3. Offer Santa Clara an opportunity to cure the breach.

- (j) Subcontractors: Santa Clara shall impose all of the requirements set forth in this Section on any subcontractors permitted to perform work under this Agreement. This includes ensuring that any subcontractor receiving a Final Judgment for violation of an applicable Law promptly satisfies and complies with such Final Judgment.

3. County No-Smoking Policy

Santa Clara and its employees, agents and subcontractors shall comply with County's No Smoking Policy, as set forth in the Board of Supervisors Policy Manual section 3.47 (as amended from time to time), which prohibits smoking: (1) at the Santa Clara Valley Medical Center Campus and all County-owned and operated health facilities, (2) within 30 feet surrounding County-owned buildings and leased buildings where County is the sole occupant, and (3) in all County vehicles.

4. Food and Beverage Standards

Except in the event of an emergency or medical necessity, the following nutritional standards shall apply to any foods and/or beverages purchased by Santa Clara with County funds for County-sponsored meetings or events.

If food is to be provided, healthier food options shall be offered. "Healthier food options" include (1) fruits, vegetables, whole grains, and low-fat and low-calorie foods; (2) minimally processed foods without added sugar and with low sodium; (3) foods prepared using healthy cooking techniques; and (4) foods with less than 0.5 grams of trans-fat per serving. Whenever possible, Santa Clara shall (1) offer seasonal and local produce; (2) serve fruit instead of sugary, high-calorie desserts; (3) attempt to accommodate special dietary and cultural needs; and (4) post nutritional information and/or a list of ingredients for items served. If meals are to be provided, a vegetarian option shall be provided, and Santa Clara should consider providing a vegan option. If pre-packaged snack foods are provided, the items shall contain: (1) no more than 35% of calories from fat, unless the snack food items consist solely of nuts or seeds; (2) no more than 10% of calories from saturated fat; (3) zero trans-fat; (4) no more than 35% of total weight from sugar and caloric sweeteners, except for fruits and vegetables with no added sweeteners or fats; and (5) no more than 360 mg of sodium per serving.

If beverages are to be provided, beverages that meet the County's nutritional criteria are: (1) water with no caloric sweeteners; (2) unsweetened coffee or tea, for which sugar and sugar substitutes may be provided as condiments; (3) unsweetened, unflavored nonfat or 1% low-fat dairy milk; (4) plant-derived milk (e.g., soy milk, rice milk, and almond milk) with no more than 130 calories per 8-ounce serving; (5) 100% fruit or vegetable juice (limited to a maximum of 8 ounces per container); and (6) other low-calorie beverages (including tea and/or diet soda) that do not exceed 40 calories per 8-ounce serving. Sugar-sweetened beverages shall not be provided.

5. Governing Law

This Agreement has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California.

6. Assignment

The parties may not assign this Agreement or the rights and obligations hereunder without the specific written consent of the other.

7. Entire Agreement

This document represents the entire Agreement between the parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the parties with respect to the subject matter of this Agreement are merged into this Agreement.

8. Amendments

This Agreement may only be amended by an instrument signed by the parties.

9. Counterparts; Contract Execution

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed Agreement, or an electronically signed Agreement, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the County.

10. Severability

If any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid or unenforceable, the same shall either be reformed to comply with applicable law or stricken if not so conformable, so as not to affect the validity or enforceability of this Agreement.

11. Waiver

No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party must be in writing, and shall apply to the specific instance expressly stated.

12. Conflict of Interest

In accepting this Agreement, Santa Clara covenants that is presently has no interest and shall not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of services under this Agreement. Santa Clara is responsible for assuring compliance of its subcontractors, if any, with the requirements of this provision.

13. Certified Resolution of Signature Authority

Upon request of County, Santa Clara shall deliver to County a copy of the resolution(s) authorizing

execution, delivery, and performance of this Agreement, certified as true, accurate and complete by the appropriate authorized representative of Santa Clara.

Signed:

COUNTY OF SANTA CLARA

CITY OF MILPITAS

By _____
Garry Herceg
Deputy County Executive

Date

By _____
Steve McHarris
City Manager

Date

By _____
Jared Hernandez
Acting Chief of Police

Date

Approved as to Form and Legality:

Approved as to Form:

Kavita Narayan
Assistant County Counsel

Date

Christopher Diaz
City Attorney

Date

Enclosures

- Exhibit A 2020 SHSGP Project Funding
- Exhibit B Grant Assurances
- Exhibit C Quarterly Reporting Requirements and Report Template
- Exhibit D Financial Disclosure Form



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) Federal Preparedness Grants Manual;
- (d) California Supplement to the NOFO; and
- (e) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the [Office of Management and Budget \(OMB\)](http://www.whitehouse.gov/omb/) and can be found at <http://www.whitehouse.gov/omb/>.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (d) Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) Official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.



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For Cal OES Federal Non-Disaster Grant Programs

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.213 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, recipients, or subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:



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For Cal OES Federal Non-Disaster Grant Programs

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101- 12213), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
- (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
- (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;



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- (k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
- (l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940, 12945, 12945.2), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
- (m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- (n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000- 21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000- 15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;



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- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
- (m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.



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8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records

In accordance with 2 C.F.R. § 200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no subrecipient, recipient, or subrecipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.



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14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;



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For Cal OES Federal Non-Disaster Grant Programs

- (c) Assist the awarding agency in assuring compliance with Section 106 of the
- (d) National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.); and
- (e) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM (HSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

24. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.



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25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.



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30. Non-supplanting Requirement

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.



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For Cal OES Federal Non-Disaster Grant Programs

35. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

36. Use of DHS Seal, Logo, and Flags

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

IMPORTANT

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the [Department of Homeland Security Standard Terms and Conditions 2020, Version 10.1](https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions), hereby incorporated by reference, which can be found at:
<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient: _____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

RESOLUTION NO. 9004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ACCEPTING AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE
COUNTY OF SANTA CLARA AND THE CITY OF MILPITAS GRANTING PROGRAM
FUNDS FOR THE 2019 STATE HOMELAND SECURITY GRANT PROGRAM , AND
APPROVING AND AUTHORIZING A SOLE SOURCE PURCHASE FOR THE
PROCUREMENT OF MOBILE CRASH BARRIERS AND PORTABLE BOLLARDS
MANUFACTURED BY DELTA SCIENTIFIC CORPORATION TO BE FUNDED BY FY 2019
STATE HOMELAND SECURITY GRANT PROGRAM FUNDING**

WHEREAS, the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency's (FEMA) Homeland Security Grant Program provides funding to federal, state and local governments for the purpose of strengthening national security in the ability to prevent, respond to, and recover from major events such as terrorist attacks; and

WHEREAS, California receives DHS funding through its State Homeland Security Grant Program (SHSGP), which is administered by the California Governor's Office of Emergency Services (Cal OES). Cal OES prioritized use of the FY 2019 SHSGP funds into 11 homeland security strategy goals including the prevention of violent extremism through multi-jurisdictional collaboration and coordination; and

WHEREAS, on September 1, 2019, Cal OES awarded the County of Santa Clara 2019 SHSGP funds in the amount of \$2,088,075. The allocation of the SHSGP funds were determined by the County Approval Authority in accordance with the grant guidelines; and

WHEREAS, the City of Milpitas has been awarded funding, and the acceptance of the FY 2019 SHSGP fund award is contingent upon purchasing interoperable mobile crash barriers and portable bollards compatible with those purchased by four other neighboring law enforcement agencies in Santa Clara County including Campbell, Los Gatos-Monte Sereno, Morgan Hill and Santa Clara, as provided for under the Agreement Between the County of Santa Clara and the City of Milpitas Granting Program Funds for the 2019 State Homeland Security Grant Program (the "Agreement"), attached hereto as Exhibit A; and

WHEREAS, the City of Milpitas Police Department has been approved for a grant of \$102,000.00 to cover the cost of two mobile crash barriers and five portable bollards for a collaborative, regional project. SHSGP funding does not augment the General Fund budget; nor is there any obligation on the part of the City for matching funds. The cost to purchase the equipment will be fully funded through the FY 2019 SHSGP grant. The equipment procured will be shared on a regional basis and therefore must be interoperable with the equipment procured by the aforementioned police agencies in the County; and

WHEREAS, Delta Scientific Corporation is the sole manufacturer of the MP5000 mobile crash barrier and is the only portable barricade system of its type that is completely removed from its transportation device before being deployed. In conjunction with five TB100 portable bollards, it is the only barricade system that carries an American Standard Test Method (ASTM) M50 rating; and

WHEREAS, after conducting a good faith review of the available sources and pursuant to Milpitas Municipal Code Section I-2-3.09 (Sole Source Procurement), the City's Purchasing Agent has determined that Delta Scientific Corporation is the only source for the purchase of the MP5000 mobile crash barrier and TB100 portable bollard system.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager, or his designee, is hereby authorized to execute, deliver, and perform the Agreement Between the County of Santa Clara and the City of Milpitas Granting Program Funds for the 2019 Homeland Security Grant Program Funds, attached hereto as Exhibit A, and to accept the grant funds distributed to the City of Milpitas pursuant to the Agreement.
3. The City Council hereby approves Delta Scientific Corporation as the sole source provider for the procurement of two MP5000 mobile surface mounted barrier systems and five TB100 portable bollards from Delta Scientific Corporation per quotation JA0509195R2 pursuant to Milpitas Municipal Code Section I-2-3.09 (Sole Source Procurement).
4. The City Council hereby approves the purchase of the equipment from Delta Scientific Corporation and authorizes the City Manager, or his designee, to execute the contract and related documents for the purchase in the amount of \$101,995.30.

PASSED AND ADOPTED this 6th day of October 2020, by the following vote:

AYES: (5) Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano,
and Phan
NOES: (0) None
ABSENT: (0) None
ABSTAIN: (0) None

ATTEST:


Mary Lavelle, City Clerk

APPROVED:


Rich Tran, Mayor

APPROVED AS TO FORM:


Christopher J. Diaz, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Award IFB No. 22-014 to JAM Services and Authorize the City Manager to Purchase Decorative Light Poles and Fixtures for the Not-To-Exceed Amount of \$152,085.94.
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	11/16/2021
Staff Contact:	Tony Ndah, Public Works Director, 408-586-2602, Chris Schroeder, Purchasing Agent, 408-586-3161
Recommendation:	Award IFB No. 22-014 to JAM Services and authorize the City Manager to purchase decorative light poles and fixtures for the not-to-exceed amount of \$152,085.94.

Background:

The Public Works Department is responsible for the repair, replacement, and improvement of streetlights, signage, and traffic control devices in the City. There are approximately 5,126 streetlights in the City, which includes 134 decorative streetlights. The decorative streetlights installed in the City are manufactured by Lumec, consisting of single or twin luminaire, and made of black decorative cast 356 aluminum. Twenty (20) decorative light poles on the Main Street and Abel Street corridor have been damaged due to vehicular accidents over the years and need to be replaced.

The City Council approved funding in the FY 2021-2022 Capital Budget for the replacement of decorative and Type 15 streetlights and street signage at various locations citywide.

Analysis:

On September 17, 2021, the Purchasing Division released IFB No. 22-014: Decorative Light Poles and Fixtures seeking bids from qualified vendors with demonstrated experience in providing Decorative Light Poles and Fixtures. The IFB was publicly noticed in accordance with the City's Municipal Code, advertised on the City's website, emailed to companies registered with the City via ProcureNow.com (the City's eProcurement system). Upon release, 15 firms received the solicitation notification and 14 firms downloaded the IFB documents. The Purchasing Division received two (2) bids by the 2:00 p.m. PDT October 8, 2021 deadline in response to the IFB. The Purchasing Division received proposals from JAM Services and Ray's Electric. Bids were reviewed for completeness and were accepted.

Staff evaluated the two bids that were received and determined that JAM Services was the lowest responsible bidder. Staff determined that JAM Services provided the required specifications and pricing with a lead time for delivery of 10 to 12 weeks once the order is placed. Staff recommends the City Council award the bid for decorative light poles and fixtures to JAM Services at the not-to-exceed amount of \$152,085.94.

The table below shows the final bid tabulation with the recommended vendor highlighted in green:

IFB No. 22-014 for Decorative Light Poles and Fixtures	JAM Services	Ray Electric
Base Bid	\$152,085.94	\$175,058.00

Award of this contract would allow for the replacement decorative streetlights on Main Street and Abel Street. Based on the lead time of 10 to 12 weeks of the light poles after placement of order, staff anticipates installation work, which will be performed by Public Works staff, to begin in late Winter/early Spring 2022.

Policy Alternatives:

Alternative 1: Do not award IFB No. 22-014 to Jam Services.

Pros: The City does not spend \$152,085.94 to purchase decorative light poles and fixtures.

Cons: The Main Street and Abel Street corridor will not have adequate lighting to ensure a safe environment for both motorists and pedestrians.

Reason not recommended: One of the Council's priority areas is to ensure public safety for residents. Poorly lit streetscapes can be a public safety hazard. Maintaining the City's streetlighting system will promote nighttime safety for the residents in the community.

Fiscal Impact:

The award to JAMS Services to purchase decorative light poles and fixtures would be for an amount not-to-exceed \$152,085.94. Sufficient funding is available in CIP No. 3440 – Annual Street Light, Signal, and Signage. Current available balance is \$794,187.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(3) this action does not qualify as a "project" for the purpose of CEQA as it constitutes a continuing administrative or maintenance activity which specifically includes the purchase of supplies. It is also exempt under CEQA Guideline 15301 as the maintenance of existing facilities.

Recommendation:

Award IFB No. 22-014 to JAM Services and authorize the City Manager to purchase decorative light poles and fixtures for the not-to-exceed amount of \$152,085.94.

Attachment

1. Purchase Order Template re Materials and Equipment

PURCHASE ORDER TERMS AND CONDITIONS FOR EQUIPMENT AND MATERIALS

1. Acceptance. This purchase order for equipment and materials issued by the City of Milpitas ("CITY") to the Vendor designated in the purchase order must be promptly accepted and acceptance is expressly limited to the terms of this order. Any additions or different terms in the Vendor's forms are hereby deemed to be material alterations and notice of objection to them and rejection of them is hereby given. Vendor's shipment of goods in response to this order shall be considered acceptance by the Vendor.

2. Entire Agreement. Unless Vendor and CITY have entered into a separate written contract covering the purchase of the goods described herein, the entire contract between the parties consists of this order and the Vendor's acceptance as above stipulated, and said contract shall not be changed or added to except in writing signed by authorized representatives of each party.

3. Price. The price invoiced for the goods on this purchase order shall be no higher than the price stated on the front of this purchase order unless prior notification is received from Vendor prior to shipment and the change is accepted by CITY. If the Vendor's established price for any item upon the date of delivery shall be lower than the price shown on this purchase order, CITY shall have the benefit of such lower price. Vendor shall deliver to CITY all invoices within 30 days of shipping or service delivery.

4. Payment. Payments will be made net 30 days unless otherwise specified as per agreements regarding discount terms. The period of computation will commence on the date of receipt of a correctly completed invoice. Payment may be withheld, in whole or in part, due to deficiencies in Vendor's performance. Payment of an invoice by CITY shall be without prejudice to any and all claims CITY may have against Vendor in connection with such goods. Invoices are paid on a weekly basis and such practice may result in minor deviations from payment terms otherwise cited herein.

5. Time of the Essence. Time is of the essence on this order. If delivery is not made in the quantity or quantities and at the time or times specified, CITY shall have the right, at its option, to cancel the entire order or that part of same not so delivered. If CITY accepts delayed delivery the time of payment shall be extended accordingly.

6. Delivery and Acceptance. Vendor expressly warrants that any article, material or work is free and clear of all liens and encumbrances whatsoever, and that Vendor has good and marketable title to same. Unless otherwise specified, all goods are to be shipped prepaid, F.O.B. destination. No charge will be allowed for packing, crating, freight, express or other carrier's charges, or cartage, unless specifically agreed to by CITY. Title to equipment and materials purchased hereunder shall pass to Vendor at the designated F.O.B. point, subject to Vendor's right to inspect and reject or revoke acceptance.

7. Warranty. Vendor warrants for a period of 12 months following start of use or 18 months from receipt, whichever occurs first, that the goods described herein will be free of defects in workmanship, design, materials, and title, and notwithstanding anything herein to the contrary, will conform to all applicable proposals, specifications, instructions, drawings, data, descriptions, and samples, and will be of good and merchantable quality and fit and sufficient for the purpose intended. Vendor shall obtain and provide to CITY Material Safety Data Sheets (MSDS) for each product that contains hazardous substances as defined by CalOSHA. ..

8. Rejection of Goods. CITY shall have the right, at its option, to reject or revoke acceptance of any goods which do not conform to these warranties or to the specifications. In case of such rejection or revocation of acceptance, transportation of the rejected goods, both to and from CITY, shall be at the expense of Vendor, said rejected goods are not to be replaced except upon specific instruction from CITY, and CITY shall have the right at its option to cancel the remainder, if any, of the order, by notice to Vendor at the time notice is given of rejection or revocation of acceptance. Vendor shall be liable to CITY for all damages proximately caused by breach of any of the foregoing warranties, including incidental damages but excluding special or consequential damages.

9. Returns. CITY reserves the right to return for full credit any excess over quantity called for in any order or orders. Vendor to bear the cost of transportation both ways.

10. Force Majeure. Vendor shall not be held responsible for failure or delay in shipping nor CITY for failure or delay in accepting goods described herein if such failure or delay is due to act of God, war, federal or state legislation or any regulations or orders, fire, accident, or other causes, either similar or dissimilar to the foregoing, beyond their control. In the event of any such excused interference with shipments, CITY shall have the option either to reduce the quantity provided for in the order accordingly or to exercise its right of cancellation as set forth in these terms and conditions.

11. Additional Fees. Unless otherwise required by law or provided herein, Vendor assumes exclusive liability for, and shall pay before delinquency, all sales, use, excise and other taxes, charges or contributions of any kind now or hereafter imposed on or with respect to, or measured by the article sold or material or work furnished hereunder on the wages, salaries or other remunerations paid to persons employed in connection with performance of this order.

12. No Waiver. No exercise by CITY of its rights hereunder shall constitute a waiver of any rights it may have for breach of contract. CITY's waiver of or failure to enforce its rights on account of Vendor's failure or delay in performing any obligation of Vendor hereunder, or on account of Vendor's breach of contract in any respect, shall not constitute a waiver of any subsequent failure, delay or breach.

13. Compliance with Law. Vendor shall comply with all applicable laws and regulations of the federal, state and local government. CITY shall assist Vendor, as requested, in obtaining and maintaining all permits required of Vendor by Federal, State and local regulatory agencies. Vendor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of his or her Work. Vendor is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Work is being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Vendor agrees to fully comply with such Prevailing Wage Laws. Vendor shall defend, indemnify and hold CITY, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. Any stop orders issued by the Department of Industrial

Relations against Vendor or any subcontractor that affect Vendor's performance of services, including any delay, shall be Vendor's sole responsibility and Vendor shall indemnify CITY from liability arising out of the same. It shall be mandatory upon the Vendor and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815), contractor registration (Labor Code Sections 1725.5 and 1771.1) and debarment of contractors and subcontractors (Labor Code Sections 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 and to be registered with the Department of Industrial Relations shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1771.4, 1725.5 and 1771.1.

14. Insurance. Vendor shall take out and maintain: A. Commercial General Liability Insurance, of at least \$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury and property damage, at least as broad as Insurance Services Office Commercial General Liability most recent Occurrence Form CG 00 01; B. Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, of at least \$1,000,000 per accident for bodily injury and property damage, at least as broad as most recent Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto); C. Workers' Compensation in compliance with applicable statutory requirements and Employer's Liability Coverage of at least \$1,000,000 per occurrence; and D. Pollution Liability Insurance of at least \$1,000,000 per occurrence and \$2,000,000 aggregate shall be provided by those Vendors transporting hazardous materials. Insurance carriers shall be licensed to do business in California and maintain an agent for process within the state. Such insurance carrier shall have not less than an "A:VII" rating according to the latest Best Key Rating unless otherwise approved by CITY. VENDOR SHALL ENSURE THAT THIRD PARTY SHIPPERS CONTRACTED BY VENDOR HAVE ADEQUATE INSURANCE COVERAGE. If attached, Vendor shall refer to Exhibit "A" – Insurance Requirements, for further insurance requirements applicable to Vendor.

15. Indemnification. The Vendor shall indemnify and hold harmless CITY, its officials, officers, agents and employees from and against any and all claims, liabilities, expenses or damages, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, or patent infringement or fees for use of patented items, or any claim of the Vendor or sub-contractors for wages or benefits which arise in connection with the sale, delivery and/or installation of equipment or materials, except to the extent caused or resulting from the negligence or willful misconduct of CITY. The foregoing indemnity includes, but is not limited to, the cost of prosecuting or defending such action with legal counsel acceptable to CITY and CITY's attorneys' fees incurred in such an action.

16. Substitutions, Changes and Cancellation. No substitutions are acceptable unless expressly accepted in writing by CITY. CITY may make changes in the general scope of this order by giving written notice to Vendor. If any such change affects the cost of or time to deliver or perform under this order, an adjustment in price, delivery or both will be made as CITY determines to be equitable. Vendor may request changes; however, no such change shall be effective

unless accepted in writing by CITY. CITY may cancel this order in whole or in part at any time before acceptance of the equipment and materials due to Vendor's breach or for CITY's convenience.

17. Laws, Venue, and Attorneys' Fees. This purchase order shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this purchase order, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, as determined by the court.

18. Contract Terms. Nothing herein shall be construed to give any rights or benefits to anyone other than CITY and the Vendor. The unenforceability, invalidity or illegality of any provision(s) of this purchase order shall not render the other provisions unenforceable, invalid or illegal. Notice may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to the parties to the addresses set forth in the purchase order. Vendor shall not assign, sublet, or transfer this purchase order, or any rights under or interest in this purchase order, without the written consent of CITY, which may be withheld for any reason. Vendor is retained as an independent contractor and is not an employee of CITY. No employee or agent of Vendor shall become an employee of CITY. This is an integrated agreement/purchase order representing the entire understanding of the parties as to those matters contained herein, and supersedes and cancels any prior oral or written understanding or representations with respect to matters covered hereunder. This Contract may not be modified or altered except in writing signed by both parties hereto.

19. Damage to City Facilities. Damage to CITY or public facilities or private property caused by the Vendor or by its subcontractors during delivery or installation shall be repaired and/or replaced in kind at no cost to the CITY.

20. Site Safety and Cleanup. The delivery and installation site shall be kept clean and free of hazards at all times during delivery and installation. After and installation is completed at the site, as applicable, Vendor shall clean the surrounding area to the condition prior to delivery and installation.

21. Installation. If the Vendor is responsible for providing installation services, finished installation work and/or equipment shall be subject to final inspection and acceptance or rejection by the CITY.

22. Wage Theft Prevention. Vendor, and any subcontractor it employs to complete work under this purchase order, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance. By entering into this purchase order, Vendor affirms that it has disclosed any final judgments, decisions or orders from a court or investigatory government agency, finding in the five (5) years prior to the date of this purchase order that Vendor or its subcontractor(s) has violated any applicable wage and hour laws. Vendor further affirms that it or its subcontractor(s) has either fully satisfied each judgment, decision or order, or, if any judgment, decision or order has not been fully satisfied, Vendor affirms that it or its subcontractor(s) is currently satisfying said judgment, decision or order through a payment or alternative plan approved by the applicable court/government agency and that Vendor or its subcontractor(s) are in compliance with

said plan as of the date of this purchase order. If at any time during the term of this purchase order, a court or investigatory government agency issues a final judgment, decision or order finding that Vendor or a subcontractor it employs to perform work under this purchase order has violated any applicable wage and hour law, or Vendor learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Vendor shall inform the CITY no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Vendor or its subcontractor(s) shall, within thirty (30) calendar days after notifying the CITY, either (i) fully satisfy any such judgment, decision, or order and provide the CITY with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the CITY documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Vendor or its subcontractor is subject to a payment or other alternative plan, the Vendor or its subcontractor shall continue to submit documentary evidence every thirty (30) calendar days during the term of the purchase order demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied. For purposes of this provision, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant

investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the CITY, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws. Failure to comply with any part of this provision constitutes a material breach of this purchase order. Such breach may serve as a basis for immediate termination of this purchase order and/or any other remedies available under this purchase order and/or law. Notice provided to the CITY shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd., Milpitas, CA 95035. The notice provisions of this paragraph are separate from any other notice provisions in this purchase order and, accordingly, only notice provided to the above address satisfies the notice requirements in this provision.

***OPTIONAL TERMS:** Check box if applicable

- ☐ Custom Design: If the goods are produced by Vendor in accordance with designs, drawings or blueprints provided by CITY, Vendor shall return same to CITY upon completion or cancellation of this order. Any materials, equipment, tools, artwork, designs or other property furnished by or specifically paid for by CITY shall be CITY's property.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Award and Authorize the City Manager to Execute a Five-Year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to Provide Fuel and Diesel Delivery Services
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	11/16/2021
Staff Contact:	Tony Ndah, Public Works Director, 408-586-2602, Chris Schroeder, Purchasing Agent, 408-586-3161
Recommendation:	Award IFB No. 22-022 and authorize the City Manager to execute the five-year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to provide fuel and diesel delivery services.

Background:

The Public Works Department manages and maintains fueling stations for the City at the Public Works Corporate Yard, all four (4) Fire Stations, and at the City's water, sewer, and storm pump stations. These stations provide equipment and motor vehicle fuel for all of the City's equipment and vehicles, including Police Department, Fire Department, Public Works and general pool vehicles. All vehicles have 24/7 access to the fueling stations for the provision of fuel. The fueling stations dispense approximately 180,000 gallons combined of regular unleaded and diesel fuels on an annual basis.

Historically, the City has utilized a bulk fuel agreement for the provisions of unleaded and diesel fuels for the fueling stations. As fuel is a commodity with a constantly fluctuating price, these agreements are established utilizing the Oil Price Information Service (OPIS), which provides daily and weekly indexes of fuel prices. The OPIS price serves as the baseline price for the fuel and the wholesaler will add either a discount or premium to this price based upon the terms of the particular agreement.

Most recently, the City had an agreement with Gasoline and Diesel Fuel to BOSCO dba Valley Oil Company that was approved by Council on June 7, 2016 as a five-year contract. As the agreement was nearing its expiration, staff executed Amendment No. 1 to this contract on May 14, 2021 to extend the contract term period from July 1, 2021 to December 31, 2021 to allow time for the City to solicit a new contract.

Staff is proposing that the City enter into a new five-year agreement with Merrimac Energy Group based on pricing information received from an IFB completed by staff.

Analysis:

On September 21, 2020 the City's Purchasing Division released IFB No. 22-022 Five-Year Gasoline and Diesel Fuel for Delivery services. The IFB outlined the delivery requirements, delivery locations, grades of fuel as well as estimated annual quantity used by City operations.

The IFB was publicly noticed in accordance with the City's Municipal Code, advertised on the City's website, emailed to companies registered with the City via ProcureNow.com (the City's eProcurement system) and a bid notice posted to PublicPurchase.com as well. Additionally, the IFB was published on the City's website.

Upon release, 553 firms were notified of the bid opportunity and thirteen firms downloaded the IFB documents. Two addenda were issued, and twelve clarifying questions were answered by City staff. Three firms responded

to the RFP by the published closing date of September 16, 2020. The bids received were reviewed by Purchasing staff for compliance and responsiveness and all were accepted.

The three (3) companies that continued in the evaluation process were:

1. Merrimac Petroleum, Inc. dba Merrimac Energy Group
2. Bosco Oil Inc dba Valley Oil Company
3. Flyers Energy LLC

Bidders were instructed Bid prices were based on the Oil Price Information Service (OPIS) Pad 4/5 San Jose Area index plus a margin, fixed for the five-year term of the agreement based on the City's assumed consumption of 133,000 gallons of 89-octane gasoline, 10,250 gallons of red diesel, and 36,500 gallons of clear diesel. It is important to note the estimated usage figures provided in IFB No. 22-022 were based on average past usage and should not be construed as a commitment. Bid documents stated that no minimum or maximum is guaranteed or implied. Additionally, prices shown in the bid. Additionally, due to the volatile nature of fuel prices (which are currently exceedingly high due to supply chain and other market issues) prices will likely fluctuate greatly over the five-year term of this agreement.

The table below shows the final bid tabulation with the recommended firm highlighted in green:

Five-Year Gasoline and Diesel Fuel for Delivery IFB No. 22-022	Merrimac Energy Group	Flyers Energy LLC	Valley Oil Company
Base Bid for Delivery of Fuel (Year 1)	\$575,626.26	\$603,537.37	\$577,892.09

Given the unpredictability of the fuel market, having a bulk fuel contract gives the City a guaranteed supply and price pegged to the OPIS Pad 4/5 San Jose Area index over the duration of the contract. Additionally, under the terms of the agreement, Merrimac Energy Group is required to meet emergency fuel requirements of the City and shall work with the City to develop alternative interim fuel delivery solutions in the advent of a natural disaster or other emergencies that may disrupt normal fueling operations.

Policy Alternatives:

Alternative 1: Do not award IFB No. 22-022 to Merrimac Petroleum, Inc. dba Merrimac Energy Group

Pros: None.

Cons: The City would not commit to the five-year delivery of fuel necessary for the normal operations of multiple departments including, Fire, Police, Public Works, Building Safety and Housing, among others.

Reason not recommended: Not having a fuel delivery services agreement for gasoline and diesel leaves the City vulnerable and potentially not enough fuel for normal operations or for the emergency operation of water and sewer pump stations should there be a power interruption

Fiscal Impact:

The fiscal impact will depend upon the unit cost and volume of fuel consumption by the City. Funding for this agreement is available in the Public Works operating budget.

California Environmental Quality Act:

The City Council's award of the agreement is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15378(b)(2) as it constitutes a continuing administrative activity which, under the statute, specifically includes the purchase of necessary supplies, and is therefore exempt from CEQA review.

Recommendation:

Award IFB No. 22-010 and Authorize the City Manager to Execute the Five-Year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to Provide Fuel and Diesel Delivery Services

Attachments:

1. General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group

CITY OF MILPITAS
AGREEMENT FOR FUEL AND DIESEL DELIVERY

1. PARTIES AND DATE.

This Agreement for Fuel and Diesel Delivery Services ("Agreement") entered into on _____ by and between the City of Milpitas, a municipal corporation organized under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 ("City") and **Merrimac Petroleum, Inc. dba Merrimac Energy Group**, a corporation, with its principal place of business at **3738 Bayer Ave. Suite 204 Long Beach, CA 90808** ("Contractor"). City and Contractor are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain Fuel and Diesel Delivery services required by City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing Fuel and Diesel Delivery services to public clients, is licensed in the State of California, and is familiar with the plans of City.

2.2 Project.

City desires to engage Contractor to render such services for the **Fuel and Diesel Delivery – IFB No. 22-022 project ("Project")** as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the services and advice on various issues affecting the decisions of City regarding the Project and on other programs and matters affecting City ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term.

The term of this Agreement shall be from **January 1, 2022 to December 31, 2027**, unless earlier terminated as provided herein. The City reserves the right to review the Contractor's performance at the end of each year and cancel all or part of the Agreement.

3.2 Responsibilities of Contractor.

3.2.1 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this

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Agreement. City retains Contractor on an independent contractor basis and not as an employee of City. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of City and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.2.2 Schedule of Services. Contractor shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Contractor represents that it has the skilled personnel required to perform the Services in conformance with such conditions. In order to facilitate Contractor's conformance with the Schedule, City shall respond to Contractor's submittals in a timely manner. Upon request of City, Contractor shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.2.3 Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.

3.2.4 Substitution of Key Personnel. Contractor has represented to City that certain key personnel will perform and coordinate the Services under this Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence and experience upon written approval of City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. As discussed below, any personnel who fail or refuse to perform the Services in a manner acceptable to City, or who are determined by City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project or a threat to the safety of persons or property, shall be promptly removed from the Project by Contractor at the request of City. The key personnel for performance of this Agreement are as follows: **[RESERVED]**.

3.2.5 City's Representative. City hereby designates the **Public Works Manager for Facilities and Fleet**, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of City for all purposes under this Agreement. Contractor shall not accept direction or orders from any person other than City's Representative or his or her designee.

3.2.6 Contractor's Representative. Contractor hereby designates **Evan Peters, Business Development**, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of Contractor for all purposes under this Agreement. Contractor's Representative shall supervise and direct the Services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.7 Coordination of Services. Contractor agrees to work closely with City staff in the performance of Services and shall be available to City's staff, contractors and other staff at all reasonable times.

3.2.8 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by contractors in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the calling necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including any required business license, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from City, any services necessary to correct errors or omissions which are caused by Contractor's failure to comply with the standard of care provided for herein, and shall be fully responsible to City for all damages and other liabilities provided for in the indemnification provisions of this Agreement arising from the Contractor's errors and omissions.. Any employee of Contractor or its subcontractors who is determined by City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to City, shall be promptly removed from the Project by Contractor and shall not be re-employed to perform any of the Services or to work on the Project.

3.2.9 Laws and Regulations. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to City, Contractor shall be solely responsible for all costs arising therefrom. Contractor shall defend, indemnify and hold City, its officials, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.2.10 Insurance. Contractor shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit "D" (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

3.2.11 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, Contractor shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and life saving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Two Million Eight Hundred Seventy-Eight Thousand Eighty-Two Dollars and Seventy-Five Cents (\$2,878,082.75)** without written approval of City's City Manager. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.3.2 Payment of Compensation. Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within forty-five (45) days of receiving such statement, review the statement and pay all approved charges thereon.

3.3.3 Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.

3.3.4 Extra Work. At any time during the term of this Agreement, City may request that Contractor perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from City's Representative.

3.3.5 California Labor Code Requirements

(a) Contractor is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000.00 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Contractor and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

(b) If the Services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Contractor and all subcontractors performing such Services must be registered with the Department of Industrial Relations. Contractor shall maintain registration for the duration of the Project and require the same of any subcontractors, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1

shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

(c) This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Contractor's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor that affect Contractor's performance of Services, including any delay, shall be Contractor's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Contractor caused delay and shall not be compensable by the City. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor.

3.4 Accounting Records.

3.4.1 Maintenance and Inspection. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred and fees charged under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.5 General Provisions.

3.5.1 Termination of Agreement.

(a) Grounds for Termination. City may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Contractor of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been fully and adequately rendered to City through the effective date of the termination, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

(b) Effect of Termination. If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished Documents and Data, as defined below, and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

(c) Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5.2 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

Merrimac Petroleum, Inc. dba Merrimac Energy Group
3738 Bayer Ave. Suite 204
Long Beach, CA 90808
Attn: Evan Peters - Business Development

City:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, California 95035
Attn: City Manager

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.3 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.4 Attorneys' Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and all costs of such action.

3.5.5 Indemnification. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged negligent acts, omissions or willful misconduct of Contractor, its officials, officers, employees, agents, subcontractors and subcontractors arising out of or in connection with the performance of the Services, the Project or this Agreement, including without limitation the payment of all consequential damages, attorneys' fees and other related costs and expenses. Contractor shall defend, at Contractor's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its officials, officers, employees, agents or volunteers. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. Contractor shall reimburse City and its officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs, including reasonable attorneys' fees, incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by City or its officials, officers, employees, agents or volunteers. This Section 3.5.5 shall survive any expiration or termination of this Agreement.

3.5.6 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be supplemented, amended or modified by a writing signed by both Parties.

3.5.7 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Santa Clara County.

3.5.8 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.9 City's Right to Employ Other Contractors. City reserves the right to employ other Contractors in connection with this Project.

3.5.10 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.11 Assignment or Transfer. Contractor shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.12 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

3.5.13 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.14 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.5.15 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.16 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.17 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.18 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Contractor shall also comply with all relevant provisions of any minority business enterprise program, affirmative action plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.5.19 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.5.20 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.21 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.5.22 Employment Adverse to City. Contractor shall notify City, and shall obtain City's written consent, prior to accepting work to assist with or participate in a third-party lawsuit or other legal or administrative proceeding against City during the term of this Agreement.

3.5.23 Conflict of Employment. Employment by Contractor of personnel currently on the payroll of City shall not be permitted in the performance of this Agreement, even though such employment may occur outside of the employee's regular working hours or on weekends, holidays or vacation time. Further, the employment by Contractor of personnel who have been on City's payroll within one year prior to the date of execution of this Agreement, where this employment is caused by and or dependent upon Contractor securing this or related Agreements with City, is prohibited.

3.5.24 Survival. All rights and obligations hereunder that by their nature are to continue after any expiration or termination of this Agreement, including, but not limited to, the indemnification and confidentiality obligations, and the obligations related to receipt of subpoenas or court orders, shall survive any such expiration or termination.

3.5.25 Subcontracting. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

3.5.26 Wage Theft Prevention

(a) Contractor, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

(b) BY SIGNING THIS AGREEMENT, CONTRACTOR AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONTRACTOR OR ITS SUBCONTRACTORS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONTRACTOR FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONTRACTOR AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONTRACTOR OR ITS SUBCONTRACTOR(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

(c) If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Contractor or a subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or Contractor learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Contractor shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Contractor or its subcontractor(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Contractor or its subcontractor is subject to a payment or other alternative plan, the Contractor or its subcontractor shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

(d) For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

(e) Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

(f) Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR AGREEMENT
FOR FUEL AND DIESEL DELIVERY SERVICES
BETWEEN THE CITY OF MILPITAS
AND MERRIMAC PETROLEUM, INC. DBA MERRIMAC ENERGY GROUP**

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:

Steven G. McHarris, City Manager

Date

Approved:

Lauren Lai, CPA, MPA
Finance Director/Risk Manager

Approved As To Form:

Christopher J. Diaz, City Attorney

Approved As To Content:

Tony Ndah
Director of Public Works

**Merrimac Petroleum, Inc. dba Merrimac
Energy Group**

Signature

Name

Title

Date

EXHIBIT "A"
SCOPE OF SERVICES

Contractor will be responsible for the equipment, materials, goods, labor, supervision, administration, monitoring deliveries, developing routes, and all other requirements of the delivery of services as outlined in this solicitation and scope of work.

Contractor shall maintain all fuel locations (See Attachment "A" – Delivery Locations) on a "keep filled" basis. Deliveries for some locations may only be required once per week and in some cases may require more frequent deliveries. Contractor shall ensure proper route scheduling to ensure City's fuel tanks at all locations are fifty percent (50%) full at all times. Estimated usage figures provided in this agreement are based on past usage and should not be construed as a commitment. No minimum or maximum is guaranteed or implied.

ESTIMATED ANNUAL USAGE

Unleaded-Mid: 133,000 gallons

Diesel (R) Red: 10,250 gallons

Diesel No. 2 (C) Clear: 36,500 gallons

Quantities listed are estimates only and not a guarantee. The City may order more or less gasoline and diesel fuel as needed at its sole discretion.

All invoices shall have the following information provided when forwarded to the City's Accounts Payable Department:

- Delivery location and date.
- Amount of fuel dispensed.
- Tank stick reading- before and after readings.
- Price of fuel, differential and all applicable taxes and surcharges as separate line items.
- Copy of the OPIS PAD 4/5 Report for the San Jose Area, used for pricing.
- Copies of signed delivery receipts.

Failure to properly complete the above steps may lead to delay in prompt payment of invoices.

EMERGENCIES

At all times, Contractor will strive to meet emergency fuel requirements of the City of Milpitas. During City of Milpitas, county, state or federal declared emergencies, City of Milpitas fuel requirements shall be the proposer's top priority and be made as soon as possible. The Contractor shall work with the City of Milpitas to develop alternative interim fuel delivery solutions in the advent of a natural disaster or other emergencies that may disrupt normal fueling operations. In rare circumstances, delivery may be requested for the same business day, and proposer will make its best possible effort to make the delivery immediately. Fuel shipments of any quantity shall be available seven days a week, including holidays and weekends.

EXHIBIT “B”
SCHEDULE OF SERVICES

Deliveries shall be made to the all prescribed locations (See Attachment “A” – Delivery Locations) Monday through Friday from 7:30 am and 4:00 pm. Due to limited space around the City’s storage tanks Contractors will be required to use Bob Tail vehicles (tank wagons) with 5,000 gallon or less capacity for delivery. Please Note: Fire Station No. 2 is currently under construction and temporary delivery of fuel may be required to the temporary fire house.

EXHIBIT "C"
COMPENSATION

Invoiced prices are to be the weekly average price published in the OPIS PAD 4/5 Report for the San Jose Area + or – the Vendors Quoted Adjustment. The weekly OPIS PAD 4/5 printed price every Monday will be used for Monday through Friday deliveries.

Contractor will be required to supply the City, at the contractor's expense, a copy of the OPIS PAD 4/5 report for the San Jose area rack by E-mail or fax on each Monday to the City's Public Works Manager for Facilities and Fleet during the term of the contract for pricing verification purposes.

The Contractor shall pass along to the City any and all rebates, allowances or other pricing reduction incentives being offered to customers of the Contractor, including any pass-through incentives from refineries. All prices are to be FOB destination. Pricing structure will follow Contractor's submitted bid as shown on following page for the term of the agreement. The adjustment (differential) quoted is to be firm for the five-year term of the agreement.

133,000 Gallons Mid-Grade Unleaded Gasoline

89 Octane (Tank Wagon-Bob Tail Delivery)

October 11, 2021, OPIS PAD 4/5 San Jose Average Price
(Include a copy with your uploaded bid pricing sheet)

Vendors Quoted Adjustment: Discount/Increase from
OPIS Average Price (Circle one) MINUS OR PLUS

Total Price per gallon (A+B=C)

Milpitas will apply: State Gas Tax and State Gas Sales Tax

Specify Brand Valero or equivalent

A \$ 3.2295 / per gallon

B \$.0499 / per gallon

C \$ 3.1796 / per gallon

10,250 Gallons Diesel Fuel - Red

(Tank Wagon-Bob Tail Delivery)

October 11, 2021, OPIS PAD 4/5 San Jose Average Price
(Include a copy with your uploaded bid pricing sheet)

Vendors Quoted Adjustment: Discount/Increase from
OPIS Average Price (Circle one) MINUS OR PLUS

Total Price per gallon (D+E=F)

City of Milpitas will apply State Sales Tax of \$0.09375

Specify Brand Valero or equivalent

D \$ 2.9964 / per gallon

E \$.2700 / per gallon

F \$ 3.2664 / per gallon

36,500 Gallons Diesel Fuel No. 2 Clear

(Tank-Wagon-Bob Tail Delivery)

October 11, 2021, OPIS PAD 4/5 San Jose Average Price
(Include a copy with your uploaded bid pricing sheet)

Vendors Quoted Adjustment: Discount/Increase from
OPIS Average Price (Circle One) MINUS/PLUS

Total Price per gallon (G+H=I)

City of Milpitas will apply: State Diesel Fuel Tax and State Diesel Sales Tax

Specify Brand Valero or equivalent

G \$ 2.9971 / per gallon

H \$.2700 / per gallon

I \$ 3.2671 / per gallon

EXHIBIT "D"

INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an "X" indicated in the space before the requirement apply to Contractor's or Consultant's Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor's or Consultant's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

 Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

 X Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

 Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

 X Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), or if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 combined single liit for bodily injury and property damage.

___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

___ Insurance appropriates to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

___ (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

___ Insurance appropriates to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

 X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

___ Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Contractor's or Consultant's Pollution Legal Liability:

___ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

___ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

___ Bid Bond

1. ___ Performance Bond
2. ___ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

___ **Additional Insured Status and Primary/Non-Contributory Language:**

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

___ **Loss Payee Status – Builder's Risk/Course of Construction Insurance (applicable to Construction Contracts only)**

Contractor or Consultant may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

___ **Notice of Cancellation, Suspension or Otherwise Voiding Policies:**

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

___ **Waiver of Subrogation:**

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

___ **Completed Operations**

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions ("SIR"):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase “extended reporting” coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor’s Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor’s work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant’s obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Attachment "A" – Delivery Locations

Aboveground Tanks

Facility Name	Address	Tank Contents	Capacity	Annual Usage Est.	Delivery Hours	Delivery Days
Milpitas - California Circle Pump Station	1735 California Cir.	Diesel-R	1,000	500	8 to 4	Weekdays
Milpitas - Fire Station 1	25 Curtis Ave	Diesel-# 2C	1,000	7,000	8 to 4	Weekdays
Milpitas - Fire Station 1	25 Curtis Ave	Unleaded Gas - Mid	1,000	3,000	8 to 4	Weekdays
Milpitas - Fire Station 2	1263 Yosemite Dr	Diesel-# 2C	1,000	3,000	8 to 4	Weekdays
Milpitas - Fire Station 3	45 Midwick Dr	Diesel-# 2C	500	3,500	8 to 4	Weekdays
Milpitas - Fire Station 4	775 Barber Ln	Diesel-# 2C	2,000	3,000	8 to 4	Weekdays
Milpitas - Gibraltar Pump Station	641 Gibraltar Ct.	Diesel-R	10,000	500	8 to 4	Weekdays
Milpitas - McCarthy Pump Station	1001 McCarthy	Diesel-R	2,000	1,000	8 to 4	Weekdays
Milpitas - Oak Creek Pump Station	1515 McCarthy	Diesel-R	2,000	1,000	8 to 4	Weekdays
Milpitas- Zone 2 Pump Station	1429 E. Calaveras Bl	Diesel-R	1,000	3,000	8 to 4	Weekdays
Milpitas- Murphy Ranch	801 Murphy Ave	Diesel-R	2,000	500	8 to 4	Weekdays

Underground Tanks

Facility Name	Address	Contents	Capacity	Annual Usage Est.	Delivery Hours	Delivery Days
Milpitas - Bellew Pump Station	481 Murphy Ranch Rd.	Diesel-R	2,500	500	8 to 4	Weekdays
Milpitas - Berryessa Pump Station	740 Folsom Circle	Diesel-R	1,000	1,000	8 to 4	Weekdays
Milpitas - California Landing Pump Station	345 Jurgens St.	Diesel-R	2,500	250	8 to 4	Weekdays
Milpitas - Corporation Yard	1265 N. Milpitas Blvd.	Diesel-# 2C	12,000	20,000	8 to 4	Weekdays
Milpitas - Corporation Yard	1265 N. Milpitas Blvd.	Unleaded Gas - Mid	12,000	130,000	8 to 4	Weekdays
Milpitas - Penitencia Pump Station	782 La Honda	Diesel-R	1,000	500	8 to 4	Weekdays
Milpitas - Pinewood Pump Station	232 Greentree Way	Diesel-R	1,000	500	8 to 4	Weekdays
Milpitas-Wrigley Ford Pump Station	75 Marilyn Dr.	Diesel-R	500	500	8 to 4	Weekdays
Milpitas-City Hall Complex	455 E. Calaveras	Diesel-R	500	500	8 to 4	Weekdays



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contact:	Lauren Lai, Finance Director, 408-586-3111
Recommendation:	Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021

Background:

On June 1, 2021, the City Council approved the Fiscal Year (FY) 2021-22 Adopted Operating Budget in the amount of \$195.2 million and the General Fund Budget in the amount of \$110.8 million. After adoption of the budget, staff monitors revenues and expenditures for all funds with an emphasis on the General Fund and Enterprise Funds.

Analysis:

This staff report provides a quarterly update on budget versus actual revenues and expenditures of the General, Water and Sewer Funds, the City's major operating funds. The summary information below as well as the attachments comprise the FY 2021-22 Quarterly Financial Status Report for the quarter ended September 30, 2021. Major revenue sources and expenditures for these funds are discussed below. The attachments provide a more detailed summary of budget versus actual revenues and expenditures for the first quarter of FY 2021-22 as well as prior year actual for comparison purposes.

General Fund

On June 1, 2021, the City Council approved the Fiscal Year (FY) 2021-22 Adopted Operating General Fund Budget in the amount of \$110.8 million. As of September 30, 2021, the City received \$7.5 million in revenues, or 6.8% of the FY21-22 amended revenue budget and incurred \$35.2 million in expenditures, or 31% of the FY21-22 amended operating budget. Revenues and expenditures are seasonal with cash flow fluctuations due to timing of revenue receipts and City services rendered. As such, actual percentage of revenues may not match the lapsed time period of the quarterly report (i.e. 6.8% of revenue versus 25% for 3-month time period).

Revenues

As mentioned above, the three months ending September 30, 2021, the General Fund has received \$7.5 million, or 6.8% of the FY 2021-22 amended revenue budget of \$111.3 million. The amended revenue budget represents \$110.8 million adopted budget and \$0.5 million carryover of grants. Overall, General Fund revenues are 9% less than last year at the same time, mainly due to the timing of internal booking of operating transfers-in. Adjusting for the operating transfer anomaly, General Fund revenues are trending 5% higher than last year as of September 30, 2021. The FY2021-22 adopted budget did assume a higher, recovering revenue, which is discussed further below by major categories.

General Fund Revenues by Categories	Amended Budget	Receipt 9/30/2021	Outstanding	% Receipt	FY21 Receipt 9/30/2020
Property Tax	\$41,269,917	\$ 47,901	\$ 41,222,016	0.1%	\$124,569
Sales and Use Tax	25,633,000	2,099,011	23,533,989	8.2%	1,928,223
Sales and Use Tax - Measure F	6,308,250	369,041	5,939,209	5.9%	0
Licenses, Permits & Fines	10,276,817	1,825,553	8,451,264	17.8%	2,554,150
Transient Occupancy Tax	7,713,639	1,125,296	6,588,343	14.6%	615,548
Operating Transfer In	6,552,931	0	6,552,931	0.0%	1,110,998
Franchise Fees	5,751,133	515,528	5,235,605	9.0%	212,241
Charges for Services	4,225,969	913,631	3,312,338	21.6%	664,553
Intergovernmental	1,674,752	347,450	1,327,302	20.7%	544,374
Other Taxes	1,023,421	180,193	843,228	17.6%	153,375
Use of Money and Property	500,000	81,441	418,559	16.3%	322,281
Other Revenues	383,000	42,366	340,634	11.1%	52,071
Grand Total	111,312,829	7,547,410	103,765,419	6.8%	8,282,381

- Property Taxes and Redevelopment Property Tax Trust Fund: Most property tax revenue is received in December and April, so it is normal for property tax revenue to be low in the first quarter. The revenue forecast estimates \$41.3 million in total property tax revenue for the City of Milpitas based on the County of Santa Clara (County) projections. Compared to the County's most recent update on August 27, 2021, the County's property tax projections are net \$0.6 million higher than the adopted budget of \$41.3 million.
- Sales & Use Tax: Sales tax is usually collected one quarter in arrears. As of September 30, 2021, the City has received one month of sales tax receipt. Revenues are 9% higher than last year at the same time primarily due to higher consumption and inflation. As more data becomes available from the sales tax expert consultant, sales tax revenue may need to be adjusted downwards at mid-year to align with current trend.
- Sales & Use Tax – Measure F: The district tax became operative April 1, 2021 and sunsets in eight years. As more data becomes available from the sales tax expert consultant, Measure F may need to be adjusted downwards at mid-year to align with current trend.
- Franchise Fees: Franchise fees are typically received a month in arrears. Sanitation franchise fees attributed to September have not yet been received. Revenue is trending 43% higher compared to last year due to increased commercial waste as business operations resume without shelter in place restrictions. While the revenue is trending higher than last year, business operations are not yet at pre-pandemic level, consequently, it is likely franchise fees will need to be adjusted downward at mid-year to align with current trend.
- Hotel/Motel (TOT) Tax: Revenues are 83% higher than last year at the same time primarily due to easing of COVID-19 restrictions. However, current projections show the TOT may not reach budgeted assumption of 50% pre-pandemic revenue level, which may need adjustment downward at mid-year to align with current trend.
- License and Permits: Revenues are 29% less than last year at the same time. This is largely due to Building Permit revenue, where the City processed an unexpectedly large permit in the first quarter of the prior year. Project timelines vary on a case-by-case basis and seldom within City control.

- **Charges for Services:** Revenues are 36% higher than last year at the same time. COVID-19 restrictions have eased, allowing more Recreation programs and classes to be held compared to prior year which suffered shelter-in-place restrictions.
- **Use of Money and Property:** Revenues are 71% lower than last year at the same time due to lower invested cash balance. Per Council direction, in June 2020, staff transferred \$33.9 million of General Fund CalPERS reserve to establish the Section 115 Pension Trust, which is recorded in an Internal Service Fund.

Expenditures

For the three months ending September 30, 2021, the General Fund has utilized \$35.2 million, or 31.0%, of the FY 21-22 amended operating budget of \$113.3 million. The amended operating budget represents \$110.8 million of the adopted appropriation, \$2.1 million of carryover encumbrances, \$0.4 million carryover grants as well as \$0.01 million of increased department appropriations as approved by Council during the first quarter of the fiscal year. As of September 30, 2021, expenditures are trending 2% higher than last year primarily due to higher encumbrances of contractual services and utility costs. Staff will continue to monitor expenditures relative to Council authorized appropriations.

Staff would like to highlight the following items that are anomalies and/or current trends.

- Due to mutual aid, staff vacancies and leave backfills, the Fire Department is generating higher overtime costs. However, some of the overtime costs will be offset by reimbursements from CalOES and increased vacancy savings, resulting in a favorable budget variance.
- The budget assumed utility cost savings related to the construction of three energy saving infrastructure projects. As parts of the construction have been delayed, the energy cost savings will be lower than assumed in the adopted budget. Moreover, water utility costs are also trending 20% higher compared to last year as City resumes in-office operation.
- Due to vacancies, Police Department expenditure is trending 7% lower compared to last year.
- City Attorney's Office expenditures are 94% of amended budget due to encumbrances of the annual contracts in the first quarter.

General Fund Expenditures by Departments	Amended Budget	Total YTD Expenditure Including Encumbrance	% of Amended Budget	FY21 YTD Expenditure Including Encumbrance
Building Safety & Housing	\$5,911,424	\$1,630,706	27.6%	\$1,865,533
City Attorney	1,029,100	965,233	93.8%	128,999
City Clerk	570,791	143,737	25.2%	153,858
City Council	611,388	138,347	22.6%	97,774
City Manager	2,090,831	499,710	23.9%	539,782
Economic Development	937,307	278,935	29.8%	256,342
Engineering	3,747,077	884,561	23.6%	1,101,509
Finance	4,269,384	1,413,342	33.1%	1,319,160
Fire	26,656,469	7,612,114	28.6%	8,211,659
Human Resources	1,955,154	780,591	39.9%	685,685
Information Technology	3,707,302	1,220,685	32.9%	826,711
Non-Departmental	8,562,592	4,278,932	50.0%	3,976,697
Planning	2,204,207	548,072	24.9%	596,716
Police	35,955,257	8,833,106	24.6%	9,517,760
Public Works	9,363,863	4,434,917	47.4%	4,130,204
Recreation & Community Services	5,373,353	1,495,805	27.8%	931,868
Transfers Out	340,590	0	0.0%	0
Grand Total	113,286,089	35,158,791	31.0%	34,340,258

Grants and Donations

In accordance with City Council approved Budget Guidelines, the City Manager has the authority to accept grants and donations up to \$100k or less. Staff is reporting on these accepted grants and donations in the first quarter.

1. CalRecycle Grant for FY20-21 appropriated to Public Works Department FY21-22 - \$19,413

Unanticipated Expenditure Reserve

In accordance with the City Council approved Budget Guidelines, as part of the quarterly financial status reports, Staff is reporting on the use of the Unanticipated Expenditure Reserve for the first quarter.

Table 1: Unanticipated Expenditure Reserve Uses

Description	Amount
Additional Cleaning Services and Supplies	\$ 7,826
Communication and Outreach	100
Articulate Solutions City Logo Design	5,000
Peckham & McKenney Executive Recruitment	17,333
TOTAL for the Quarter Ending September 30, 2021	\$ 30,260

Water Maintenance & Operation (M&O) Fund Financial Status

Revenues: For the three months ended September 30, 2021, \$8.2 million of charges for services, or 26.4%, of the \$31.1 million budgeted has been received. Total revenue received amounts to \$8.2 million, or 26.1%, of the \$31.5 million budgeted.

Expenditures: For the three months ended September 30, 2021, \$21.4 million, or 74.9%, of the \$28.6 million amended budgeted has been spent. Wholesale water purchase for the entire fiscal year is encumbered in the first quarter.

Sewer Maintenance & Operation (M&O) Fund Financial Status

Revenues: For the three months ended September 30, 2021, \$5.1 million of charges for services, or 24.5%, of the \$20.7 million budgeted has been received. Total revenue received amounts to \$5.1 million, or 24.2%, of the \$20.9 million budgeted.

Expenditures: For the three months ended September 30, 2021, \$3.3 million, or 18.7%, of the \$17.5 million amended budgeted has been spent.

Policy Alternative:

Not applicable.

Fiscal Impact:

There is no fiscal impact to receive this informational report. It is intended to provide a financial update of the City's General, Water and Sewer funds for the quarter ended September 30, 2021. No budget amendment is recommended.

California Environmental Quality Act:

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b)(3).

Recommendation:

Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021.

Attachments:

1. FY 2021-22 Revenue Report for Fiscal Year-To-Date September 30, 2021
2. FY 2021-22 General Fund Expenditures by Department September 30, 2021
3. FY 2021-22 Water and Sewer Funds Financial Status for Fiscal Year-To-Date September 30, 2021

CITY OF MILPITAS

General Fund Revenues

For Fiscal Year-To-Date September 30, 2021

	FY22 Adopted	FY22 Budget Amendments	FY22 Grant Carryover	FY22 Amended Budget	FY22 Revenue As of 9/30/21	FY22 Revenue Outstanding	FY22 Percentage of Amended Budget	FY21 Revenue as of 09/30/20	FY21 Percentage of Amended Budget
General Fund Revenues	Budget	Budget Amendments	Grant Carryover	Budget	As of 9/30/21	Outstanding	Percentage of Amended Budget	as of 09/30/20	Percentage of Amended Budget
Property Tax	\$ 41,269,917	\$ -	\$ -	\$ 41,269,917	\$ 47,901	\$ 41,222,016	0.1%	\$ 124,569	0.3%
Sales and Use Tax	25,633,000	0	0	25,633,000	2,099,011 (a)	23,533,989	8.2%	1,928,223	6.8%
Sales and Use Tax - Measure F	6,308,250	0	0	6,308,250	369,041	5,939,209	5.9%	0	0.0%
Licenses, Permits & Fines	10,276,817	0	0	10,276,817	1,825,553	8,451,264	17.8%	2,554,150	25.8%
Transient Occupancy Tax	7,713,639	0	0	7,713,639	1,125,296 (b)	6,588,343	14.6%	615,548	4.6%
Operating Transfer In	6,552,931	0	0	6,552,931	0	6,552,931	0.0%	1,110,998	15.8%
Franchise Fees	5,751,133	0	0	5,751,133	515,528	5,235,605	9.0%	212,241	3.8%
Charges for Services	4,225,969	0	0	4,225,969	913,631	3,312,338	21.6%	664,553	8.5%
Intergovernmental	1,154,571	0	520,181	1,674,752	347,450	1,327,302	20.7%	544,374	38.3%
Other Taxes	1,023,421	0	0	1,023,421	180,193	843,228	17.6%	153,375	12.8%
Use of Money and Property	500,000	0	0	500,000	81,441	418,559	16.3%	322,281	23.6%
Other Revenues	370,000	13,000	0	383,000	42,366	340,634	11.1%	52,071	20.0%
Total General Fund Revenue	\$ 110,779,648	\$ 13,000	\$ 520,181	\$ 111,312,829	\$ 7,547,410	\$ 103,765,419	6.8%	\$ 8,282,381	7.3%

(a) 1 of 3 quarterly payments have been received. Sales tax revenues are received two months in arrears.

(b) TOT is received one month in arrears.

City of Milpitas
General Fund Expenditure By Department Financial Status
For Fiscal Year-To-Date September 30, 2021

Departments	Adopted Budget	Amendments	Grants C/O	Encumb. C/O	Amended Budget	Expenditure	Encumbrance	Total YTD Exp.	% of Amended Budget	FY21 YTD Expenditure Including Encumbrance	% of Amended FY21 Budget
Building Safety & Housing	5,833,755	0	0	77,669	5,911,424	1,209,715	420,991	1,630,706	27.6%	1,865,533	31.6%
City Attorney	1,029,100	0	0	0	1,029,100	233	965,000	965,233	93.8%	128,999	12.5%
City Clerk	570,791	0	0	0	570,791	143,737	0	143,737	25.2%	153,858	27.0%
City Council	549,474	0	0	61,914	611,388	77,255	61,091	138,347	22.6%	97,774	16.0%
City Manager	2,062,856	0	0	27,975	2,090,831	420,915	78,795	499,710	23.9%	539,782	25.8%
Economic Development	895,807	0	0	41,500	937,307	198,997	79,938	278,935	29.8%	256,342	27.3%
Engineering	3,740,281	0	0	6,796	3,747,077	827,765	56,796	884,561	23.6%	1,101,509	29.4%
Finance	4,180,126	0	0	89,258	4,269,384	964,683	448,659	1,413,342	33.1%	1,319,160	30.9%
Fire	26,592,973	0	0	63,496	26,656,469	7,441,447	170,666	7,612,114	28.6%	8,211,659	30.8%
Human Resources	1,865,271	0	0	89,883	1,955,154	592,729	187,862	780,591	39.9%	685,685	35.1%
Information Technology	3,659,100	0	0	48,202	3,707,302	1,011,230	209,455	1,220,685	32.9%	826,711	22.3%
Non-Departmental	8,016,549	0	0	546,043	8,562,592	3,454,957	823,975	4,278,932	50.0%	3,976,697	46.4%
Planning	1,712,346	0	323,774	168,087	2,204,207	402,420	145,652	548,072	24.9%	596,716	27.1%
Police	35,606,905	0	17,885	330,467	35,955,257	8,080,016	753,090	8,833,106	24.6%	9,517,760	26.5%
Public Works	8,789,060	0	0	574,803	9,363,863	1,984,926	2,449,990	4,434,917	47.4%	4,130,204	44.1%
Recreation & Community Services	5,334,672	13,000	12,968	12,713	5,373,353	1,204,180	291,626	1,495,805	27.8%	931,868	17.3%
Transfers Out	340,590	0	0	0	340,590	0	0	0	0.0%	0	0.0%
Grand Total	110,779,656	13,000	354,627	2,138,806	113,286,089	28,015,206	7,143,586	35,158,791	31.0%	34,340,258	30.3%

City of Milpitas
Water and Sewer Financial Status
For Fiscal Year-To-Date September 30, 2021

Water Fund

Revenue Categories	Adopted Budget	Amendments	Amended Budget	Receipt	Outstanding	% Receipt	Receipt 9/30/2020	% Receipt 9/30/2020
Charges for Services	31,143,569	0	31,143,569	8,231,121	22,912,448	26.4%	8,290,374	26.6%
Intergovernmental	0	0	0	0	0		0	0.0%
Licenses, Permits & Fines	0	0	0	(61,266)	61,266		0	0.0%
Other Revenues	17,601	0	17,601	0	17,601	0.0%	0	0.0%
Use of Money and Property	372,000	0	372,000	57,051	314,949	15.3%	18,547	3.9%
Grand Total	31,533,170	0	31,533,170	8,226,906	23,306,264	26.1%	8,308,921	26.0%

Expenditures by Department	Adopted Budget	Amendments	Grants C/O	Encumb. C/O	Amended Budget	Expenditure	Encumbrance	Total YTD Exp.	% of Amended Budget	Total YTD Exp. 9/30/2020	% of Amended Budget 9/30/2020
City Attorney	7,071	0	0	0	7,071	0	7,071	7,071	100.0%	0	0.0%
City Manager	0	0	0	0	0	0	0	0		181	0.0%
Engineering	0	0	0	29,500	29,500	22,000	7,500	29,500	100.0%	67,000	100.0%
Finance	1,014,844	0	0	24,652	1,039,496	207,444	80,580	288,024	27.7%	281,155	26.9%
Non-Departmental	20,571,485	0	0	47,461	20,618,946	3,624,330	16,231,268	19,855,598	96.3%	18,818,758	95.2%
Public Works	4,141,441	0	0	159,266	4,300,707	953,620	263,793	1,217,414	28.3%	1,463,280	30.8%
Transfers Out	2,571,407	0	0	0	2,571,407	0	0	0	0.0%	0	0.0%
Grand Total	28,306,248	0	0	260,879	28,567,127	4,807,394	16,590,213	21,397,607	74.9%	20,630,374	80.5%

Sewer Fund

Revenue Categories	Adopted Budget	Amendments	Amended Budget	Receipt	Outstanding	% Receipt	Receipt 9/30/2020	% Receipt 9/30/2020
Charges for Services	20,657,555	0	20,657,555	5,057,910	15,599,645	24.5%	4,565,496	22.1%
Intergovernmental	0	0	0	0	0		0	0.0%
Licenses, Permits & Fines	0	0	0	(42,085)	42,085		0	0.0%
Operating Transfer In	11	0	11	11	0	100.0%	0	0.0%
Use of Money and Property	251,000	0	251,000	38,612	212,388	15.4%	4,282	2.1%
Grand Total	20,908,566	0	20,908,566	5,054,449	15,854,117	24.2%	4,569,778	21.9%

Expenditures by Department	Adopted Budget	Amendments	Grants C/O	Encumb. C/O	Amended Budget	Expenditure	Encumbrance	Total YTD Exp.	% of Amended Budget	Total YTD Exp. 9/30/2020	% of Amended Budget 9/30/2020
City Manager	0	0	0	0	0	0	0	0		181	0.0%
Engineering	0	0	0	25,500	25,500	0	25,500	25,500	100.0%	67,000	100.0%
Finance	586,262	0	0	24,652	610,914	137,435	80,580	218,015	35.7%	201,127	31.4%
Non-Departmental	10,251,498	350,000	0	1,812,133	12,413,631	2,194,717	123,752	2,318,468	18.7%	763,960	25.0%
Public Works	2,762,327	0	0	172,429	2,934,756	494,801	217,988	712,789	24.3%	9,823,832	76.4%
Transfers Out	1,482,966	0	0	0	1,482,966	0	0	0	0.0%	0	0.0%
Grand Total	15,083,053	350,000	0	2,034,714	17,467,767	2,826,952	447,820	3,274,772	18.7%	10,856,100	65.3%



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve City Council Meeting Schedule for 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contact:	Wendy Wood, City Clerk, 408-586-3001
<u>Recommendation:</u>	Approve the 2022 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

Background:

Pursuant to Milpitas Municipal Code Section I-1-2.01, the City Council shall hold its regular meetings on the first and third Tuesday of each month. Typically, in November of each year staff presents a proposed meeting schedule, noting any conflicts that may exist with regularly scheduled meeting dates for the City Council's review and approval.

Discussion:

In the past the City Council has canceled both of the July regular City Council meetings for a summer recess. Also, due to celebration of National Night Out on the first Tuesday in August, the City Council approved in 2019 the cancelation of the first meeting date in August each year. Staff recommends that a Special meeting be scheduled for August 9, 2022, to conduct the business that would have otherwise been done on August 2.

Staff is proposing three dates in the months of January, February, and May 2022 for Council study sessions on the Preliminary Budget, Capital Improvement Plan (CIP), and the Operating budget. Moreover, staff is proposing additional dates in the months of September, October, and November as placeholders.

City staff has prepared the calendar for next year and requests that the Council confirm the City Council meeting schedule for 2022 for its regular bi-monthly Tuesday business meetings. The proposed 2022 schedule is included in the Council agenda packet.

Recommendation:

Approve the 2022 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

Attachment:

2022 Council Meeting Dates list

City of Milpitas City Council

2022 Regular Meeting Dates

Tuesdays at 7:00 PM

and

2022 Study Session Dates

Tuesdays at 5:30 PM (special)

January 4 and 18
January 25 Preliminary 22-23 Budget Study Session
February 1 and 15
February 10 CIP Study Session
March 1 and 15
April 5 and 19
May 3 and 17
May 10 FY 2022-23 Budget Study Session
June 7 and 21
<i>July – none</i>
August 9 and 16
September 6 and 20
September 27
October 4 and 18
October 25
November 1 and 15
November 22
December 6 and 20

Note: Both July meetings and the first Tuesday in August (for National Night Out on August 2) are canceled. Tuesday, August 9 is scheduled for business that otherwise would be done on August 2. Special meeting dates are subject to change.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contact:	Christopher J. Diaz, City Attorney, (408) 586-3040
Recommendation:	Move to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

Background:

On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means.

The provisions in the Brown Act that were suspended by the Governor's Executive Order are contained at Government Code Section 54953(b)(3) and require that when teleconferencing is used, outside of a statewide emergency, that the following occur:

- An agenda is required to be posted at all locations, including any teleconference locations
- Each teleconference location must be identified on the actual agenda
- Each teleconference location shall be accessible to the public
- A quorum of the legislative body must be in the jurisdiction

With the Governor's Executive Order, the four above requirements were suspended, allowing Councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum present in the jurisdiction. As the Council is well aware, this allowed all City Council meetings and other meetings of legislative bodies of the City to be conducted by Zoom with councilmembers, commission members, committee members, and staff all joining from remote virtual locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual meetings until September 30, 2021.

With the expiration of the Governor's Executive Order and the uncertainty that surrounded the Governor's potential recall, the State Legislature also took the remote meeting issue into its own hands through the adoption of Assembly Bill 361, which is explained in more depth in the Analysis section below.

On October 5, 2021, the City Council adopted Resolution No. 9105, making findings that there is an existing State of Emergency and that state or local officials continue to recommend social distancing measures to prevent the spread of COVID-19. In particular, the resolution included reference to Cal-OSHA regulation 3205, which

recommends physical distancing in the workplace. By motion and majority vote, the City Council may reconfirm the findings of Resolution No. 9105 and continue to hold virtual meetings pursuant to AB 361.

Analysis:

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. The Governor by executive order signed on September 20, 2021, suspended the effective date of AB 361 to October 1, 2021. As a result, if the City desires to have virtual meetings on or after October 1, 2021, it must do so consistent with the requirements of AB 361.

AB 361 preserves many of the provisions of the earlier executive orders, including the suspension of the four teleconferencing requirements noted above, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agenda until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the City Council must, within thirty (30) days of its first meeting under AB 361, and every thirty (30) days thereafter, make findings that (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees.

The above conditions continue to exist at this time, and staff recommends that the City Council by motion reconfirm the findings made in Resolution No. 9105 so that the City Council and all other subordinate legislative bodies may continue to meet virtually.

Lastly, it is important to that AB 361 is optional. If the City Council wishes, it may meet in person. In addition, hybrid meetings are permissible. However, according to City Management, there is not a hybrid option for Commissions, Committees and Task Forces at the City. Thus, regardless of whether the City Council may prefer to meet in person, City Management is recommending that the City Council reconfirm the findings in the resolution to ensure all other Commission, Committee, and Task Force meetings can continue to meet and allow the public to meet remotely without risking public health.

Policy Alternatives:

Alternative 1: Do not by motion reconfirm the findings made in the resolution making findings and determinations under Assembly Bill 361 for the continuation of virtual meetings.

Pros: None

Cons: Many of the existing Commission, Committee, and Task Force meetings will not be able to meet virtually or through a hybrid format forcing all staff, commission or committee members, and the public to attend meetings in person.

Reason not recommended: The COVID-19 pandemic continues to be a global health issue and by forcing commission, committee, and task force meetings to be in person, public health may be put at risk.

Fiscal Impact:

The City Council's reconfirmation of the findings made in the resolution to continue with virtual meetings will maintain the status quo and no financial impact is anticipated by the reconfirmation of the findings.

California Environmental Quality Act:

The City Council's reconfirmation of the findings made in the resolution is not a project under the California Environmental Quality Act (CEQA) Guideline 15378(b)(5) as it constitutes an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment. Further, virtual meetings are likely to reduce certain impacts associated with vehicular travel related to in-person public meetings.

Recommendation:

Move to reconfirm findings and determinations under Resolution No.9105 and Assembly Bill 361 for the continuation of virtual meetings

Attachment

Resolution 9105

RESOLUTION 9105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to, among other things, provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually, without fully adhering to the rules otherwise applicable to teleconferencing, during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act, and this proclaimed state of emergency currently remains in effect; and

WHEREAS, the City Council of the City of Milpitas has considered the circumstances of the state of emergency; and

WHEREAS, state or local officials continue to recommend measures to promote social distancing to prevent the spread of COVID-19, in particular, Cal-OSHA regulation 3205 recommends physical distancing in the workplace generally and regulates a “close contact” defined as being within 6 feet of another under certain circumstances; and

WHEREAS, in order to continue to impose social distancing while holding in-person meetings there is a high likelihood that members of the public would not all be able to be present in the meetings spaces; and

WHEREAS, the continuation of virtual meetings will allow for full participation by members of the public until social distancing recommendations are no longer necessary; and

WHEREAS, the City Council of the City of Milpitas desires that all City legislative bodies continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council and all other legislative bodies of the City of Milpitas who are required to hold public meetings, shall continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3) based upon the findings and determinations hereby made by the City Council.

PASSED AND ADOPTED this 5th day of October 2021, by the following vote:

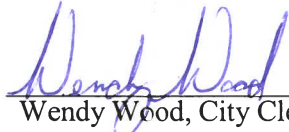
AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua,
Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

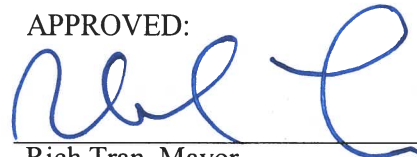
ABSTAIN: (0) None

ATTEST:



Wendy Wood, City Clerk

APPROVED:



Rich Tran, Mayor

APPROVED AS TO FORM:



Christopher J. Diaz, City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Introduce Ordinance No. 48.22 Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements.
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	11/16/2021
Staff Contact:	Elaine Marshall, Deputy Public Works Director, 408-586-2603
Recommendations:	Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 48.22 amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code.

EXECUTIVE SUMMARY

In a statewide effort to reduce emissions of short-lived climate pollutants, Governor Brown Jr. signed Senate Bill 1383 (SB 1383) into law in September of 2016. Landfills are the third largest source of methane in California, with the organic waste in landfills accounting for half of what Californians dispose of and emits 20% of the state's methane. After two years of rulemaking, SB 1383 regulations were adopted in Fall of 2020 and the regulations take effect, with state enforcement beginning, on January 1, 2022.

Senate Bill 1383 (SB 1383) is the most significant statewide waste reduction mandate in decades and requires California to reduce organic waste disposal by 75% (using a 2014 baseline) and to recover 20% of edible food for human consumption by 2025. Organic waste includes green waste, food waste, paper, and cardboard. Although the targets are overall state goals (as opposed to individual jurisdictional goals), SB 1383 imposes many new requirements for local implementation. The main requirements, that all jurisdictions in California must comply with, include:

- Providing organics waste recycling collection to all organic waste generators;
- Adopting an enforceable ordinance to enforce SB 1383 compliance;
- Implementing an edible food recovery program that recovers edible food that would otherwise be disposed of in the landfill;
- Conducting annual outreach and education;
- Performing organics waste diversion capacity planning;
- Procuring specific recovered organic waste products such as compost, mulch, renewable natural gas, and recycled content paper; and
- Maintain documentation and keep records of SB 1383 compliance.

Overall, the City is well-positioned to comply with SB 1383 requirements due to the City's already established food and yard waste collection program. Staff has been planning and coordinating with Milpitas Sanitation, Inc. (MSI), internal departments and divisions, other jurisdictions, and the County since before the regulations were finalized in November 2020. For example, the organics waste recycling collection system that is established through the Franchise Agreement with MSI already allows for food scraps collection. The City will also continue to work closely with MSI regarding outreach and education efforts, which has already begun for SB 1383. Regionally, the City is actively participating in coordinated SB 1383 edible food recovery implementation efforts, led by Joint Venture Silicon Valley (Joint Venture), and the County is conducting organic waste

diversion capacity planning on behalf of all Santa County jurisdictions. Internally, staff has been meeting with various departments and divisions to discuss SB 1383 and its impacts, including procurement requirements.

Many of the SB 1383 requirements are either already being met or can be met with some programmatic or policy changes; however, the requirements for local jurisdictions to procure specified amounts of products made from diverted organic waste are challenging and potentially costly. Staff are continuing to collaborate with neighboring jurisdictions, energy partners, and other agencies to explore cost effective options for meeting this requirement.

SB 1383 requires jurisdictions to adopt an enforceable ordinance to implement SB 1383 regulations by January 1, 2022. Adopting the ordinance will allow Milpitas to enforce the SB 1383 regulations. The ordinance presented in this report is based on the Model Ordinance provided by CalRecycle.

BACKGROUND:

According to the California Department of Resources Recycling and Recovery (CalRecycle), organic waste makes up two-thirds of California's waste stream. Organic waste that is landfilled undergoes anaerobic breakdown, which creates methane (CH₄), a more powerful greenhouse gas than carbon dioxide (CO₂). Landfilled organic waste is a significant source of air quality pollutants and contributes to climate change. California recognizes the negative environmental impacts of landfilled organic waste and, in an effort to reduce greenhouse emissions, passed Senate Bill 1383 (SB 1383) in 2016 to control short lived climate pollutants, specifically methane emissions from dairy and livestock and organic waste in landfills. SB 1383 is the most significant waste reduction mandate in decades and requires California to reduce organic waste disposal by 75% (using a 2014 baseline) and to recover 20% of edible food consumption by 2025. Although the targets are overall state goals (as opposed to individual jurisdictional goals), SB 1383 imposes many new requirements for local implementation.

The City's Franchise Agreement with MSI incorporates SB 1383, and as a result, the City is well-positioned to comply with portions of the regulations under the existing contract terms. For example, the most significant jurisdictional requirement is to provide organic waste recycling services to residents, businesses, City facilities, and large venues/events. Since organics collection is already provided, the focus of SB 1383 implementation will be bringing individual entities into compliance by subscribing to organics service. Additionally, the Franchise Agreement already includes public education and outreach, and MSI will continue to work closely with the City to extend outreach collateral and information to include SB 1383. By anticipating SB 1383 into the contract, the City and MSI are able to concentrate on improving compliance efforts.

SB 1383 takes effect on January 1, 2022 and, among other requirements, mandates that jurisdictions provide organics collection to all residents and businesses and to ensure compliance with the SB 1383 regulations. Although the ordinance will take effect January 1, 2022, enforced compliance of the regulations will not take effect until January 1, 2024. With the passage of SB 619 on October 5, 2021, the State allows for an extension for jurisdictions that fail to adopt an SB 1383 enforceable mechanisms by January 1, 2022, if requested, and provides relief from penalties for the 2022 calendar year. With Council approval of the recommended ordinance, the City does not need to seek an extension as provided by SB 619.

ANALYSIS:

SB 1383 builds on other legislative action such as Assembly Bill 1826 (AB 1826) by expanding the scope of the bill and by requiring that local jurisdictions enforce penalties and compliance. For example, AB 1826 requires businesses generating 2 or more cubic yards of solid waste per week, and multi-family properties (defined as five or more units), to recycle their organic waste. Additionally, under AB 1826, multi-family properties are not required to collect food scraps (only landscape debris). In contrast, SB 1383 requires all businesses to recycle organic waste (with no threshold), including multi-families. For non-compliant solid waste generating properties, SB 1383 requires local jurisdictions to enforce compliance including through use of fines and penalties. Along the same lines, SB 1383 also allows CalRecycle to enforce penalties and actions on jurisdictions that are not SB 1383 compliant.

The major requirements contained in the SB 1383 regulations are summarized in the following table.

Requirement and Status	Requirement and City Implementation Status Description
Provide organic waste recycling services to all organic waste generators (such as residents, businesses, City facilities, large venues, and large events). <i>[Status: Program in Place; On-going efforts to ensure and evaluate participation]</i>	• The City's Solid Waste Franchise Agreement with MSI anticipated SB 1383 regulations, and is already in compliance with portions of the law. For example, MSI already provides organic waste recycling services to all residences and businesses. Specifically, residential garbage and food scraps split-carts mean that all single-family households in Milpitas are already in compliance. Additionally, MSI already offers food scraps and yard waste services for businesses and multi-family properties with limited participation. Therefore SB 1383 implementation will be focused on bringing businesses and multi-family dwellings into the program. • SB 1383 also standardizes cart and bin colors for different materials statewide. Milpitas is already compliant with the cart/bin color-coding and labeling requirements of blue for recycling, green for organics, and black for landfill. • SB 1383 requires annual route reviews and/or waste evaluations to check for contamination and/or non-compliance within organics containers. Staff is drafting a procedure, which will be implemented by Solid Waste staff, to meet these requirements.
Adopt an enforcement ordinance which establishes the legal authority of the City to enforce SB 1383 compliance. <i>[Status: Complete with Council adoption of this ordinance]</i>	• Jurisdictions are required to have adequate legal authority to enforce SB 1383 within its jurisdiction, including issuing fines for non-compliance. • CalRecycle provided a Model Ordinance to assist local jurisdictions and attempt to establish common requirements throughout the State.
Implement an edible food recovery program that recovers edible food that would otherwise be disposed of in the landfill. <i>[Status: In Progress]</i>	• SB 1383 requires that commercial edible food generators donate the maximum amount of food to food recovery organizations rather than disposing of the food in landfills. The generators must have a written agreement with the food recovery organizations (such as Second Harvest Food Bank, Loaves and Fishes, etc.) and records need to be maintained by both documenting the amount of food donated and distributed. • Commercial edible food recovery generators are divided into two categories: Tier 1 and Tier 2, with different required compliance dates (January 2022 and 2024 respectively). ○ Tier 1 include the following: ▪ Supermarkets; ▪ Grocery stores with a total facility size equal to or greater than 10,000 square feet; ▪ Food service providers (such as entities that provide food services to locations such as company cafeterias); ▪ Food distributors (companies that distributes food to supermarkets and grocery stores); and ▪ Wholesale food vendors. ○ Tier 2 include the following: ▪ Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet; ▪ Hotels with an on-site food facility and 100 or more beds; ▪ Large venues; and ▪ Large events. • Edible food generators often operate across jurisdictional boundaries. As a result, Santa Clara jurisdictions have agreed to implement this provision regionally through the Santa Clara County Recycling and Waste Reduction

	Commission's Technical Advisory Committee (TAC) which includes representatives from every city and appointed non-profit organizations. - The TAC has contracted with Joint Venture Silicon Valley (Joint Venture) to lead SB 1383 edible food recovery implementation for the region. City staff has been, and will continue to actively participate in Joint Venture SB 1383 edible food recovery subcommittees. Key implementation efforts completed include: - Outreach to Tier 1 Generators - Drafting model Edible Food Recovery Ordinance provisions - Establishing common recordkeeping with stakeholder input - Developing common enforcement/inspection strategies
Conduct outreach and education. <i>[Status: On-going]</i>	- The City must conduct outreach and education annually and provide information on collection requirements, contamination standards, and overall compliance with SB 1383. Staff and MSI are incorporating SB 1383 information into outreach to residents and business owners (through flyers, billing inserts, newsletters, letters, and websites). - MSI's contractual obligations related to public education and outreach, combined with the City's efforts, are anticipated to be sufficient to meet SB 1383 regulations.
Perform organics waste diversion capacity planning. <i>[Status: In Progress]</i>	SB 1383 mandates organic waste collection and recycling, which will require new or expanded facilities to recycle the additional organic waste that will be collected from residents and businesses. The regulations require jurisdictions to evaluate current organics recycling capacity and to plan to expand, if needed. Capacity planning is currently underway and being completed by the County of Santa Clara staff on behalf of all Santa Clara County jurisdictions.
Maintain documentation and keep records of SB 1383 compliance. <i>[Status: In Progress]</i>	Jurisdictions must maintain an implementation record and report to CalRecycle annually on the status of SB 1383 compliance. Staff is reviewing and developing record keeping procedures and has explored various software programs to efficiently document compliance. The software will also better allow staff to maintain records for all education and outreach activities as required by SB 1383.
Procure specific organic waste products such as compost, mulch, renewable natural gas, and recycled content paper. <i>[Status: In Progress]</i>	- SB 1383 mandates procurement of recycled content paper products (including janitorial products) to be made of a minimum of 30 percent post-consumer recycled content and be certified as such by suppliers. While all City purchased copier paper already meets or exceed this requirement, staff is coordinating with Purchasing to ensure all other paper product specifications and the City's Environmental Preferable Procurement Policy are updated to meet these requirements. - Instead of being landfilled, organic materials, such as yard trimmings and food scraps, can be recycled into new products like compost, mulch, biofuel, and/or electricity. Market development for products made from recovered organic materials is key goal of SB 1383 and it strives to drive the market by increasing demand through jurisdictional procurement targets. This is accomplished by requiring jurisdictions to procure products generated from this recovered organic waste and prescribes annual procurement targets for each jurisdiction based on a formula of 0.08 tons (or 160 pounds) of organic waste per person. - Jurisdictions may satisfy the targets by buying a combination of compost, mulch, or renewable energy created from anaerobic digestion gas or electricity from biomass conversion. Recovered organic waste must be procured from specifically defined facilities within the state of California. The overall procurement target for Milpitas (based on the 2019 population) is 6,735.7 tons of recovered organic waste product.

- This requirement presents two significant challenges. First, the current market for compliant recovered organic waste product is nascent and SB 1383 compliant products are either limited in availability or costly. Second, the population-based target amount of material, if satisfied through compost of mulch, is unreasonably high. For example, the City would need to procure close to 4,000 tons (or 9,700 cubic yards, or more than 170,000 bags) of compliant compost to meet the target. This is more than the City could use or giveaway.
- Despite the extremely high procurement targets, staff is reviewing current contracts to include language to use SB 1383 compliant mulch and compost. Staff are also working with MSI to explore options for increase the amount of compost giveaways for residents. These actions alone will likely not meet the procurement target. Staff are continuing to explore options for satisfying the procurement targets in a cost-effect manner; however, meeting this procurement target will continue to be one of the biggest challenges of SB 1383 for all jurisdictions, including Milpitas.
- Staff will return to City Council in 2022 with more information on options for meeting the organic product procurement targets and related cost implications.

CalRecycle Enforcement Authority

Under the SB 1383 regulations, CalRecycle has the authority to issue fines for non-compliance against jurisdictions for failure to implement the various provisions of SB 1383. These fines range from \$500 per violation up to \$10,000 per day.

Recent legislation by the State provides enforcement relief to local jurisdictions. Senate Bill 619 was signed into law by Governor Newsom on October 5, 2021 and extends the timeframe for jurisdictions to adopt enforceable mechanisms before fines are imposed. In order to qualify for relief from penalties for the 2022 calendar year, a jurisdiction's governing body must adopt a resolution adopting the notification of intent to comply with the SB 1383 regulations in writing and file it with CalRecycle. Although SB 619 gives jurisdictions more time to implement SB 1383, jurisdictions are still required to work toward adopting the enforceable mechanisms. Additionally, CalRecycle has released guidance stating that it will focus on compliance assistance first, dedicate enforcement efforts to serious offenders, and consider extenuating circumstances and substantial efforts. With Council approval of the recommended ordinance, the City does not need to seek an extension as provided by SB 619.

Proposed Enforcement Ordinance and Municipal Code Amendments

Staff reviewed the CalRecycle Model Ordinance and the regional edible food recovery model ordinance with the City Attorney's Office to determine the associated revisions to the Milpitas Municipal Code. The proposed ordinance and municipal code revisions (shown in Attachment A) includes the following:

- Definitions: Many of the defined terms from the Model Ordinance have been added to the definitions section of the proposed ordinance.
- Single-family generators will be required to:
 - Subscribe to organics recycling (which includes food scraps) and separate organics/food scraps from garbage. This requirement has already been met for single-family households in Milpitas because all single-family generators are given split-carts, which include a food scraps side.
- Commercial businesses, including multi-family properties with more than 5 units, will be required to:
 - Subscribe to organics recycling (which includes food scraps) and separate organics/food scraps from garbage.
 - Train staff on which materials are acceptable in the recycling and organics recycling programs.

- Include signage and color-coded lids on recycling and organics recycling bins in customer-facing locations such as lobbies or dining areas at fast-casual locations.
 - Periodically monitor for contamination of recycling and organics recycling streams.
- Commercial edible food generators and food recovery organizations will be required to:
 - Make arrangements with edible food recovery organizations to recover/donate edible food, rather than disposing it. Tier 1 businesses (as defined) must make arrangements to comply beginning January 1, 2022, and Tier 2 (as defined) businesses must have edible food recovery programs by January 1, 2024.
 - Keep records and submit reports annually.
- De minimis waivers:
 - Allows a business or multi-family property to apply for a waiver of the requirements if only a small amount of organic waste is generated. This “de minimis” amount is defined as less than 20 gallons per week of organic waste for businesses that generate more than 2 cubic yards of solid waste per week or less than 10 gallons of organic waste per week for businesses that generate less than 2 cubic yards per week.
 - Jurisdictions are required to document all de minimis waivers granted to commercial businesses that meet the de minimis thresholds.
- Haulers and facility operators will be required to:
 - Identify the facilities where they will transport the organic materials.
 - Transport the organic materials to a facility that recovers the material.
 - Comply with education, equipment, signage, container labeling and color, and reporting requirements.
- Self-haul requirements:
 - Allows businesses to self-haul organic waste (e.g., a grocery store hauling spoiled produce or a landscape service hauling yard waste) as long as the materials are taken to a solid waste facility that processes or recovers the materials and that the businesses provide documentation to the City, if requested.
- Inspections and investigations:
 - Allows jurisdictions to inspect and/or investigate collection containers, collection vehicles loads, facilities for materials collected from generators, Tier 1 and Tier 2 generators, and food recovery services and organizations.
 - Additionally, SB 1383 requires annual route reviews and/or waste evaluations to check for contamination and/or non-compliance within organics containers. If contamination is found, outreach must be sent to generators notifying them of the violation and providing information on proper sorting of materials.
- Enforcement:
 - Enforcement begins in 2024 and authorizes the issuance of fines/penalties for non-compliance following the issue of a Notice of Violation.
 - Penalty amounts align with the current Municipal Code levels - \$100 for the first violation, \$200 for the second violation, and \$500 for the third violation.

Next Steps

Generally, the City is well positioned to meet the challenges that arise from SB 1383 implementation. Implementation of the SB 1383 requirements will be led by staff within the Public Works Department. In anticipation of needing to locally monitor participation and compliance, and eventually enforce SB 1383, Council approved the addition of an Environmental Compliance Inspector position as part of the FY 19-20 budget for the Public Works Department. This position is currently in the recruitment process and we expect to have this vacancy filled by January 1, 2022.

In addition, staff will continue to explore procurement opportunities and costs, develop record keeping procedures and documentation, provide education and outreach, track and monitor compliance, and develop inspections and enforcement procedures.

Staff will return to Council with an update on options for meeting the organic product procurement requirements, costs implications, and seek direction from Council in 2022.

POLICY ALTERNATIVES:

Alternative 1: Do not approve Ordinance No. 48.22.

Pros: None.

Cons: SB 1383 allows CalRecycle to enforce penalties and actions on jurisdictions that are not SB 1383 compliant. Penalties and actions may include: more frequent inspections, direct enforcement of non-compliant businesses in the City, establishing a schedule for City compliance, and administrative penalties of up to \$10,000 per day. While the City could apply for enforcement relief through SB 619, the City Council would have to adopt a resolution including the City's notice of intent to comply with the SB 1383 regulations which would include a commitment to adopt the enforceable ordinance at a future date.

Reason not recommended: SB 1383 regulations require jurisdictions to adopt an enforceable ordinance to implement SB 1383 regulations by January 1, 2022. As stated in this report, the City's established solid waste program already meets most of the SB 1383 requirements and it is not in the City's best interest to delay adoption of an enforceable ordinance.

FISCAL IMPACT:

There is no fiscal impact associated with this Council action. Funding for the required education and outreach efforts is already budgeted within the Public Works Operating Budget, funding through the Solid Waste Fund (Fund 280), and in MSI's operating costs.

Staff will return to the City Council with an update on options for meeting the SB1383 procurement targets and any associated cost implications in 2022.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Under California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3), the introduction and adoption of Ordinance No. 48.22 is not subject to review under CEQA. CEQA Guidelines Section 15061(b)(3), also known as the "common sense exemption," states that CEQA only applies to projects that have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. Ordinance No. 48.22 amends Chapter 200 (Solid Waste Management) of Title V of the Milpitas Municipal Code. Therefore, it can be seen with certainty that there is no possibility that the ordinance in question would have a significant effect on the environment. Accordingly, Ordinance No. 48.22 is exempt from CEQA review under Guidelines section 15061(b)(3).

RECOMMENDATIONS:

Following the City Attorney's reading aloud the title, move to waive the reading beyond the title and introduce Ordinance No. 48.22 amending Chapter 200 (Solid Waste Management) of Title V of the Milpitas Municipal Code.

ATTACHMENTS:

1. Ordinance No. 48.22

REGULAR

NUMBER: 48.22

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
AMENDING CHAPTER 200 OF TITLE V OF THE MILPITAS MUNICIPAL
CODE RELATING TO SOLID WASTE MANAGEMENT

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of November 16, 2021, upon motion by Councilmember _____, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery (“CalRecycle”) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

WHEREAS, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations (“SB 1383 Regulations”); and

WHEREAS, the SB 1383 Regulations take effect January 1, 2022, and requires the City of Milpitas to adopt an ordinance to enforce the SB 1383 Regulations by said date, and;

WHEREAS, the City Council desires to amend its Solid Waste Management Ordinance to comply with the SB 1383 Regulations.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 200

Chapter 200 – SOLID WASTE MANAGEMENT

Section 1 – General Provisions

Section 2 – Definitions

Section 3 – Keeping or Accumulating Waste

Section 4 – Collection and Disposal

Section 5 – Authorized Contractors

Section 6 – Authorized Contractors’ Rates, Charges and Fees

Section 7 – Manner of Collection, Removal and Transportation

Section 8 – Waste Disposal

Section 9 – Commercial Edible Food Recovery

Section 10 – Haulers and Facility Operators

Section 11 – Self-Hauler Requirements

Section 12 – Inspections and Investigations

Section 13 – Enforcement and Penalties

Section 14 – Disaster Operations

Section 15 – Interruption of Service by Labor Dispute

Chapter 200 - SOLID WASTE MANAGEMENT

Section 1 - General Provisions

V-200-1.10 Declaration of Policy

It is hereby declared to be in the public interest and in the interest of all the residents of the City of Milpitas that the accumulation, preparation, storage, collection, transportation and disposal or processing of solid waste, recyclable materials, organic materials, and construction and demolition debris in the City of Milpitas be handled in such a manner so as to:

- (a) Prohibit the harboring and breeding of rodents and insects;
- (b) Reduce pollution of the air caused by burning, fermentation or putrification of such materials;
- (c) Prevent the spread of disease;
- (d) Reduce the hazards of fire and the prevention of unsightliness resulting in the depreciation of property values and the comfortable enjoyment of life; and
- (e) Reduce the amount of waste disposed in landfills.

This Chapter is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Milpitas and to establish an integrated waste management system that will enable the City to meet the mandated goals for reduced disposal tonnage as required by Public Resources Code Sections 42000 et seq., also known as the Integrated Waste Management Act.

V-200-1.20 Declaration of Purpose and Object

The purposes and object of this Chapter are to accomplish the foregoing results, and the provisions thereof shall be liberally construed so as to give full effect to the accomplishment of such purposes and object.

V-200-1.30 Mandatory Service Charge

The charges levied pursuant to this Chapter are for the privilege of having Solid Waste, Recyclable Materials, Organic Materials, and Construction & Demolition Debris collected and are mandatory, unless an exemption is granted pursuant to Section 3 of this Chapter.

V-200-1.40 Waste Service Design Requirements

The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage or handling which shall accommodate the solid waste, recyclable material, and organic material loading anticipated and which shall allow for efficient and safe waste removal or collection. Solid waste, recyclable material, and organic material collection shall be accommodated on-site. The design shall comply with City requirements.

Section 2 - Definitions

V-200-2.10 Definitions

The definitions contained in this Section shall govern the construction of this Chapter, unless the context otherwise requires.

- (a) Administrator. The “Administrator” means the City Manager or his or her designee.
- (b) Agent. The word “agent” means a person, designated by the owner, as responsible for procuring and maintaining solid waste, recyclable materials, organic materials, and construction and demolition debris collection services.

- (c) Authorized Contractor. The words “authorized contractor” mean any person or persons, or the agents or employees thereof, with whom the city shall have duly contracted as hereinafter provided, or to whom City shall have issued a permit, to collect, remove, transport, recycle, or dispose of any or all solid waste, recyclable materials, organic materials, and construction and demolition debris generated, kept, or accumulated in the City.
- (d) Blue Container. The phrase “Blue Container” has the same meaning as in 14 CCR § 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Waste.
- (e) Bin. “Bin” means a container with capacity of approximately one to eight cubic yards, with a hinged lid, and with wheels (where appropriate), that is serviced by a front-end loading collection vehicle.
- (f) Brown Container. The phrase “Brown Container” refers to the container used solely for the storage and collection of Source Separated Food Waste.
- (g) Bulky Item. The phrase “bulky item(s)” means discarded appliances, furniture, tires, carpets, mattresses, and similar large items that require special collection due to their size or nature, but can be collected without the assistance of special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. It does not include abandoned automobiles, large auto parts, or trees.
- (h) California Code of Regulation or CCR. The phrase “California Code of Regulations” or “CCR” means the State of California Code of Regulations.
- (i) CalRecycle. The word “CalRecycle” means the California Department of Resources Recycling and Recovery.
- (j) Cart(s). “Cart(s)” means a plastic container with a hinged lid and wheels that is serviced by an automated or semi-automated collection vehicle. A cart has a capacity of 38, 45, 64, or 96 gallons (or similar volumes). A “split-cart” refers to a cart with vertical dividers designed to provide for separate placement in the cart of two types of materials.
- (k) City. The word “City” means the City of Milpitas, California.
- (l) Centralized Collection Service. The phrase “centralized collection service” means the level of service provided to a multiple family development that provides a designated collection point for solid waste, recyclable materials, organic materials, and construction and demolition debris in roll-off compactors. It is the responsibility of the property management of the development to provide move-in and semi-annual recycling program information to multi-family residents.
- (m) Collect or Collection (or any variation thereof). The words “collect,” “collection,” or any variation thereof, mean the act of collecting solid waste, recyclable materials, organic materials, C&D, bulky items, and other material at the place of generation in City.
- (n) Commercial or Commercial Business. The words “commercial” or “commercial business” means a business, industrial, commercial establishment, or construction site,

and any multiple-family, residential dwelling with five (5) units or more on one (1) account.

- (o) Commercial Edible Food Generator. The phrase “Commercial Edible Food Generator” means a “Tier One Commercial Edible Food Generator” or a “Tier Two Commercial Edible Food Generator.”
- (p) Community Composting. The words “community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR § 17855(a)(4); or, as otherwise defined by 14 CCR § 18982(a)(8).
- (q) Compactor. The word “compactor” means a mechanical apparatus that compresses materials together with the container that holds the compressed materials or the container that holds the compressed materials if it is detached from the mechanical compaction apparatus. Compactors include two to eight cubic yard bin compactors serviced by front-end loader collection vehicles and ten to 50 cubic yard drop box compactors serviced by roll-off collection vehicles.
- (r) Compliance Review. The phrase “compliance review” means a review of records by the City to determine compliance with this Chapter.
- (s) Composting or Compost (or any variation thereof). The words “composting” or “compost” include a controlled biological decomposition of organic materials yielding a safe and nuisance free compost product.
- (t) Construction and demolition debris, C&D debris, or C&D. The terms “construction and demolition debris,” “C&D debris,” or “C&D” include discarded building materials, packaging, debris, and rubble resulting from construction, alteration, remodeling, repair or demolition operations on any pavements, excavation projects, houses, commercial buildings, or other structures, excluding excluded waste. Source separated recyclable C&D is a subset of C&D. Mixed C&D is C&D that is not source separated.
- (u) Container(s). The word “container(s)” means bins, carts, compactors, and drop boxes used to temporarily store solid waste, organics or recyclables for collection service.
- (v) Container Contamination or Contaminated Container. The words “container contamination” or “contaminated container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR § 18982(a)(55).
- (w) Curbside Service. The phrase “curbside service” means individual collection services for solid waste, recyclable materials, organic materials, and C&D as typically provided to single-family homes, duplexes, townhomes and mobile homes. See section V-200-4.20 for specific set-out requirements for customers receiving curbside service.
- (x) Department. The word “Department” means the City’s Department of Public Works.

- (y) Designated Source Separated Organic Waste Facility. The phrase “Designated Source Separated Organic Waste Facility” shall have the same definition as 14 CCR § 18982(14.5).
- (z) Designee. The word “Designee” means an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities as authorized in 14 CCR § 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (aa) Discarded Materials. The phrase “discarded materials” means solid waste, recyclable materials, organic materials, and C&D placed by a generator in a receptacle and/or at a location for the purposes of collection by an authorized contractor, excluding excluded waste.
- (bb) Disposal or Dispose (or any variation thereof). The words “disposal” or “dispose” mean the final disposition of solid waste at a disposal facility.
- (cc) Drop Box. The phrase “drop box” means an open-top container with a capacity of ten to 50 cubic yards that is serviced by a roll-off collection vehicle.
- (dd) Edible Food. The phrase “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR § 18982(a)(18). “Edible Food” is not Solid Waste if it is recovered and not discarded.
- (ee) Enforcement Action. The phrase “Enforcement Action” means an action of the City to address non-compliance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (ff) Enforcement Officer. The phrase “Enforcement Officer” means the city manager, county administrative official, chief operating officer, executive director, public works director or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing this chapter.
- (gg) Excluded Waste. The phrase “excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material, waste that the authorized contractor reasonably believes would, as a result of or upon disposal, be a violation of local, state or federal law, regulation or ordinance, including land use restrictions or conditions, waste that cannot be disposed of in Class III landfills, waste that in the authorized contractor’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the authorized contractor or city to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- (hh) Food Distributor. The phrase “Food Distributor” means a company that distributes food to entities, including but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR § 18982(a)(22).

- (ii) Food Facility. The phrase “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (jj) Food Recovery. The phrase “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR § 18982(a)(24).
- (kk) Food Recovery Organization. The phrase “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR § 18982(a)(25), including, but not limited to:
 - 1. A food bank as defined in Section 113783 of the Health and Safety Code;
 - 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- (ll) Food Recovery Service. The phrase “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR § 18982(a)(26).
- (mm) Food-Soiled Paper. The phrase “food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (nn) Food waste. The phrase “food waste” means food scraps separated from solid waste and offered for collection by the authorized contractor, that will decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking, or handling of food stuffs; (iii) discarded paper that is contaminated with food scraps; and, (iv) fruit waste, grain waste, dairy waste, meat, and fish waste Food scraps are a subset of organic materials.
- (oo) Generator. The word “generator” means any person whose act or process produces solid waste, recyclable materials, organic materials, or C&D as defined in the Public Resources Code, or whose act first causes waste to become subject to regulation.
- (pp) Gray Container. The phrase “Gray Container” has the same meaning as in 14 CCR § 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- (qq) Green Container. The phrase “Green Container” has the same meaning as in 14 CCR § 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

- (rr) Green Waste. The phrase “Green Waste” means those discarded materials that will decompose and/or putrefy, including, but not limited to, green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, small pieces of unpainted and untreated wood, and other types of organic waste. Green Waste is a subset of organic materials. Green Waste placed for collection may not exceed six inches in diameter and three feet in length and must fit within the authorized contractor-provided container.
- (ss) Grocery store. The phrase “grocery store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR § 18982(a)(30).
- (tt) Hauler Route. The phrase “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (uu) Hazardous Waste. The phrase “hazardous waste” means hazardous materials, as defined by Title V, Chapter 3 of the Milpitas Municipal Code, Hazardous Substances, as defined in 42 U.S.C. Section 9601 (14), Designated Wastes, as defined in Title 23, Chapter 15, Section 2522 of the California Code of Regulations, biohazardous and any other wastes which are not nonhazardous solid waste, as defined in Title 23, Chapter 15, Section 2523(a) of the California Code of Regulations. It also means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State in Health and Safety Code § 25110.02, § 25115, and § 25117 or in the future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC § 6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (vv) High Diversion Organic Waste Processing Facility. The phrase “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR § 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR § 18815.5(e) for organic waste received from the “Mixed waste organic collection stream” as defined in 14 CCR § 17402(a)(11.5); or, as otherwise defined in 14 CCR § 18982(a)(33).
- (ww) Health Officer. The phrase “Health Officer” means the Santa Clara County Health Officer, or his or her designee(s) acting as the Health Officer of the City.
- (xx) Inspection. The word “Inspection” means a Department or Designee’s onsite review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR § 18982(a)(35).
- (yy) Large Event. The phrase “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local

agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

- (zz) Large Venue. The phrase “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- (aaa) Medium and High Density Developments. “Medium and high density developments” are defined in the City’s General Plan as follows:
 - (1) Medium density—”Medium density” housing may include single-family attached and semi-attached houses and duplexes.
 - (2) High density—”High density” housing may include attached row houses to triplexes and four-plexes, stacked townhomes, and walk-up garden apartments.
 - (3) Very high density—”Very high density” housing may include row houses to townhouses to lofts and stacked flats with structured parking.
 - (4) Mixed use—Mixed-use may include commercial offices, retail and services, high-density residential, and public/quasi-public uses. Mixed use buildings can contain a combination of residential and commercial uses.
- (bbb) Multi-Family Residential Dwelling or Multi-Family. The phrase “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (ccc) Non-putrescible Waste. The phrase “non-putrescible waste” means the component of the waste stream, which is not capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, attraction of vectors or other offensive conditions.
- (ddd) Notice of Violation or NOV. The words “Notice of Violation” or “NOV” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR § 18982(a)(45) or further explained in 14 CCR § 18995.4
- (eee) Occupant. The word “occupant” means the person who occupies a premises.

- (fff) Organic Materials or Organic Waste. The phrase “organic materials” or “organic waste” means .” means solid wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Waste, Green Waste, non-hazardous wood waste, and unwaxed food-soiled paper.
- (ggg) Paper Products. The phrase “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR § 18982(a)(51).
- (hhh) Person. The word “person(s)” means any individual, firm, association, organization, partnership, corporation, trust, joint venture, or public entity.
- (aa) Premises. The word “premises” means any land or building in the City where solid waste, recyclable materials, organic materials, or C&D are generated or accumulated.
- (ab) Print and Writing Papers. The phrase “Printing and Writing Papers” includes, but is not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR § 18982(a)(54
- (ac) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable source separated recyclable materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable source separated green waste for the City’s Green Container; (iii) discarded materials placed in the Brown Container that are not identified as acceptable source separated food waste for the City’s Brown Container; (iv) discarded materials placed in the Gray Container that are acceptable source separated recyclable materials, source separated green waste, and/or source separated food waste that should be placed in the City’s Blue Container, Green Container and/or Brown Container; and, (iv) non-Solid Waste items placed in any container.
- (ad) Processing. The word “processing” means to prepare, treat, or convert through some special method.
- (ae) Putrescible Waste. “Putrescible waste” means the component of the waste stream that is likely to become putrid. It includes but is not limited to wastes that contain organic materials such as food wastes or wastes from animal or vegetable origin.
- (af) Recyclables or Recyclable Materials. The phrase “recyclables” or “recyclable materials” means those discarded materials that generators set out in recyclables containers for collection for the purpose of recycling by the authorized contractor and that exclude excluded waste. Recyclable materials unless must be separated from solid waste, organic materials, and C&D. Recyclable materials to be collected from single-family and multi-family premises include, at a minimum, magazines, catalogs, phone books, shredded paper (placed in paper bags for collection), envelopes, junk mail, corrugated cardboard, brown paper grocery bags, mixed or colored paper, paperboard, paper egg cartons, office ledger paper, white plastic grocery bags, glass bottles and jars, food (bimetal) and

aluminum cans, newspaper, and plastic containers #1-7 excluding #6, polystyrene in all forms. Recyclable materials to be collected from commercial generators, include at a minimum, white paper, computer paper, copy paper, fax paper, carbonless forms, envelopes (with or without windows), colored, white, and manila file folders, laser-printed paper, junk mail, newspapers, magazines, phone books, glossy paper, corrugated cardboard, chipboard, shredded paper, bi-metal cans, aluminum, tin, glass bottles and jars, and plastic containers #1-7 excluding polystyrene (#6) in all forms. For residential and commercial customers with cart service, recyclable materials are collected using a split-cart that segregates fibers and containers.

- (ag) Recycle or Recycling. The words “recycle” and “recycling” mean the process of sorting, cleansing, treating, and reconstituting at a processing facility waste materials that would otherwise be disposed of at a landfill for the purpose of returning such materials to the economy in the form of raw materials for new, reused, or reconstituted products.
- (ah) “Remote Monitoring” means the use of the internet of things and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, Brown Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (ai) Residential. The word “residential” means any residential dwelling or apartment house.
- (aj) Reusable Materials. The phrase “reusable materials” means items that are capable of being used again with no or minimal processing.
- (ak) Route Review. The phrase “route review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR § 18982(a)(65).
- (al) SB 1383. The phrase “SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016).
- (am) SB 1383 Regulations. The phrase “SB 1383 Regulations” means the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (an) Scrap Wood. The phrase “scrap wood” means clean, unvarnished, unpainted, used wood.
- (ao) Self-Hauler. The term “Self-Hauler” means a person, who hauls Solid Waste, organic waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR § 18982(a)(66). Back-haul means generating and transporting organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR § 18982(a)(66)(A).

- (ap) Single-Family. The term “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (aq) Solid Waste. The phrase “solid waste” means solid waste as defined in California Public Resources Code, Division 30, Part 1, Chapter 2, § 40191 and regulations promulgated hereunder. Excluded from the definition of “solid waste” are excluded waste, C&D, source separated recyclable materials, source separated organic materials, and radioactive waste. Notwithstanding any provision to the contrary, “solid waste” may include de minimis volumes or concentrations of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment, and disposal of household hazardous waste in compliance with Section 41500 and 41802 of the California Public Resources Code as may be amended from time to time. For the purposes of this Chapter, “solid waste” means the portion of the waste stream commonly referred to as “garbage” or “trash” and which is generally disposed of in landfills. When the term “waste” is used in this Chapter, it means all types of waste including solid waste, recyclable materials, organics materials, and/or C&D.
- (ar) Source Separated, Source Separating, or Source Separation. The phrase “source separated,” “source separating,” or “source separation” means the segregation, by the generator, of materials designated for separate collection for some form of recycling, composting, recovery, or reuse and placing them into separate containers that are separately designated for recyclable materials.
- (as) Source Separated Recyclable C&D. The phrase “source separated recyclable C&D” means C&D materials which are source separated by the customer or generator and which have a processing residue level of less than ten percent by weight.
- (at) Stable Matter. The phrase “stable matter” means and includes all manure and other waste matter normally accumulated in and about a stable or any animal, livestock or poultry enclosure and resulting from the keeping of any animal, poultry or livestock.
- (au) Supermarket. The word “supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR § 18982(a)(71).
- (av) Tier One Commercial Edible Food Generator. The phrase “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
 2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 3. Food Service Provider.
 4. Food Distributor.

5. Wholesale Food Vendor.
- (aw) Tier One Commercial Edible Food Generator. The phrase “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:
1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 2. Hotel with an on-site Food Facility and 200 or more rooms.
 3. Health facility with an on-site Food Facility and 100 or more beds.
 4. Large Venue.
 5. Large Event.
 6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 7. A Local Education Agency facility with an on-site Food Facility.
- (ax) Wholesale Food Vendor. The phrase “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR § 189852(a)(76).

Section 3 - Keeping or Accumulating Waste

V-200-3.10 General Requirement

No person shall keep or accumulate, or permit to be kept or accumulated, within or upon any premises in the City, owned, leased or rented by, or in the possession or under the control of such person, any waste of any kind, except in accordance and compliance with and as authorized by the provisions of this Chapter.

The responsibility for proper keeping, accumulating and delivery of solid waste, recyclable materials, organic materials, and/or C&D to an authorized contractor in accordance and compliance with the provisions of this chapter shall be on the generator thereof and the owner and occupant of the premises within or upon which the same has been generated.

V-200-3.20 Mandatory Solid Waste, Recyclable Materials, Organic Materials, and C&D Collection Service

- (a) The owner, agent, and/or occupant of any premises shall subscribe to and pay for solid waste, recyclable materials, and organic materials collection service rendered to such premises by an authorized contractor and shall maintain at a location in accordance with the provisions of this Chapter, containers for solid waste, recyclable materials and/or

organic materials, where applicable, in accordance with the provisions of this Chapter. City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and generators shall adjust their service level for its collection services as requested by the City.

- (b) City may require either Single-Family Residential customers or Commercial Businesses in subsection (a) to be automatically enrolled in solid waste, recyclable materials, and organic materials collection services.
- (c) For Single-Family Residential customers, the generator shall place Green Waste in the Green Container; Source Separated Recyclable Materials in the Blue Container; Solid Waste in the designated side of the split Gray Container; and, Food Waste in the designated side of the appropriate split cart Gray Container as marked by a brown lid. Generator shall not place materials designated for the Green Containers or Blue Containers in the Gray Containers.
- (d) For Commercial Businesses, the generator shall place Source Separated Green Container Organic Waste, except Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; Source Separated Food Waste in the Brown Container; and Solid Waste in the Gray Container. Generator shall not place materials designated for the Green Containers, Blue Containers, or Brown Containers in the Gray Containers.

Without limitation to the provisions of Section V-200-9 of this Chapter, the owner, agent and/or occupant of the premises has an obligation to pay for solid waste, recyclable materials, and organic materials collection services.

A residential premises is occupied when a person takes or holds possession of the premises for use as a permanent or temporary dwelling. For the purpose of determining whether a residential premises was occupied during periods when solid waste, recyclable materials, and organic materials collection service was provided to such premises, a residential premises shall be presumed to have been so occupied unless evidence is presented that water utility service was not being provided to such premises during such periods. Such presumption shall be rebutted only by water utility records showing that the premises was then unoccupied.

An industrial or commercial premises is occupied when a building occupancy permit is issued. An agricultural premises is occupied when a person takes or holds possession of the premises for agricultural purposes.

For utility accounts opened on or after June 2, 2006 serving residential premises with single-family curbside services connected to a common water meter installed to provide water to two or more residential units, the owners shall designate an agent who shall be responsible for payment to the City for water and curbside services on behalf of the owners. Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for collection service are made by a tenant or tenants, or any agent, on behalf of the owner. Any such arrangement, however, will not affect the owner's obligation as provided herein.

V-200-3.21 Requirements for Commercial Businesses

- (a) Commercial Businesses shall supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, Brown Container, and Gray Container collection service, or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section V-200-11.10.
- (b) Commercial Businesses, excluding Multi-Family Residential Dwellings, shall:
 - (1) Provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR § 18984.9(b), the containers provided by the business shall have either:
 - (aa) A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (ab) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR § 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
 - (2) To the extent practical through education, training, Inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials in accordance with Section V-200.3.20 or if recycling organics onsite or self-hauling under Section V-200.11.10 per the Commercial Businesses' instructions to support its compliance with its onsite recycling or self-haul program.
 - (3) Periodically inspect containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR § 18984.9(b)(3).

- (c) Commercial Businesses shall:
- (1) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated organic waste and source separated recyclable materials.
 - (2) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic waste and source separated recyclable materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
 - (3) Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section V-200.12.10 to confirm compliance with the requirements of this Chapter.
 - (4) Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with Section V-200.3.20. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, Brown Containers and Gray Containers.
 - (5) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Sections V-200-3.21 and V-200-11.10.
 - (6) If they are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section V-200-9.10.
- (d) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site.

V-200-3.22 Waivers

- (a) De Minimis Waivers. The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the organic waste requirements if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section V-200.3.22(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section V-200-3.22(a)(2) below.
 - (2) Provide documentation that either:
 - (aa) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and organic waste subject to collection in a Blue Container,

Brown Container, or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or

(ab) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and organic waste subject to collection in a Blue Container, Brown Container, or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify City if circumstances change such that Commercial Business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.

(b) Physical Space Waivers. The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements. A Commercial Business or property owner may request a physical space waiver through the following process:

(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

(2) Provide documentation that the premises lacks adequate space for Blue Containers, Green Containers, and/or Brown Containers including documentation from its hauler, licensed architect, or licensed engineer.

(3) Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.

(c) Additional Waivers. The City may provide any additional waivers of the requirements of this chapter to the extent permitted by applicable law. The Public Works Director or his or her designee shall be responsible for determining the grounds for the waiver, its scope, and appropriate administration.

(d) Review and Approval of Waivers by City. Review and approval of waivers will be the responsibility of the Public Works Director or his or her designee.

V-200-3.30 Solid Waste, Recyclable Materials, and Organics Containers

(a) Any and all solid waste, recyclable materials, food scraps, and yard trimmings produced, kept or accumulated within or upon any premises in the City shall be placed without delay in containers and shall be kept and maintained within such containers and upon such premises, until the contents thereof are collected or otherwise handled in accordance

with the provisions of this Chapter. Waste cans, plastic or polyethylene disposal bags, or authorized contractor-supplied or approved containers shall be authorized waste containers for use in the City and shall meet the standards for each such container as established in this Section.

- (b) Each container shall:
 - (1) Be constructed of metal, plastic or other substantial materials;
 - (2) Be of sufficient strength or rigidity to hold without collapsing all waste deposited and kept therein;
 - (3) Be of sufficient strength and rigidity to prevent it from being broken or crushed under ordinary conditions of use;
 - (4) Be leak-proof and fly-proof;
 - (5) Be free of sharp, rough or jagged surfaces or edges likely to cause injury to persons lifting or handling the container;
 - (6) Have a close-fitting cover.
 - (7) Be graffiti-free. Containers supplied by the authorized contractor shall be free of graffiti and all graffiti shall be removed promptly.
 - (8) Be in good condition. Containers supplied by the authorized contractor shall:
 - (aa) Be maintained by the same at a minimum level of good condition.
 - (ab) Include identification as the property of the authorized contractor that includes a serial number, instruction for use and telephone number of the authorized contractor.
- (c) In addition to the foregoing, carts supplied by the authorized contractor shall be of approximately 96, 64, 45, or 38 gallons in capacity and not weigh more than the weight limit established by the authorized contractor.
- (d) Plastic or polyethylene disposal bags with wire or plastic tie closure shall meet the requirements of Section V-200-3.30(b)(1)-(5) above, and the National Sanitation Foundation standards for polyethylene refuse disposal bags as follows:
 - (1) Dimensions. The bags shall have a minimum circumference of 60 inches and a minimum inner dimension of 37 inches.
 - (2) Strength. The bags, exclusive of packaging and ties, shall have a minimum weight of 105 pounds per 1,000 bags.

V-200-3.31 Location of Solid Waste, Recyclable Materials and/or Organic Materials Containers

Each and every solid waste, recyclable materials, and organic materials container(s) shall be placed, kept and maintained at all times in a side, or back yard, in an enclosure or elsewhere on the premises so as not to be visible from the street or accessible to animals and may not protrude past the front of any building for multi-unit premises. This requirement does not apply during the 12-hour period before or after a scheduled collection day. To comply with the Americans With Disabilities Act (“ADA”), customers requesting an exception to this provision will be considered on a case by case basis by the City Manager or his or her designee.

Except for those premises receiving service at the single unit curbside service level, containers shall not be placed, kept, maintained or serviced in a public street, sidewalk or public easement of any kind or in the front yard setback without prior written consent of City.

V-200-3.32 Solid Waste, Recyclable Materials, and Organic Materials Containers: Use and Maintenance

Each and every solid waste, recyclable materials, or organic materials container shall be kept tightly sealed so as to prevent the escape or leakage from the container of any solid waste, recyclable materials, or organic materials or of any offensive vapors, gases or odors. No such container shall be so filled as to cause matter to overflow therefrom; and the gross weight of solid waste, recyclable materials or organic materials placed or kept therein, including the weight of the container, shall meet the requirements established by the authorized contractor. Such container shall at all times be kept clean and sanitary, and shall be sprayed and otherwise treated in such manner and to such extent and with such substance as may be necessary to repel and keep away insects and rodents, and render the container odor-proof.

No solid waste, recyclable materials, or organic materials shall be so compacted or otherwise placed or kept or accumulated in any container in a manner which does not allow the contents of the container to fall out, by its own weight, upon the container being lifted and turned upside down. No residential solid waste, recyclable materials, or organic materials containers shall be set out for weekly curbside collection containing dirt, soil, concrete, masonry or asphalt.

After reasonable notice and opportunity to be heard, City may determine that any person occupying, owning, controlling or maintaining any premises within the City has inadequate containers, facilities, or frequency of collection service for solid waste, recyclable materials, or organic materials and may order that additional containers or facilities or increased frequency of collection service be provided by said person.

It shall be unlawful for any person occupying, owning, controlling or maintaining any premises within the City where solid waste, recyclable materials, organic materials, and/or C&D are created, generated, or accumulated, to fail or neglect to procure sufficient number of containers for receiving and holding all solid waste, recyclable materials, organic materials, and C&D which are produced, generated, or accumulated upon such premises or to fail or neglect to deposit solid waste, recyclable materials, organic materials, and C&D in containers or to fail or neglect to use and keep containers in good, usable, and sanitary condition. Provided, certain branches, trimmings, and wood may be securely bundled and set out for collection in accordance with regulations which are approved from time to time by the City.

V-200-3.40 Minimum Allowable Collection Frequencies Disposal

Weekly Collection: No more than one week's accumulation of putrescible solid waste and organic materials shall be kept or be permitted to remain upon any premises in the City. At least once each week all putrescible solid waste and organic materials generated, kept or accumulated within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

No more than one week's accumulation of non-putrescible solid waste and organic materials shall be kept in front-end loader bins. At least once each week all solid waste or organic materials kept or accumulated in front-end loader bins within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

30-Day Collection: No more than 30 days' accumulation of non-putrescible solid waste or organic materials shall be kept or be permitted in compactors and drop boxes. At least once each 30 days all such wastes kept or accumulated in compactors and drop boxes within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

No more than 30 days' accumulation of non-putrescible recyclable materials shall be kept or be permitted in front-end loader bins and drop boxes. At least once each 30 days non-putrescible recyclable materials kept or accumulated in front-end loader bins and drop boxes within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

60-day collection: No more than 60 days' accumulation of non-putrescible recyclable materials shall be kept or be permitted in compactors only. At least once each 60 days non-putrescible recyclable materials kept or accumulated in compactors within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

V-200-3.50 Hazardous Waste, Biohazardous Waste, Ashes

No hazardous waste, biohazardous waste, hot ashes, hot cinders or burning matter shall be placed or kept in any solid waste, recyclable materials, organic materials, or C&D containers or drop box. No other ashes, cinders or stable matter shall be placed or kept in any solid waste, recyclable materials, organic materials, or C&D container or drop box unless first wrapped in paper or other material.

V-200-3.60 Exemptions: Authorized Contractor

The provisions of this Section relating to the keeping or accumulation of any solid waste or organic materials collected shall apply to an authorized contractor making such collection, provided City may exempt the authorized contractor from the provisions hereof.

Section 4 - - Collection and Disposal

V-200-4.10 In General

No person, other than an authorized contractor shall collect, remove, transport, process or dispose of any solid waste, recyclable materials, organic materials, or C&D of any kind generated, kept or accumulated within or upon any premises within the City except as hereafter provided. No person shall permit the collection, removal, transportation, processing or disposal of any solid waste, recyclable materials, organic materials, or C&D of any kind generated, kept or accumulated within or upon any premises within the City, owned, leased, or rented by or under the control of or in the possession of such person except by an authorized contractor pursuant to the provisions of this Chapter or except as hereinafter provided.

V-200-4.20 Additional Collection Services of Authorized Contractor

Additional Services Allowed for Disabled Customers: The authorized contractor shall provide additional services as necessary to accommodate the needs of disabled residents, as defined in the Americans with Disabilities Act (ADA), at the same level of service provided and rate charged to nondisabled residents, including, but not limited to, collecting solid waste, recyclable materials, and organic materials from containers stored in side or back yards, replacing empty containers in side or back yards, and maintaining a TDD telephone line. The authorized contractor shall not be required to enter upon a private driveway or upon a private yard or enclosure for the purpose of collecting solid waste, recyclable materials, or organic materials, except to accommodate disabled residents as defined by the ADA or unless a customer receives backyard service.

Curbside Service: Solid waste, recyclable materials, and/or organic materials (including food waste and green waste) accumulated in carts at residential premises with curbside services shall be placed for collection in the carts in the street with the wheels against the curb, two feet from parked cars and mail boxes in front of the premises wherein solid waste, recyclable materials, and/or organic materials are generated and accumulated. In the event any generator fails to return containers to their approved locations in a timely manner, generator may be cited.

Single-family curbside service weekly set out of used motor oil and/or used cooking oil shall use only containers approved and provided by the authorized contractor.

Non-Curbside Service: Solid waste, recyclable materials, and/or organic materials shall be set out for collection in a location on private property, consistent with the provisions of Section V-200-3.31 so as not to require the driver of the collection vehicle to dismount from the vehicle in order to service the containers. In the event that the driver is required to dismount due to the location of the container(s), travel more than 25 feet to the container(s), or because the generator does not want the collection vehicle on the generator's property, the generator shall be liable to the authorized contractor for a backyard service rate for pushing, collecting and returning the container(s). This rate shall also apply if the authorized contractor must use non-standard equipment.

The authorized contractor shall not be liable for any damage to private property in the course of collecting solid waste, recyclable materials, organic materials, or C&D or for delivery, maintenance, or removal of any container or drop box, except for the negligence of the authorized contractor, its agents, servants and employees.

V-200-4.30 Ownership of Solid Waste, Recyclable Materials, Organic Materials, and C&D

It is expressly understood that all solid waste, recyclable materials, organic materials, and C&D collected become the property of the authorized contractor at the time of collection. It is expressly understood that title to all solid waste, recyclable materials, organic materials, and C&D passes to the authorized contractor upon being set out at the usual place of collection.

V-200-4.40 Landfilling of Recyclable Materials and Organic Materials Prohibited

No authorized contractor shall permit the landfilling of recyclable materials and organic materials except where not prohibited by contract.

Section 5 - Authorized Contractors

V-200-5.10 Authority

The City is empowered to enter into a contract(s) with, or authorize staff to issue permits in accordance with an approved permit system to, any person for the right to engage in the business of collecting, removing, transporting, processing or disposing of any or all solid waste, recyclable materials, organic materials, and/or C&D generated, kept or accumulated within the City. The CITY may grant an exclusive contract to any single person to engage in the business of collecting, removing, transporting, processing or disposing of any or all solid waste, recyclable materials, organic materials, and/or C&D if City deems an exclusive contract necessary or convenient for the efficient collection and removal of solid waste, recyclable materials, organic materials, and/or C&D and the preservation and protection of the public health, safety and general welfare.

V-200-5.11 Contract Provisions

Each authorized contractor(s) providing residential and commercial solid waste, recyclable materials, organic materials, and C&D collection services shall comply with all licenses, permits, or written approval requirements of the City. Such written approval shall be contingent upon the authorized contractor's demonstrated capability to comply with these standards and use of equipment in a safe and sanitary manner.

Any contract executed hereunder may provide that the authorized contractor(s) shall have the right to collect and receive the collection charges and fees established therein for the collection, transportation, removal, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D ; provided, however, city may elect to collect and receive said collection charges and fees subject to the contract provisions concerning the remittance thereof to the authorized contractor. Said contract shall also provide for the compensation to be paid to City by the authorized contractor for the granting of the right to engage in said business. Nothing herein contained shall be deemed to limit the authority of the City to renew or extend a contract upon the expiration of any term thereof. The contract may contain such other terms, covenants and conditions as the City shall deem necessary or convenient for the efficient collection, transportation, removal, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D and the preservation and protection of the public health, safety, peace and welfare.

V-200-5.20 General Compliance

No authorized contractor shall collect, remove, transport, process or dispose of any solid waste, recyclable materials, organic materials, and/or C&D except in full accordance and compliance with the provisions of the contract existing between the authorized contractor and City and the provisions of this Chapter and all rules and regulations issued hereunder. Any license, privilege or authorization granted in any such contract to any person to engage in the business of collecting, removing, transporting, processing or disposing of any solid waste, recyclable materials, organic materials, and/or C&D generated, kept or accumulated in the city shall be conditioned upon the faithful performance by such person or authorized subcontractors, if any, of any and all terms, covenants, conditions and provisions in or of said contract, the provisions of this Chapter, and all rules or regulations issued thereunder.

V-200-5.21 Forfeiture of Contract for Noncompliance

Any violation of this Chapter or any rule or regulation promulgated hereunder shall entitle City to cancel and terminate its contract with or revoke the permit of the authorized contractor and to relet said contract or issue new permits.

V-200-5.30 Statements, Payments, Records

Each and every authorized contractor shall maintain all records and submit to City all reports, statements, and payments in full accordance and compliance with the provisions of the contract existing between the authorized contractor and City. Unless otherwise provided in the contract between the authorized contractor and City, the authorized contractor shall submit monthly and quarterly reports within 30 calendar days after the end of the calendar month or quarter, as applicable, and the authorized contractor shall submit annual reports no later than 45 calendar days after the end of each calendar year. Monthly, quarterly, and annual reports shall, at a minimum, include all data and information as described in the contract between the authorized contractor and City. For each calendar month during which the authorized contractor engages in such business and for each calendar month during which the authorized contractor or authorized subcontractor(s) collect any receipts, revenues or compensation for the collection, transportation, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D generated, kept or accumulated in the city, the authorized contractor shall submit to City a written statement of the total gross receipts collected or received by the authorized contractor and any authorized subcontractor(s) during the calendar month for which such statement is rendered and filed. Each such statement shall also separately state the total gross receipts collected or received by the authorized contractor and those received by each of any authorized subcontractors during said calendar month. Such statement shall be certified as true and correct by such authorized contractor and by each of any authorized subcontractors.

No statement filed hereunder shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude City from collecting by appropriate action such sum as is actually due and payable hereunder. The statement and each of the several items therein contained shall be subject to audit and verification by the City, and City may examine, audit and inspect such books and records of any person who engages in the business of collecting, transporting, processing and/or disposing of any solid waste, recyclable materials, organic materials, or C&D generated, kept or accumulated in the city, and of any authorized subcontractors, as may be necessary to ascertain the correct amount of the sums due City. Authorized contractors and any authorized subcontractors are hereby required to permit an examination of such books and records for the purposes aforesaid.

Unless otherwise provided in the contract between the authorized contractor and City, the above-mentioned sums due City shall be due and payable, for each calendar month for which a written statement is required, within 60 days from and after each such calendar month; and said sum for each of said calendar months shall be overdue on the sixty-first day after each such calendar month. If the sixtieth day following the end of the month falls on a weekend or a City-recognized holiday, said payment shall be due on the next regular business day.

Unless otherwise provided in the contract between the authorized contractor and City, each authorized contractor shall keep and maintain full and complete books of account and other records showing all business transacted in the City by such person, and by each and every authorized subcontractor(s), if any, including, but not by way of limitation, records of all monthly collections and receipts, expenses, profits, supporting statements and vouchers, balance sheets and profit and loss statements and other documents accurately reflecting all such business. All such books and records shall be subject to audit and inspection at any and all times by City and its authorized officers, agents and employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request of the City.

Unless otherwise provided in the contract between the authorized contractor and City, the authorized contractor shall file, for each year during which the authorized contractor engages in such business, an annual report with the City showing, at a minimum:

- (a) The total gross receipts actually collected or received by the authorized contractor and any authorized subcontractor(s) during said year, which shall be examined by the authorized contractor's independent certified public accountants, and shall include the opinion of such accountants as to whether such statement is a fair representation of the data included therein; and (b) A breakdown of such total gross receipts by programs and service level types showing the amounts received or collected by the authorized contractor and by each of any authorized subcontractor(s).

V-200-5.31 Interest

Delinquent sums due to City by an authorized contractor(s) shall be subject to a delinquency penalty of two percent, which attaches on the first day of delinquency. The delinquency penalty shall be increased an additional two percent for each additional month the payment remains delinquent.

V-200-5.40 Place and Manner of Disposal

No authorized contractor shall dispose of any solid waste, recyclable materials, organic materials, or C&D anywhere in the City unless and until the manner and place of disposal within the City has been authorized or approved by the City Council (either by contract, resolution or ordinance). Except as otherwise provided in an exclusive contract between an authorized contractor and City or in an exclusive disposal agreement between City and the owners of the disposal facility, the fees for disposal at the disposal facility shall be charged directly to the authorized contractors at the same rate charged to the general public at that disposal facility.

V-200-5.50 Performance Bond

When the City authorizes or designates a person or firm to provide solid waste, recyclable materials, organic materials, and C&D collection services for its jurisdiction through contract, franchise, permit, or license such person or firm shall submit proof of adequate financial resources and experience to properly conduct the operation authorized.

Each and every authorized contractor shall, within seven calendar days of the city's notification to the authorized contractor that the City has executed the contract or issued the permit authorizing the authorized contractor to engage in business, furnish to City and file with the City Clerk a corporate surety bond, payable to the City, in a penal sum required by the City (and approved as to form by the city attorney), executed by the authorized contractor as principal and by a corporate surety as surety, securing the faithful performance by the authorized contractor and any authorized subcontractor(s) of its obligations under said contract and of all provisions of this Chapter. Such bond shall be renewed annually if necessary so that the performance bond is maintained at all times during the term of said contract. The bond shall be executed as surety by a corporation authorized to issue surety bonds in the State of California that has a rating of A or better in the most recent edition of Best's Key Rating Guide, and that has a record of service and financial condition satisfactory to the City.

As an alternative to the performance bond required above, at City's option, the authorized contractor may deposit with City a fully prepaid irrevocable letter of credit for at least the duration of the contract year for which the letter of credit is deposited. The amount, form, and issuer of such letter of credit shall be subject to the approval of City's Risk Manager and the City Attorney.

City shall have the right to draw against the faithful performance bond or the letter of credit in the event of a breach or default of the authorized contractor or the failure of the authorized contractor to

perform fully any obligation under the contract or permit the authorizing authorized contractor to engage in business. Within five calendar days of receipt of notice from City, the authorized contractor shall renew or replace such sums of money as needed to bring the faithful performance bond or letter of credit current.

V-200-5.60 Interference with Authorized Contractors.

No person shall interfere with or obstruct the authorized activities of an authorized contractor in the collection, transportation, removal, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D.

V-200-5.70 Identification and lettering of vehicles and containers

The authorized contractor shall letter each vehicle used in collection activities to include a vehicle identification number, the name of the authorized contractor, and the local business telephone number of the authorized contractor. The lettering size shall be not less than four inches high. Any authorized contractor-supplied solid waste, recyclable materials, organic materials, and/or C&D container shall be lettered with the authorized contractor's name and local business telephone number in a form approved by City.

Section 6 - Authorized Contractors' Rates, Charges and Fees

V-200-6.10 Fees and Charges in General

All charges for the collection and removal of solid waste, recyclable materials, organic materials, and/or C&D shall be due and payable in accordance with the payment terms set by the authorized contractor and approved by City.

The authorized contractor shall not demand any fees from the generators of solid waste, recyclable materials, organic materials, and/or C&D except as provided in the contract between the authorized contractor and City.

Disputes over charges made or as to the character of the services performed shall be decided by the City Manager or his or her designee.

V-200-6.11 Senior Citizen Rate

Rates for residential premises with curbside collection for persons 62 years or older and who are responsible for paying the water bill of the dwelling, upon application, shall be reduced upon such terms and conditions as are agreed to between City and the authorized contractor. The authorized contractor shall verify eligibility for the senior rate using driver's license or birth certificate and proof of residency.

Section 7 - Manner of Collection, Removal and Transportation

V-200-7.10 Sorting Waste on Streets

No person shall sort, separate, or segregate any solid waste, recyclable materials, organic materials, or C&D of any kind within or upon any public street or place except as expressly authorized by CITY.

V-200-7.20 Collection and Transportation

No person shall collect, transport or receive any solid waste, recyclable materials, organic materials, or C&D within or upon any public streets in the City, or anywhere in the City, except in leak-proof vehicles so constructed that no solid waste, recyclable materials, organic materials, or C&D can leak or sift through or fall out, or be blown from, such vehicle. Vehicles used to collect or transport solid waste, recyclable materials, or organic materials shall be completely covered, and shall be kept covered at all times except when solid waste, recyclable materials, organic materials, or C&D is/are being actually loaded or unloaded, and except when said vehicles are moving along a collection route in the course of collection. Collection and transportation of any and all solid waste, recyclable materials, organic materials, or C&D shall be so conducted that no solid waste, recyclable materials, or organic materials will fall, drain or spill out of the collecting or transporting vehicle. Any person collecting or transporting any solid waste, recyclable materials, organic materials, or C&D shall immediately pick up all solid waste, recyclable materials, organic materials, or C&D which drop, spill, leak or are blown from the collecting or transporting vehicle, and shall otherwise clean the place onto which any such solid waste, recyclable materials, organic materials, or C&D was/were so dropped, spilled, blown or leaked. The authorized contractor shall limit its contents to 20,000 pounds per axle. The authorized contractor shall provide personnel and equipment necessary to provide push and return service in confined areas or other locations that have collection and transport vehicle access limitations.

The authorized contractor shall replace lids or covers on containers if appropriate, immediately after emptying the same and shall repair or replace at its expense any container(s) damaged as a result of its handling thereof, normal wear and tear excepted.

The authorized contractor may refuse service and collection if any container fails to meet the requirements of Section V-200-3.30 of this Chapter provided the authorized contractor shall give written notice (by leaving a copy thereof attached to said container) of its reasons for refusing service and collection.

V-200-7.30 Waste from Outside City

No person other than City shall transport or permit to be transported into the City any waste of any kind generated, kept or accumulated outside the City, for the purpose of keeping, accumulating, or disposing of it in the City unless authorized by City and no person other than City shall keep, accumulate or dispose of in the City any waste transported or brought into the City from outside the City unless authorized by City .

V-200-7.40 Missed Collections

Unless otherwise provided in the contract between the authorized contractor and City, the authorized contractor shall collect and remove from any and all premises, by the end of the business day following the demand, notice or request, any and all solid waste, recyclable materials, and/or organic materials which the authorized contractor shall have failed to collect a properly placed container as required at the regular scheduled time. The authorized contractor shall not refuse collection service because of a violation of the rules unless the authorized contractor has, in a reasonable manner, notified the customer in question of the rule.

V-200-7.50 Areawide Cleanup Service

Where provided by contract, the authorized contractor shall provide such labor, supervision and equipment at its cost; and at times and dates agreed upon between the parties, sufficient to conduct an areawide cleanup collection of accumulated seasonal and extraordinary solid waste, recyclable materials, and/or organic materials. The authorized contractor shall cooperate in any and every way with City to effectively provide such cleanup services, including accepting wastes collected by City personnel and permitting City personnel to inspect cleanup operations.

V-200-7.60 Unauthorized Collection Prohibited

During the 24-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection of solid waste, recyclable materials, organic materials, and/or C&D, no person, other than an authorized contractor, shall remove solid waste, recyclable materials, organic materials, and/or C&D which have been placed at a designated collection location. Any and each such collection in violation hereof from one or more designated collection locations during said 24-hour period shall constitute a separate and distinct offense punishable as provided in this Code.

V-200-7.61 Right of Individual to Dispose of Recyclable Materials and/or Organic Materials

Nothing in this Chapter shall limit the right of a person to donate, sell or otherwise dispose of recyclable materials and/or organic materials, provided that any such disposal is in accordance with the provisions of this Chapter.

V-200-7.62 Civil Action by Authorized Contractor

Nothing in this Chapter shall be deemed to limit the right of an authorized contractor to bring a civil action against any person who violates Section V-200-7.60 of this Chapter, nor shall a conviction for such violation exempt any person from a civil action brought by an authorized contractor.

Section 8 - - Waste Disposal

V-200-8.10 Public Property

No person shall throw, drop, leave, dump, place, keep, accumulate or otherwise dispose of any waste upon any street, way, sidewalk, gutter, stream, or creek or the banks thereof, or any public place or public property, or sweep, gather or take any waste from any such place or property or portion thereof or throw, place, deposit, dump, drop, leave, keep or accumulate it in any other such place or property or portion thereof, either with or without intent to later remove the same, except with the written prior permission of the Health Officer. The burden of proving such consent shall be on the person doing any such thing.

V-200-8.20 No Waste on Premises, Except that Generated Thereon

Except as otherwise expressly authorized by the provisions of this Chapter, no person other than City shall place, keep, accumulate or dispose of any waste of any kind in or upon any premises, land or place in the City other than the premises wherein such waste is generated unless so authorized by resolution or ordinance of the City; and no person other than City shall establish, maintain or operate any dump or disposal grounds in the City for the keeping, accumulation or disposal of any waste of any kind unless so authorized by permit of the City; and no person shall permit any premises, land or place in the City owned, leased, rented or in the possession or under the control of such person to be used for the keeping, accumulation or disposal of any waste of any kind other than waste generated thereon, unless so authorized by permit of the City.

V-200-8.21 Burying Waste

Except as otherwise expressly authorized by the provisions of this Chapter, no solid waste, recyclable materials, or organic materials shall be buried anywhere in the City.

V-200-8.22 Burning Waste

Burning of solid waste, recyclable materials, or organic materials is prohibited.

V-200-8.23 Fertilization of Land

Stable matter and processed organic materials or compost may be used to fertilize lands subject to such regulations as the Health Officer may impose to protect the public health and safety.

Section 9 - Commercial Edible Food Recovery

V-200-9.10 Commercial Edible Food Generators

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.

- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow the Department or Designee to access the premises, conduct Inspections, and review electronic and hard copy records pursuant to 14 CCR Section 18991.4.
 - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (aa) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR § 18991.3(b).
 - (ab) A copy of all contracts or written agreements established under 14 CCR § 18991.3(b).
 - (ac) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - a. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - b. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - c. The established frequency that food will be collected or self-hauled.
 - d. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (d) Tier One Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
 - (1) On or before August 1, 2022, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022.

- (2) On or before May 1, 2023, and on or before May 1st each year thereafter, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- (e) Tier Two Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
 - (1) On or before May 1, 2025, and on or before May 1st each year thereafter, Tier Two Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- (f) Food Recovery Reports submitted by Tier One and Tier Two Commercial Edible Food Generators shall include the following information:
 - (1) The name and address of the Commercial Edible Food Generator;
 - (2) The name of the person responsible for the Commercial Edible Food Generator's edible food recovery program;
 - (3) A list of all contracted Food Recovery Services or Food Recovery Organizations that collect Edible Food from the Commercial Edible Food Generator;
 - (4) The total number of pounds of Edible Food, per year, donated through a contracted Food Recovery Organization or Food Recovery Service.
- (g) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, Chapter 557, Statutes of 2017.

V-200-9.11 Food Recovery Organizations and Services

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR § 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food for Food Recovery.

- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR §18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR § 18991.3(b) shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
- (1) On or before August 1, 2022, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022.
 - (2) On or before May 1, 2023, and on or before May 1st each year thereafter, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- (d) Food Recovery reports submitted by Food Recovery Services or Organizations shall include the following information:
- (1) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).
 - (2) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators within Santa Clara County with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).
- (e) In order to support Edible Food Recovery capacity planning assessments or other studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

Section 10 - Haulers and Facility Operators

V-200-10.10 Requirements for Haulers

- (a) Haulers shall meet the following requirements and standards as a condition of approval of a permit or other authorization with the City to collect Organic Waste:
 - (1) Through written notice to the City annually on or before June 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Waste, and Source Separated Food Waste.
 - (2) Transport Source Separated Recyclable Materials, Source Separated Green Waste, and Food Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (3) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting construction and demolition debris.
- (b) Haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its permit or other agreement entered into with the City.

V-200-10.11 Requirements for Facility Operators and Community Composting Operations

- (a) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.
- (b) Community Composting operators, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

Section 11 - Self-Hauler Requirements

V-200-11.10 Self-Haulers.

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR §§ 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers

Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

- (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.
 - (2) The amount of material in cubic yards or tons transported by the generator to each entity.
 - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section V-200-11.10(c) to the City if requested.
- (e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record information in Section V-200-11.10(c) or report information in Section V-200-11.10(d).

Section 12 - Inspections and Investigations

V-200-12.10 Inspections and Investigations by Department or Designee

- (a) The Department and/or Designee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators to confirm compliance with this Chapter by Organic Waste Generators, Commercial Businesses, property owners, Haulers and Self-Haulers, Tier One and Tier Two Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the Department or Designee to enter the interior of a private residential property for Inspection.
- (b) Regulated entities shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the Department's or Designee's employees during such Inspections and investigations. Such Inspections and investigations may include in-person or electronic review of Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for access to an entity's premises or access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.

- (c) Any records obtained by the Department or Designee during its Inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) Representatives of the Department and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.
- (e) Department and/or Designee shall receive written complaints, including anonymous complaints, regarding entities that may be in violation of this Chapter. Complaints shall include the name and contact information of the complainant, if the complainant is not anonymous; the identity of the alleged violator, if known; a description of the alleged violation including location(s) and all other relevant facts known to the complainant; any relevant photographic or documentary evidence to support the allegations in the complaint; and the identity of any witnesses, if known.

Section 13 - Enforcement and Penalties

V-200-13.10 Remedies Not Exclusive

This Section provides for issuance of a notice and/or an administrative hearing process which is in addition to any and all legal remedies, criminal or civil, which may be pursued by the City to address any violation of this Chapter.

V-200-13.20 Enforcement Process

- (a) **Declaration of Public Nuisance:** Any private property, or use of private and/or public property found to be maintained in violation of the foregoing sections is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law including, but not limited to, Civil Code Section 3480. Any other City ordinance that provides that a violation of the ordinance may be declared a nuisance or a public nuisance may be abated pursuant to the procedures set forth herein, and be subject to those provisions allowing for cost recovery, at the discretion of the City Manager or his or her designee.
- (b) **Notice of Abatement:** Any violation of this Chapter may be abated through the abatement process identified in Section V-500-3.01.
- (c) **Administrative Fine:** Violation of any provision of this Chapter shall constitute grounds for issuance of a Notice of Violation and assessment of an administrative fine by the Department or its Designee. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Department or its Designee shall commence an action to impose penalties, via an administrative citation and fine under Chapter 21 of Title I.
- (d) Violation of any provision of this chapter that is a violation of the SB 1383 Regulations shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by

a Enforcement Officer. Enforcement Actions under this chapter are issuance of an administrative citation and assessment of a fine. The procedures in Chapter 21 of Title I shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this Chapter, except as otherwise indicated in this Chapter.

- (e) Notice of Violation. Before assessing an administrative fine, the Department and/or Designee shall issue a Notice of Violation requiring compliance within sixty days of issuance of the Notice. The Notice shall include: (1) the name(s) of each person or entity to whom it is directed, (2) a factual description of the violations, including the regulatory section(s) being violated, (3) a compliance date by which the respondent is to take specified action(s), and (4) the penalty for not complying before the specified deadline. For repeat and/or willful violations, the Department or its Designee may require compliance within fewer than sixty days or may immediately issue an administrative citation and fine
- (f) Extensions to Compliance Deadlines. The Department or its Designee may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
 - (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
 - (2) Delays in obtaining discretionary permits or other government agency approvals;
 - (3) Deficiencies in Edible Food Recovery capacity and the existence of a corrective action plan imposed by CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies; or,
 - (4) Any other circumstance in which the Department Director, in their sole discretion, finds good cause to extend the compliance deadlines

Any other circumstance in which the Department Director, in their sole discretion, finds good cause to extend the compliance deadlines.
- (g) Administrative Citations. If the respondent fails to correct the violation by the compliance date or as otherwise provided in subsection (b), the Department or its Designee shall issue an administrative citation and fine.

V-200-13.21 Penalty Amounts

The penalty levels for violations of Section V-200-14.20(d) are those set forth in Section I-21-1.04.

V-200-13.22 Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation pursuant to Section V-200-13.20(d) may request a hearing to appeal the citation pursuant to Chapter 21 of Title I.

If the administrative citation is relating to edible food recovery, the Department or its Designee will designate a hearing officer who shall conduct the hearing and issue a final written order. The hearing officer may be a County official or another public agency. The hearing officer shall be identified in the administrative citation.

V-200-13.23 Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance with the SB 1383 Regulations, and if the City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

V-200-13.60 Violation an Infraction

It shall be unlawful to violate any provision of this Chapter. Violation thereof shall constitute an infraction pursuant to the provisions of Section Title I, Chapter 1 of the Milpitas Municipal Code and shall be punishable as therein provided.

V-200-13.70 Nuisance Summary Abatement

Any nuisance maintained in violation of the provisions of this Chapter may be summarily abated by City. The expense of such abatement may be made a special assessment lien against the land upon which said nuisance is committed or maintained in accordance with the provisions of the Milpitas Municipal Code or applicable abatement procedures established by the laws of the State of California, and shall also constitute a personal obligation of the persons causing the nuisance or allowing the same to exist.

For the purposes hereof, the City Manager is hereby designated as the public officer to perform the duties of Superintendent imposed by Title 4, Division 3, Part 2, Chapter 13, Article 3 of the Government Code of the State of California.

Section 14 - Disaster Operations

V-200-14.10 Company Availability of Personnel and Equipment

In event of wartime, natural, physical or other disaster in or proximate to the City limits resulting in the declaration of a state of emergency by the City Manager or City Council, the authorized contractor shall make available to the City, at no additional cost to the City, all trucks, equipment and personnel normally performing services under the contract with City, for emergency operations conducted or directed by City emergency organization.

V-200-14.11 Temporary Possession and Employment

City shall have the right to take possession of all such equipment provided by the authorized contractor, and to temporarily employ all authorized contractor personnel so provided as emergency operations forces of CITY, under the direction and control of City's Director of Emergency Services.

V-200-14.12 Use of Additional Equipment

In addition to the equipment and personnel above, the authorized contractor shall make available such equipment and personnel as is reasonably practicable from those authorized contractor operations and resources not serving City; to the extent necessary to conduct effective solid waste, recyclable materials, organic materials, and C&D removal during any declared state of emergency to the specifications of the City's Director of Emergency Services.

Section 15 - Interruption of Service by Labor Dispute

V-200-15.10 Temporary Possession by City

In the event the solid waste, recyclable materials, organic materials, and/or C&D collection or disposal services of an authorized contractor are interrupted by a labor dispute and scheduled collection or disposal services are discontinued for more than 72 hours, City shall have the right to forthwith take temporary possession of all facilities and equipment of the authorized contractor for the purpose of continuing the service which the authorized contractor has agreed to provide to preserve and protect the public health and safety. City shall have the right to retain possession of said facilities and equipment and to render the required service until the authorized contractor can demonstrate to the satisfaction of the City that required services can be resumed by the authorized contractor; provided, however, that such temporary assumption of the authorized contractor's obligations under the contract with City shall not be continued by City for more than 120 days from the date such operations were undertaken. Should the authorized contractor fail to demonstrate to the satisfaction of the City that required services can be resumed by the authorized contractor prior to the expiration of the aforementioned 120 days, and unless otherwise provided in the contract, the contract may be terminated at the option of City and the rights and privileges granted in such contract canceled.

V-200-15.11 Revenue to City

During any period in which City has temporarily assumed the obligations of an authorized contractor under a franchise agreement, City shall be entitled to the gross revenue attributable to operations during such period and shall pay therefrom only those costs and expenses applicable or allocable to said period. The excess, if any, of revenue over applicable or allocable costs and expenses during such period shall be deposited in the treasury of City to the credit of the General Fund. The loss, if any, during such period shall be borne by City. Final adjustment and allocation of gross revenue, costs and expenses to the period during which City temporarily assumed the obligations of an authorized contractor shall be determined by an audit by a certified public accountant and prepared in report form with his or her opinion annexed thereto. The cost of the audit shall be paid by the authorized contractor.

V-200-15.12 Temporary Employment by City

Employees of an authorized contractor may be employed by City during any period in which CITY temporarily assumes the obligations of the authorized contractor under the contract. Provided, however, that the rate of compensation to be paid such employees, or any other employees, shall be the rate or rates in effect at the time the authorized contractor's service was interrupted by the labor dispute.

SECTION 2. SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 3. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect on January 1, 2022. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published and/or posted in accordance with 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224
Category:	Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contact:	Lauren Lai, Finance Director, 408-586-3111
Recommendation:	Adopt a resolution exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approve and authorize the City Manager to execute, an employment agreement with Jane Corpus.

Background:

The California Public Employees Reform Act of 2013 requires a 180-day “wait” period before a retiree can return to work for a public agency; however, the 180-day “wait” period can be waived if: The employer certifies that the appointment is necessary to fill a critically needed position before 180-days has passed and the appointment has been approved by the governing body of the employer in a public meeting and not on a consent calendar.

Analysis:

Jane Corpus will retire from the Assistant Finance Director position after over 26 years of service with the City, effective December 30, 2021. Ms. Corpus has significant experience and knowledge related to the Milpitas accounting and finance operations, systems, policies, procedures and complex projects over her tenure.

Staff is recommending the appointment of Jane Corpus as a retired annuitant on a part-time basis to assist the Finance Department in the completion of mission critical projects. These projects include the Private Job accounting project implementation in the Cayenta Financial System, a financial system business assessment, finalizing the development of finance procedures/checklists, managing the complex financial accounting for the Transit Area Specific Plan (“TASP”) impact fees and assisting in the transition for the new Assistant Finance Director.

Included in the Council’s agenda packet is the required resolution to appoint a retiree pursuant to Government Code Sections 7522.56 and 21224 and the employment agreement.

Policy Alternatives:

Alternative 1: Do not adopt the resolution authorizing the exception to the 180-day wait period in accordance with California Government Code Section 7522.56 and 21224 and approve, and authorize the City Manager to execute, an employment agreement with Jane Corpus.

Pros: None.

Cons: This will delay the implementation of mission critical projects listed above.

Reason not recommended:

Fiscal Impact:

The compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties and limited to 960 hours per fiscal year. Accordingly, the hourly rate to be paid is \$95.34 or up to \$91,526 per fiscal year. Funding is available from staff vacancies within the FY2021-22 adopted budget.

California Environmental Quality Act:

Not applicable.

Recommendation:

Adopt a resolution for exception to the 180-Day wait period in accordance with California Government Code Section 7522.56 and 21224; and approve and authorize the City Manager to execute, an employment agreement with Jane Corpus.

Attachments:

1. Resolution for exception to the 180-day wait period in accordance with California Government Code Section 7522.56 and 21224
2. Exhibit A: CalPERS Retiree Conditional Limited-Term Appointment Agreement

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS FOR EXCEPTION TO THE
180-DAY WAITING PERIOD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE
SECTIONS 7522.56 AND 21224**

WHEREAS, in compliance with Government Code Section 7522.56, the Milpitas City Council must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Jane Corpus, CalPERS ID# --xyz---, will retire from the City of Milpitas in the position of Assistant Finance Director effective December 30, 2021; and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 29, 2022, without this certification resolution; and

WHEREAS, Section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts a retirement-related incentive; and

WHEREAS, the Milpitas City Council, the City of Milpitas, and Jane Corpus certify that Jane Corpus has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Milpitas City Council hereby desires to appoint Jane Corpus as an extra help retired annuitant to perform financial project management duties and other similar duties in accordance with Government Code Section 21224, effective January 10, 2022; and

WHEREAS, the entire employment agreement between the City of Milpitas and Jane Corpus has been reviewed by this body and is attached hereto as **Exhibit A**; and

WHEREAS, no matters, issues, terms, and/or conditions related to this employment and appointment have been or will be placed on the consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base monthly salary for this position is \$16,526.34; and the hourly equivalent is \$95.34 and the minimum base monthly salary for this position is \$11,840.24 and the hourly equivalent is \$68.10; and

WHEREAS, the hourly rate to be paid to Jane Corpus is \$95.34; and

WHEREAS, Jane Corpus has not and will not receive any other benefit, incentive compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

NOW, THEREFORE the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

Section 1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2. The City Council hereby certifies the nature of the appointment of Jane Corpus as described herein and detailed in the attached employment agreement and that this appointment is necessary to perform the critically needed financial project management duties and other similar duties beginning on January 10, 2022, because the Milpitas City Council has determined that the specialized skills possessed by Jane Corpus in the finance department are necessary to maintain the workload of what regular permanent staff can accomplish.

Section 3. The City Council hereby waives the 180-day waiting period pursuant to Government Code Sections 7522.56(f)(1).

Section 4. The employment agreement with Jane Corpus, a copy of which is enclosed herein as Exhibit “A”, is approved by the City Council, effective January 10, 2022.

Section 5. The City Manager is authorized to execute said agreement on behalf of the City of Milpitas, with such technical amendments as may be deemed appropriate by the City Manager and City Attorney.

PASSED AND ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

[Date]

JANE CORPUS

Re: CalPERS Retiree Conditional Limited-Term Appointment Agreement

Dear Jane:

If accepted by you, this letter represents an agreement for a limited-term appointment as a CalPERS retiree with the City of Milpitas ("City") in an extra-help capacity under the provisions of Government Code Sections 7522.56 and 21224 to support the operation of the Finance Department by performing the following tasks:

- Complete mission critical projects such as Private Job accounting project implementation in the Cayenta Financial System, financial system business assessment, finalize the development of finance procedures/checklists, manage the complex financial accounting for the Transit Area Specific Plan ("TASP") impact fees.
- Assist in the transition of the new assistant finance director.
- Other similar duties as assigned by the Finance Director.

This agreement is made because we have determined that your specialized finance skills are necessary to ensure that the operation of the Finance Department remains on track.

The terms of this agreement include:

- The term of your appointment will be from January 10, 2022 through December 9, 2022, unless the City or you elect to terminate this agreement on an earlier date by providing written notice to the other party.
- Rate of pay for this temporary appointment will be \$95.34 per hour.
- No further payments or benefits other than the hourly rate will be provided unless required by state or federal law.
- Hours worked shall not exceed 960 hours in a fiscal year (inclusive of all hours worked for any CalPERS employer).

The City and you make this agreement with the mutual understanding that the appointment complies with the requirements applicable to the employment of CalPERS retirees, as codified in Government Code Sections 7522.56 and 21224. Specifically, an appointment under Sections 7522.56 and 21224 is permissible if all of the following requirements are met:

- (1) The appointment must be to a temporary position.
- (2) The appointment is of limited duration.
- (3) The appointment is either during an emergency to prevent stoppage of public business or because the retiree has specialized skills needed in performing the work.

Conditional Limited-Term Appointment Agreement (CalPERS Retiree)

Jane Corpus

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- (4) The total hours worked by the retiree in a fiscal year, for all CalPERS employers, cannot exceed 960 hours.
- (5) The compensation received by the retiree is not more than the maximum, nor less than the minimum, monthly base salary paid to other employees performing comparable duties as listed on the City's publicly available pay schedule, reflected as an hourly rate by dividing the monthly base pay by 173.333.
- (6) The compensation paid to the retiree is limited to the hourly rate and no other benefits may be provided.
- (7) For any retirees with a retirement effective date on or after January 1, 2013, the appointment must occur at least 180 days following the date of retirement unless the employer certifies that the appointment is necessary to fill a critically needed position before 180 days have expired and the governing body approves the appointment in a public meeting.
- (8) The retiree cannot have received unemployment insurance payments in the prior 12-month period arising from work performed as a retiree for any public employer.
- (9) If the retiree is less than normal retirement age (i.e., the highest age under any retirement formula that the retiree accrued benefits under with any CalPERS employer), at least 60 days must have passed since the retiree's retirement. This waiting period cannot be waived.

The City, in good faith, has determined that your appointment meets (1) – (6) of the foregoing requirements as follows:

- (1) The appointment will be to a temporary position.
- (2) The appointment is of limited duration because it is anticipated to last one year.
- (3) This appointment is made because you possess the specialized skills, as identified in the first paragraph of this appointment offer, necessary for the purpose of the appointment.
- (4) The appointment will not exceed 960 hours in a fiscal year (inclusive of all hours worked for any CalPERS employer).
- (5) The compensation you will receive is no more nor less than the hourly rate paid to other employees performing comparable duties as listed on the City's publicly available pay schedule.
- (6) Your compensation consists of the hourly rate only; no further benefits will be provided.

By executing this agreement, you are also, in good faith, determining that your appointment meets each of the nine (9) requirements noted above, including the unemployment insurance requirement. That is, while the City is not in a position to do so, by executing this agreement you are confirming the fact that you have not received unemployment insurance payments within the past 12 months arising from work performed as a retiree for any public employer.

Since you retired less than 180 days from this appointment, the City Council adopted a Resolution to certify that your appointment is necessary to fill a critically needed position before the 180 days have expired as specified in (7) above.

By signing this agreement, you are also confirming that the bona fide separation rule described in (9) above does not apply because you are at least of normal retirement age.

Notwithstanding (4) above, the City has no way of monitoring the hours that you work for another CalPERS employer. As such, it is your responsibility to ensure that the total hours worked in a fiscal year (July 1 – June 30) for the City and any other CalPERS employer do not exceed 960 hours in the aggregate. However, please note that consistent with the requirements of Section 21220(d) and (e), **the City will enroll you in CalPERS solely for administrative recordkeeping purposes (you will remain in retired status) and will report both your hours and pay pursuant to this agreement.**

While the City and you make this agreement because we believe that it is authorized under Sections 7522.56 and 21224, CalPERS could disagree. If CalPERS disagrees, there is a risk that you will be required to do the following: (1) return any retirement allowance you received during the period of the appointment; (2) pay an amount of money equal to the employee contributions that should have been made, plus interest, during the appointment; and (3) pay CalPERS' administrative expenses incurred as a result of its audit of the appointment. You will also be subject to reinstatement from retirement.

By executing this agreement, you waive any claims against the City arising from an adverse determination by CalPERS associated with this appointment that is attributed to any misrepresentation made by you in this agreement or any violation of these rules caused by employment with any other CalPERS employer. Please contact CalPERS if you have any questions regarding the requirements of Sections 7522.56 and 21224 or this appointment.

There is no right to public employment expressed by this agreement. All limited-term appointments are subject to the business necessity of the City and are at-will; therefore, the appointment may end with or without cause or advance notice.

We welcome you to your limited-term appointment with the City and extend our best wishes for your success in the temporary position.

If you have additional questions or comments, feel free to contact me directly.

Sincerely,

Steven G. McHarris, City Manager

Conditional Limited-Term Appointment Agreement (CalPERS Retiree)

Jane Corpus

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Acknowledgment:

I, Jane Corpus, agree to this Conditional Limited Term Appointment Agreement (CalPERS Retiree), and hereby warrant that I understand and agree with all the terms and conditions of employment as set forth in this letter.

Signature

Date



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Introduce Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code
Category:	Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contacts:	Christopher J. Diaz, City Attorney 408-586-3040
Recommendation:	Following the reading of the title by the City Attorney, move to waive reading beyond the title and introduce Ordinance No. 262.8, amending various provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administrations) of the Milpitas Municipal Code

Background:

In 2004, the City of Milpitas adopted the "Open Government Ordinance" as Chapter 310 of Title I (Administration) to the Milpitas Municipal Code. The Open Government Ordinance is aimed at ensuring openness and transparency with regard to rules, meetings and public records. While the Open Government Ordinance has been amended over the years, since 2009, the Open Government Ordinance has not undergone an update. At this time, staff has undergone the first part of a comprehensive review of the Open Government Ordinance in order to ensure that it continues to serve its purposes in a manner consistent with the current practices of the City and with State law.

Analysis:

Various changes have been proposed to Section 2 (Public Access to Meetings) of Chapter 310 in order to ensure that our local law is in line with State law (the Ralph M. Brown Act, Government Code Section 54950, *et seq*):

- **Section I-310-2.10 (Definitions):** This change modifies the definition of "Policy Bodies" by removing references to the Redevelopment Agency and simplifies the previous language without changing the types of Policy Bodies subject to the Open Government Ordinance. Please be aware that this definition specifically includes City Council ad hoc subcommittees as "policy bodies" consistent with current City practice.
- **Section I-310-2.30 (Agenda Requirements; Regular Meetings):** The term "brief" is added to subsection (a) and (e) to mirror language in the Brown Act. Subsection (c) is also amended to clarify that supporting documentation need not be provided with the agenda, but may permissibly be included in connection with an agenda item. The term "person of average intelligence" has been deleted as no such term exists in the Brown Act and has been replaced with "member of the public." Subsection (f) is also amended to mirror the language of the Brown Act with respect to emergencies and the addition of "urgent" items to agendas that take place during noticed meetings.
- **Section I-310-2.40 (Public Notice Requirements):** Subsection (b) has been amended to differentiate between public hearing notices, with requirements that are set out by the Government Code, and other notices.
- **Section I-310-2.60 (Agenda Disclosures: Closed Session):** The global changes to this Section were made to ensure that certain details, which track the language of the Brown Act, are added to closed

session items, to both remain consistent with the law and to better guide staff in preparation of closed session items. Deletion to the “anticipated issues under negotiation” under (5) was made as identification of specific issues is not required by the Brown Act and could unnecessarily limit permissible discussion in closed session.

- **Section I-310-2.70 (Additional Requirements for Closed Sessions):** As there is no legal requirement that recordings be made or kept for “at least 10 years, or permanently where technologically and economically feasible,” the latter has been deleted in favor of an approach more consistent with city practices; that is, that recordings be kept for as long as required under the City’s Record Retention Policy. This also provides staff with additional flexibility to determine an appropriate maintenance period. Subsection (b) was changed to be consistent with State law requirements.
- **Section I-310-2.80 (Agendas and Related Materials: Public Records):** This Section was amended to be consistent with law contained in the Brown Act regarding distribution of materials at meetings. As to subsection (d), no special fee has been established and, therefore, that phrase has been deleted.
- **Section I-310-2.100 (Statement of Reasons for Closed Sessions):** Amendments were made to clarify State law requirements with respect to the disclosed basis for closed sessions.
- **Section I-310-2.110 (Disclosure of Closed Session Discussion and Actions):** Deletions were made to subsection (b)(1) & (3) as those requirements are not contained in State law. The remaining changes (with the exception of subsection (a), discussed below) were made to mirror the language in State law.
- **Section I-310-2.130 (Tape Recording, Filming and Still Photography):** An amendment was made to be internally consistent (reference to the City’s Record Retention Policy).
- **Section I-310-2.140 (Public Testimony and Council Amendments):** Subsection (d) was amended to reflect the law in that no criticism is to be curtailed, without limitations other than disruption of meetings.
- **Section I-310-2.180 (Conflict Disclosures Required at City Council Meetings):** These changes were made to clarify the requirements of State law.

The following changes are made to ensure that the Municipal Code reflects the current practices of the City:

- **Section I-310-2.30 (Agenda Requirements; Regular Meetings):** Subsection (b) identifies the City’s practice of posting “pre-agendas.” This subsection has been amended to define and describe the City’s practice of posting such agendas, which are not required by the Brown Act and, therefore, have more flexibility than agendas posted under the 72 hour requirement of the Brown Act (for regular meetings).
- **Section I-310-2.50 (Additional Public Statements and Comments):** This section has been amended to clarify that written statements are transmitted to the policy body but are not read aloud at meetings, as that is the City’s practice.
- **Section I-310-2.60 (Agenda Disclosures: Closed Session):** Milpitas Supervisors Association was deleted as that group does not currently exist within the City.
- **Section I-310-2.140 (Public Testimony and Council Amendments):** Subsection (c) was amended to delete the requirement that a rule be adopted as such a requirement is not necessary.

The following are further changes recommended by staff for efficiency and best practices.

- **Section I-310-2.30 (Agenda Requirements; Regular Meetings):** Subsection (g) and (h) were amended in order to ensure that any questions regarding the Open Government Ordinance are sent to staff able to address the matter rather than a committee of individuals that may or may not be constituted and able to address the concerns of the public in a timely fashion.

- **Section I-310-2.110 (Disclosure of Closed Session Discussion and Actions):** Recommended changes were made to subsection (a) in order to prevent any confusion or inadvertent disclosure of confidential information by having information that is disclosable done as a body and not by individual members and through a designated person, should there be a need to disclose non-confidential information from a closed session beyond reporting out requirements.
- **Section I-130-2.140 (Public Testimony and Council Amendments):** It is recommended that the presiding officer enforce the rules that are applicable to the Council (subsection (f)).
- **Section I-310-2.150 (Minutes):** Proposed amendments are recommended to clarify that minutes are available for inspection and copying when finalized (approved by the City Council) and to provide some flexibility to staff in that process.

Fiscal Impact:

Introduction and adoption of the Ordinance in itself would not lead to any financial impact; however, enforcement of the Ordinance leads to a financial impact on the City in terms of staff time or other costs.

California Environmental Quality Act:

The introduction and adoption of this Ordinance is not a project subject to the California Environmental Quality Act (CEQA) as it can be seen with certainty that the project does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is more akin to an administrative activity of the government intended to ensure compliance with the State's open meeting laws.

Recommendation:

Following the reading of the title by the City Attorney, move to waive reading beyond the title and introduce Ordinance No. 262.8, amending various provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administrations) of the Milpitas Municipal Code.

Attachment:

Ordinance No. 262.8 (redlined for first reading)

REGULAR

NUMBER: 262.8

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING VARIOUS PROVISIONS OF SECTION 2 (PUBLIC ACCESS TO MEETINGS) OF CHAPTER 310 (OPEN GOVERNMENT ORDINANCE) OF TITLE I (ADMINISTRATION) OF THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on or about April 3, 2004, by Ordinance No. 262, the City of Milpitas adopted Chapter 310 of the Milpitas Municipal Code, the Open Government Ordinance, to adopt regulations to govern the conduct of elected and appointed officials and address required disclosures and conflicts of interest;

WHEREAS, while numerous revisions were made to the Open Government Ordinance at Chapter 310, the most recent revision took place in 2009;

WHEREAS, the Open Government Ordinance was in need of review and revision for consistency with City practices and with changes in State law;

WHEREAS, staff has undergone that review and revision to Section 2 (Public Access to Meetings) of the Open Government Ordinance at Chapter 310 of the Milpitas Municipal Code and the City Council wishes to adopt staff's recommended changes.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-310-2.10 (DEFINITIONS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Subsection (E) of Section 3.70 (Section I-310-2.10 (Definitions) of the Milpitas Municipal Code is hereby amended to read as follows:

“(E) "Policy bodies" shall mean the City Council, all City commissions, boards, committees, panels, and task forces of the City, standing subcommittees of the City Council and all other Policy Bodies, and City Council ad hoc subcommittees. ~~Redevelopment Agency, standing subcommittees of the City Council, Redevelopment Agency or any Commissions, Panels or ad hoc committees of the City Council, Redevelopment Agency or any Commissions, City created task forces, and all City Commissions or Boards.~~ Policy bodies shall not include a committee that consists solely of employees of the City of Milpitas.”

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-310-02.30 (AGENDA REQUIREMENTS; REGULAR MEETINGS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.30 (Agenda Requirements; Regular Meetings) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.30 - Agenda Requirements; Regular Meetings

(a) **All Policy Bodies.** At least 72 hours before a regular meeting, a policy body shall post an agenda containing a brief but meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet website at least 72 hours before a regular meeting.

(b) **City Council.** At least six (6) calendar days before a regular City Council meeting, a preliminary agenda shall be posted in the same manner as agendas in subsection (a), except that the purpose of the preliminary agenda is to provide only a list of items tentatively scheduled for consideration at the next regular meeting. ~~containing a meaningful~~

~~description of each item of business to be transacted or discussed at the meeting. These agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, the preliminary agenda shall be posted on the City's Internet website at least six (6) calendar days before the regular City Council meeting. City staff shall make a good faith effort to make accompanying staff reports available at this time. Preliminary agendas are "pre-agendas" subject to change that are posted the Wednesday the week preceding the regular City Council meeting and are not the agenda posted in compliance with subsection (a) at least 72 hours before a regular meeting. A preliminary agenda may be amended to include additional items, delete items or may be amended in any other manner prior to the final posting of the agenda pursuant to subsection (a) at least 72 hours before a regular meeting.~~

(c) A description is meaningful if it is sufficiently clear and specific to alert members of the public ~~a person of average intelligence and education~~ whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. ~~The agenda shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and if the explanatory documents are to be made available, such documents shall be posted with adjacent to the agenda or, if such documents are of more than one page in length, be made available for public inspection and copying upon request at a location indicated on the agenda during normal office hours.~~

(d) The agenda shall specify the time and location of the regular meeting and shall be posted at locations that are freely accessible to members of the public.

(e) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may briefly respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony, or may do the same on their own initiative and not in response to public testimony.

(f) Notwithstanding subsection (e) of this section, the policy body may take action on items of business not appearing on the posted agenda under any of the following conditions, provided that prior to discussing any item pursuant to this subsection (f) the policy body publicly identifies the item:

(1) Upon a determination by a majority vote of the policy body that an emergency situation exists, as that term is defined in Section 54956.5 of the Government Code. "Emergency" includes, but is not limited to, a work stoppage, and "dire emergency" includes, but is not limited to, crippling disaster, mass destruction, terrorist act or threatened terrorist act. ~~accident, natural disaster or work force disruption poses a threat to public health and safety.~~

(2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that (A) there is a need to take immediate action on the item is so imperative as to threaten serious injury to the public interest if action were deferred to a subsequent special or regular meeting, or relates to a purely commendatory action, and (B) that the need for such action came to the attention of the body subsequent to the agenda being posted as specified in subsection (a) of this section.

(3) The item was on an agenda posted pursuant to subsection (a) of this section for a prior meeting of the body occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(g) Each policy body shall ensure that notices and agendas for regular and special meetings shall include the following notice:

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE CITY ATTORNEY'S OFFICE ~~CITY COUNCIL RULES SUBCOMMITTEE~~

(h) Each agenda of a policy body covered by this Open Government Ordinance shall include the contact name, address, area code and phone number, fax number, and e-mail address for the City Attorney's Office, and contact person for the City Council Rules Subcommittee. Information on how to obtain a free copy of the Open Government Ordinance shall be included on each agenda."

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.40 (PUBLIC NOTICE REQUIREMENTS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.40 (Public Notice Requirements) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.40 - Public Notice Requirements

(a) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.

(b) In the case of a public hearing, the notice must include the date, time, and place of public hearing as well as the identity of the hearing officer or body and provide a general explanation of the matter and location. In other cases, the public notice may should inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.

(c) If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted."

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.50 (ADDITIONAL PUBLIC STATEMENTS AND COMMENTS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.50 (Additional Public Statements and Comments) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.50 - Additional Public Statements and Comments

When notice is given, as provided in this chapter, by public policy or advisory bodies, members of the public may submit written statements and/or comments regarding any item on those bodies' meeting agendas to the City Clerk, who shall transmit those writings to the body; those statements or comments, while not read aloud at the public meeting, shall become public record, regardless of whether their authors are present when the item at issue is discussed. Written sStatements and/or comments shall be subject to review and consideration by those bodies if submitted before or during the hearing on the item."

**SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.60
(AGENDA DISCLOSURES; CLOSED SESSION)**

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.60 (Agenda Disclosures: Closed Session) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.60 - Agenda Disclosures: Closed Sessions

(a) In addition to the brief general description of items to be discussed or acted upon in open and public session, for purposes of describing closed session items pursuant to the agenda posted pursuant to Government Code Section 54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any call and notice delivered to the local media and posted pursuant to Government Code Section 54956, the agenda shall specify and disclose the nature of any closed sessions by providing all of the following information:

(1) With respect to a closed session held pursuant to Government Code Section 54956.7:

LICENSE/PERMIT DETERMINATION:

_____ applicant(s)

The space shall be used to specify the number of persons whose applications are to be reviewed.

(2) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: _____ (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Person(s) negotiating: _____ (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session)

Negotiating Parties _____ (Specify name of the party, not agent)

Under negotiation:

Price: _____ Terms of payment: _____ Both: _____

~~The space under "Property" shall be used to list an address, including cross streets where applicable, or other description or name which permits a reasonably ready identification of each parcel or structure subject to negotiation. The space under "Person(s) negotiating" shall be used to identify the person or persons with whom negotiations concerning that property are in progress. The spaces under "Under negotiation" shall be checked off as applicable to indicate which issues are to be discussed.~~

(3) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9, either:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

Name of case: _____ (Specified by reference to claimant's name, names of parties, case or claim number)

or

Case Name: Unspecified (Unspecified to protect service of process or settlement posture)

~~___ Unspecified to protect settlement posture~~

or:

Anticipated Litigation/Significant Exposure to Litigation:

_____ As defendant

_____ As plaintiff

The space under "Existing Litigation" for specified cases shall be used to specifically identify a case under discussion pursuant to subdivision (a) of Government Code Section 54956.9, including the case name, court, and case number, unless the identification would jeopardize the City's ability to effectuate service of process upon one or more unserved parties, in which instance the space in the next succeeding line shall be checked, or unless the identification would jeopardize the City's ability to conclude existing settlement negotiations to its advantage, ~~in which instance the space in the next succeeding line shall be checked~~. If the closed session is called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be checked under "Anticipated litigation" to indicate the City's anticipated position as defendant or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed, space may be saved by entering the number of separate instances in the "As defendant" or "As plaintiff" spaces or both as appropriate. Additional information may be required to be on the agenda or in an oral statement prior to the closed session.

(4) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957, either:

THREAT TO PUBLIC SERVICES OR FACILITIES

Name, title and agency of law enforcement officer(s) or name of applicable agency representative and title to be consulted ~~conferred~~ with:

or:

PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title: ~~D~~description of position(s) to be filled:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Specify position title of employee being reviewed

~~Position and, in the case of a routine evaluation, name of employee(s) being evaluated:~~

or:

PUBLIC EMPLOYEE DISMISSAL

No additional information is required in connection with a closed session to consider discipline, dismissal or release of a public employee but the City may specify the number of employees affected.

Number of employees affected:

(5) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6, either:

CONFERENCE WITH LABOR NEGOTIATOR—~~COLLECTIVE BARGAINING~~

Name and title of City's negotiator: (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open public session held prior to the closed session)

Organization(s) representing:

☐ Milpitas Police Officer Association

☐ International Association of Fire Firefighters

☐ Professional and Technical Employees

☐ Mid-Management and Confidential Employees

☐ ~~Milpitas Supervisors Association~~

☐ Milpitas Employees Association

☐ Unrepresented

☐ Other (specify)

~~Anticipated issue(s) under negotiation~~

☐ ~~Wages~~

☐ ~~Hours~~

☐ ~~Benefits~~

☐ ~~Working Conditions~~

☐ ~~Other (specify if known)~~

☐ ~~All~~

~~Where renegotiating a memorandum of understanding or negotiating a successor memorandum of understanding, the name of the memorandum of understanding.~~

(b) In case of multiple items of business under the same category, lines may be added and the location information may be reformatted to eliminate unnecessary duplication and space, so long as the relationship of information concerning the same item is reasonably clear to the reader. As an alternative to the inclusion of lengthy lists of names or other information in the agenda, or as a means of adding items to an earlier completed agenda, the agenda may incorporate by reference separately prepared documents containing the required information, so long as copies of those documents are posted adjacent to the agenda within the time periods required by Government Code Sections 54954.2 and 54956 and provided with any mailed or delivered notices required by Sections 54954.1 or 54956.”

**SECTION 7. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.70
(ADDITIONAL REQUIREMENTS FOR CLOSED SESSIONS)**

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.70 (Additional Requirements for Closed Sessions) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.70 - Additional Requirements for Closed Sessions

(a) All closed sessions of any policy body covered by this chapter shall be either audio ~~recorded~~ or ~~audio and video recorded~~ in their entirety and all such recordings shall be retained in accordance with the City’s Records Retention Policy. ~~for at least ten (10) years, or permanently where technologically and economically feasible.~~

(b) Each agenda item for a policy body covered by this chapter that involves existing litigation shall identify the court, and case name and number, ~~and date the case was filed~~ on the written agenda. For each agenda item ~~for a group covered by this chapter~~ that involves anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time requested and to any member of the public whether such anticipated litigation developed into litigation and shall identify the court and, case number, ~~and date the case was filed.~~”

**SECTION 8. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.80
(AGENDAS AND RELATED MATERIALS; PUBLIC RECORDS)**

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.80 (Agendas and Related Materials; Public Records) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.80 - Agendas and Related Materials: Public Records

(a) Agendas of meetings, meeting packets, and any other documents on file with the clerk of the policy body in connection with a matter anticipated for discussion or consideration at a public meeting are ~~shall be made~~ available to the public for inspection during the public meeting and copying at the office of the policy body before the hearing and be available to the public in sufficient quantities at the hearing commensurate with the anticipated number of people attending the hearing. To the extent possible, other than the agenda, meeting packets and any other documents related to the public meeting agenda, such documents shall may also be made available through the policy body's internet website in a position and manner that makes it clear that the writing is related to an agenda item for an upcoming meeting. However, this disclosure need not include any material exempt from public disclosure under this chapter or other law.

(b) Records which are subject to disclosure under subsection (a) of this section and which are ~~intended for distribution~~ distributed to a policy body prior to commencement of a public meeting, but after posting of the agenda, shall be made available for public inspection and copying upon request ~~prior to commencement of such meeting, whether or not actually distributed to or received by the body at the time of the request. Records which are subject to disclosure under subsection (a) of this section and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to commencement of, and during, their discussion.~~

(c) Records which are subject to disclosure under subsection (a) of this section and which are prepared and distributed by the City or member of the policy body during their discussion at a public meeting shall be made available for public inspection immediately; if prepared by others, they shall be distributed ~~or~~ as soon thereafter as is practicable.

(d) A policy body may charge a publication fee of ten cents (10¢) per page for a copy of a public record prepared for consideration at a public meeting, ~~unless a special fee has been established.~~ Neither this section nor the California Public Records Act (Government Code sections 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by the Act, whether or not distributed to a policy body.”

**SECTION 9. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.100
(STATEMENT OF REASONS FOR CLOSED SESSION)**

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.100 (Statement of Reasons for Closed Sessions) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.100 - Statement of Reasons for Closed Sessions

Prior to any closed session, a policy body shall disclose, in an open meeting, the item or items to be discussed. The disclosure shall state the general reason or reasons for the closed session, and shall cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held. In the closed session, the policy body may consider only those matters covered in its statement. Disclosure may take the form of a reference to the item or items as they are listed on the agenda. In the case of regular and special meetings, the statement shall be made in the form of the agenda disclosures and specifications required by Section I-310-2.60 of this chapter. In the case of adjourned and continued meetings, the statement shall be made with the same disclosures and specifications required by Section I-310-2.60 of this chapter, as part of the notice provided for the meeting.

In the case of an item added to the agenda as a matter of urgent necessity, the statement shall be made prior to the determination of urgency and with the same disclosures and specifications as if the item had been included in the agenda pursuant to Section I-310-2.60 of this chapter. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.”

**SECTION 10. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.110
(DISCLOSURE OF CLOSED SESSION DISCUSSIONS AND ACTIONS)**

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.110 (Disclosure of Closed Session Discussions and Actions) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.110- Disclosure of Closed Session Discussions and Actions

(a) After every closed session, ~~the a~~ a policy body only and not individual members may in its discretion and in the public interest, disclose to the public any portion of its discussion that is not confidential under federal or state law, any other law, or non-waivable privilege, by motion and in open session, with disclosure to be made by and through the presiding officer of the policy body attending the closed session or other person(s) designated. ~~The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information that a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, which he or she designates to convey the information.~~

(b) A policy body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations. Approval given to a policy body's negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with another party to the negotiations, the body shall disclose the fact of that approval, the substance of the agreement and the body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the body of its approval. ~~If, notwithstanding the final approval,~~

~~there are conditions precedent to the final consummation of the transaction, or there are multiple contiguous or closely located properties that are being considered for acquisition, the document referred to in subsection (b) of this section need not be disclosed until the condition has been satisfied or the agreement has been reached with respect to all the properties, or both.~~

(2) Litigation. Direction or approval given to the body's legal counsel to prosecute, defend, or seek, or refrain from seeking appellate review or relief or to otherwise enter as a party, intervener or amicus curiae in any form of litigation as the result of a consultation pursuant to Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the City's intentions would be contrary to the public interest. The report shall identify the adverse party or parties, any co-parties with the City, any existing claim or order to be defended against or any factual circumstances or contractual dispute giving rise to the City's complaint, petition or other litigation initiative.

(3) Settlement. A policy body shall neither solicit nor agree to any term in a settlement, which would preclude the release of the text of the settlement itself, and any related documentation communicated to or received from the adverse party or parties. The agenda for any meeting in which a settlement subject to this section is discussed shall identify the names of the parties, the case number, and the court. ~~and the material terms of the settlement. Where the disclosure of documents in a litigation matter that has been settled could be detrimental to the city's interests in pending litigation arising from the same facts or incident and involving a party not a party to or otherwise aware of the settlement, the documents required to be disclosed by subsection (b) of this section need not be disclosed until the other case is settled or otherwise finally concluded.~~ If the policy body accepts a settlement offer signed by the opposing party, the policy body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement. If there is a disposition of claims discussed in closed session, the fact of disposition shall be reported as soon as reached in a manner that identifies the name of the claimant, the names of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(4) Employee Actions. Action taken to appoint, employ, dismiss, transfer or accept the resignation of a public employee or otherwise affect the employment status of a public employee in closed session pursuant to Government Code Section 54957 shall be reported immediately at the meeting which the closed session is held in a manner that identifies the title of ~~names~~ the employee, the action taken and position affected and, in the case of dismissal for a violation of law or of the policy of the City, the reason for dismissal. "Dismissal" within the meaning of this chapter includes any termination of employment at the will of the employer rather than of the employee, however characterized. ~~The proposed terms of any separation agreement shall be immediately disclosed as soon as presented to the body, and its final terms shall be immediately disclosed upon approval by the body.~~ A report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(5) Collective Bargaining. Any collectively bargained agreement shall be made publicly available at least ten (10) calendar days before the meeting of the policy body to which the agreement is to be reported. Approval of an agreement concluding labor negotiations with represented employees pursuant to Government Code Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party, The report shall identify the item approved and the other party or parties to the negotiation.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other documents related to the transaction that were finally approved or adopted in the closed session and that embody the information required to be disclosed immediately shall be provided to any person who has made a written request regarding that item following the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54954.1 or 54956.

~~(d) A written summary of the information required to be immediately reported pursuant to this section, or documents embodying that information, shall be posted by the close of business on the next business day following the meeting, in the place where the meeting agendas of the body are posted."~~

SECTION 11. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.130 (TAPE RECORDING, FILMING AND STILL PHOTOGRAPHY)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.130 (Tape Recording, Filming and Still Photography) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.130 - Tape Audio or Video Recording, Filming and Still Photography

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera, and/or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view that as to constitutes or would constitute a persistent disruption of the proceedings.

(b) All policy bodies shall audio or video record each regular and special meeting. Each such audio or video recording, ~~and any audio or video recording of a meeting of any other policy body~~ made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall be retained consistent with the City's Records Retention Policy. ~~and shall not be erased or destroyed. The audio and/or video record shall be kept indefinitely or as current technology allows.~~ Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City, or by other means. Audio records of audio taped meetings shall be provided upon request ~~and~~ after any required payment is made for the actual cost of the recording pursuant to the Public Records Act. Requests shall be made through the City Clerk.

SECTION 12. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.140 (PUBLIC TESTIMONY AND COUNCIL AMENDMENTS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.140 (Public Testimony and Council Amendments) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.140 - Public Testimony and Council Amendments

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on any item, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section I-310-2.30(e) of this chapter.

(b) Every agenda for meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) Each policy body shall provide ~~adopt a rule providing~~ that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for a maximum of three minutes. However,

the Chair of the meeting has discretion to reduce the speaking time in situations where there are a large number of persons who wish to speak on a particular agenda item. Time limits shall be applied uniformly to members of the public wishing to testify. The Chair of the policy body shall accept public testimony in a fair and evenhanded way, without manipulation in the order of speakers.

(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the policy body. ~~on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to subsection (c) of this section.~~

(e) To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer.

(f) The Mayor and Councilmembers during the Councilmember announcement session of the agenda shall be limited to the same amount of speaking time as the policy body has limited individual members of the public during open forum. The presiding officer ~~City Clerk~~ shall be responsible for enforcing this provision.”

SECTION 13. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.150 (MINUTES)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.150 (Tape Recording, Filming and Still Photography) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.150 - Minutes

(a) The clerk or secretary of policy bodies shall record the minutes for each regular and special meeting of those bodies.

(b) To the extent feasible, the draft minutes of each meeting are to be made available and approved at the next regularly scheduled meeting of the policy body shall be posted on the policy body's website if any and be available for inspection and copying upon request after the minutes have been approved, no later than ten (10) working days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than ten (10) working days after the meeting at which the minutes are adopted.

SECTION 14. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.180 (CONFLICT DISCLOSURES REQUIRED AT CITY COUNCIL MEETING)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.180 (Conflict Disclosures Required at City Council Meetings) of the Milpitas Municipal Code is hereby amended to read as follows:

“I-310-2.180 - Conflict Disclosures Required at City Council Meetings

At the beginning of each City Council meeting or upon the arrival of the Mayor or Councilmember, the City Attorney shall ask the Mayor and each member of the City Council to disclose any financial or personal conflict with any item on the City Council's agenda. In addition, pursuant to Government Code section 87105, if the Mayor or a Councilmember discloses that a such a personal financial interest is present, immediately prior to consideration of that matter, he or she shall publicly identify the conflict or potential conflict in detail sufficient to be understood by the public, and shall then recuse him or herself from taking action on the item if required to do so by law and leave the meeting room, unless allowed by law to remain on the dais. The member may return to the meeting room after disposition of the matter.

SECTION 15. SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 16. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive a Report Regarding Publication of Ordinances and Legal Notices in the City and Provide Direction to Staff
Category:	Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contact:	Christopher Diaz, City Attorney, 408-586-3040 Wendy Wood, City Clerk, 408-586-3001
Recommendation:	Receive a report regarding publication of ordinances and legal notices in the City and provide direction to staff

Background:

Staff has recently learned that the Milpitas Post, which is owned by the Bay Area News Group, is no longer printed or published in the City. As such, the Milpitas Post is no longer a newspaper of general circulation published and circulated in the City, and the City is not able to publish ordinances, legal notices or other matters required to be published in a newspaper of general circulation in the City in accordance with state laws.

Analysis:

Publication of ordinances and legal notices are governed by various statutes and codes as well as the Milpitas Municipal Code.

Specifically, Government Code Section 36933 requires that the city clerk cause publication of ordinances, within 15 days after passage, in a newspaper of general circulation published and circulated in the city. Section 36933 further provides that if there is no newspaper of general circulation published and circulated in the city, the ordinances of said city must be either posted in at least three public places or published in a newspaper of general circulation printed and published in the county and circulated in the city.

Further, Government Section 65090 requires notice of public hearings to be published in at least one newspaper of general circulation within the jurisdiction of the local agency at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice must be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency.

Section I-20-2.05 of the Milpitas Municipal Code also provides that notice of hearings given by publication must be given by publishing the notice in a newspaper of general circulation in the City at least 10 days prior to the hearing date.

Posting in Public Places in the City

As discussed above, certain statutes permit the posting of ordinances and notices in at least three public places, which would allow the City to meet public noticing requirements without publishing in a newspaper of general circulation.

Publishing in a Newspaper of General Circulation

If there is no newspaper of general circulation published and circulated in the City, publication may also be done in a newspaper of general circulation printed and published in the County and circulated in the City.

It should be noted that newspapers do not automatically qualify as newspapers of general circulation. Only a court can decree a newspaper as one of “general circulation,” and once a newspaper obtains such an order, it is said to have attained “adjudicated status.” In general, to qualify as a newspaper of general circulation, a newspaper must (1) publish local or telegraphic news and intelligence of a general character, (2) have a bona fide subscription list of paying subscribers, and (3) have been established, printed and published at “regular intervals” in the state, county, or city in which it is seeking adjudication for at least one year. (Gov. Code, § 6000.)

Staff has identified the following newspapers of general circulation based on cost, submission deadlines and publishing schedule:

	Submission Deadline	Estimated Fees (per notice)	Publishes
Metro News	Friday at 5 pm	\$150	Wednesday
San Jose Post-Record	2 days prior before 11 am	\$145	Monday - Friday
Santa Clara Weekly	Thursday at 12 pm	\$960	Wednesday
*For reference: Milpitas Post	Friday prior at 5 pm	\$228	Friday

Next Steps

Since there is currently no newspaper of general circulation published and circulated in the City, staff recommends the following options for the Council’s consideration and direction:

Option1: The City can post ordinances and notices in three public places in the City. In this case, the City Council may want to consider adopting a resolution designating the places for posting of legal notices, ordinances or other matters required to be posted. The Council could also consider amending the municipal code to that effect, or amend the code to state that the posting places for public notices shall be set by the City Council from time to time by resolution. Please note, however, that certain matters are still required to be posted in a newspaper of general circulation; or

Option 2: The City can continue to publish in the Milpitas Post as a courtesy and post ordinances and notices in three public places in the City in order to meet legal requirements; or

Option 3: The City can publish in a newspaper of general circulation published in the County and circulated in the City. Both cost and submission deadlines are important factors in determining which publication to use. If the Council were to designate a new newspaper of general circulation, it would not preclude the City from exercising its ability to post in three public places when allowable by the relevant statutes.

Fiscal Impact

The average annual cost to publish in the Milpitas Post is approximately \$41,500. If the Council chooses Option 1, there would be an estimated cost savings of approximately \$41,500. If the Council chooses Option 2, there would be no fiscal impact as costs would remain relatively the same. If the Council chooses Option 3, there would be a potential cost savings with the Metro News or San Jose Post-Record of approximately 35%, and a potential cost increase of 402% with Santa Clara Weekly.

California Environmental Quality Act:

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Recommendation

Receive a report regarding publication of ordinances and legal notices in the City and provide direction to staff.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration.
Category:	Leadership and Support Services
Meeting Date:	11/16/2021
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053 Christopher Diaz, City Attorney, 408-586-3041
Recommendations:	Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration.

Background:

The 2004 City Council Handbook, last amended in 2007, was intended to provide guidance to the Council in conducting all City business. The City Council Handbook was designed to be periodically updated in order to reflect either changes in the law or in City Council procedure or policy. However, updates were not made in a timely manner and there was some conflicting and/or duplicative information. Thus, the document was in need of a careful review and potential streamlining.

On September 18, 2018, staff brought forward proposed changes to the City Council Handbook as well as to the agenda management process. Council expressed the need for more involvement in the Update and to that end, staff was directed by Council to work on the City Council Handbook with an Ad Hoc Council Handbook Subcommittee. Subcommittee meetings were held between September and October 2018, with the discussion focused on Chapter V, given its connection to the Agenda Management system and process improvements that were underway at that time. On October 16, 2018, Chapter V of the Handbook was approved by the City Council.

Subsequent to the Council action on October 16, 2018, the Subcommittee provided further direction to staff and a proposed City Council Handbook in a streamlined format was brought forward for Council consideration on December 18, 2018 ([Agenda Report, scroll down to page 13](#)). Since there were two newly elected Councilmembers on the Council, the Council voted to defer action on this item and asked staff to bring it back at a future retreat. Council also directed staff to reach out to surrounding cities to get handbook examples and provide a copy of the existing/previous Milpitas City Council Handbook. Examples of other similar handbooks from nine other cities were provided to the Council for reference; however, this discussion item was indefinitely deferred.

In 2020 and 2021, the need to update the City Council Handbook was discussed in various Council meetings and a specific request related to either develop a separate policy regarding external communications such as press releases or incorporating into the City Council Handbook was also discussed.

Analysis:

Staff is proposing an updated streamlined version for Council consideration. In order to better reflect the intended purpose of the document, staff is recommending renaming it to "The Milpitas City Council Procedures and Protocols Handbook" (Handbook). Since the previous City Council Handbook has not been updated for

more than a decade and contained information that was either duplicative of the Municipal Code and/or state law, staff is recommending a streamlined format which was also previously discussed by the Handbook Subcommittee. Thus, the proposed document does not track changes from the original City Council Handbook but builds upon the work done in 2018. The proposed Handbook includes eight Chapters as noted below.

The key highlights of the proposed Handbook are:

1. Chapter I – Purpose and Overview

This Chapter includes the name and the purpose and applicability of the Handbook. As revisions are made to the Handbook in the future, these will be recorded in this Chapter.

2. Chapter II – Duties of the City Council and Roles of the City Manager and City Attorney

This Chapter covers the general authority and duties of the City Council, as well as specific duties of the Mayor and Vice Mayor. This Chapter also covers Council absences and vacancies and includes information about the roles of the City Manager and City Attorney.

3. Chapter III – Mayor and Councilmember Conduct

Includes the approved Council Code of Conduct and other best practices related to Council meetings and Council conduct with staff.

4. Chapter IV – Meetings

Includes language about types of meetings, including virtual meetings, and process for conducting them, public participation, and conflict of interest.

5. Chapter V – Meeting Agendas and Minutes

This Chapter includes the Agenda order

6. Chapter VI – City Council Actions

This Chapter includes process for Proclamations, Commendations, Ordinances, Resolutions, and Motions.

7. Chapter VII – Communication

This Chapter includes guidance related to the California Public Records Act and the Ralph M. Brown Act. It also covers general correspondence, communication with the Planning Commission, and any external communication by the Council.

8. Chapter VIII – Council Liaison Roles

This Chapter provides guidance for Council participation as liaisons to other City bodies such as Council Subcommittees, Commissions, and Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission. For Council's reference, the Milpitas Public Financing Authority was established in partnership with the Redevelopment Agency in 1997, and after the dissolution of the Redevelopment Agency, the Milpitas Municipal Financing Authority was established in 2016. The former Financing Authority is still in existence; however, the latter Financing Authority will be used for any City financing in the future

Since the Handbook is intended to reflect the City Council's practices governing practices, staff seeks Council input during the November 16 Council meeting. After Council deliberation, staff will return to Council with any changes for Council consideration and approval.

Policy Alternative:

Not Applicable

Fiscal Impact:

There is no fiscal impact associated with the review of this item.

California Environmental Quality Act:

This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Recommendations

Review proposed City Council Procedures and Protocols Handbook, provide input, and direct staff to bring back for Council consideration.

Attachments:

1. Draft City Council Protocols and Procedures Handbook
2. [Link to Handbooks for Other Cities](#)



City of Milpitas City Council Procedures and Protocols Handbook 2021

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CHAPTER I. Purpose and Overview

A. Purpose

This City Council Procedures and Protocols Handbook (Handbook) outlines the Milpitas City Council governing practices.

B. Applicability of Handbook

When not in conflict with the Constitution, the laws of the State of California or the Milpitas Municipal Code, this Handbook shall govern.

C. Revisions to the Handbook

This Handbook will be brought to Council for updates, as needed, due to changes in the law or if the City Council desires to change its procedures or protocols.

CHAPTER II. Duties of the City Council

A. General Authorities of City Council

Milpitas was incorporated on January 26, 1954. As a general law city, Milpitas derives its authority from and is subject to the California Constitution and the general laws of the State of California.

The City Council is the policy and lawmaking body of the City. State and local laws define the powers and responsibilities of the City Council.

The City has a Council Manager form of government in which the elected City Council sets policy direction and the City Manager implements Council policy, manages day-to-day operations and provides professional recommendations to support the Council on policy decisions. Although the Council and City Manager operate in all four dimensions of the governance process: mission, policy, administration and management, the Council's focus is on the mission and policy while the City Manager's focus is on administration and management. Clarity of roles are informed by this Handbook and Municipal Code provisions that provide the overall framework for the governance relationship.

B. Duties of Mayor

The Mayor is directly elected by Milpitas voters. The Mayor is the official head of the City of Milpitas for all ceremonial purposes. The Mayor is entitled to vote on all matters but does not possess any veto power. The Mayor signs all ordinances and resolutions after approval by the majority of the City Council.

C. Duties of Vice Mayor (Mayor Pro Tempore)

The Vice Mayor is selected from those on the Council during the first meeting at which the Mayor and returning or incoming Councilmembers commence their terms. Nomination is done through a motion and appointment is based on a majority vote.

In the event that the Mayor cannot attend a ceremonial function, the Vice Mayor shall serve as the official head of the City in his or her stead. In the event that neither the Mayor nor Vice Mayor can preside at a ceremonial function, one of the remaining members of the City Council shall serve as the official head of the City on a rotating basis to be administered by City staff.

D. Duties of Mayor and Councilmembers

1. Arrive on time for all Council meetings.
2. Review all meeting materials published in accordance with the Open Government Ordinance and other applicable laws, in preparation for Council meetings. As a body, provide clear direction to staff to aid in the development and consideration of proposed ordinances, policies, and

procedures. Pass ordinances, adopt resolutions, approve new projects and programs, and approve the budget and contracts.

3. Keep in touch with the community and interpret what is heard to Council colleagues and to the staff.
4. Participate in City Council meetings and other public forums.
5. Represent the City Council by fulfilling the liaison assignments to legislators, external agencies, and the City's boards and commission.
6. Requests for Staff Resources
 - a. Mayor and Councilmember requests to consider new programs, services, or requests for significant allocations of resources, shall be directed to the budget process to the maximum extent possible.
 - b. Mayor or Councilmember requests for minor (generally less than four hours of staff time) research or other staff work must be directed to the City Manager.
 - c. If more than four hours of staff time will be required to complete the task/project, the item will be placed on the agenda to ask the City Council if time should be spent on the proposed item. A discussion and prioritization of Mayor and Councilmember requests are scheduled on a quarterly basis.
 - d. Mayor and Councilmember requests for more than four hours of staff work for City Council consideration will adhere to all the City of Milpitas Open Government Ordinance provisions, including, but not limited to:
 - I-310-2.30 Agenda Requirements. "(b) At least six (6) days before a regular City Council meeting, a preliminary agenda shall be posted c in the same manner as agendas in subsection (a), except that the purpose of the preliminary agenda is to provide only a list of items tentatively scheduled for consideration at the next regular meeting."
 - "(c) A description is meaningful if it is sufficiently clear and specific to alert members of the public whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.
 - To achieve the above requirements, all materials must be submitted to the City Clerk, to the extent possible, no less than eight (8) days in advance of a Council meeting.

- e. Staff responses to a Councilmember inquiry, including the original inquiry, shall be distributed to the Mayor and all City Councilmembers.

7. Absences

- a. Whenever a member knows in advance that he or she will be absent from a City Council meeting, it is the responsibility of that member to notify the City Manager or City Clerk as soon as possible of the impending absence.
- b. If a City Councilmember is absent without permission from all regular City Council meetings for 60 calendar days consecutively from the last regular meeting he or she attended, his or her office becomes vacant pursuant to Government Code 36513.

E. City Council Vacancies

A vacancy in the office of Councilmember or Mayor may be filled by appointment by the City Council. The appointee shall hold office until the next special municipal election which shall be immediately called to fill the remainder of the vacant term as provided under Milpitas Municipal Code Section I-3-2.00. Any unexpired remainder of the term of such office shall be filled by the voters at such election.

F. Role of City Manager.

- 1. The City Manager is the chief executive officer and the head of the administrative branch of the City government. The City Manager is appointed by the City Council and reports to the full City Council. The City Manager shall work in collaboration with the City Attorney.
- 2. The City Manager implements policies and procedures initiated by City Council and manages the day-to-day operations of the City. The City Manager supports the full Council in setting clear goals for the City and optimizes the use of City resources to meet these goals.
- 3. The City Manager is the appointing authority, responsible for all City personnel. The City Manager or designee serves as a liaison to each commission. The use of City-owned property is handled through the City Manager's Office. The City Manager supports effective policy making and oversight by the City Council by providing information, formulating policy proposals, advising and informing the Council on policy matters while promoting team building and collaboration, and ensuring that the administration's delivery of service is consistent with City Council direction.
- 4. The City Manager prepares the budget annually, advises the City Council of future financial needs, and is responsible for budget administration after adoption. The City Manager prepares and submits to the City Council a complete report at the end of each fiscal year on the finances and administrative activities of the City during the preceding year. City Manager

shall also present quarterly fiscal/budgetary updates or requested throughout the year.

G. Role of City Attorney.

1. The City Attorney is appointed by the City Council and reports to the full City Council. The City Attorney advises the City Council and City officers in their official capacity on legal matters affecting the City, attends all City Council meetings and some board/commission meetings, and represents the City in legal actions and proceedings. The City Attorney shall work in collaboration with the City Manager.
2. The Office of the City Attorney approves as to form all bonds and contracts made by the City, approves all ordinances and resolutions and related amendments for the City, and prosecutes criminal cases for violation of City ordinances.
3. The members of the City Attorney's Office (attorneys and staff) maintain an attorney-client relationship with the City, full City Council or individual members thereof, its officers, agents and employees, so their official communications are protected as confidential attorney-client privilege.

CHAPTER III. Mayor and Councilmember Conduct

A. Mayor and Councilmembers shall:

The Milpitas City Council Code of Conduct, as approved by the City Council and noted below, shall be included in Council meeting agendas and read aloud at all City Council meetings.

Milpitas City Council Code of Conduct

- Be respectful and courteous (words, tone, and body language)
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

B. Mayor and Councilmember Best Practices for Council Meetings

- put constituents first at all times;
- treat each other and members of the public with dignity, courtesy, and respect;
- maintain confidentiality of all closed session materials and discussion;
- be attentive to others, limiting interruptions and distractions;
- encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
- agree to respectfully disagree;
- keep comments clear, concise, and on topic;
- start meetings on time, work from the agenda; and
- present problems in a way that promotes discussion and resolution.

C. Mayor and Councilmember Conduct with City Staff:

1. Always maintain professionalism, treat all staff with respect.
2. Direct staff personnel issues to the City Manager.
3. Comments about staff performance should not be made in public or to the individual employee, and should only be made to the City Manager through private correspondence or conversation.
4. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.
5. In accordance with Milpitas Municipal Code VI-1-2.04, except for purposes of inquiry, the City Council and its members shall deal with the administrative staff solely through the City Manager.
6. The Mayor and Councilmembers must not attempt to influence City staff on the making of employment appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
7. Routine administrative support will be provided to the Mayor and all Councilmembers. Requests for additional staff support - even in high priority or emergency situations — should be made to the City Manager.
8. Do not solicit political support from staff. The Mayor and Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and on personal time.

CHAPTER IV. Meetings

- A. All Council decisions must occur at City Council meetings pursuant to the requirements of the Ralph M. Brown Act. The City Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other method of communication to discuss or decide matters within the jurisdiction of the Council among a majority of the Councilmembers.
- B. Quorum
 - 1. No business may be transacted by the Council at a regular or special meeting unless a quorum of the membership is present (on a 5 member Council, a quorum is 3 members).
 - 2. When there is no quorum, the Mayor or Vice Mayor, or any Councilmember may adjourn a meeting, or if no Councilmember is present, the City Clerk may adjourn a meeting.
- C. Council Meeting Dates; Cancellation
 - 1. If at any time any regular meeting of the Council falls on a holiday, the regular meeting shall be held on the next business day or the earliest business day within a week.
 - 2. Any meeting of the City Council may be canceled in advance by the Mayor. It can also be cancelled by a majority of the Councilmembers at a City Council meeting. The City Manager may also cancel a meeting in cases of need, such as an emergency or when a majority of members have provided notice of their unavailability to attend a meeting.
- D. Types of Meetings
 - 1. Regular meetings are held on the first and third Tuesdays of each month at 7:00 p.m. in the City Hall Council Chambers, 455 E. Calaveras Blvd., Milpitas, California. Pursuant to the requirements of the City's Open Government Ordinance, the Preliminary agenda is posted by the Wednesday preceding the regular meeting date. The Brown Act requires the posting of an agenda at least 72 hours prior to a regular meeting.
 - 2. Special Meetings may be called by the Mayor. They can also be called by a majority of the Council at a public meeting. Any special meeting called requires a minimum of 24 hours' notice as required by the Brown Act. Only business described in the notice may be transacted.
 - 3. Study Sessions may be held as part of a regular meeting or special meeting and are held for the purpose of providing information to the City Council, particularly on issues that are more complex or more time-consuming. Study sessions may be conducted jointly with another City board, commission or committee or another governmental agency. At study sessions Councilmembers may state their individual responses and

questions to the information provided and may collectively provide direction to City staff. No formal action is taken at the study sessions.

4. Closed Sessions can be part of either regular or special meetings, typically in advance of the regular or special meetings. The start time of the Closed Sessions shall be publicly noticed in accordance with the law. The Council conducts its business in public to the greatest extent possible. State law, however, recognizes that in certain limited circumstances authorized by the Brown Act, that the Council will need to meet in private without the public present. These matters may include certain personnel matters, labor negotiations, real property negotiations, matters of public security, and the discussion of litigation, among other topics listed in the Brown Act. These rules provide for strict confidentiality of City Council discussion as required by State law and no Councilmember shall disclose anything discussed in closed session to any individual not present in that closed session. Violating this confidentiality requirement can subject an individual Councilmember to disciplinary action, a referral to the grand jury, and in some limited circumstances, criminal prosecution. In limited instances, if action is taken in closed session, the City Attorney may need to report out any action taken and any vote on that action.
5. Emergency Meetings can occur in limited circumstances when there is a work stoppage, crippling activity, other activity that impairs public health, safety, or dire emergency. Depending on the factual circumstances, 24 hour notice or one hour notice may be required, or no notice at all.

E. Teleconferencing

1. Pursuant to Government Code Section 54953(b), teleconferencing may be used as a method for conducting meetings where Councilmembers may be counted towards a quorum and participate fully in the meeting from remote locations. If a Councilmember participates in a meeting via teleconference, the following requirements must be met:
 - a. The remote locations must be connected to the main meeting location by telephone, video, or both.
 - b. The notice and agenda of the meeting must identify the remote location.
 - c. The agenda must be posted at the remote location and be accessible to the public.
 - d. All votes must be by roll call.
 - e. The meeting must in all respects comply with the Brown Act, including participation by members of the public present in the remote locations.

- f. During the teleconference, at least a quorum of the members of the City Council shall participate from locations within the boundaries of the City.
 2. Because there are other legal nuances to making use of the teleconferencing provisions in the Brown Act, please check in with the City Attorney or City Clerk in advance.
 3. During certain state of emergency situations, it may also be possible to meet remotely without complying with some of the requirements above, depending on certain findings that must be met during a state of emergency as required by the Brown Act. See, Cal. Gov. Code 54953(e)
- F. Presiding Officer
1. The Mayor presides at all City Council meetings. In the absence of the Mayor, the Vice Mayor is the presiding officer. If both the Mayor and Vice Mayor are absent, the remaining Councilmembers should select a presiding officer for that meeting. The presiding officer votes on all questions as do other members of the City Council.
 2. The Mayor/presiding officer always sits in the middle seat at all formal council meetings. The Vice Mayor and City Manager are always seated immediately next to the Mayor/presiding officer. Councilmembers are seated based on seniority on the City Council. The Councilmember with the most seniority is seated next to the Vice Mayor, followed by the next most senior Councilmember and so forth. Seniority is defined by continuous time of service as an elected member of the Council. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in his/her most recent election.
 3. The presiding officer conducts the meetings of the City Council to:
 - a. Ensure that consideration of items on the agenda move along without delay.
 - b. Ensure that petitioners, proponents and opponents are heard but not allowed to disrupt the meeting.
 - c. Ensure that decorum is maintained at the meeting.
 - d. In presiding over matters where the public has provided testimony and/or raised questions, the presiding officer should:
 - (i) Restate every question coming before the Council.
 - (ii) Direct questions or comments requiring a response to staff for a response.
 - (iii) Ensure that staff and members of the public direct their comments to the presiding officer.

- (iv) If necessary, help keep Councilmember questions relevant to the matter being considered by the Council.
 - (v) If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted.
 - (vi) Announce the decision of the Council on all subjects.
- 4. Ensure that each member of the Council is provided an opportunity to completely express their views on items of business, the Mayor should:
 - (i) See that Councilmembers ask to be recognized by the Mayor before speaking.
 - (ii) Ensure that each Councilmember is given the opportunity to fully express their views.
- 5. The Chief of Police, or his or her representative, is the ex officio sergeant-at-arms of the City Council. The ex officio sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the council chamber.

G. Voting; Rules of Procedure

- 1. A motion, second, and a majority vote of the Council shall be required for any formal action of Council (except where a different vote requirement is set by state law). Votes and abstentions are taken by roll call and recorded in the meeting minutes.
- 2. Steps in making, discussing and voting on a formal motion:
 - a. The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, he or she will say "I move that we ..."
 - b. The presiding officer will ask if there is a second. Another member of the group must second the motion in order for it to be discussed. A second is made by saying "I second the motion." The Mayor or any Councilmember can suggest one or more modifications in the motion, which the member making the motion can accept or reject. There also may be times where the City Manager or City Attorney may suggest an amendment to the motion for clarity purposes for the public, which the member making the motion can accept or reject.
 - c. The presiding officer then restates the motion "It has been moved and seconded that ..." and opens the floor to discussion and debate.
 - d. The presiding officer will recognize members who wish to comment on the motion. Only one "main motion" may be discussed at a time.

- e. Once discussion has concluded, the presiding officer will "call for the question" and conduct a roll call vote.
 - f. The presiding officer will announce the result of the vote.
- 3. Unless state law requires otherwise, a majority vote is needed for the motion to pass. In the event of a tie vote, the motion does not pass.
- 4. Subject to state law limitations and to the extent this Handbook does not address an issue of parliamentary procedure, Roberts Rules of Order shall apply. For example, even though Roberts Rules of Order permit a legislative body to reconsider or rescind prior actions, under due process the City Council cannot reconsider or rescind a quasi-judicial decision after the decision is final, in the absence of statutory authority to the contrary.
- 5. The City Attorney serves as parliamentarian during City Council meetings. The role of the parliamentarian is advisory; the Chair has the power to rule on questions of order.

H. Continued Matters

- 1. Any matter may be continued to a subsequent meeting.
- 2. If the Mayor or Councilmember who was not present at a prior meeting has reviewed the relevant documents and minutes from the missed meeting and, if possible, reviewed the recording or webcast from the meeting, then he or she shall disclose those actions on the record at the beginning of the discussion of the item and may vote on the continued matter.
 - a. Exception: Continued Public Hearing. If a hearing is required for an agenda item, then the Mayor or a Councilmember shall not participate in the decision if that member was not present during the entire hearing from the time of its opening to the time of its close. (MMC § I-20-3.14.)

I. Public Participation

- 1. Members of the public are encouraged and invited to participate in the legislative process by submitting written comments before the meeting or speaking at a meeting.

It is the intent of these rules to allow everyone to be heard without fear of jeers or cheers that may discourage public participation. For this reason, these rules are taken seriously. Persons attending the meeting will refrain from behavior which will disrupt the public meeting. This includes making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts, or impedes the orderly conduct of the meeting. Disruptive or threatening behavior may result in removal from the Council meeting.

- 2. Only the presiding officer can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the

speaker is off the topic or exhibiting behavior or language the Councilmember finds disruptive.

3. Time Limits for public comment:
 - a. Individual Speakers - 3 minutes or less as determined by the Mayor/presiding officer.
 - b. Organized group (in lieu of individual speakers) – up to 15 minutes, depending on the number of speakers represented and at the discretion of the Mayor.
 - c. The presiding officer may take a poll to determine number of speakers for each item and at his/her discretion, limit the amount of time allotted to the speaker(s) when needed.
4. Individuals who wish to speak should submit a speaker card to the City Clerk to be called up at the appropriate time. Each speaker may only speak once on an item and shall speak at the podium into the microphone and address the City Council. A speaker may also provide comments virtually if the meeting format allows virtual participation.
5. Written or photographic materials relevant to consideration of a matter may be submitted to the Council. Copies of such materials should be provided for the Mayor, Councilmembers, City Clerk, City Manager and City Attorney. The materials must be submitted to the City Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting, for distribution to the city officials in advance of the meeting/hearing. The City Council retains discretion to accept or to reject new documentation furnished on the night of the City Council meeting/hearing. Accepted materials are retained by the City and become part of the official public record.
6. Wireless/Cellular telephones or any other telecommunications device should be in the silent mode or turned off during the City Council meeting.
7. Literature distribution or petition circulation is not permitted when the City Council is in session. Such activity may occur outside the meeting room, provided access is not blocked.
8. Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers, with the following restrictions:
 - a. Signs or symbolic objects shall not obstruct the view or passage of other attendees, or otherwise disturb the meeting.
 - b. Objects that are deemed a safety threat to persons at the meeting or could damage the facility itself will not be allowed.

J. Discussion Items on the agenda are to be conducted in the following order:

1. Staff / applicant presentation
2. Council questions to applicant and/or staff
3. Open public hearing (or public comment section) for comments
4. Close public hearing (or public comment section)
5. Response by staff to public questions/concerns, if warranted
6. Council discussion and deliberation
7. Council votes

K. Quasi-Judicial Matters/Appeals/Revocation Hearings

1. Quasi-judicial matters and appeals will be considered at a noticed public hearing and will follow the order stated in Section I, above, with the following time allocations:
 - a. Applicant/Appellant – 15 minutes
 - b. Individual Speakers – 3 minutes
 - c. Rebuttal – 5 minutes
 - d. In an appeal, if the appellant is not the applicant, the applicant shall also have 15 min and is entitled to make any concluding remarks prior to closure of the public hearing

The time limits may be changed by the presiding officer to permit full and fair consideration of a particular matter depending on the number of items on the agenda and the number of persons desiring to speak on a matter.
2. If the Mayor or a Councilmember has spoken or met with a proponent or opponent of a quasi-judicial matter or has visited the site of a project which is the subject of a hearing, that contact, or visit should be acknowledged and described on the record prior to the opening of the hearing. Any facts that could influence the Mayor or a Councilmember's decision, must be included in the public record.

L. Items Considered after 11:00 p.m.

1. Unless a majority of the Council determines there is a need to act, no items shall continue, and no new items shall be heard after 11:00 p.m.

M. Conflict of Interest

1. The Political Reform Act (PRA) enforced by the Fair Political Practices Commission (FPPC), controls financial conflicts of interest.
2. In accordance with the Open Government Ordinance (MMC I-310-2.180), at the beginning of each City Council meeting or upon the arrival of the

Mayor or Councilmember, the City Attorney shall ask the Mayor and each member of the City Council to disclose any financial or personal conflict with any item on the City Council's agenda. Pursuant to Government Code section 87105, if the Mayor or a Councilmember discloses that such a personal financial interest is present, he or she shall publicly identify the conflict or potential conflict in detail sufficient to be understood by the public and shall recuse him or herself from taking action on the item if required to do so by law and leave the meeting room.

3. The other applicable law is Government Code §1090, which applies only to contracts in which a public official has a financial interest.
4. Whenever it appears to a Councilmember that he or she may have a prohibited financial interest in any item that may be presented to the City Council, the Councilmember should consult with the City Attorney at the earliest opportunity for advice on whether a disqualifying conflict of interest exists.
5. With full consideration of the City Attorney's advice, it is up to each individual Councilmember to decide for him/herself whether there is a conflict of interest. When a Councilmember may be in doubt, the City Attorney can obtain more formal advice from the Fair Political Practices Commission (FPPC).
6. A member shall not vote upon any matter on which s/he has a conflict of interest.
7. A member shall openly state the reason for his/her conflict of interest, or work in consultation with the City Attorney to state something on the record.
8. A member who is disqualified by a conflict of interest shall recuse him/herself from the dais and leave the room unless it is during the Consent Calendar.

CHAPTER V. Meeting Agendas and Minutes

A. Agenda Order

City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below. The presiding officer with the approval of a majority of the Council can change the order of hearing the items on the agenda.

1. Opening
 - a. Call to Order by Mayor and Roll Call by City Clerk
 - b. Adjourn to Closed Session
 - c. Closed Session Announcement
 - d. Pledge of Allegiance. If the Mayor and Vice Mayor are both absent, then the City Clerk calls the meeting to order and a temporary presiding officer is elected by a majority of those councilmembers present. Upon the arrival of the Mayor or Vice Mayor, the temporary presiding officer relinquishes the chair at the conclusion of the business then before the City Council.
 - e. Invocation. In accordance with the policy adopted by City Council (SOP 1.2), the Mayor and Councilmembers shall invite a community member to give an invocation at the speaker podium.
2. Ceremonial matters. The presentation and receipt of proclamations and commendations not requiring formal legislative action.
3. Public Forum. Members of the public wishing to comment on any item not appearing on the agenda may address the City Council at this time. State law prevents Council from taking action on any matter not on the agenda. Comments may be referred to staff for follow up. Individuals are limited to 3 minutes. However, the presiding officer has discretion to reduce the speaking time in situations where there are a large number of persons who wish to speak.
4. Announcements and Future Agenda Items. The Mayor and Councilmembers shall report on any meetings or conferences attended and paid for by the City and may also report on various assignments or other events. The Mayor and Councilmembers shall be limited to the same amount of speaking time as members of the public during open public comment (3 minutes). The City Manager may also make brief announcements. This section will include special reports and any other requests for staff work by the Mayor and Council.

5. Announcements of Conflict of Interests and Campaign Contributions. City Attorney shall ask the Mayor and Councilmembers to declare any conflicts of interest or campaign donations related to items on the agenda, in accordance with the Milpitas Open Government Ordinance (Municipal Code I-310)
6. Reading of the City Council Code of Conduct
7. Approval of Agenda
8. Consent Calendar. All matters listed under the Consent Calendar, including minutes, are considered by the Council to be routine and will be enacted by one motion without discussion (except for simple clarifying questions). If discussion is desired, that item may be removed and considered separately.
9. Public Hearing. Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Council.
10. Community Development. This section will cover the Community Development City Service Area and will include items related to Building, Housing, Economic Development, Engineering (Land Development), and Planning.
11. Community Services and Sustainable Infrastructure. This section will cover the Community Services and Sustainable Infrastructure City Service Area and will include items related to Engineering (Capital Projects and Solid Waste), Public Works, and Recreation and Community Services,
12. Public Safety. This section will cover the Public Safety City Service Area and will include items related to Fire/Emergency Preparedness and Police.
13. Leadership and Support Services. This section will cover the Leadership and Support Services City Service Area and will include items related to the City Clerk, City Council, City Manager, Finance, Human Resources, and Information Services.
14. Reports of Mayor and Councilmembers. Reports and workplans from assigned Commissions, Committees, and Agencies will be presented in this section.
15. Adjournment

B. Agenda Item Submission

1. The City Manager has the primary responsibility for the development of the Council Agenda, ensuring all protocols are followed, and that management of the agenda is closely linked to organizational goals and work plans. Any

item that is placed on the agenda shall be in accordance with the City's Open Government ordinance (MMC I-310) so that it can be clearly understood by members of the community.

2. Mayor or Councilmember:

- a. The Mayor or a Councilmember may request the City Manager to add an item to a Council agenda. No staff report or other staff work will occur until the item is discussed before the full City Council. Discussion and prioritization by the City Council will occur on a quarterly basis.
- b. Councilmembers may make this request verbally during a meeting or may submit a written request to the City Manager at other times.
- c. See Section 2.C.4 "Request for Staff Resources" for further details on any associated staff work related an agenda item request.

3. Members of the Public. A member of the public may request Council action in the following ways:

- a. Write a letter to the City Council
- b. Speak during the Public Comment period at a City Council meeting
- c. Attend annual Council goal setting meeting and provide input

Upon agreement of a majority of the City Council, Council will determine whether to place on a future agenda an item requested by the public.

C. Meeting Minutes

- 1. The preparation of accurate minutes is the responsibility of the City Clerk
 - a) In general, summary minutes are used to record proceedings. The record focuses on who spoke and the motions and votes. Video recordings are used in order to serve a number of administrative, legal and historical functions and to provide verbatim record of meetings. Failure to record does not affect the validity of any proceedings or action taken by the City Council.
 - b) The City Clerk may be directed by the presiding officer, with the consent of the City Council, to enter in the minutes a synopsis of the discussion of any matter coming before the City Council. The synopsis should be in complete sentences.
 - c) The Mayor or a Councilmember may request, through the presiding officer, the privilege of having a previously prepared written abstract

summarizing the major points of his or her statement on any subject under consideration entered into the minutes. If the City Council consents, such an abstract is entered into the minutes.

- d) Items such as letters which individuals request “to have entered into the record” are referred to in, but do not become a part of, the minutes.
- e) Changes in substantive matters may be made only at the direction of a majority of the City Council. Clerical corrections are to be made when discovered in order to maintain accuracy.

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CHAPTER VI. City Council Actions

Several different types of action may be taken by the Mayor and/or City Council.

A. Proclamations.

Proclamations are issued by the Mayor without formal action by the City Council. Proclamations are public announcements directing attention to a person, organization or event, such as Citizen of the Year, Girl Scout Week, or International Year of the Child. Proclamations may be requested by the Mayor or any Councilmember.

B. Commendations.

Commendations are acknowledgments of the activities of a person or organization, issued by the Mayor or by all Councilmembers without formal action being taken. Commendations typically acknowledge exceptional endeavors or are given to retiring employees and departing board and commission members and are presented at an appropriate function or council meeting.

C. Ordinances.

Legislative acts of the City Council are known as ordinances. Subject to certain state law exceptions, most ordinances are introduced at one meeting and are adopted by majority vote at a subsequent meeting, and go into effect 30 days after adoption.

An ordinance is necessary (1) when state law requires a regulation to be adopted by ordinance, (2) to amend or repeal provisions of the Municipal Code or any uncodified ordinances, and (3) to impose regulations on persons or property in the City.

Ordinances shall be prepared by the City Attorney. Ordinances are prepared for presentation to the City Council when ordered by a majority vote of the City Council, or when requested by the Mayor or the City Manager, or when prepared on the City Attorney's own initiative.

D. Resolutions.

Resolutions are City Council actions which become effective upon adoption and encompass the business not addressed through ordinances. They are typically used to handle routine business and administrative matters requiring some type of formal memorialization. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another agency, or where the frequency of future reference back to its contents warrants a separate document to facilitate reference and research.

E. Motions.

The least formal of City Council actions, motions typically are used for procedural matters (such as to continue items) or for administrative matters (such as to accept reports). An adopted motion is as legally effective and binding as an adopted resolution but generally is recorded simply as an item entry in the minutes.

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CHAPTER VII. Communication

A. California Public Records Act.

All letters, memoranda, and email and other electronic communications involving City Councilmembers and members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. Emails and texts with content that concerns City business with other City employees or officials or interested members of the public are likely public records even if they are sent to/from a personal account or device.

B. Ralph M. Brown Act

Each Councilmember should be mindful of all of the requirements of the Brown Act in communicating with each other. A majority of the Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other informal session to discuss or decide substantive matters.

C. Mail Processing

1. Members of the City Council may receive mail and other materials through City Hall.
2. All mail received and specifically addressed to the Mayor or a Councilmember shall be placed in the mail drawer for that person without first being opened.
3. General correspondence addressed to Councilmembers as a whole may be opened and delivered to all Councilmembers if appropriate.

D. Correspondence

1. The City Manager or designee is authorized to receive and take administrative action on all correspondence directed to the City Council. The City Manager or designee may also respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond. A courtesy copy is provided to each Councilmember.
2. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets is to be compiled and distributed to the City Council prior to the City Council meeting.
3. After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such

issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

- E. City letterhead, logo, insignia and brand, as well as staff support cannot be utilized for personal or political purposes.
- F. Council Communication to Planning Commission
 - 1. The Mayor and Councilmembers should be mindful not to unduly influence the decision at the Planning Commission meeting so as not to get ahead of the process.
 - 2. It is not appropriate for the Mayor or a Councilmember to make public comments at the Planning Commission meeting unless he/she is acting in his or her personal capacity. If/when the matter comes before the City Council, such member should recuse him or herself from the matter.
- G. External Communication
 - 1. The Mayor and Councilmember may communicate on behalf of the City through media interviews, letters, and newsletters. They may also be quoted in City issued press releases. Although the Mayor and Councilmember are able to express individual opinions, any communication made on behalf of the City shall be aligned with Council adopted policies, programs, priorities. City issued press releases will include a quote by Mayor and other quotes, if any, will be determined by the City Manager, based on related work by each Councilmember.

CHAPTER VIII. Council Liaison Roles

The Mayor and Councilmembers serve on behalf of Milpitas as members of other governmental entities, committees and agencies.

A. City Council Liaison

1. All City Councilmembers shall serve as liaisons to other City Commissions which shall be approved by the full City Council. In serving as a liaison, a City Councilmember shall endeavor to attend all Commission meetings of the Commission to which he or she is assigned.
2. Statements made by the City Council liaison about the City's official position should reflect the majority opinion of the City Council, which is defined by current or past official City Council action via City Council vote or consensus.
3. If the Mayor or a Councilmember wishes to attend the meeting of a Board, Agency, Committee or Task Force to which he/she has not been appointed to serve on by the City Council, the Mayor or Councilmember, as a courtesy, should advise the City representative(s), if any, as well as the respective chair, and should be mindful of the influence of his/her presence. If the presence of the Mayor or Councilmember shall constitute a quorum of the City Council, the meeting should be noticed as that of the City Council and all Councilmembers invited. An exception to this rule is when the Mayor or Councilmember observes only and does not speak at the meeting.

B. Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission.

The Mayor and Councilmembers serve as the members of the Milpitas Public Financing Authority. Milpitas Municipal Financing Authority, and Housing Authority Commission.

C. Regional Boards and Outside Agency Representatives.

1. The role of a Member on regional Boards will vary depending on the nature of the appointment.
2. Reporting. Council representatives to Regional Boards shall keep the Mayor and Councilmembers informed of ongoing business through short written reports to the Mayor and Councilmembers or update reports to the City Council during the "Mayor and Councilmember Reports" opportunity on the City Council meeting agenda.
3. In the event the primary assigned liaison is unable to attend a particular meeting, he or she should notify the chair of the board/agency, and the

appointed alternate Council representative, or Mayor, should attend in the place of the primary.

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**LIST OF VARIOUS CITY'S
CITY COUNCIL
HANDBOOK POLICY /
PROCEDURES / NORMS**

Previously sent to City Council in early 2019

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City of Hayward

Council Member Handbook



February 2017

Council Member Handbook

Adopted July 1983

Revised March 1987

Revised January 1993

Revised July 1996

Revised June 1998

Revised April 2000

Revised May 2002

Revised April 2004

Revised June 2008

Revised February 2011

Revised October 2012

Revised April 2015

Revised February 2017



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CITY COUNCIL THE COUNCIL

The elective officers of the City of Hayward shall consist of a Council of seven members, to be composed of six Council Members and a Mayor, all to be elected by the qualified voters of the City at large. ([Sec. 500, City Charter](#))

VACANCY

An elective office becomes vacant when the incumbent dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of her/his official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which she/he is a member for a like period without being excused by said body.

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until their successor is elected and qualified. At the next General Municipal Election following any such appointment, the person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy. ([Sec. 501, City Charter](#))

ELECTIVE OFFICERS

Except as otherwise provided in Section 501 of the Charter, Elective Officers shall hold office for a term of four years from and after the first Tuesday following their election, and shall continue in office until their respective successors qualify.

When the general municipal election for the election of officers is consolidated with a California State General Election held earlier in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term of office shall be shortened to the first Tuesday following the consolidated election or until his or her successor qualifies. When the general municipal election for the election of officers is consolidated with a California State General Election held later in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term in office shall be lengthened to the first Tuesday following the consolidated election or until his or her successor qualifies.

([Sec. 2-1.15, Hayward Municipal Code](#))

Ties among candidates for any office shall be settled by the drawing of lots. ([Sec. 600, City Charter](#))

ELIGIBILITY

No person shall be eligible to be nominated for or hold office as a member of the Council unless she/he is a resident and qualified elector of the City or of territory annexed thereto. ([Sec. 60l, City Charter](#))

COUNCIL MEMBER TO HOLD NO OTHER OFFICE

No member of the Council shall hold any other city office or city employment, the compensation of which is paid out of municipal funds, nor be elected or appointed to any office created or the compensation of which is increased by the Council, while she/he is a member thereof, until one year after the expiration of the term for which he/she was elected. ([Sec. 602, City Charter](#))

TRAINING REQUIREMENTS

AB 1234, now [California Government Code Section 53234](#), was signed into law on October 7, 2005. This law requires, among other things, that all local agencies that provide compensation, salary, or a stipend to, or reimburses the expenses, of members of a legislative body must provide Ethics Training to local agency officials by January 1, 2007, and every two years thereafter.

AB 1825, now [California Government Code Section 12950.1](#), requires immediate and continual Sexual Harassment Training for supervisors. This law increases the training obligations of all employers, that have employees within the State of California, and extends their obligations beyond the training requirements discussed by the U.S. Supreme Court, the Equal Employment Opportunity Commission ("EEOC"), and other federal and state courts and legislative bodies. While AB 1825 does not specifically define "supervisor," the definition contained in the California Fair Employment and Housing Act ("FEHA") will presumably apply. Under the FEHA, a supervisor is any individual having the authority "to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action...if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Training is mandatory for all employees who become supervisors after January 1, 2006 within six months of assumption of a supervisory position and a once every two years thereafter.

Members of boards, commissions, task forces and committees established by Council are also required to obtain the above described training.

On October 12, 2010, the City Council adopted [Resolution 10-159](#), which updated the City's Harassment Policy by extending the policy against harassment and retaliation to City Council and all appointees.

Assembly Bill 1661, now [California Government Code Section 53237](#), was signed into law on September 29, 2016. This law requires local agency officials to receive sexual harassment prevention training and education if the local agency provides any type of compensation to those officials. The

law also requires an entity that develops curricula to satisfy this requirement to consult with the city attorney regarding its sufficiency and accuracy.

Council Members are encouraged to complete at least five (5) hours per year of ongoing professional development. The League of California Cities and other resources provide training programs, conferences, and other resources to help elected officials stay engaged and informed on matters affecting cities.

Effective 2018, City staff will provide an official orientation to members of the City Council upon taking office related to the structure and the operation of City government and legal and ethical duties and responsibilities.

COMPENSATION FOR MEMBERS OF THE CITY COUNCIL

Any compensation to be paid members of the Council shall be established by ordinance, and shall apply to all incumbent members of the Council. The Council may likewise change such compensation; however, such change shall not be effective until one or more members of Council becomes eligible for such change in compensation by virtue of beginning a new term of office. ([Sec. 603, City Charter Ordinance 01-12](#))

Hayward Municipal Code, Section 2-1.10 – Compensation for Members of the City Council- reads as follows:

- (a) Each Council Member shall receive compensation for services rendered in an official capacity, an annual salary in the sum of Twenty-Five Thousand Dollars (\$25,000).
- (b) The Council of the City of Hayward does ordain as follows: The Mayor shall receive as compensation for services rendered in an official capacity, an annual salary in the sum of Forty Thousand Dollars (\$40,000).
- (c) From and after the fiscal year beginning July 1, 2003 and for each fiscal year thereafter, the compensation for the Mayor and each Council Member shall be increased by an amount equivalent to the percent increase in the “Consumer Price Index San Francisco-Oakland Metropolitan Area – All Items,” published by the Bureau of Labor Statistics, United States Department of Labor, for the twelve-month period ending June of each fiscal year. However, in no event shall any such increase be greater than 5%.
- (d) In addition, the Mayor and members of Council shall receive reimbursement for Council authorized travel and expenses while on official City duty.
- (e) Each Council Member and the Mayor shall also receive deferred compensation benefits under the City of Hayward’s Deferred Compensation Plan for employees. The rate of compensation received under this plan by the Mayor and each Council Member shall be the same as that received by Unrepresented Management employees, as amended from time to time.

([Section 2-1.10, Hayward Municipal Code](#))

BENEFITS

In accordance with the Public Employees' Medical and Hospital Care Act, medical coverage and a dental plan are provided to members of the City Council. ([Resolution 86-310](#) and [97-107](#))

The benefits offered to the City Council are: Medical, Dental, Vision, Life Insurance, and retirement through the California Public Employees Retirement System (PERS). These benefits are optional (with the exception of PERS and life insurance) and are chosen at the discretion of each Council Member. Cost sharing with the City for these benefits occurs in accordance with [Resolutions 94-045, 11-089, and 14-104](#).

HARASSMENT AND RETALIATION POLICY

On October 12, 2010, the City Council adopted [Resolution 10-159](#), which updated the City's Harassment Policy, by extending the policy against harassment and retaliation to City Council and all Appointees.

POLICY IN SUPPORT OF A HARASSMENT-FREE, DISCRIMINATION-FREE, AND RETALIATION-FREE WORKPLACE

The Hayward City Council is committed to prohibiting all forms of harassment and discrimination in the workplace that are based upon protected classifications as defined in this policy. In addition, the City Council prohibits retaliation against those who complain of harassment or discrimination. This policy applies to all City Council Members as well as to all Appointees.

Any City Council Member found to be in violation of this policy may be subject to censure by the City Council. Any Appointee found to be in violation of this policy may be subject to dismissal from his/her appointment.

I. Definitions.

- A. Appointee. This refers to any individual appointed as a member of one or more of the City's various boards, commissions, committees and task forces or any City official directly appointed by the City Council (i.e., the City Manager, the City Attorney, or the City Clerk).
- B. Protected Classifications. This policy prohibits harassment or discrimination because of an individual's actual or perceived protected classification. "Protected classification" includes sex (including gender, gender identity, gender expression, pregnancy, childbirth, and breastfeeding), race, religious creed, color, national origin, ancestry physical or mental disability, medical condition, marital status, age, military and veteran status, genetic information, or sexual orientation (including heterosexuality, homosexuality, and bisexuality).

- C. **Policy Coverage.** This policy prohibits City Council Members and Appointees from harassing or discriminating against applicants, officers, officials, employees, volunteers, persons providing services to the City pursuant to a contract, or clients because of: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.
- D. **Discrimination.** This policy prohibits treating an individual differently because of the individual's protected classification.
- E. **Harassment.** Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.
 - 1. **Verbal Harassment:** Includes, but is not limited to, epithets, jokes, comments, or slurs that identify a person on the basis of his or her protected classification, intimate or other nicknames, and comments on appearance or stories that tend to disparage those with a protected classification.
 - 2. **Visual Forms of Harassment:** Includes, but is not limited to, gestures, posters, notices, bulletins, cartoons, emails, photography, or drawings that tend to disparage those with a protected classification.
 - 3. **Physical Harassment:** Includes, but is not limited to, the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking or taunting.
 - 4. **Sexual Harassment:** Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature which occurs under any one of four circumstances:
 - a. Submission is made either explicitly or implicitly a term or condition of employment, or of a contractual business relationship with the City.
 - b. Submission or rejection by an individual is used as a basis for employment decisions affecting that individual.
 - c. Such conduct has the potential to affect an employee's work performance negatively and/or to create an intimidating, hostile, or otherwise offensive working environment.

- d. Submission or rejection by a client or vendor is used as a basis for making a business decision by the employee or creates an intimidating, hostile, or otherwise offensive working environment.

F. Guidelines for Identifying Harassment.

1. Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.
2. It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
4. Even visual, verbal, and/or physical conduct between two Council Members or two Appointees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, contractor or appointee who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
5. Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, over-attention, endearing nicknames).
6. The conduct of an individual other than a City Council Member or an Appointee, with respect to harassment of employees, applicants or persons providing services pursuant to a contract in the workplace, may violate this policy if the City, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
7. A single act can violate this policy and provide grounds for appropriate sanctions. Therefore, if in doubt as to whether any particular conduct may violate this policy, do not engage in the conduct and seek guidance from the City Manager’s Office or the City’s Human Resources Department.

- G. Retaliation. Any adverse conduct taken against an individual by a City Council member or Appointee because the individual has reported harassment or discrimination, or has participated in the Complaint Procedure described below, is prohibited. “Adverse conduct” includes taking sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Any individual who makes a good faith report about harassment or discrimination, who associates with an individual who is involved in reporting harassment or discrimination, or who participates in the complaint and investigation procedure is protected from retaliation.

- II. Complaint Procedure. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee in violation of this policy should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. The City Council encourages prompt reporting of harassment, discrimination, or retaliation so that an investigation can be commenced and if necessary immediate and effective remedial action taken to stop such conduct.
 - A. Reporting to the Mayor. An individual who believes he or she has been harassed, discriminated against, or retaliated against by a City Council Member or Appointee, should immediately report the conduct orally or in writing to the Mayor; in the event of a complaint against the Mayor, such conduct should be reported to the Mayor Pro Tempore.
 - B. Confidentiality. The City Council recognizes that confidentiality is important to all parties involved in a harassment, discrimination, and/or retaliation investigation. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.
 - C. Duty to Maintain Confidentiality of Interview. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except for discussing it with his/her representative. Any individual who discusses the content of an investigative interview in breach of this duty will be subject to appropriate remedial action, including censure and/or removal from appointment.

- III. Response to Complaint.
 - A. Interim Relief. Upon receipt of a harassment, discrimination, or retaliation complaint, the Mayor (or if the complaint is against the Mayor then the Mayor Pro Tempore), with the assistance of the City Manager, may take immediate and appropriate remedial action to stop the conduct at issue and/or to diffuse any volatile circumstances associated with the conduct.

B. Investigation.

1. Complaint Against a City Council Member or the Mayor: Under this policy, the City Council designates the Mayor to be the investigator of a harassment, discrimination, and/or retaliation complaint against a City Council Member; in the event of a complaint against the Mayor, the Mayor Pro Tempore is the person so designated. The Mayor, at his/her discretion and with the assistance of the City Manager, may retain an experienced private attorney, consultant, investigator, or other specialist who is not an official or employee of the City to conduct the investigation. The investigation shall be commenced as soon as practicable, and the specialist shall be responsible for completing a report on his/her investigation, to include findings. The investigation will normally include interviews of the reporting individual, the accused and any other individuals who are believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of their interviews and admonish them that retaliation against those who report alleged harassment or discrimination or who participate in the complaint procedure is prohibited. The investigation shall also include, but not be limited to, the retrieval and review of documents or evidence such as work schedules, letters, computer records, telephone messages, personnel files, gifts, or cards.
2. Complaint Against an Appointee: Upon receipt of a complaint against an Appointee, the Mayor shall refer the complaint to the City Manager for investigation. The City Manager shall have the discretion to use city staff or an outside investigator to conduct the investigation. Such investigation shall be conducted consistent with the guidelines set forth in Section III(B)(1) above.

C. Investigation of Unreported Potential Violations. The City Council takes a proactive approach to the problem of harassment, discrimination, and retaliation, and the Mayor (or the Mayor Pro Tempore) will initiate an investigation consistent with this policy if he/she becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or a third party reports a potential violation.

D. Action.

1. City Council Member or Mayor: If the specialist's report concludes that harassment, discrimination, or retaliation in violation of the City Council policy prohibiting harassment, discrimination, and retaliation has occurred, the Mayor (or Mayor Pro Tempore) shall present the report to the City Council for further action, if any, consistent with its legal obligations. Such action for a City Council Member may include, but not be limited to, censure.

2. Appointee: Upon completion of his/her report, the City Manager shall forward it and a recommendation to the Mayor and the City Council. Possible action for an Appointee includes, but is not limited to, dismissal from his/her appointment.
- E. Option to Report to Outside Administrative Agencies. Individuals also have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest DFEH and EEOC offices are listed in the government section of the telephone book.
 - F. This policy is not to be construed nor is it intended to prohibit mutually welcome, social relationships freely entered into between people and which have no impact on the workplace.
- IV. Individual Responsibilities.
- A. Individual City Council Member or Appointee. A City Council Member or an Appointee is required to:
 1. Conduct him or herself consistently with the anti-harassment, anti-discrimination, and anti-retaliation policy as set forth herein; and
 2. Report any act which he or she believes in good faith constitutes harassment, discrimination, or retaliation, as defined herein, to the Mayor (or the Mayor Pro Tempore); and
 3. Maintain the confidentiality of any investigation conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except for discussing it with his or her representative; and
 4. Cooperate fully with such investigation into alleged violations of this policy by responding fully and truthfully to all questions posed during the investigation; and
 5. Be familiar with this policy and modeling behavior that is consistent with it; and
 6. Report any potential violations of this policy of which he or she becomes aware.

COUNCIL OFFICE BUDGET AND EXPENDITURE GUIDELINES

The City Council adopts an annual City budget for all services. The Council holds budget work sessions in May and June, which are open to the public. The draft budget is also scheduled for a public hearing in June at a City Council meeting, and adopted at the following City Council meeting.

As part of the annual budget adoption, the City Council may appropriate budgets for each Councilmember and the Mayor to utilize in the execution of the duties of their respective offices. The use of these funds must always be in compliance with the City's purchasing policies, the Employee Expense Reimbursement Policy, and other applicable City policies and procedures. In addition, the Council has established the following additional policies to govern the use of these funds:

1) Councilmembers and the Mayor can be reimbursed for actual and necessary expenses incurred in the performance of official duties, subject to budget, applicable laws, ethical standards, and procedures established by Council. An expense will not be reimbursable if it is paid for or reimbursed by another entity or person.

2) Expenses may be incurred for the following activities:

- a) Attending educational seminars or seminars designed to improve elected officials' skill and/or information level;
- b) Purchase of books or educational materials that will be returned to the City at the end of the term of office;
- c) Participating in regional, state, and national organizations whose activities affect the City's interests or where the Councilmember serves as the appointed voting delegate (or alternate) or where the Councilmember serves on a Committee or is asked to share the City's expertise;
- d) Attending City-sponsored events or functions where payment shall be made for the Councilmember only to participate;
- e) Communicating with representatives of regional, state and national government on City-adopted policy positions when such trips have been preapproved and authorized by the whole Council; and
- f) Other expenses approved by the City Council in advance of their incurrence.

3) Reimbursable expenses may include (and in compliance with the City's Employee Expense Reimbursement Policy): registration fees; transportation; lodging; meals (excluding alcohol); and long distance phone calls/internet connectivity (used for City business).

Link to the Administrative Rule 2.51 – Employee Expense Reimbursement Policy

http://www.hayward-ca.gov/blogdocs/cityclerk/2015/2.51_Employee_Expense_Reimbursement_Policy.pdf

MAYOR

POWERS AND DUTIES

The Mayor shall be the Mayor at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of the Mayor and the Mayor Pro Tempore, the Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

The elected Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Courts for the purpose of serving civil processes. The Mayor shall be the presiding officer of the Council, and shall preside at the meetings of the Council for the purpose of determining the presence of a quorum. He/she shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. He/she may use the title of Mayor in all cases, but the same shall not be construed as conferring upon him/her administrative or judicial functions or other powers or functions of a Mayor under the general laws of the State. ([Sec. 604, City Charter](#))

SIGNING OF DOCUMENTS

The Mayor, or Mayor Pro Tempore in the absence of the Mayor, shall sign ordinances adopted by the City Council.

MAYOR PRO TEMPORE

In even number years, the Council shall elect the Mayor Pro Tempore following the installation of those newly elected Council Members. In odd years, the Council shall elect the Mayor Pro Tempore at the end of June.

The Mayor Pro Tempore shall serve at the pleasure of the Council for the term of one year, and shall be elected and removed by the affirmative votes of at least five (5) members of Council.

The Council shall elect a Council Member with the most seniority as a Council Member and who has not previously served as Mayor Pro Tempore. In the event two Council Members begin service in the same year, the Council Member with the highest number of votes will serve as Mayor Pro Tempore. (See [City Council Minutes, 4/28/92](#))

Prior to being elected as Mayor Pro Tempore, a Council Member shall have served at least two years on the Council. The term of the Mayor Pro Tempore shall be based on the fiscal year of July 1 to June 30. ([Resolution 98-120](#) and [Council Minutes, 6/26/2001](#))

The Mayor Pro Tempore shall perform the duties of the Mayor during her/his absence or disability. ([Sec. 605, City Charter](#))

PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, he/she should consider turning the Chair over to another member.

QUESTION TO BE STATED

The Presiding Officer shall orally restate each question immediately prior to calling for the vote. Following the vote, the Mayor or City Clerk shall announce whether the question carried or was defeated for the benefit of the cable television audience.

MAINTENANCE OF ORDER

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No Council person, staff or member of the audience is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

POWERS OF COUNCIL

All powers of the City shall be vested in the Council, subject to the provisions of this Charter and to the Constitution of the State of California. The Council may establish the method by which any of such powers may be exercised. ([Sec. 606, City Charter](#))

MEETINGS OF COUNCIL

The Council shall, by ordinance or resolution, provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All meetings of the Council, whether regular or special, shall be open to the public. ([Sec. 607, City Charter](#))

PARTICIPATION BY MEMBERS OF THE PUBLIC

No public member shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak on the subject of any special meetings. ([Sec. 609, City Charter](#))

ADMINISTERING OATHS - SUBPOENAS

Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested

by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of the State. [\(Sec. 610, City Charter\)](#)

RULES OF PROCEEDING

The Council shall determine its own rules of procedure, and may punish its members for disorderly conduct and compel their attendance at Council meetings. [\(Sec. 611, City Charter\)](#)

NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

Neither the Council nor any of its members shall interfere with the execution by the City Manager of his/her powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or his/her removal there from. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The City Manager shall take his/her orders and instructions from the City Council only when it is sitting in a lawfully held meeting. [\(Sec. 705, City Charter\)](#)

Inquiry is defined as a request for information readily available, without need for extensive research or study by subordinates of the City Manager.

All other requests are to go directly to or through the City Manager.

POLICY REGARDING CITY COUNCIL EXPRESSION ON STATE, FEDERAL AND INTERNATIONAL ISSUES

Whereas, from time to time the City Council is requested to make an official statement with regard to State, Federal and International issues, some of which have no effect upon the administration of local affairs of the City of Hayward, or which the City Council, as a legislative body, cannot exercise jurisdiction over same; and

Whereas, it would appear that statements to be made with regard to such State, Federal and International issues should be made only as an expression of individual opinion and not as an official statement of this City Council.

Now, Therefore, Be it Resolved by the City Council of the City of Hayward that said Council does hereby adopt as a policy that official City Council expression should not be given on State, Federal, and International issues which have no direct effect upon the administration of the local affairs of the City of Hayward or which the City of Hayward, as a municipal corporation, cannot exercise any jurisdiction over such matters.

Be it further resolved that the aforesaid statement of policy is not intended to foreclose the rights of any person to make a public presentation to the City Council on such issues nor to impinge upon the

right of any individual Council Member to give his/her personal views on such matters.
[\(Res. 77-209, May 24, 1977\)](#)

At a Council meeting on [September 20, 2016](#), the City Council received a draft Hayward Legislative Program which outlines the legislative priorities of the City of Hayward. Adoption of the final version is anticipated to be presented to the City Council in the Spring. After adoption of the program, the Handbook will be updated adding by reference the final Hayward Legislative Program.

MEETINGS

MEETINGS - OFFICIAL ACTIONS

Except as hereinafter provided, all meetings of the Council shall be held in the Council Chamber, City Hall, 777 B Street, Hayward, California. In the event any meeting is held elsewhere, a notice setting forth the time and place thereof shall be conspicuously posted on the entrance door to the Council Chamber during the time such meeting is in progress. ([Sec. 2-1.00, Municipal Code](#))

TIME OF REGULAR MEETINGS

The time of regular meetings of the Council shall be as specified from time to time by resolution of the City Council. ([Sec. 2-1.00, Municipal Code](#))

On December 15, 2009, the City Council adopted [Resolution 09-189](#), which changed the hour of Council meetings to seven (7) o'clock p.m. Council also incorporated Work Session meetings within the regular meetings. Normally, meetings of the City Council are held the first, third, and fourth Tuesdays of each month at the hour of seven (7) o'clock p.m. Meetings may be cancelled on these days or added on the second and fifth Tuesdays by the Mayor or City Manager as determined by workload.

It shall be the policy of the Council that, if at all possible, agenda items shall not be considered past the hour of midnight.

SPECIAL MEETINGS/ CALLING/ NOTICE

A special meeting may be called at any time by the Presiding Officer of the Council, or by a majority of the members, by delivering written notice to each member of the Council at his/her residence or place of business and mailing written notice to the press, at least twenty four hours prior to said meeting, in accordance with the Ralph M. Brown Act ([G.C. Section 54956](#)).

As the Council, as a whole, also serves as the Redevelopment Successor Agency, the Hayward Public Finance Authority, and the Housing Authority for the City of Hayward. Special joint meetings may be conducted in order to conduct business relative to each agency.

The Hayward Redevelopment Agency was dissolved on February 1, 2012. The City of Hayward chose to become the Successor Agency to the Redevelopment Agency.

The City Council also serves as the Geologic Hazard Abatement District Board, which was formed on March 1, 2016.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at said meeting.

RULES OF ORDER

The proceedings of the Council shall be governed under "[Robert's Rules of Order](#)" on all matters pertaining to parliamentary law; however, no action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow said rules. ([Sec. 2-1.03, Municipal Code](#))

QUORUM

A majority of the City Council (4) shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business. ([Sec. 608, City Charter](#))

No ordinance of resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. ([Sec. 614, City Charter](#))

CALL TO ORDER

The meeting of the Council shall be called to order by the Mayor or in her/his absence by the Mayor Pro Tempore. In the absence of both the Mayor and the Mayor Pro Tempore, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

AGENDA

When scheduling items for City Council meetings, staff should consider the number of items being placed on each agenda and the estimated time that each item requires. Staff should strive to provide well-balanced agendas for all City Council meetings throughout the year. Although there might be rare occasions where a long meeting is necessary, a series of long meetings should be avoided by balancing the content of each agenda.

ORDER OF BUSINESS

The following shall constitute the order of business to be followed in conducting regular meetings of the Council:

- Call to Order
- Salute to Flag
- Roll Call
- Closed Session Announcement
- Presentation/Proclamation
- Public Comments * (for matters not otherwise listed on the agenda or informational staff presentation items)
- Consent
- Work Session/Informational Presentation
- Hearing
- Legislative Business
- Information Items
- City Manager's Comments
- Council Reports, Referrals, and Future Agenda Items
- Adjournment

**The printed agenda for each regular meeting shall include the following statement:*

Public Comments for Council Meeting Agendas shall read:

The Public Comments section provides an opportunity to address the City Council on items not listed on the agenda or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

[\(Res. 02-058, May 7, 2002\)](#)

(Agenda Revisions: [City Manager's Weekly Report - November 25, 2009](#))

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, determine that the need to take action on an item arose after the agenda was posted. If fewer than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented. Other exceptions are provided for emergencies, as defined, and certain continued hearings. Upon amending a work session agenda, no action would be taken on the underlying issue.

POSTING OF AGENDA

The City Clerk is directed to post a copy of the agenda in the lobby of City Hall, the bulletin board outside City Hall and at the Main Library not less than 72 hours prior to each regular meeting, and not less than 24 hours prior to each special meeting to be held by the City Council. The City Clerk is further directed to maintain a log of the date and time each agenda is posted.

DELIVERY OF AGENDA

If practicable, the agenda and agenda item report packet will be available electronically via the iLegislate application for iPads for Council Members each Thursday afternoon, or Friday if the preceding Monday was a holiday. Council Members are asked to advise the City Clerk's Office where they desire agenda packets to be delivered.

The agenda shall also be available to the general public, via posting to the City's website and electronic mail, at the time it is delivered to the City Council.

SUSPENDING ORDER OF BUSINESS

The regular order of business may be suspended by a majority vote of the members present for the accommodation of persons present, or for any other purpose. ([Sec. 2-1.06, Municipal Code](#))

CLOSED SESSIONS

Council meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. Matters discussed in closed sessions are considered **confidential**. If an action is taken, a public announcement will be made. These are:

(1) Labor Relations

Closed sessions held at such times where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.

As a matter of policy, Council acknowledges that the City and its taxpayers are best

served if positions authorized during such sessions are represented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

(2) Security or Emergencies

Arrangements made to address threats to the City or its property must be kept confidential;

(3) Personnel Sessions

Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

(4) Litigation

Closed sessions to consider potential or pending litigation in which the city or an officer or employee is or could be a party;

Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position;

(5) Real Property Negotiations

Closed sessions to meet with negotiators over specific real state sites;

Prior to the closed session, the negotiator, the site, and the properties' representatives must be identified.

Confidential Communications in Closed Session

To address a long-standing problem associated with confidential communications in closed session and how to maintain the confidentiality of such discussions, in 2003, the Legislature passed Assembly Bill 1945 ("AB 1945"), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council, or upon advice of the legal counsel or negotiator handling the matter. In the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) The body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) If the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) If the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

CLOSED SESSION ANNOUNCEMENT

Following a closed session, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce whether there is or is not reportable action. If there is reportable action, the Mayor, or the City Attorney or the City Manager at the request of the Mayor, will announce such action, including a report of how each member of the Council voted on the item.

PRESENTATION

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline. The City Clerk shall coordinate the scheduling of presentations with the Mayor.

WORK SESSION

When a work session is required, Council Members will meet at City Hall unless otherwise noticed according to State law. Members of the public are encouraged to attend work sessions. Comments on an item appearing in the work session section of the agenda follows staff's presentation.

Except for the procedural motions required by the Brown Act which may be made at a work session (and which are discussed more fully in the section "Amended Agenda") no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions.

A Work Session presentation and discussion shall be limited to one hour.

CONSENT CALENDAR

Items of a routine nature, and non-controversial, including Approval of Minutes, shall be placed under the Consent agenda at the City Manager's discretion. All items may be approved by one blanket motion upon unanimous consent. Any Council Member or any member of the public may request that any item be withdrawn from the consent agenda for separate consideration. (Council Action, March 18, 1997)

PUBLIC HEARINGS AND LEGISLATIVE BUSINESS

Public Hearings:

A public hearing is a legally mandated process that occurs during the public meeting of a local decision making body, such as a city council meeting. Public hearings serve two functions: First, to obtain public testimony or comment on specific legislative decisions or policy matters such as a proposed annual budget or ordinance. The second function is to provide due process to an

individual or party making an appeal to or request of the legislative body, such as a hearing regarding the denial of a permit or license. A public hearing is required only when a specific federal, state, or local law requires one to be held on a particular issue.

Notice for Public Hearings:

A law that requires a public hearing to be held will also generally include the requirements for providing notice of the public hearing.

Legislative Business:

Legislative business is any policy-related item that is not legally required to have a public hearing, but which is deserving of or benefits from public discussion. In many respects, a legislative business item looks the same as a public hearing - the only difference is the type of legal notice given prior to the meeting. In fact, some legislative business items may warrant the type of noticing typically associated with public hearings, but doing so is discretionary and should only be done on a case-by-case basis. Applying the public hearing approach to legislative business is appropriate when there is a high degree of public interest in a topic, when the Council has not had sufficient exposure to the facts, circumstances or opinions informing the decision they are being asked to make, when there is a controversial topic that divides the community or the Council, or when the actions being considered have the potential to impact a large number of residents.

Notice for Legislative Business:

Publication of the agenda prior to the scheduled legislative item is generally sufficient notice for legislative business items. However, in the interest of inclusion and transparency, staff may choose to send notices to interested parties, deliver flyers to the affected neighborhood, or otherwise alert those known or thought to be likely interested in the matter. Similarly, staff may provide advance notice to parties identifying the likely date something may come before Council. Administrative Rule 1.25

Generally, public hearing as well as legislative business items, other than those of a quasi-judicial nature (quasi-judicial matters are those matters where the City Council is interpreting and applying regulations, such as consideration on use permits or zoning issues), shall be conducted in the following order:

- staff reviews the recommendation
- questions of staff by Council
- hearing opened by Mayor
- hearing closed by Mayor
- discussion and questions by Council
- action by Council

Questions and comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual.

Applicants and/or appellants desiring to address the City Council shall limit their presentation to ten (10) minutes. The Mayor or Presiding Officer will call forward individuals who wish to address the City Council. At the discretion of the Mayor, two or more speakers may be called at a time to help facilitate the public testimony.

Council Members should not speak to an issue until the public hearing has been closed. If a Council Member has met with a proponent/developer or opponent of subject hearing, she/he should acknowledge such meeting prior to opening of the hearing at the Council meeting.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Council Members addressed through the Chair.

QUASI-JUDICIAL HEARINGS

The procedures for quasi-judicial hearings shall be determined on a case-by-case basis and the City Attorney shall advise the City Council in this regard.

INFORMATION ITEMS

The Information Items section was added on September 23, 2014, to present information to Council and the public in the form of a transparent, written report, which does not ask for any Council action. The public can comment on “Information Items” during the Public Comments section. If the Council wishes to discuss or take action on any “Information Items”, the Council will direct staff to bring the item forward on a future Council agenda as an action item.

CITY MANAGER’S COMMENTS

The City Manager’s Comments section was added on September 23, 2014, to provide an opportunity for the City Manager to verbally report on upcoming activities, events, or other items of interest or concern to the Council and the public.

COUNCIL REPORTS, REFERRALS AND FUTURE AGENDA ITEMS

During the Council Reports, Referrals, and Future Agenda Items section of the agenda, a Council Member may request an item be considered on a future agenda, and upon agreement of a majority of Council, staff will prepare a report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit it in writing.

ADJOURNMENT

When any member requests that a meeting be adjourned and a tree planted in memory of an individual recently deceased, the Mayor shall so adjourn the meeting and staff shall arrange for a tree to be planted.

RULES, DECORUM, AND ORDER

POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall sustain or reverse the Presiding Officer's determination.

DECORUM AND ORDER – COUNCIL MEMBERS

(a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Mayor, shall confine himself/herself to the question under debate.

(b) A Council Member desiring to question a staff member shall address his/her question to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose.

(c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

(d) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of the Council.

(e) Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(f) Any Council Member may move to require the Mayor to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

(g) [Section 611 of the City Charter](#) provides that the City Council may determine its own rules of procedure, may punish its members for disorderly conduct, and compel their attendance at Council meetings. In addition to the sanctions identified herein, the failure of the Mayor or a Council Member to observe these rules of decorum may warrant his or her removal from the Council Chambers in accordance with the procedures described in the section entitled "Enforcement of Decorum."

Sanctions and Procedures for Violations of Rules of Decorum and Order

(h) Council Members who fail to observe these rules of Decorum and Order, or violate any state or federal law, the City Charter, or any City ordinance or policy, may be reprimanded or formally censured, lose seniority or committee assignments (both within the City of Hayward or with inter-government agencies), have official travel restricted or be ordered to attend Council meetings, if the Council Member is absent without justification. Serious infractions of these rules of Decorum and Order could lead to other sanctions as deemed appropriate by the Council, including, but not limited to, referral to the Alameda District Attorney and/or Civil Grand Jury if the conduct is egregious or allegedly criminal in nature. Council Members should point out to the offending Council Member any perceived infraction of these rules of Decorum and Order as it occurs. No Council Member shall be reprimanded, sanctioned or censured for the exercise of his or her First Amendment rights. However, nothing herein shall be construed to prohibit the City Council from individually or collectively condemning or expressing disapproval of behavior in violation of these rules.

(i) It is the responsibility of the Mayor to initiate formal action if a Council Member's behavior may warrant reprimand, sanction, or censure. If no action is taken by the Mayor, action on the alleged violation may be placed on a future agenda for consideration by a majority of the full Council.

(j) Reprimand is the least severe form of action for a violation of these rules and may be issued by majority vote of the City Council without findings of fact or investigation. Reprimand is not considered a sanction or censure.

(k) Formal censure, loss of seniority or committee assignments and travel restrictions may be requested by any Council Member in writing submitted to the Mayor. The written request must set forth specific allegations of violations of state or federal law, the City Charter, or City ordinances or policies, including these rules of Decorum and Order, upon which the proposed sanction is based. If the Mayor determines that the request for censure or sanction warrants Council consideration, the request shall be scheduled for consideration by the Council at the next regularly scheduled Council meeting. If a majority of the Council wishes to take action on the request for sanction or censure, the request shall be scheduled for public hearing far enough in advance to give the affected Council Member adequate time to prepare a response to the request. The Council Member shall be given the opportunity to make opening and closing statements; to present or question witnesses; and is entitled to be represented by an advisor or counsel of his or her choosing. The Mayor, or the Mayor Pro Tempore if the Mayor is the subject of the sanction request, shall preside over the proceedings. The rules of evidence shall not apply. The City Attorney or his or her designee shall provide legal advice to the Council, as needed. A decision to censure or impose other sanction requires the adoption of a resolution containing findings with respect to the specific charges, based on substantial evidence, by a two-thirds vote of the Council.

DECORUM AND ORDER - EMPLOYEES

Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, City Attorney, and City Clerk, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

DECORUM AND ORDER - PUBLIC

Members of the Public attending Council meetings shall observe the same rules of order and decorum applicable to the Council

Each person who addresses the Council from the podium shall do so in an orderly manner and shall not make personal, slanderous, or profane remarks to any member of the Council, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting, whether from the podium or in the audience, may, at the discretion of the Mayor after observance of the procedure for enforcement of decorum described below, be escorted from Council Chambers and barred from further audience before the Council during that meeting. These rules shall be enforced as set forth in the section entitled “Enforcement of Decorum.”

ENFORCEMENT OF DECORUM

The Chief of Police or his/her representative shall be ex-officio Sergeant-at-Arms of the Council. He/she shall carry out all orders and instructions given him/her by the Mayor for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Mayor, it shall be the duty of the Chief of Police or his/her representative to eject any person from the Council Chambers or place him/her under arrest or both.

As set forth in the Brown Act ([Government Code Section 54957.9](#)), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in the section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Decorum and order shall be enforced in the following manner:

(a) Warnings. The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the Council to regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order him or her to leave the Council meeting. If the person does not depart the Council chambers of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the Council to escort that person from the Council chambers.

(b) Text for Warning. The Mayor shall deliver the requisite warning in substantially the following form:

You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to Council Chambers for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

(c) Removal. Any law enforcement officer who is serving as Sergeant-at-Arms of the Council shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the Council meeting any person who is disturbing the proceedings of the Council. Removal of a disruptive member of the public from Council Chambers shall be accomplished by the Sergeant-at-Arms or other sworn law enforcement officers only.

(d) Misdemeanor. Any person who willfully disturbs or breaks up a Council meeting may be arrested and charged with a misdemeanor, pursuant to [California Penal Code Section 403](#).

(e) Motion to Enforce. If the Mayor fails to enforce the rules set forth above, any member of the Council may move to require the Mayor to do so and, by an affirmative vote of a majority of the Council, shall require the Mayor to do so. If the Mayor of the Council fails to carry out the will of a majority of the Council, the majority may designate the Mayor Pro Tempore to act as Presiding Officer for the limited purpose of enforcing these rules of decorum.

Attendance at Council Meetings does not provide individuals or groups immunity of protection when their conduct is in violation of any other laws (California Penal Code, City of Hayward Municipal Code, etc.). The Sergeant-at-Arms should and will be called upon by the Mayor to enforce these laws at Council Meetings.

POLICY REGARDING CABLE TELEVISION BROADCAST OF CITY MEETINGS

It shall be the policy of the City Council of the City of Hayward to broadcast public meetings held in the Council Chamber over cable television from the beginning of that meeting through adjournment without interruption. Meetings may be videotaped or audio recorded as long as the activity does not constitute a disruption of the meeting. ([Res. 94-049, March 8, 1994](#))

PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned or impugned.

COUNCIL MEMBER'S PREROGATIVE

Regardless of the number of Council Members present, or request of a member of the public, any Council Member may exercise a personal privilege to have an item continued once unless State law or local regulations require that action be taken at that time.

CONFLICT OF INTEREST (Disqualifications)

All Council Members are subject to the provisions of California Law, such as [Chapter 7, Title 9, of the California Government Code](#), relative to conflicts of interest, and to the conflict of interest code adopted by resolution of the Hayward City Council.

If a Council Member, after receiving the agenda packet, believes or is aware that he/she has a potential conflict, he/she should confer with the City Attorney prior to the meeting.

Any Council Member who has a conflict of interest shall absent him/herself from the Council Chamber during the debate and voting on the issue. The Council is prohibited by law to enter into contracts with its members. ([Government Code 1090 et seq](#))

LIMITATION OF DEBATE AND COUNCIL MEMBER DELIBERATIONS

No Council Member should speak more than once on any one subject until every other member choosing to speak thereon has spoken. Council Members are encouraged to keep their comments concise and succinct; and to limit their general comments on any item to five minutes once any specific questions on the item have been asked and answered. (Also, see Section VII under "Time Limitations")

DISSENT AND PROTESTS

Any member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by language such as “I would like the minutes to show that I am opposed to this action for the following reasons...”

PROCEDURES IN ABSENCE OF RULES

Except as modified by the provisions of this handbook, the proceedings of the City Council shall be governed by Robert’s Rules of Order Newly Revised.

RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Mayor Pro Tempore or temporary Presiding Officer shall decide all questions of interpretations of these rules, points of order or other questions of procedure, requiring rulings.

Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Member present and voting.

ADDRESSING THE COUNCIL

MANNER OF ADDRESSING THE COUNCIL

Any public member may arise and address the Council on any business especially concerning him/her, or affecting his/her interests; however, preference will be given to those who have first presented matters in the form of a written communication, or who have notified the Presiding Officer of their desire to speak. ([Sec. 2-1.04, Municipal Code](#); [Sec. 609, City Charter](#))

Any member of the public desiring to address the Council shall complete a "speaker card" and hand it to the City Clerk. The City Clerk will advise the Mayor. The Mayor will announce the names from the speaker cards. Once the public member's name is called, the public member should proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she shall speak directly into the microphone and for the record, shall state his/her name and address and business address in Hayward if applicable.

Comments from the public which are not the subject of an agenda item shall be heard at the beginning of the posted agenda under the heading "Public Comments." Otherwise the public may speak when their agenda item is being considered.

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the "Public Comments" section of the agenda will be referred to staff for a decision about placing it on a future agenda for discussion, action, or report.

TIME LIMITATION

Individual Speakers

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak.

[Government Code Section 54954.3](#) states that if the City Council limits time for public comment, the City Council shall provide at least twice the allotted time to a member of the public who utilizes an interpreter to ensure that non-English speakers receive the same opportunity to directly address the Council. This shall not apply if the City Council utilizes simultaneous translation equipment.

Applicants and/or Appellants

Any applicant and/or appellant desiring to address the City Council shall limit their address to ten (10) minutes. This time limit will not be applied to speakers to whom constitutional due process applies. The City Attorney shall advise the City Council on this regard.

ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no person shall address the Council except to answer an inquiry of Council Members addressed through the Chair.

LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

The making of oral communications to the Council by any member of the public shall be subject to the following limitations:

- (1) No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a city commission, board, or other agency before which the speaker should make his/her presentation, until that latter body has completed its deliberations and taken its final action.
- (2) In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. (See Section VII for “Time Limitations for Individual Speakers”).

If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue and request that they not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

No statement shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be referred without comment to the City Manager for appropriate action, and may also be submitted to members of the Council for information by written communication only.

WRITTEN CORRESPONDENCE

The City Clerk is authorized to receive and open all mail addressed to the Council as a whole and refer to the City Manager, for immediate attention, those communications related to administrative business, not necessarily requiring Council action, so that they may be disposed of between Council Meetings. A copy of such communication and response shall be sent to each Council Member marked "For Purposes of Information." Copies of all other communications sent to Council as a whole will be transmitted to them.

Any communication relating to a matter pending, or to be brought, before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions

of the Municipal Code or other ordinances. Communications specifically addressed to individual council members will be transmitted to them unopened.

Any non-confidential writings or documents related to an agenda item submitted to a majority of the Council less than 72 hours prior to a public meeting will be made available for public inspection in the Office of the City Clerk. Any documents related to an item on the agenda provided by City staff to the Mayor and City Council at the meeting must be available to the public at that meeting. ([SB 343, Brown Act amendment, July 1, 2008](#))

PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the platform area in front of the Council dais without the invitation or consent of the Presiding Officer.

MOTIONS

PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Mayor before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

While the current Granicus - VoteCast system allows elected officials a more effective way to participate using touch-screen displays and makes every part of the meeting process automated, there are limitations with the motion and second buttons. The Presiding Officer of the meeting is not able to see who offered a motion or a second. Until the limitation is resolved, members of the City Council wishing to make a motion and offer a second should use the “request to speak” button via their iPads to be acknowledged by the Presiding Officer. This process will be in place until the Presiding Officer can see in his/her iPad who made the motion and the second.

BUSINESS ITEMS OUT OF ORDER

The Mayor may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION

If the question contains two or more divisible propositions, the Mayor may, upon request of a member, (unless appealed) divide same.

MOTION TO FIX HOUR OF ADJOURNMENT

Any regular meeting can be adjourned to a stated date, time, and place.

MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table is not debatable and shall preclude all amendments or debate of the subject under consideration.

MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

MOTION TO AMEND

A friendly amendment shall be in order if it is consented to by both the maker of the motion and the second. A motion to amend shall be debatable only as to amendment. A motion to amend an

amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Substitute motions are not allowed. Amendments shall be voted upon first. The main motion shall then be voted on either as amended or as originally stated, if the amendment failed to pass.

CONTINUANCE OF MATTERS

- (1) The City Council ordinarily will grant one continuance of a matter in the event it creates an inconvenience or hardship to a member of the public. Request for such a continuance should, if at all possible, be made at least five (5) days before the scheduled agenda date, and the continuance shall be to a date mutually agreeable to all parties.
- (2) When five (5) or fewer members of the Council are present at the scheduled meeting, a request for a continuance may be made once in order that the matter may be scheduled for a time when more than five (5) members are expected to be present.

Requests for continuance when there are five (5) or fewer members present shall be granted unless State law or local regulations require that action be taken at that time.

- (3) If a matter is continued, the Mayor will ask if those present who wish to speak to the matter can return at a later date. Those individuals who cannot, will be given the opportunity to speak on the matter and said comments shall be made part of the record to be considered at the continued date. Such persons shall not repeat statements so made at the continued date; however, further comment shall be allowed where new material is presented.

COUNCIL MEMBER OBLIGATION WHEN ABSENT

When a member of Council is absent from an earlier meeting at which a matter is discussed, it shall be the duty of such member to become acquainted with the issues discussed by reading the minutes, the documents presented, and, if possible, the electronic recording of such discussion.

VOTING PROCEDURE

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. Abstentions shall also be recorded. [\(Sec. 613, City Charter\)](#)

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. [\(Sec. 614, City Charter\)](#)

RECONSIDERATION

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, and held not less than one week after the meeting at which such motion is made. [\(Sec. 618, City Charter\)](#)

TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes another action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by Council. Official actions are those quasi judicial actions such as made by Planning Commission wherein fewer than four votes sustain their action.

RESOLUTIONS

DEFINITIONS

As a rule, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document. In this City, however, two methods of action are in general use to accomplish such non-ordinance actions: "resolution" and "motion" (the latter recorded by minute entry). The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence, and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

The "motion" (assuming it was one which passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it. In this City, procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

METHOD OF ACTION

Legislative action shall be taken by the Council only by means of an ordinance or resolution. ([Sec. 612, City Charter](#))

An ordinance or resolution may be adopted by a motion, duly seconded, and passed by four (4) votes of the City Council.

AYES AND NOES

The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the Minutes of the meeting. The ayes and noes shall be taken and recorded on all motions. ([Sec. 613, City Charter](#))

MAJORITY VOTE OF COUNCIL

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council. ([Sec. 614, City Charter](#))

SUBJECT OF TITLE

Every ordinance or resolution shall be preceded by a brief title which shall indicate the subject and purport thereof. ([Sec. 615, City Charter](#))

RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed earlier and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

ORDINANCES

REQUIREMENTS OF ORDINANCES

Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance the title need only be read, unless reading of the ordinance in full is requested by any member of Council.

EMERGENCY ORDINANCES

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting if passed by at least five affirmative votes.

PUBLICATION REQUIREMENTS

Before final adoption of an ordinance, a notice indicating its title, a subject matter index, the date of its introduction, and the date, time, and place it will be considered for final adoption, and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published once in a newspaper of general circulation within the City at least three days before the final adoption meeting date.

A similar notice indicating the adoption of an emergency ordinance and the vote thereon shall be published once within one week after its adoption. ([Sec. 617, City Charter](#))

The enacting clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Hayward does ordain as follows." ([Sec. 616, City Charter](#))

When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made. ([Sec. 618, City Charter](#))

All ordinances shall be signed by the Mayor and attested by the City Clerk. ([Sec. 619, City Charter](#))

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An improvement proceeding ordinance adopted under State law or a procedural ordinance.
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.
- (d) An emergency ordinance adopted in the manner provided for in the Charter.
- (e) An ordinance annexing areas to the City.
- (f) An ordinance relating to the zoning or rezoning of the City or portions thereof. [\(Sec. 620, City Charter\)](#)

A true and correct copy of all ordinances shall be kept and certified by the City Clerk, such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way. [\(Sec. 621, City Charter\)](#)

Any or all ordinances of the city which have been enacted in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally. [\(Sec. 622, City Charter\)](#)

ORDINANCE VIOLATION - PENALTY

A violation of any ordinance of the City shall constitute a misdemeanor unless by the terms of such ordinance its violation shall constitute an infraction. A violation of any ordinance of the City may be prosecuted in the name of the People of the State of California or may be redressed by civil action. [\(Sec. 623, City Charter\)](#)

COUNCIL COMMITTEES

The Council may organize among its members such standing committees as it may determine, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by Council and making recommendations thereon to the Council as a whole. ([Sec. 600a, City Charter](#))

Each Council Member shall be assigned by the Mayor to various standing committees. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members.

From time to time Ad Hoc committees may be organized by the Mayor to address special concerns which may be of short duration. Additionally, each Council Member shall be assigned by the Mayor as Liaison to various boards, committees and commissions, and other public agencies or quasi-public agencies.

It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to these various committees. Normally appointments are for a two-year period, but may be renewed at the Mayor's discretion where Council Members have particular experience or expertise with respect to the business of a particular committee.

STANDING COMMITTEES

The list of standing and Ad Hoc committees and liaison assignments shall be revised from time to time as necessary.

COUNCIL COMMITTEE MEETINGS

- (1) All Council Committees must comply with the Brown Act.
- (2) A Council Member other than Council Committee Members may attend a regular committee meeting. However, he/she shall not participate in the decision-making process of the Committee.
- (3) It is the policy not to hold joint Council-Committee meetings. An item that might be considered for such meeting should be scheduled for a work session of the whole Council.

On March 13, 2015, the City Attorney provided a memorandum to clarify the application of the Brown Act to the Council's standing and ad hoc committees. A copy of the memorandum is available at the following link:

http://www.hayward-ca.gov/blogdocs/cityclerk/2015/SKMBT_C65215032308330.pdf

COUNCIL LIAISON

The Mayor shall designate a member of Council to be a liaison to each city board and commission. The method and length of appointment shall be as provided above in the section on Council Committees.

RESPONSIBILITY OF COUNCIL LIAISON

It shall be the responsibility of a Council liaison to attend as many board or commission meetings as possible in order to be currently aware of issues being dealt with, to listen and observe, and to bring back to the Council any needs, requests, or information from a board or commission. A Council Liaison shall not take part in the deliberations of the commission.

LIAISON AND COMMISSION MEMBER DECORUM

Council liaison and members of boards and commissions have a mutual obligation to accord the utmost courtesy to one another and shall refrain from rude and derogatory remarks, abusive comments, or other chastising, particularly in public.

If a Council liaison has a specific concern about the behavior and/or statements of an individual board or commission member, he/she should bring it first to the attention of the board or commission Chairperson in private. If no resolution is affected, then the matter should be brought to the attention of the Mayor for his/her action.

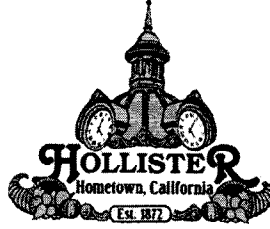
Conversely, board and commission members should discuss a concern about a Council liaison with their respective Chairperson and not go directly to the Mayor or to other Council Members.

Decorum among board and commission members shall be the same as applicable to the Council.

BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES

(Council's Appointed Officials Handbook)

<http://www.hayward-ca.gov/your-government/boards-commissions>



City of Hollister

City Council

Code of Ethics and Values

STANDARDS

The residents of the City of Hollister are entitled to responsible, fair, and honest City Government that operates in an atmosphere of respect and civility consistent with the City Council's Mission Statement. Accordingly, the Hollister City Council has adopted this code to: 1) describe the standards of behavior to which its leaders aspire; 2) provide an ongoing source of guidance to City officials in their day-to-day service to the City; and 3) promote and maintain a culture of ethics.

This code applies to the City Council and its appointed boards and commissions. The code will be reviewed and evaluated annually.

RESPONSIBILITY

- I understand that the community expects me, as a leader, to serve with dignity, integrity, and respect for my office, as well as be an agent of the democratic process.
- I avoid actions that might cause the public to question my independent judgement.
- I do not use my office or the resources of the City for personal or political gain.
- I am a prudent steward of public resources and actively consider the impact of my decisions, the financial and social stability of the City and its residents.

FAIRNESS

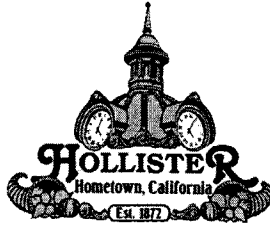
- I promote consistency, equity and non-discrimination in public agency decision-making.
- I make decisions based on the merits of an issue, including research and facts.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.

RESPECT

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.

HONESTY

- I am honest with my fellow elected officials, the public and others.
- I am prepared to make decisions when necessary for the public's best interest, whether those decisions are popular or not.
- I take responsibility for my actions, even when it is uncomfortable to do so.



City of Hollister

City Council Norms

1. Stay true to the City's mission.
2. Maintain a high level of integrity and follow through with all commitments.
3. Work only as a Council; with no rogue, tangential, or hidden agendas.
4. Always strive for consensus, but remember that unanimity is not required.
5. Once the Council has made a decision, support it.
6. Understand that the Council's role is to set policy and ensure that staff understands this, while facilitating staff's ability to implement policy.
7. Abide by the separation of responsibilities between the Council and the City Manager and staff.
8. Clearly understand the expectations and the responsibility of the Mayor and Mayor Pro Tem.
9. Correctly identify the issues.
10. Realistically select the issues that are important and worthy of the Council's energies and efforts in the long run.
11. Make sure all policy decisions are well thought out legally, that all options have been explored, and that advantages/disadvantages for the community have been explored and weighed.

12. Accept the responsibility to bring to the Council any issues related to the City's mission.
13. Communicate all facts accurately and fully.
14. Encourage open discussion by all Council members on all subjects.
15. Ensure that everyone has a chance to give and explain his or her point of view.
16. Truly listen to each other and try to understand other, especially opposing points of view.
17. Council members shall strive to promptly attend Council and Committee meetings and come to meetings prepared, having reviewed the materials provided by staff, who will make every effort to provide the agendas and materials accurately and timely.
18. Ask the City Manager or designee, as needed, for background or additional information for Council meetings.
19. Never hesitate to ask a question at a Council meeting or request additional information.
20. Understand that agenda items may be requested by any Council member; however, any item's inclusion is subject to a vote by the entire Council.



City of Hollister

City Council Protocols

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Introduction

The City of Hollister has prepared its own City Council Protocols to document accepted practices and clarifying expectations. Through agreement of the City Council to be bound by these practices, administration of City Council affairs is greatly enhanced, and made more efficient. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide City Council Members in their actions.

1.0 Roles of City Council and Staff

1.1 Mayor Proclamations

Ceremonial proclamations are not statements of policy but a manner in which the City can recognize an event (e.g. Recycling Week) or an individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations at his/her discretion. Individual Council members do not issue proclamations. City Council members or staff desiring that a proclamation be prepared should contact the Mayor or the City Manager's staff. In order to provide sufficient lead time to create a proclamation the staff of the City Manager's office shall be given one week's notice prior to the time when the proclamation is requested. In emergency situations when it is not possible to provide one week's notice, the request for a proclamation shall be given directly to the City Manager.

1.2 Certificates

At the discretion of a City Council member, certificates shall be issued to individuals whose meritorious achievements and/or service warrants recognition. In order to provide sufficient lead time to create such certificates, the staff of the City Manager's office shall normally be given one week's notice prior to the time when the certificate is desired. In emergency situations when it is not possible to provide one week's notice, the request for the certificate shall be given directly to the City Manager.

1.3 City Council Majority Sets Policy

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tempore have some additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff

to pursue the policy direction established by a majority of the City Council does not reflect any bias against City Council members who held a minority opinion on an issue.

1.4 Requests for Information and Staff Assistance by City Council Members

It is the intent of staff to respond to requests by City Council Members for information and for action in a timely and complete manner while complying with the letter and spirit of the City on these matters. For staff to carry out this responsibility, however, City Council members must avoid intrusion into those areas, which are the responsibility of staff. Individual City Council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities. This is necessary to protect staff from undue influence and pressure from individual City Council Members, and to allow staff to execute priorities given by management and the City Council as a whole. The full City Council retains the power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, workload and schedules, departmental priorities and the performance of City business.

1.5 Requests by City Council Members and Staff Workload.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual City Council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

1.6 Requests for Information.

It is the intent of staff to ensure that City Council Members have free access to information from the City and to ensure that such information is communicated completely to those making the request. Requests for information may be made either to the City Manager or directly to any Department Head.

1.7 Access to Information.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, administrative draft Environmental Impact Reports, etc.) that are under review are not available for release until completed and after review by City management. In addition, there are legal restrictions on the City's ability to release personnel information, even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the City Council. Confidential personnel information also has restrictions on its ability to be released.

1.8 Requests by City Council Members for Staff Assistance.

Requests by City Council Members for staff assistance (e.g. code enforcement, pot holes, research, etc.) should be made directly to the City Manager.

1.9 City Manager Code of Ethics

The City Manager is subject to a professional Code of Ethics from the International City Management Association (ICMA). It should be noted that this Code binds the City Manager to certain practices which are designed to ensure actions are in support of the City's best interests. Tenet 7 of the ICMA Code of Ethics states that a City Manager shall refrain from all political activities which undermine public confidence in professional administrators. It further states that a City Manager shall refrain from participation in the election of the members of the employing legislative body. Violations of such standards can result in censure by the professional association.

1.10 Restriction on Political Involvement by Staff

Local governments are non-partisan entities. Reflected within the Council-Manager form of government is a principal of professional staff which formulates recommendations in compliance with City Council policy and for the good of the community and is not influenced by political factors.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement.

Staff members have no restrictions while off the job except that no staff member may participate in campaign or other activities while in a City uniform. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. For example, posing for a promotional photograph for a candidate for local office while in uniform is illegal and inappropriate. The support of the City Council in these matters is requested.

A City Council member asking staff to sign petitions or similar support can create an awkward situation. While there are laws which preserve the rights of staff to be involved in the political process, City Council Members, as well as staff, should be aware of the awkwardness of work relations that might occur in later City Council-Staff work relations.

2.0 City Council Operational Matters Contents of City Council Agenda

2.1 Placing of Items on the Agenda

- A. City Council: A City Council member may request orally or in writing, at the time set forth, or any other time that a particular item be placed on a particular future agenda. Staff will assist in the preparation of a staff report if necessary.
- B. Members of the Public: A member of the public may request an item be placed on a future agenda during public comment or through other communication with City Council members. Such request may be granted by the Mayor or City Manager.
- C. Request Denials. If a request is denied, a Council Member may later present the item to the Council at a Council meeting.
- D. Emergency and Non-Agendized items: Emergency and non-agendized items may be added to an agenda only upon a determination by a majority vote of the legislative body (GC 54954.1) that an emergency as defined in GC 54956.5 exists. Emergencies are only those matters related to work stoppages, crippling activity, activity that severely impairs public health, safety, crippling disasters, mass destruction, terrorist acts, or threatened terrorist activity that poses immediate and significant peril.

2.2 Closed Session Confidentiality

Subdivision (a) of Government Code Section 54963 provides that it is against the law for a person to disclose confidential information that has been acquired by being present in most closed sessions authorized under the Brown Act, unless the legislative body authorizes disclosure of the confidential information. In addition, City Council Members recognize that they have a fiduciary duty to the City of Hollister and its residents. The disclosure of confidential closed session information violates the fiduciary duty when information is released that potentially places the City at a disadvantage in matters such as business, insurance and labor relations issues.

City Council Members recognize that the chief function of local government at all times is to serve the best interests of all the people. Maintaining confidentiality of closed session information aids in ensuring that all the people are served, placing the City in the best possible strategic position in respect to business and contract matters.

It is the intent of this section that City Council Members comply with closed session confidentiality rules not only for legal and fiduciary reasons, but also to be a model of honor and integrity. City Council Members are dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of elected officials, other officials and staff, and of the public. This honor and integrity comes in part from complying with these rules of confidentiality as related to closed session information.

2.3 Written Correspondence from City Council Members

City Council Correspondence, Copies of all City Council members, correspondence bearing City letterhead shall be placed by the City Clerk on a clipboard placed in the City Clerk's Office. City Council members should remember that any correspondence sent out using City resources such as official City letterhead, typing, staff support, and/or postage become part of the official record and therefore may be accessed by any member of the public by a request of the City Clerk's Office.

Further, City Council members should carefully distinguish within the body of the letter the member's personal views on a matter from views that are held by the City Council as a governing body.

2.4 City Council Ethics Training

All City Council Members shall receive two hours of training in the general ethics principles and ethic laws relevant to public service within one year of election or appointment to the City Council and at least once every two years thereafter, pursuant to Government Code Section 53234 through 53235.2.

This policy shall also apply to all staff members that the City Council Members designate and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

All ethics training shall be provided by entities whose curriculum has been approved by the California Attorney General and the Fair Political Practices Commission. Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online. City Council Members shall obtain proof of participation after completing the ethics training. City staff shall maintain records indicating both the dates that City Council Members completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after City Council Members receive the training, and are public records subject to disclosure under the California Public Records Act.

City staff shall provide City Council with information on available training that meets the requirements of this policy at least once every year.

Ethics training taken by a City Council Member will also satisfy their requirements for the same time period of any other board of another agency that the member serves on.

2.5 City Council Member Participation in Committees, Task Forces and Forums

The City Council receives numerous requests for participation on outside committees, task forces and forums. The City Council at its own discretion may decide to limit its participation in such activities. The City Council shall decide in January of each year which committees, task forces and forums in which the City shall participate. The Mayor shall appoint City Council members to serve on all such committees, task forces and forums.

2.6 Strategic Plan Process

Each year the City Manager's Office shall facilitate a strategic planning process, retreat, involving the City Council. This process shall provide the City Council with the opportunity to provide policy direction to the City staff regarding the direction of the City and the programs to which the City will devote its resources. Staff will then develop a priority list based upon the desires of the City Council. This Action Plan shall serve as a guide by which staff will provide funding and staff assistance.

3.0 Use of City Resources and Staff

3.1 Business Equipment and Supplies

The City has in the past followed a practice of providing a modest amount of equipment and supplies for City Council members for the exclusive purpose of conducting the business of the City. Requests for such equipment and supplies shall be made to the City Manager. If the item is not approved, the request for the item may be placed on the City Council agenda for discussion.

All equipment shall be returned to the City at the end of the City Council member's term of office.

3.2 Training, Conference and Meeting Reimbursement

Statement - The City Council supports attendance at training workshops, conferences and meetings which enhance the knowledge and skill level of City Council Members in their official duties. The City Council further supports attendance at events for the purpose of representing the City and/or accruing a benefit to the City. In addition, at times, City Council Members are called upon to represent the City at a meeting of a Federal, State, local or other governmental body. It is the policy of the City Council to provide reasonable training workshops, conference and meeting reimbursement which is convenient to City Council Members and which conforms to prudent administrative and fiscal practices. In all cases, the most fiscally prudent option will be selected when approving expense reimbursement. Factors to be considered include travel time, expense of trip by vehicle versus air, and availability of lodging. At the

conclusion of the event, a brief report on the conference or seminar attended at the expense of the City must be presented to the City Council at the next regularly scheduled Council Meeting. At the conclusion of the event, a brief report on the conference or seminar attended at the expense of the City must be presented to the City Council at the next regularly scheduled Council Meeting.

This procedure sets forth the guidelines for authorization for attendance at events and for reimbursement of meals, lodging, and travel allowance.

Guidelines for Authorization - Generally, the following events will be authorized:

1. League of California Cities meetings and those of its committees or departments;
2. Committees or assignments to which the City Council by motion or resolution has appointed a City Council Member;
3. Educational conferences or seminars which will assist the City Council Member in carrying out his/her duties as a member of the City Council; including, but not limited to ethics training required by Government Code Section 53234;
4. Local civic meetings or seminars which accrue to the benefit of the City (i.e. chamber of commerce meeting);
5. Attendance at meetings when requested by the Mayor or City Manager to officially represent the City before a Federal, State, local or other governmental body;
6. All other travel, conference and meeting reimbursements that are not listed above must be approved by the City Council, in a public meeting, before the expense is incurred.

The following events and costs are not authorized and expenses related to these events are not eligible for reimbursement:

1. Political events, including but not limited to political fund raising events and partisan political events or meetings;
2. Meals or other expenses related to private meetings or other private events;
3. Neighborhood or constituent meetings;
4. Recreational events;
5. Charitable donations;
6. Personal expenses incurred as part of an event, such as family expenses (spouse, children, pet), entertainment expenses (theater, movies, sporting), non-mileage automobile expenses (repairs, traffic citations, insurance) and personal portion of a trip or event;

7. Any other event which is not a reimbursable expense under the City's Administrative Rules and Regulations.

3.3 Procedure

- A. The City's issued Cal Card shall be used when making all travel arrangements for approved events.
- B. Resolution of Disagreements. Where there is a disagreement between the Mayor and/or the City Manager and the requesting City Council Member regarding a request for expenses or regarding a request for authorization to attend an event, the request may be forwarded to the City Council for consideration.
- C. Pre-Authorization Not Required. Pre-authorization for training, conference and meeting events which meet the above Guidelines for Authorizations section is not required if all expenses related to the event will total \$1,000 or less.
- D. Pre-Authorization Required. There are two required levels of pre-authorization for training workshops, conference and meeting events if expenses related to the event will total over \$1,000.
- E. Mayor Pre-Authorization. For events with a total expected cost of \$1,000 to \$2,500, the Mayor or Mayor Pro Tempore shall review and determine if the training, conference or meeting attendance is authorized under the Guidelines for Authorization section listed above.
- F. City Council Pre-Authorization. City Council pre-authorization is required for all training, conference and meeting events that require reimbursement of expenses that have a total expected reimbursement expense of more than \$2,500 per event. The only exception to the requirement for City Council pre- authorization is the Annual League of California Cities Conference.
- G. Cancellations. If a City Council Member signs up for a conference or other event, thereby causing the City to expend and commit funds, that member is obligated to attend such event. Should the City Council Member fail to attend the event, that City Council Member shall reimburse the City for all non-refundable costs from their own personal resources. This provision shall also apply to City-purchased tables for civic events at community and business dinners. Exceptions to this reimbursement rule shall be granted by the Mayor for medical emergencies and other serious family emergencies.

3.4 Allocation Limit

Each City Council Member is allocated \$2,500 per fiscal year for training, conference and meeting expenses which meet guidelines of this policy. This allocation amount is for each individual City Council Member and amounts may be transferred to another City Council Member and/or Commission Member (for Commission Members the transferred allocation shall be applied only to training workshops). Allocation amounts may not be used for expenses outside of these guidelines including but not limited to office supplies, equipment or supplies for neighborhood meetings. Balances remaining from the \$2,500 allocation at the end of the fiscal year will not carry-over to the next fiscal year.

An exception to the \$2,500 allocation limit is for expenses related to the attendance at a meeting to officially represent the City of Hollister before a Federal, State, local or other governmental body at the request of the Mayor or City Manager. In this case expenses will not be charged against the City Council Member's \$2,500 allocation limit.

City purchased tables for civic events such as the San Benito County Chamber of Commerce Annual Awards Dinner; Excellence in Business Luncheons; Annual Ag History Dinner, and other such City-sponsored events shall be provided to City Council Members and will not be charged against the City Council Member's \$2,500 allocation limit.

3.5 Use of Car for Meetings

The City of Hollister has a government contract with Enterprise Rent-A-Car. These services should be utilized whenever possible. However, mileage reimbursement shall be provided for City Council members driving a personal vehicle to conduct official City business outside of City limits. The use of a personal vehicle for any official City business within City limits will not be eligible for mileage reimbursement.

Mileage will be reimbursed at the current IRS Rate and is paid out of the council members individual travel expense funds. It is the responsibility of the City Council member utilizing his/her privately owned vehicle to maintain accurate records of the purpose and extent of his/her travel, and to make substantiated claims for reimbursement per the City's reimbursement policy. The vehicle and/or mileage allowance is intended to cover the Council member's cost of operating the vehicle on City business, including the cost of insurance. Further, all operating expenses of the privately owned vehicles are to be borne by the City Council member. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.

In order to receive reimbursement for mileage traveled outside of City limits, it is the responsibility of the Council Member to submit a mileage reimbursement within 60 days of the date of travel. Every reimbursable mileage entry must

contain the date, beginning and ending odometer reading and the purpose of the travel.

City Council members using their personal vehicles for City business should have a current and valid California Driver's License and personal auto insurance. Council members are also advised to review their insurance policy for coverage of such use. All Federal, State and local laws are to be observed including but not limited to, the State requirement starting July 1, 2008 that makes it an infraction to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving.

The City is not liable for any damage to a privately owned vehicle. It is the responsibility of the City Council Member operating the vehicle to notify the Department of Motor Vehicles, and their insurance company in the case of any accident. If a Council Member is responsible for an accident while driving a personally owned vehicle, his/her own automobile insurance premiums may be increased.

In addition, consistent with the Administrative Rules, City Council members shall consider all forms of travel to determine the most cost efficient and effective mode of travel. When the form of travel is by City vehicle, City Council members must be in direct contact with the City Manager for approval and will be asked to fill out a Vehicle Release Form. City vehicles may only be used official City business and may not be kept overnight or on weekends without prior approval from the City Manager. If travel is in connection with Guidelines for Authorization above or other approved event, Council Members shall use government or group rates offered by the provider of transportation when available.

3.6 Staff Support

The City Manager's Office will coordinate the typing of correspondence requested by individual City Council members. Generally, a one week advance notice shall be provided prior to the need for such staff support. In the event the request for staff support involves significant staff time and effort, the City Manager will determine whether providing such staff support is appropriate given existing workloads.

3.7 Tickets to City Sponsored Events

One ticket for each City Council Member will be made available for events sponsored by the City. Departments hosting City events will coordinate the distribution of tickets to City Council members with the City Manager's Office. The availability of tickets for events hosted by other organizations which the City sponsors will be at the discretion of the organizing agency.

3.8 Access to Meeting Rooms

City Council members may have access to City meeting rooms by contacting staff in the City Manager's Office. Such access must be for the purpose of conducting the business of the City. Use of meeting rooms shall not be for the purpose of conducting campaigns or other political activity. City Council members should contact staff for meeting room reservations as soon as practicable as such meeting rooms are often pre-reserved by members of the community. Requests to use accommodations other than City facilities must be approved by the City Manager.

3.9 District Meetings

Each City Council Member may hold one district meeting per year which requires City resources and staff support. Such district meeting shall be organized only after consultation with the City Manager.

City Council Members may not call District meetings that require City resources or staff support without City Manager approval. The City Manager and City staff may make recommendations on agenda items that may be of interest to residents at these district meetings. Staff support at these district meetings shall be limited to staff presentations and normal preparation time prior to the meeting. City resources shall be limited to use of existing City-owned facilities and normal handout literature. Nothing in this protocol shall prevent a City Council Member from holding district meetings which do not involve City resources or staff support. City-owned facilities may be used to hold the meeting upon prior request and based on availability. It would be beneficial if the City Council Member holding such meeting provided prior written notice of the meeting to the City Manager and City Council members as a courtesy so that they may be apprised of events which have City-wide interest.

3.10 Special District Meetings

Special district meetings with City staff support may be held when approved by the City Manager for specific purposes directly related to the City's mission which requires the attention of district residents.

3.11 City-Wide Meetings

City Council members may not call city-wide meetings which require City resources or staff support. City-wide meetings may only be called by the full City Council. Nothing in this protocol shall prevent a City Council Member from holding city-wide meetings which do not involve City resources or staff support. City-owned facilities may be used to hold the meeting upon prior request and based on availability.

3.12 Commission Appointments and Attendance

It is the policy of the City Council not to appoint close relatives of City Council Members to boards and commissions. Close relatives shall be defined as being within the second degree of consanguinity (i.e. parent, brother, sister, children, grandchildren, grandparents, spouses and/or domestic partners).

3.13 Other Expenses

Any and all expenses that do not adhere to this City Council's Protocols are required to be approved by the City Council in a public meeting prior to the expenses being incurred. Expenses that do not adhere to the City Council's Protocols, and that do not receive prior approval for the City Council in a public meeting prior to the expense being incurred, shall not be eligible for reimbursement.

RESOLUTION NO. 2017-332

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING CITY COUNCIL CODE OF ETHICS, CITY COUNCIL PROTOCOLS AND CITY COUNCIL NORMS

WHEREAS, the City of Hollister City Council expressed an interest in adopting a code of ethics;
and

WHEREAS, staff prepared a series of documents that set procedure and recommend behavior;
and

WHEREAS, the City of Hollister City Council reviewed the Documents at a Study Session in August 2017; and

WHEREAS, the City Council desires to complete this goal prior to 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLISTER THAT, the City Council of the City of Hollister hereby approves the following documents:

1. City Council Code of Ethics.
2. City Council Protocols.
3. City Council Norms.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting duly held on this 18th Day of December, 2017, by the following vote:

AYES: Council Members Gillio, Klauer, Friend, Luna, and Mayor Velazquez.

NOES: None.

ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

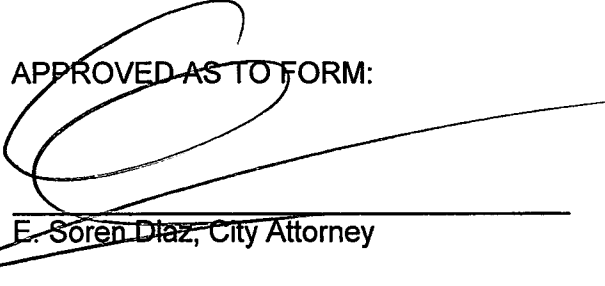
ATTEST:



Christine Black, CMC, Interim City Clerk

DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER

APPROVED AS TO FORM:



E. Soren Diaz, City Attorney



STAFF REPORT CITY COUNCIL AGENDA

DATE: December 18, 2017
STUDY SESSION DATE:

AGENDA ITEM: Resolution F5, #24
MEETING DATE: December 18, 2017

TITLE OF ITEM: RESOLUTION NO. 2017- 332 , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING CITY COUNCIL CODE OF ETHICS, CITY COUNCIL PROTOCOLS AND CITY COUNCIL NORMS.

BRIEF DESCRIPTION: The City Council will consider adopting Code of Ethics, Council Norms, and Protocols. Staff has prepared drafts versions of the documents for the Council to review and comment.

STAFF RECOMMENDATION: Adopt Resolution 2017- 332.

DEPARTMENT SUMMARY:

Staff prepared draft versions of documents related to the City Council members and the way in which they conduct business. There are sections of the City's Municipal Code which may need to be amended if the Council is in support of these general practices. The three documents that the Council will be considering are the City Councils Code of Ethics and Values, City Councils Protocols, and City Council Norms. Staff is recommending the City Council adopt the attached documents.

ATTACHMENTS: Code of Ethics, Hollister City Council Protocols, Council Norms

FINANCIAL IMPACT: \$ 0

CEQA: N/A

DEPARTMENT: City Manager's Office

CONTACT PERSON: William B. Avera

PHONE NUMBER: (831) 636-4300

THIS REPORT WAS REVIEWED BY THE CITY MANAGER AND CONCURS WITH THE STAFF RECOMMENDATION:


William B. Avera, City Manager

**CITY OF HOLLISTER
CITY COUNCIL
POLICIES, RULES AND PROCEDURES**

1. MEETINGS

1.1 REGULAR MEETINGS

1.1.1 *Time and Place.* Regular meetings of the City Council shall be held on the first and third Mondays of each month at 6:30 p.m. in the City Council Chambers of City Hall or such other time and place as shall be specified by resolution of the City Council.

1.1.2 *Agenda.*

1.1.2.1 *Order of Business.* The order of business of each regular meeting of the City Council shall be as set forth in Municipal Code section 2.04.090.

1.1.2.2 *Agenda Items.* The City Manager determines which items are placed on the agenda and the timing for scheduling such items. Any member of the City Council, the City Attorney, or the City Clerk may request to have an item placed on an agenda.

1.1.2.3 *Changes in Agenda.* Except with the consent of the majority of the City Council, items shall not be taken out of the prescribed order. No matters other than those listed on the agenda shall be acted upon by the City Council except as permitted under applicable state law.

1.1.2.4 *Delivery and Posting of Agenda .* Barring insurmountable difficulties, the agenda for each regular meeting of the City Council, and reports and other documentation related thereto, shall be delivered to the Council members and made available to the public no later than seventy-two hours preceding the meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the meeting on the bulletin board outside City Hall and at such other places within the City as the City Council has designated for posting notices of City Council meetings.

1.2 **ADJOURNED MEETINGS.** Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.3 STUDY SESSIONS.

1.3.1 *Notice and Agenda.* A study session is a meeting of the City Council, provided a quorum is present. Regular study sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council. Special study sessions may be called in accordance with the procedures for special meetings of the City Council and shall be noticed, agendized and conducted in accordance with state law governing special meetings of the City Council.

1.3.2 Lack of Quorum. In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the council members present, but shall not be considered a meeting of the City Council and no minutes shall be kept and no direction shall be given to staff by majority consent except to place an item on a future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to City Council meetings shall be observed.

1.3.3 Limited Actions. Notwithstanding that a study session is a meeting of the City Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the City Council shall be taken, unless specifically noted on the agenda. The Council members may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal City Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall take place at a regular Council meeting. However, Council members shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

1.3.4 Time and Place. Regular study sessions of the City Council shall be held prior to regular meetings on the first and third Monday of each month at 6:00 p.m. in the City Council Chambers of City Hall or such other time and place as specified by resolution of the City Council.

1.3.5 Special Study Sessions. Study sessions may be held at a time or place determined by the City Council if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to Section 1.4.

1.4 SPECIAL MEETINGS.

1.4.1 Notice. The Mayor or a majority of the members of the Council may call special meetings of the City Council upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

1.4.2 Matters Considered. Only matters contained in the notice of the special meeting may be considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Mayor or of a majority of the members of the Council.

1.4.3 Public Input. Public input is limited to those items listed on the special meeting agenda.

1.5 SPECIAL JOINT MEETINGS.

1.5.1 Calling of Meeting. Special Joint Meetings of the City Council and the governing board of another governmental agency (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings of the City Council.

1.5.2 Rules of Procedure. The rules of procedure governing such joint meetings shall be agreed to by the Mayor and the chairperson of the other governing body or bodies. All rules and agenda formats shall conform to all applicable state and city laws and regulations.

1.5.3 With Other Council Meetings. A Special Joint Meeting may be called and noticed even if a regular Council meeting or study session would have ordinarily been scheduled for the same time and place. However, if agenda items are included for the consideration of the Council separately from the other attending body(ies), the meeting shall be deemed both a special joint meeting and a regular Council meeting or study session as applicable, and the rules of procedure applicable to each type of meeting shall apply respectively to those agenda items to be considered jointly or separately or to each portion of the meeting so designated on the agenda.

1.6 CLOSED SESSIONS. Closed sessions are regulated pursuant to the Brown Act. No member of the Council, employee of the City, or anyone else present shall disclose or mention to any person the content or substance of any discussion which takes place in a closed session, or information contained in confidential materials, unless authorized by a majority of the Council. All written materials and verbal information regarding closed session items or that are provided in connection with closed session matters, such as litigation, shall remain confidential to ensure that the City's position is not compromised. All public statements, information, and press releases relating to closed session items shall be handled by the designated staff spokesperson unless otherwise directed by the majority of the Council.

1.6.1 Regular Closed Sessions. Regular closed sessions shall be scheduled for 6:05 p.m. on the first and third Monday of each month following regular study sessions and prior to regular City Council meetings, unless no closed session items are scheduled for that meeting. Agendas for regular closed sessions shall be posted with and considered part of the agenda for the respective regular City Council meeting or study session to be held the same day.

1.6.2 Special Closed Sessions. Special closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the City Council.

1.6.3 Immediate Closed Sessions. The City Council may, subject to the requirements of state law, recess an open meeting to an immediate closed session when the issues raised in the open session give reason to do so.

1.6.4 Minutes. Pursuant to Section 54957.2 of the California Government Code, the City Clerk may from time to time be required to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

1.6.5 Agendas. Agendas for regular closed sessions shall be noticed, agendized and conducted in compliance with state law.

1.6.6 Announcements of Action Taken. When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. For closed sessions held immediately before any City Council meeting, any announcement shall be made during the subsequent meeting. A place may be listed on the agenda for such

announcements. After closed sessions held after any City Council meeting or not in conjunction with any other meeting of the City Council, the Council members shall reconvene in open session and make such announcements prior to final adjournment of the meeting.

1.7 EMERGENCY MEETINGS. Upon finding by majority vote that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety, the Council may convene an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that the City has complied with all provisions of Section 54956.5 of the California Government Code, and other applicable law.

2. REGULAR MEETING AGENDA/ORDER OF BUSINESS

2.1 Call to Order. The Mayor (generally referred to as “the presiding officer”) shall call the meeting to order as soon as a majority of the City Council is present but no sooner than the time the meeting has been posted to commence. If the Mayor or the Mayor Pro Tem is not present, the City Clerk shall call the meeting to order and shall immediately call for the selection of a temporary presiding officer.

2.2 Pledge of Allegiance. The presiding officer shall designate any individual at the meeting to lead the City Council, staff and the public in reciting the Pledge of Allegiance to the United States flag.

2.3 Roll Call. The City Clerk shall take a verbal roll call of all Council Members present at the meeting immediately after the Mayor calls the meeting to order and the names of those present and absent shall be entered in the minutes. The order of roll call shall be left to right, except that the Mayor shall be called last. If a majority of the City Council is present, the presiding officer shall declare for the record that a quorum is present.

2.4 Verification of Agenda Posting. The City Clerk shall verify that the agenda was posted at the time and in the manner required by law.

2.5 Proclamations and Presentations. Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Request for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline. The City Clerk shall coordinate the scheduling of presentations with the City Manager and/or the Mayor.

2.6 Closed Session Announcements. Following closed session meetings, the City Attorney shall make those public announcements as are required by this Policy or state law.

2.7 Consent Calendar. The Consent Calendar is intended to save time by allowing approval of routine, non-controversial items with a single motion. Minutes of previous meetings and the warrant register are approved by a Consent Resolution. The Consent Calendar is limited to those items upon which there is clear consensus. Council members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Any Council Member, the City Manager, City Clerk or member of the public may ask to have an item pulled from the Consent Calendar for discussion. Any Consent Calendar item pulled for discussion or separate action will be heard immediately following consideration of the

Consent Resolution. Any Council member may abstain from voting on any Consent Calendar item without requesting its removal from the consent agenda, by orally stating his or her intent to abstain as to a particular item. The City Clerk shall record such abstentions in the minutes.

2.8 Petitions, Remonstrances and Communications.

2.8.1 Public Input. The public shall have an opportunity to directly address the City Council on any item of interest to the public that is not on the agenda but is within the subject matter jurisdiction of the City Council. Persons wishing to address the City Council shall complete a Speaker's Card and give it to the City Clerk prior to addressing the City Council. When called by the presiding officer, speakers shall identify themselves at the podium by name and city. Each speaker shall be entitled to speak during the public input period for a total of three minutes, unless further time is granted pursuant to section 5.2.8 herein.

2.8.2 Council Member Responses. The City Council is prohibited from discussing or taking action on any item not appearing on the agenda unless the action is otherwise authorized by law. However, after being recognized by the presiding officer, Council members may "briefly respond" to comments or questions from members of the public, ask a question for clarification, refer to staff for factual information, direct staff to report back at a subsequent meeting or direct staff to place the issue on a future agenda. Any statement or response offered by a Council member during this portion of the agenda shall be deemed to express the individual position or opinion of the Council member offering the same, and shall not be construed to bind the City Council or the City in any manner.

2.8.3 Limitations on Public Comments. The making of oral communications to the City Council by any member of the public during the "public comments" portions of the agenda shall be subject to the following limitations:

2.8.3.1 *Issues to be heard in a different proceeding.* The following limitations shall apply in circumstances where the presiding officer is aware or is informed by the City Manager or other staff member that they apply:

2.8.3.2 *Issues pending before other bodies.* No speaker shall be permitted to address the City Council on a topic which is currently before or about to be submitted for consideration by the Planning Commission at a public hearing before which the speaker should make his presentation, until that latter body has completed its deliberations and taken its final action.

2.8.3.3 *Public hearing.* No speaker shall be permitted to address the City Council on a topic that is scheduled to be heard and determined by the Council in a public hearing at a subsequent time. Any speaker indicating a desire to speak on such a matter shall be informed of the date, time and place of the hearing and directed to make comments during the public testimony portion of the public hearing, or, alternatively, to submit comments in writing and request that they be included in the record of such hearing.

2.8.3.4 *Issues subject to appeal.* Where an appeal to the City Council is or may become available to the speaker, no public comments shall be taken on the subject outside of the appeal hearing. Rather, the presiding officer should direct the person to follow the appeal procedure and present comments and evidence in the appeal hearing.

2.9 Public Hearings. Legislative vs. Quasi-Judicial. The majority of Public Hearings involve adjudicative or quasi-judicial decisions, as opposed to legislative decisions. A legislative act is the formulation of a rule which is to be applied in all future cases. An adjudicative or quasi-judicial act involves the actual application of such a rule to a specific set of existing facts. Generally, quasi-judicial public hearings are those involving a request for an exception to be made to a City ordinance or policy or those involving an appeal of the application or interpretation of a particular ordinance or policy to a specific property, individual, interest or situation. These hearings often involve land use matters. They require procedural due process including notice and opportunity to be heard. A quasi-judicial public hearing requires the City Council to make specific factual findings, based upon the evidence and testimony presented to the City Council.

2.9.1 Order of Proceedings. Generally, public hearings shall be conducted in the following order: Staff review and report; questions of staff by City Council; hearing opened by Mayor; Presentation by proponent, applicant or appellant; questions of proponent, applicant or appellant by Council and/or staff; public testimony; rebuttal by proponent, applicant or appellant if desired; hearing closed; questions by City Council; discussion by Council; action by City Council.

2.9.2 Public Testimony.

2.9.2.1 *Time Limits.* Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public, but in no event to less than 5 minutes per individual. Any person may speak for a longer period of time, pursuant to section 5.2.8 herein, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

2.9.2.2 *Testimony After Closure of Hearing.* Once the hearing has been closed, no additional public testimony will be taken without the decision of the Mayor, or the Mayor Pro Tem in the absence of the Mayor, to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. The decision by the Mayor or Mayor Pro Tem to reopen the hearing may be overruled by a majority vote of the Council members present and voting. After the hearing has been closed, the Council may direct questions to the applicant or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the City Clerk, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

2.9.3 Written Testimony. Testimony submitted in written form may be added to the record of the hearing by decision of the Mayor, or the Mayor Pro Tem in the absence of the Mayor. That decision may be overruled by a majority vote of the Council members present and voting.

2.9.4 Testimony Under Oath. In any hearing before the City Council, notice of which is to be published or posted, if the Mayor, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation, the making of such request shall be set forth in the notice of hearing. Additionally, the notice of

hearing shall state that the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and that any persons having a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of their own choosing and at their own expense. Each person testifying under oath or affirmation in any such proceeding shall, before so testifying, state on the record agreement to testify under oath or affirmation in the matter and has had an opportunity to choose and to consult with an attorney in respect thereto.

2.9.5 Quasi-judicial Hearings. Quasi-judicial hearings shall be conducted in substantially the above-described format and in accordance with the principles of due process. The City Attorney shall advise the City Council in this regard.

2.9.6 Absent Council Member. If a decision is to be rendered at a separate meeting from the meeting during which the public hearing took place, a Council member who is absent during the public hearing shall not participate in the decision unless the Council member has listened to or watched a tape of the public hearing.

2.9.7 Fair Hearing. Council members, or members of any appropriate subordinate body, may discuss with any member of the public or listen to discussion of the facts of any quasi-judicial matter while such matter is pending before the City or such subordinate body, if the following guidelines are followed. (Matters involving permits are pending before a city agency, board or commission when an application for a permit has been filed with the appropriate City department; otherwise a matter is pending when the appropriate notice of appeal has been filed.)

2.9.7.1 The fact of such discussions, and any content of such discussion which is germane to the pending matter, shall be disclosed on the record at the beginning of the public hearing prior to the taking of any statements from the public or permit applicants.

2.9.7.2 Council members may attend noticed public hearings before subordinate boards and commissions but should not comment or engage in any discussion at such hearings. Information and evidence gained by Council members via their attendance at noticed public hearings before subordinate boards and commissions need not be disclosed at later Council consideration of the same or related matter.

2.9.7.3 Council members and appropriate members of subordinate bodies may visit sites and properties that are the subject of pending proceedings, as long as the fact of such visits and any observations which are germane to the subject matter of the proceeding are disclosed on the record at the beginning of the public hearing prior to the taking of any statements from the public or permit applicants.

2.10 Ordinances and Resolutions

2.10.1. Definitions of legislative and administrative actions.

2.10.1.1 *Ordinance.* An Ordinance is a formal legislative act of the City Council having the force of law and has the meaning generally attributed to ordinances under the California Government Code. Ordinances are memorialized in documents so designated and executed with the formalities required by the Government Code.

2.10.1.2 *Resolution.* A Resolution is a formal action of the City Council memorialized by a separate document, numbered in sequence, and preserved in a separate set of books. A resolution documents both the action taken by the Council and the reasons for the action and may contain findings of fact and/or recitations of legal or policy reasons for the action. “Resolutions” are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, when needed for legal reasons to document important Council decisions, when documenting important policy or administrative decisions with long term effects, or where the frequency of future reference back to its contents warrants a separate document.

2.10.1.3 *Minute Order or Entry.* A Minute Order or Entry is an entry in the minutes of the meeting recording a City Council action. The minutes should show the maker of the motion, the person who seconded, the votes made, and the action taken. If findings are needed, the motion can either recite the findings or incorporate findings from a staff report.

2.10.2 Ordinances.

2.10.2.1 *Adoption.* Except for urgency ordinances, ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting.

2.10.2.2 *Reading by Title Only.* Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. Waiver of further reading of all ordinances on the agenda of any meeting may be done in advance as a consent calendar item.

2.10.2.3 *Altered Ordinances.* When ordinances, other than urgency ordinances, are altered after introduction, they shall be introduced again and shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration and reintroduction. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

2.10.2.4 *Effective Date.* All ordinances, except as provided in Section 36937 of the Government Code, shall take effect thirty (30) days after adoption but may be made operative at such later date as may be designated in the ordinance.

2.10.2.5 *Publishing.* It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

2.10.2.6 *Urgency Ordinances.* All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a four-fifths (4/5's) majority, it may thereafter be considered and passed in the same manner and with the same effect as regular ordinances.

2.10.3 Resolutions.

2.10.3.1 *Resolutions Prepared in Advance.* If a resolution has been prepared in advance, the procedure shall be: Motion, second, discussion, vote, and result

declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

2.10.3.2 *Resolutions Not Prepared in Advance.* If a resolution has not been prepared in advance, the procedure shall be to instruct the City Attorney or staff to prepare a resolution for presentation at a subsequent City Council meeting.

2.10.3.3 *Urgency Resolutions.* In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure for resolutions (see §2.10.3.1) shall be followed. Urgency resolutions shall be avoided except when absolutely necessary; and they shall not be used when resolutions are required by law, including, but not limited to actions related to public financing, improvement acts, eminent domain, general plan and zoning matters, force account work on public projects and other matters where state statutes specify that action must be taken by formal resolution. If the resolution has been drafted in written form, either before or during the meeting, this section shall not be deemed applicable.

2.10.4 *Policies.* The City Council may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing ongoing direction to City staff regarding particular subjects, or setting standards for City involvement in particular types of activities such as public financing, investment, economic development, influencing action by other governmental bodies, and such other matters as the Council may determine from time to time. Such policies shall be compiled in the City's administrative policy handbook together with policies issued by the City Manager for the direction of the Staff.

2.11 *Reports of Council, Officers, Boards and Commissions.* The Mayor or any Council member or other authorized individual may, during the time for reports and comments, report on activities in representing the Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Council member may also bring to the City Council's attention any item of new business under this portion of the agenda. Action on any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent City Council meeting unless properly added to the agenda due to a need for immediate action pursuant to state law. If a Council member or the City Manager requests that an item be added to a future agenda, the Council shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting, a study session or a special meeting.

3. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL

3.1 Manner of Addressing the City Council.

3.1.1 *Speaker Cards.* Any member of the public desiring to address the City Council shall fill out and present a speaker card to the City Clerk prior to the presiding officer calling the item of business which the person desires to address, and when called by the presiding officer, shall proceed to the podium. After being recognized, the individual shall state the individual's name and city for the record.

3.1.2 *Address Presiding Officer.* All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person. No person shall enter into any discussion without being recognized by the presiding officer. It shall be the presiding officer's prerogative to determine the order of

speakers on any agenda or non-agenda items, except to the extent that the order of speakers is determined by other policies.

3.1.3 Subject Under Discussion. During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

3.1.4 Addressing the City Council after the public comment period. After the public comment period has been concluded for any item, no member of the public shall address the City Council without first securing permission from the presiding officer pursuant to section 5.2.8 herein.

3.1.5 Repetitious and Irrelevant Commentary. Irrespective of any time limits, the presiding officer may regulate or terminate the comments of a speaker when the presiding officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The presiding officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.

3.1.6 Multiple Speakers. In the presiding officer's discretion, if beneficial to the Council's understanding of an issue or more efficient in conducting Council business, the presiding officer may, but shall not be required to, allow grouping of speakers into a coordinated presentation.

3.2 Written Correspondence

3.2.1 Included in Agenda Packet. Any written communication relating to a matter pending, or to be brought before the City Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

3.2.2 Letters of Appeal. Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the municipal code, or other ordinances.

3.2.3 Written Public Comments. Public comments submitted in written form shall be copied and distributed to all members of the City Council, the City Manager, and the City Attorney.

3.3 Persons Authorized to Be Within Platform Area. While the City Council is in session, no person except City officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer.

3.4 Public Comments at Regular and Adjourned Regular Meetings.

3.4.1 Public Comments on Matters not on the Agenda - see Section 2.8 above.

3.4.2 Public Comments On Matters on the Agenda. Public comments shall be taken as to each item as the presiding officer calls that item for consideration; however, speakers who wish to address the City Council on any consent calendar item may only speak once prior to Council consideration of the consent calendar. Each member of the public requesting to speak

shall be allowed three (3) minutes to complete comments, subject to time extensions pursuant to section 5.2.8 herein.

3.4.3 **Public Comments at Special Meetings.** At special meetings of the City Council, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each item as the presiding officer calls that item for consideration. However, with respect to special joint meetings with other agencies, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Section 1.5 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments (or any time extension pursuant to section 5.2.8 herein), except with respect to public hearings, where speakers shall be governed by the rules pertaining to public hearings at regular meetings.

3.4.4 **Public Comments at Study Sessions.** A public comment period, entitled “Public Comments on Matters Either on the Agenda or not on the Agenda Under the Jurisdiction of the City Council” shall be included as part of the study session agenda. Such public comments shall be taken prior to the Council taking up any business items. A limitation of three (3) minutes shall be imposed upon each person so desiring to address the Council during the public comment period, unless a time extension is granted pursuant to section 5.2.8 herein.

3.4.5 **Public Comments on Matters on Closed Session Agendas.** The public shall be permitted to make comments on matters on the closed session agendas prior to the holding of each closed session in accordance with the following procedures:

3.4.5.1 *Closed Sessions After Meetings.* For closed sessions held immediately after an open session of any City Council meeting, public comments shall be taken immediately prior to the Council adjourning the open session.

3.4.5.2 *Closed Sessions Before Meetings and Separate Closed Sessions.* For closed sessions held immediately before any City Council meeting, or not in conjunction with any other meeting of the City Council, the Council shall convene in the Council Chambers or such other place as noted on the agenda for the closed session, and receive public comments on matters on the closed session agenda prior to retiring to the closed session.

3.4.5.3 *Time Limits.* Each speaker shall be limited to three (3) minutes, unless a time extension is granted pursuant to section 5.2.8 herein.

4. CONDUCTING BUSINESS AT MEETINGS

4.1. **Notice of Meetings.** Notice of regular meetings, special meetings, study sessions and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by resolution of the City Council. Inadvertent failure of the Clerk to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Clerk complies with state law for posted notices.

4.2 Quorum and Required Majorities.

4.2.1 **Majority Quorum and Majority Vote.** Unless otherwise provided for in the Municipal Code or by state law, a majority of the City Council shall be a quorum sufficient to do business, and except as provided below, motions may be passed 2-1 if only 3 attend.

4.2.2 Matters Requiring Three Votes. The following matters require three affirmative votes: (a) adoption of ordinances; (b) adoption of resolutions; (c) orders or appropriations for payment or expenditure of money.

4.2.3 Emergency Items. Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions and closed sessions may occur if an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Council.

4.2.4 Need For Immediate Action. Discussion and action on an item not appearing on the posted agenda may occur if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) that there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of responsible officers of the City after the agenda was posted.

4.2.5 Other Matters Requiring Super-Majority Votes. Where state or federal law requires a vote greater than a majority for valid action or approvals, the required vote for passage or approval shall be in accordance with the applicable statute. These matters include, but are not limited to:

a) Adoption of a general tax (two-thirds majority of Council prior to public vote).

b) An urgency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of the facts constituting the urgency (four-fifths vote).

c) Interim ordinances effective immediately prohibiting land uses which may be in conflict with a contemplated zoning proposal which is or will be studied within a reasonable time (four-fifths vote).

d) Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain (two-thirds vote of all members of the city council).

e) Conversion of land purchased for park purposes or land used for park purposes to other uses (four-fifths vote with special findings after a public hearing).

f) Award of contracts without competitive bidding (finding by a four-fifths vote that an emergency exists).

g) Resolution finding that a project can be performed more economically by day labor, or through open market purchases of materials and supplies and dispensing with further public bidding after all bids are rejected (four fifths vote).

h) Override of a decision of an Airport Land Use Commission "ALUC" (two-thirds vote including adoption of findings required by state statute).

I) Override of an adverse determination of an ALUC concerning the city's proposed amendment of its general plan (two-thirds vote).

j) Adoption of a redevelopment plan if either the Planning Commission or Project Area Committee has recommended against approval (two-thirds vote of the entire Council).

k) Adoption of a resolution to authorize immediate expenditure of public money to safeguard life, health or property in case of emergency or disaster (four-fifths vote).

l) Agreements to share sales and use tax proceeds among cities and/or counties (two thirds vote or voter-approval).

m) Declaration of emergency setting an election to approve a general tax other than at a regularly-scheduled general city election (unanimous vote of the governing body).

4.2.6 Legally Required Participation. If a majority of the City Council shall be disqualified to vote on a matter by reason of a conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision.

4.3 Meetings to be Public. Study sessions and all regular, adjourned or special meetings of the City Council shall be open to the public; however, the City Council may hold closed sessions from which the public may be excluded for the consideration of any matter for which a closed session is permitted under applicable state law.

4.4 Conclusion of Meetings. The Council shall endeavor to adjourn all regular, adjourned or special meetings of the City Council including study sessions at 10:30 p.m. or as soon thereafter as any matter then being considered is concluded. The Council may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

5. **PRESIDING OFFICER**

5.1 Mayor and Mayor Pro Tempore

5.1.1 Mayor as Presiding Officer. The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tempore ("Pro Tem") shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall preside temporarily and shall immediately call for the Council to elect one of their number as a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Council and City Staff as "Mister Chairman" or "Madame Chairman" as appropriate to gender.

5.2 Selection of Mayor and Mayor Pro Tem.

5.2.1 Annual Selection. In those years in which there is no general municipal election, the City Council shall meet annually at its first regular meeting in December to choose one of its number as Mayor and another of its number as Mayor Pro Tem. The new Mayor and Mayor Pro Tem shall be installed and sworn immediately following their selection. During

election years, the time of selection and installation of Mayor and Mayor Pro Tem shall be in accordance with State law.

5.2.2 Term of Office. The Mayor and Mayor Pro Tem shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem, and thereafter until their successors have been duly selected and assume office.

5.2.3 Call to Order. The meeting of the City Council shall be called to order by the presiding officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary presiding officer as provided above.

5.2.4 Participation of Presiding Officer. The presiding officer (except the City Clerk, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member by reason of acting as presiding officer.

5.2.5 Question to Be Stated. The presiding officer should restate or cause to be restated each question immediately prior to Council debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

5.2.6 Rulings of Presiding Officer Final Unless Overruled by Council. In presiding over City Council meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

5.2.7 Signing of Documents. The Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign all ordinances, resolutions and proclamations adopted by the City Council, and letters, contracts and other documents and instruments approved by the City Council. The City Clerk or Deputy City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

5.2.8 Extending Time Limits. The Mayor, or the Mayor Pro Tem in the absence of the Mayor, has the authority to extend the time limits for members of the public speaking or testifying during meetings of the City Council. The decision of the Mayor, or the Mayor Pro Tem in the absence of the Mayor, may be overruled by a majority vote of the Council members present and voting.

6. RULES, DECORUM, AND ORDER

6.1 Maintenance of Order. The presiding officer is responsible for the maintenance of order and decorum at all times.

6.2 Points of Order. The presiding officer shall determine all points of order subject to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of

the presiding officer be sustained” in which event a majority vote shall govern and conclusively determine such question of order.

6.3 Language. All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. The presiding officer shall use his or her best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Council meetings.

6.3.1 Disruption of Meeting. No person who addresses the Council shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Council, Staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the citizen’s comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting. Council members shall not be belligerent or make disparaging commentary toward the speaker. The presiding officer may call for a short recess should a member of the public become disruptive or agitated so as to interfere with the normal conduct of business. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.

6.4 Enforcement of Decorum.

6.4.1 Sergeant-At-Arms. The Chief of Police, or members of the police department or other city staff may be designated by the City Council as to be sergeant-at-arms when, in the opinion of the presiding officer, the services of a sergeant-at-arms are necessary. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the City Council meeting. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both, as authorized by Municipal Code section 2.04.170.

6.4.2 Failure to Yield, Disruptions. Any person who refuses to relinquish the floor after their allotted time, or while speaking or while attending the City Council meeting engages in conduct which disrupts the business of the meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer. Disruptive remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

6.4.3 Clearing the Room. As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held

pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

6.4.4 Signs at Meetings. The City Council endorses the right of citizens attending meetings of the City Council to express their First Amendment right to free speech by holding signs expressing their views about a particular issue before the City Council.

Signs must be hand held, and may not be larger than 36"X30". No sign shall be affixed to any wall, table, chair, or any other surface in the Council chambers. No person holding a sign may block the view of any other person, and no sign shall be held in front of television or still cameras

6.5 Decorum and Order – Council Members.

6.5.1 Manner of Speaking. Any Council member desiring to speak shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

6.5.2 Questioning Staff. A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, to the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

6.5.3 Interruptions. Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer, or unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

6.5.4 Personal Privilege. The right of a Council member to address the City Council on a question of personal privilege shall be limited to cases in which that Council member's integrity, character, or motives are assailed, questioned, or impugned.

6.5.5 Limitation of Debate. No Council member shall speak for more than five minutes each time that Council member has the floor, without the approval of the Mayor, or the Mayor Pro Tem in the absence of the Mayor. The approval of the Mayor or Mayor Pro Tem may be overruled by a majority vote of the Council members present and voting. No Council member normally should speak more than once upon any one subject until every other Council member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Council member under Reports of Council.

6.5.6 Dissents, Protests, and Comments. Any Council member shall have the right to express dissent from, or protest to, or comment upon, any action of the City Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

6.5.7 Council Member Conduct. Members of the Council shall not engage in debate with a member of the public at council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting. Council members are expected to

interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Council member or a member of the public are inappropriate.

6.5.8 Council members shall treat city employees with courtesy and respect. If a council member is concerned or has a question about an employee's performance, the matter should be addressed through the city manager. Council members shall refrain from publicly criticizing the conduct or performance of a particular employee.

6.5.9 Representing Majority Decision vs. Individual Opinion. If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council member should first indicate any majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the Council.

6.6 Decorum and Order - Members of the Public. Members of the audience shall not address the Council, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Council deliberations, or new evidence for Council consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by means of a speaker form submitted to the City Clerk, or by silently standing and/or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the request or allow the member of the audience to address the Council. The presiding officer's decision may be overruled by a majority vote of the Council members present and voting.

6.7 Decorum and Order - Employees. The City Manager shall insure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the presiding officer. All remarks shall be addressed to the presiding officer or to the City Council and not to any one individual Council member or member of the public.

6.8 Conflict of Interest and Disclosure.

6.8.1. Applicable Law. All Council members are subject to the provisions of conflicts of interest codes adopted by the City Council, and California law governing conflicts of interest, including, but not limited to, the Political Reform Act (Chapter 7, Title 9, of the California Government Code, Section 87100, et seq.) and regulations adopted pursuant thereto; Government Code section 1090 relating to the making of contracts; and the common law doctrine against conflicts of interest.

6.8.1.1 *The Political Reform Act.* The Political Reform Act ("PRA") prohibits public officials from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. The definition of who is a public official, what constitutes a governmental decision and a financial interest, and the requirements of disclosure and disqualification, are contained in regulations adopted by the Fair Political Practices Commission.

6.8.1.2 *Government Code Section 1090.* City officers and employees are prohibited under Government Code section 1090 from having financial interests in contracts made by them or by any board or body of which they are members.

6.8.1.3 *Common Law Doctrine Against Conflicts of Interest..* The common law doctrine against conflicts of interest is the judicial expression of the public policy against public officials using their official positions for private benefit. This doctrine requires public officials to abstain from participating in cases where the public official's private financial interest may conflict with his or her official duties.

6.8.2 No Participation. Any Council member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Council member shall leave the Council Chambers during debate and voting on the issue.

7. PARLIAMENTARY AND VOTING PROCEDURE.

7.1 Parliamentary Procedure. The purpose of parliamentary rules of procedure is to expedite the transaction of City business in an orderly fashion. All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation of the City, shall be governed by Rosenberg's Rules of Order (League of California Cities 2003). . A copy of said Rules shall be maintained on file in the Office of the City Clerk. However, no ordinance, resolution, or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules. It is the intent of the Council not to become involved in entanglements over parliamentary procedure. Issues relating to the conduct of a meeting are determined by the Mayor, subject to appeal to the full Council.

7.2 Motions. A motion is the way that business is conducted by a group under parliamentary procedure. It is a proposal that an individual would like the group to consider and act upon. The steps in making, discussing and voting on a motion are as follows: The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, he or she will say "I move that we ..." The presiding officer will ask if there is a second. Another member of the group should second the motion in order for it to be discussed. A second is made by saying "I second the motion." The presiding officer then restates the motion. "It has been moved and seconded that ..." The item is then open to discussion by the Council. The presiding officer may make or second a motion.

7.2.1 Discussion. The presiding officer will recognize members who wish to comment on the motion. Only one motion may be discussed at a time. It is important that all members of the group are clear on what the motion is and what its effect will be. Spirited discussion helps to answer questions and explore different interpretations and/or impacts of the motion. At the end of the discussion period, the presiding officer will "call for the question" and ask how many members are in support of the motion, how many are opposed and if there are any abstentions. A majority (or in some instances a 4/5's) vote is needed for the motion to pass.

7.2.2 Common Motions. Other common motions include: Amending a motion - "*I move to amend the motion by . . .*"; Delaying consideration - *I move to table the motion until . . .*"; Closing debate- "*I move the previous question . . .*"; Requesting more study - "*I move to refer this to (staff or subcommittee) for further study. . .*"; Objecting to procedure - "*Point of order.*"

7.3 Voting Procedure. In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The clerk shall call the names of all members seated when a roll call vote is ordered or required. The presiding officer shall be called last. Members shall respond “yes,” “no,” or “abstain.” Unless a City Council member at any Council meeting states that he or she is not voting, the member’s silence shall be recorded as an affirmative vote.

7.4 Roll Call Voting. A roll call vote shall not be required unless requested by any Council member. It shall not be in order for members to explain their votes during roll call. Council members may change their votes before the next order of business is called.

7.5 Abstentions Discouraged. Every Council member should vote “yes” or “no” on each item unless disqualified for cause.

7.6 Reconsideration. Any Council member who voted with the majority may move for reconsideration of the action only at the same meeting. The motion may be seconded by any Council member.

7.7 Tie Votes. Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

8. COMMISSION AND COMMITTEE APPOINTMENTS

8.1 Commissions. City commissions serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies and plans. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission is advisory and regulatory, having authority to make final determinations in applicable circumstances.

8.2 Commission Appointments. Commission terms are established by city ordinance or resolution. Those seeking appointment must submit a Commission Application. Those commissioners whose terms have expired must submit a written request for reappointment. Terms are not automatically renewed. The Mayor nominates applicants for appointments to commissions, with the exception of the Planning Commission and Airport Commission. Each Council member is authorized to nominate one Planning Commissioner and one Airport Commissioner for appointment to the respective commission. Commission appointments are subject to approval by a majority of the City Council.

8.3 Problem Solving with Commissions. The Council may from time to time meet with commissions for specific purposes such as establishing goals or for problem solving.

8.4 Contact with Commissioners. Members of the City Council should not attempt to influence or publicly criticize commission or committee recommendations, or to influence or lobby individual commission or committee members on any item under their consideration. It is

important for commissions and committees to be able to make objective recommendations to the City Council on items before them. Members of the Council who attempt to strongly influence commission positions on any item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Council.

8.5 Appointments to Outside Committees. Council members are requested to serve on various boards and committees for outside agencies. Annually, the Mayor shall review the list of current assignments and make recommendations for appointments. Any Council member desiring to serve on a certain committee (or who desires not to be considered) should inform the Mayor. These appointments are subject to approval by a majority of the City Council.

8.6 Other Committees. The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes.

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Adopted by Resolution No. 2009-83, June 1, 2009.

RESOLUTION NO. 2016-83

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING
THE CITY COUNCIL POLICIES, RULES AND PROCEDURES TO ADD ITEM 6.4.4
SIGNS AT MEETINGS**

WHEREAS, the City Council endorses the right of citizens attending meetings of the City Council to express their First Amendment right to free speech by holding signs expressing their views, and

WHEREAS, the Chambers of the City Council are used by many community groups as well as the City Council and San Benito County organizations; and

WHEREAS, the City Council Chambers should be maintained in a way that ensures maximum public participation with the least cost possible.

NOW, THEREFORE, BE IT RESOLVED that all signs brought into the Chambers may not be larger than 36" x 30", and that said signs shall not be affixed by any means to any wall, table, chair or any other surface.

BE IT FURTHER RESOLVED that no person holding a sign may block the view of any other person, and that no sign shall be held in front of television or still cameras.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 6th day of June, 2016, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

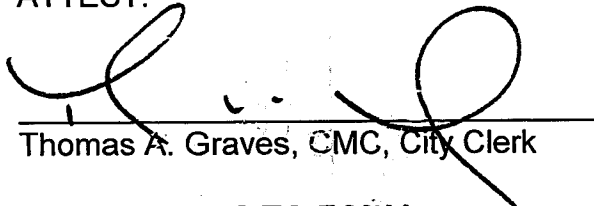
NOES: None.

ABSENT: None.



Ignacio Velazquez, Mayor

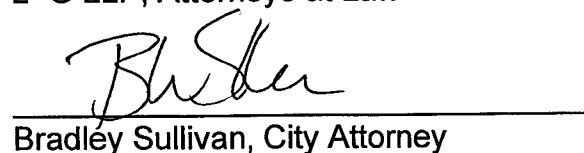
ATTEST:



Thomas A. Graves, CMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

**DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER**

6.4.4 Signs at Meetings. The City Council endorses the right of citizens attending meetings of the City Council to express their First Amendment right to free speech by holding signs expressing their views about a particular issue before the City Council.

Signs must be hand held, and may not be larger than 36"X30". No sign shall be affixed to any wall, table, chair, or any other surface in the Council chambers. No person holding a sign may block the view of any other person, and no sign shall be held in front of television or still cameras.



STAFF REPORT CITY COUNCIL AGENDA

DATE: May 23, 2016
STUDY SESSION DATE:

AGENDA ITEM: Resolution
MEETING DATE: June 6, 2016

TITLE OF ITEM: Revising City Council Policies, Rules and Procedures to include the use of Signs in the City Council Chambers.

BRIEF DESCRIPTION: The City Council Policies, Rules and Procedures, last revised in May, 2009, shall be updated to include language about signs used by attendees at meetings in the City Council Chambers.

STAFF RECOMMENDATION: That the City Council shall update Section 6.4 of the City Council Policies, Rules and Procedures to include language about signs and their allowable usage in the Council Chambers.

DEPARTMENT SUMMARY:

The catalyst for this proposed change to the Council Policies was a City Council meeting held on May 2, 2016, when attendees in the audience brought signs expressing their opinions. Some signs were held, but many signs were affixed to the walls of the City Council chambers. Because there was no policy regarding handheld signs in the chambers, citizens were allowed to do so. However, this practice could damage the surface of the chamber walls in time, causing the city to expend funds to remediate damage caused by the signs.

The City Council recognizes the right of citizens to express political thought in written form, whether that is in the form of emails and letters to the city council, or by signs held by citizens in the chambers. But the chambers are a community resource, and as such, should be carefully maintained to ensure maximum participation and minimal expense to the taxpayers.

Staff has provided a Resolution for Council consideration, updating Section 6.4 of the City Council Policies, Rules and Procedures.

ATTACHMENTS:	Resolution, Text of New Policy 6.4.4.
FINANCIAL IMPACT:	\$0
DEPARTMENT:	City Clerk's Department
PHONE NUMBER:	636-4300

THIS REPORT WAS REVIEWED BY THE CITY MANAGER WHO CONCURS WITH THE STAFF RECOMMENDATION: _____

William B. Avera, City Manager

- **CHAPTER 2.04. - CITY COUNCIL**

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- **2.04.010 - Meetings—Time and place—Held in conformity with state law.**

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The city council shall hold regular meetings on the first and third Mondays of each month at the hour of 6:30 p.m. in the council chambers in the City Hall. Regular, adjourned, special and closed meetings shall be held in conformity with the provisions of Government Code § 54950, et seq., of the Government Code of the State of California, and shall terminate at 10:00 p.m. unless the meeting is extended by the city council.

(Prior code § 2-8; Ord. 995 § 1, 2005)

- **2.04.020 - Election of mayor.**

modified

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The mayor shall be elected at-large by voters to a two-year term, beginning in 2012. The mayor shall receive compensation of \$200.00 per month in addition to that which the mayor receives as a councilmember. At the first regular council meeting in January of each year the city council shall select one of its members to serve as mayor pro tempore for a term of one year.

(Ord. 1080 § 1, 2012; Ord. [1171](#), 2018)

- **2.04.030 - Appointment of special committees.**

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All special committees of the city council shall be appointed by the presiding officer, unless otherwise directed by the city council.

(Prior code § 2-7)

- **2.04.040 - Meeting agenda.**

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A.

All reports, communications, ordinances, resolutions, contract documents and other matters to be submitted to the city council shall be submitted to the city clerk not later than 5:00 p.m. at least 120 hours preceding the date and time of the city council meeting at which the same are to be submitted. The city clerk shall arrange the agenda according to the order of business provided for in [Section 2.04.090](#) and shall furnish a copy of it to each member of the city council, the city manager and the city attorney not later than 5:00 p.m. at least 72 hours preceding the date and time of the city council meeting. The agenda shall be available to the public at the City Hall not later than 5:00 p.m. at least 72 hours preceding the date and time of the city council meeting.

B.

The city council may take action on items of business not appearing on the agenda under any of the following conditions:

1.

Upon a determination by a majority vote of the city council that an emergency situation exists, as defined in Section 54956.5 of the Government Code;

2.

Upon a determination by a two-thirds vote of the city council, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted as specified in subdivision (a) of Section 54954.2 of the Government Code; or

3.

The item was posted pursuant to subdivision (a) of Section 54954.2 of the Government Code for a prior meeting of the city council occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting that item was continued to the meeting at which the action is being taken.

(Prior code § 2-9)

- **2.04.050 - Mayor to decide questions of order.**

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The mayor or mayor pro tempore shall decide all questions of order at city council meetings, subject to appeal to the city council, and all such appeals shall be decided by a majority of the members present.

(Prior code § 2-10)

- **2.04.060 - Call to order.**

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The mayor, or if the mayor is unavailable the mayor pro tempore, shall take the chair at the hour appointed for each city council meeting, or as soon thereafter as reasonably practicable, and shall immediately call the city council to order. In the absence of the mayor and the mayor pro tempore, the city clerk shall chair the meeting until one of the city councilmembers present is elected to serve as chair of the meeting pending arrival of the mayor or mayor pro tempore.

(Prior code § 2-11)

- **2.04.070 - Roll calls.**

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Before proceeding with the business of the city council at each city council meeting, the city clerk or the city clerk's deputy shall call the roll of the members and the names of those present shall be entered in the minutes of the meeting.

(Prior code § 2-12)

- **2.04.080 - Quorum.**

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A majority of all the members elected to the city council shall constitute a quorum for transaction of business at each city council meeting. Less than a majority may adjourn from time to time.

(Prior code § 2-13)

- **2.04.090 - Order of business.**

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All meetings of the city council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the mayor, members of the city council, the city clerk, the city attorney and the city manager shall take their regular stations in the council chambers and the business of the city council shall be considered and disposed of in the following order; provided, however, other than the introduction and adoption of ordinances, the appropriation of public money and in cases where the names of those who voted for and those who voted against a question are required by law or ordinance to be entered upon the minutes, regardless of order, the city council may, by a single vote, consider and dispose of any group or series of items of business:

A.

Roll call;

B.

Approval of the minutes of the previous meeting;

C.

Petitions, remonstrances and communications;

D.

Introduction and adoption of ordinances and resolutions;

E.

Reports of officers, boards and committees;

F.

Unfinished business;

G.

New business;

H.

Miscellaneous;

I.

Appropriations;

J.

Adjournment.

(Prior code § 2-14)

- **2.04.100 - Reading of minutes.**

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Unless a reading of the minutes of a city council meeting is requested by a member of the city council, such minutes may be approved without reading if the city clerk has previously furnished each member with a synopsis thereof.

(Prior code § 2-15)

- **2.04.110 - Rules of debate.**

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The following rules of debate shall govern all city council meetings:

A.

The mayor or such other member of the city council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on

all members and shall not be deprived of any of the rights and privileges of a city councilmember by reason of his or her acting as the presiding officer.

B.

Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

C.

A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order, or as otherwise provided in this section. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

D.

The city councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

E.

A motion to reconsider any action taken by the city council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. Such motion shall be debatable. Nothing in this section shall be construed to prevent any member of the city council from making or remaking the same or any other motion at a subsequent meeting of the city council.

F.

A city councilmember may request, through the mayor, the privilege of having an abstract of the member's statement on any subject under consideration by the city council entered in the minutes. If the city council consents thereto, such statement shall be entered in the minutes.

G.

The city clerk may be directed by the presiding officer with consent of the city council to enter in the minutes a synopsis of the discussion on any question coming regularly before the city council.

(Prior code § 2-16)

- **2.04.120 - Entering of names on minutes of those for or against—
Appropriations of public money.**

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Upon the adoption or rejection of any motion or resolution at any city council meeting, the names of those who voted for and those who voted against the questions shall be entered upon the minutes, not only in the cases when required by law or this code or any other city ordinance but when any member of the city council may require it. In all appropriations of public money, the ayes and nays shall be called by the city clerk and recorded.

(Prior code § 2-17)

- **2.04.130 - Addressing the city council.**

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A.

Any person desiring to address the city council at any city council meeting shall first secure the permission of the presiding officer to do so; provided, that on the following matters, unless the presiding officer rules otherwise, any qualified person may address the city council without securing such prior permission:

1.

Interested parties or their authorized representatives may address the city council by written communications in regard to matters then under discussion.

2.

Taxpayers, residents of the city or their authorized legal representatives may address the city council by oral communications on any matter concerning the city's business, or any matter over which the city council has control; provided, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the city council.

3.

Interested persons or their authorized representatives may address the city council by reading of protests, petitions or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions or similar matters, in regard to matters then under consideration.

B.

After a motion is made by the city council at any city council meeting, no person shall address the city council without first securing the permission of the city council to do so.

(Prior code §§ 2-18, 2-19)

- **2.04.140 - Manner of addressing city council—Time limit.**

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Each person addressing the city council at any city council meeting shall come forward to the speaker's rostrum, give his or her name and address in an audible tone of voice for the record and, unless further time is granted by the city council, shall limit his or her address to three minutes. All remarks shall be addressed to the city council as a body and not to any individual member thereof; and no person, other than a member of the city council and the individual having the floor, shall be permitted to comment upon such remarks while such individual has the floor, except by the express permission of the presiding officer. No question shall be asked a city councilperson other than through the presiding officer.

(Prior code § 2-20; Ord. 1041 § 3, 2009)

- **2.04.150 - Silence constitutes affirmative vote.**

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Unless a member of the city council at any city council meeting states that he or she is not voting, the member's silence shall be recorded as an affirmative vote.

(Prior code § 2-21)

- **2.04.160 - Preservation of order and decorum.**

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A.

While the city council is in session, the members shall preserve order and decorum and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city council nor disturb any member while speaking or refuse to obey the orders of the city council or its presiding officer, except as otherwise provided in this chapter.

B.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the city council at any city council meeting shall be forthwith, by the presiding officer, barred from further audience before the city council, unless permission to continue is granted by a majority vote of the city council.

(Prior code §§ 2-22, 2-23)

- **2.04.170 - Appointment of sergeant at arms—Violation and penalty.**

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The chief of police or members of the police department or other members of the city staff may be designated by the city council to be sergeant at arms when, in the opinion of the presiding officer, the services of a sergeant at arms are necessary. The sergeant at arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the city council meeting. Any member of the city council or other person using vulgar, profane, loud or boisterous language at any meeting or otherwise interrupting the proceedings of the city council, or who refuses to carry out orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at the city council meeting, or who interrupts proceedings shall, upon conviction, be deemed guilty of a violation of this chapter and punished as provided for in Section 36901 of the state Government Code. Upon instructions of the presiding officer, it shall be the duty of the sergeant at arms to place under arrest any person who violates the order or decorum of the meeting. For the purposes of this section, a criminal complaint shall be signed by the presiding officer.

(Prior code § 2-24)

- **2.04.180 - Right of members to have reasons for dissent entered on minutes.**

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Any member of the city council shall have the right to have the reasons for the member's dissent from, or protest against, any action of the city council entered on the minutes of the meeting.

(Prior code § 2-25)

- **2.04.190 - Election by district—Title of office.**

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Except for the mayor, members of the city council shall be elected by districts. The title of the office of the councilmember shall bear the number accorded the district of such member.

(Ord. 1080 § 1, 2012)

- **2.04.200 - Establishment of districts.**

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The city is divided into four geographic council districts, numbered consecutively from one to four, inclusive, the respective boundaries of which have been adjusted in accordance with the results of the 2011 United States Census. A map of the district boundaries is set forth in Attachment A, attached to and incorporated into the ordinance codified in this chapter approving the establishment of four council districts, and shall be maintained on file in the office of the city clerk.

(Ord. 1080 § 1, 2012)

- **2.04.210 - District standards.**

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Upon the publication of the results of each United States Decennial Census, district boundaries shall be drawn to create districts as nearly equal in population as may be, as required by the United States and California Constitutions, and modified thereafter, if necessary, to maintain such equality in population. In changing the boundaries of districts, consideration shall be given to the following factors: topography, geography, cohesiveness, continuity, integrity and

compactness of territory, community of interest of the districts, existing neighborhoods and community boundaries.

(Prior code § 2-25.4)

- **2.04.220 - Reapportionment.**

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Within six months of the publication of the results of each United States Decennial Census, the city council shall examine the boundaries of each district for compliance with the standards set forth in [Section 2.04.210](#), and, if necessary, after two public hearings, by ordinance change or modify the boundaries of the districts to bring the districts in compliance with said standard. For the purposes of this section, the six-month period shall begin upon the availability of population data equivalent to that described as "Block Data" in the most recent United States Decennial Census.

(Prior code § 2-25.5; Ord. 961 § 1, 2001; Ord. 1074 § 3, 2011)

- **2.04.230 - Annexation.**

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When property is annexed to the city, it shall, by ordinance, be annexed to the district or districts immediately contiguous to such property, and any requirement elsewhere that a person be a qualified elector of the city for a period of time prior to his or her election or appointment as a councilmember shall be deemed met if the person was a qualified elector of the area annexed, or of the area annexed and of the city, for the required period of time prior to his or her election or appointment.

(Prior code § 2-25.6)

- **2.04.240 - Eligibility for office.**

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A person is not eligible to hold office as a member of the city council unless he or she is otherwise qualified, resides in the district, and both resided in the geographical area making up the district from which he or she is elected and was a registered voter of the city at the time nomination papers are issued to the candidate, as provided in the California Elections Code. Any member of the city council moving from that member's district during his or her term of office shall immediately and automatically forfeit his or her office.

(Prior code § 2-25.7)

- **2.04.250 - Voters' qualifications.**

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Registered voters signing nomination petitions or voting for a member of the city council shall be residents of the geographical area making up the district from which the member is to be elected.

(Prior code § 2-25.8)

- **2.04.260 - Vacancies.**

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A vacancy on the city council, from whatever cause, may be filled by appointment by the city council from the electors of the district in which the vacancy occurs. A person appointed to fill a vacancy shall hold office for the unexpired term of his or her predecessor.

(Prior code § 2-25.9)

- **2.04.270 - Transition rules.**

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Members of the city council holding office at the time the ordinance codified in this chapter reducing the number of council districts from five to four takes effect shall continue in office until their respective successors are elected and qualified. In the November 2012 municipal election, a councilmember will be elected in Council District 1 and in Council District [4](#).

(Ord. 1080 § 1, 2012)

- **2.04.280 - Salary.**

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The salary of each member of the city council shall be \$400.00 per month, as authorized by Government Code Section 36516.

(Ord. 978 § 1, 2002)

- **2.04.290 - Subpoena authority.**

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The city council, or designee, may issue a subpoena pursuant to Section 37104, et seq., of the California Government Code requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it, so long as it serves any valid purpose within the jurisdiction of the city council.

(Ord. 1037 § 1, 2008)

CITY COUNCIL NORMS AND PROCEDURES



COUNCILMEMBERS

Jeannie Bruins
Lynette Lee Eng
Jean Mordo
Jan Pepper
Mary Prochnow

COUNCIL NORMS AND PROCEDURES

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CITY OF LOS ALTOS

CITY COUNCIL NORMS AND PROCEDURES

SECTION 1. GENERAL

- 1.1 Purpose. The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Los Altos.
- 1.2 Values. Councilmembers shall treat fellow Councilmembers, members of the public, Commission and Committee members, and staff and consultants with respect, civility and courtesy. All Councilmembers shall respect each other's individual points of view and right to disagree. When addressing the public in any way, all Councilmembers shall make certain their opinions are expressed solely as their own, and do not necessarily reflect the opinions of any other Councilmember. Councilmembers shall respect the decisions of the majority of the Council at all times.
- 1.3 Review. The City Council shall conduct a review of this document biennially, or whenever a new Councilmember has been seated or Council deems necessary, to assist Councilmembers in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.
- 1.4 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with State law, including the Ralph M. Brown Act.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

- 2.1 Reorganization. The reorganization of the Council shall occur at a special meeting held on the first Tuesday of December. The seating of new Councilmembers shall occur at the same meeting that the Council reorganizes, which will be held on the earliest available Tuesday following the certification of election results.

Seating preferences on the dais shall be made by the Mayor, Vice Mayor and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.

A community reception honoring the incoming and outgoing Mayor and Councilmembers will be held immediately following the reorganization meeting.

- 2.2 Election of Mayor. Only Councilmembers elected by the voters may serve as Mayor. Those persons who are appointed to the City Council due to the cancellation of an election may also serve as Mayor.

The term of office shall be one year. The Councilmember must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Councilmember with a minimum of 23 months of service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.

If there are two or more such members who have served more than 23 months and have never served as Mayor, the one having served the longest time on the Council shall be designated as Mayor.

In the event there are two or more members, who have never served as Mayor and have served the same length of time, the one who received the greatest number of votes at his/her election or re-election to the Council shall become Mayor.

In the event there are two or more members, both of whom have served as Mayor, have served the same continuous length of time, and have been re-elected to the Council, the one who received the greatest number of votes at his/her re-election to the Council shall become Mayor.

In the event three new members are elected to the Council, then an exception to Sections 2.2 and 2.3 will apply, allowing the immediate appointment of a Vice Mayor without the normal 11 months of prior service, and the following year such person may be appointed as the Mayor without the normal 23 months of prior service. Any member re-elected to the Council after a break in service will be treated in the normal sequence for appointment as Vice Mayor and Mayor, without regard to such person's service prior to the break in service.

The Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Mayor should be made to the City Manager.

- 2.3 Election of Vice Mayor. Only Councilmembers elected by the voters may serve as Vice Mayor. Those persons who are appointed to the City Council due to the cancellation of an election may also serve as Vice Mayor.

The selection process for determining who shall serve as Vice Mayor will follow that of Mayor, except the Councilmember must have served at least 11 months to be eligible to serve as Vice Mayor.

The Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Vice Mayor should be made to the City Manager.

- 2.4 Councilmembers Serving After a Break in Service. The time of continuous service for any elected member of the Council who previously served on the Council prior to a break in service shall be considered to have started at his/her election after their break in service.

- 2.5 Appointment of Vacancy. In the event of a vacancy of office by the death or resignation of any Councilmember, the Council shall appoint a new Councilmember within sixty (60) days after a vacancy becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

SECTION 3. COUNCIL SUBCOMMITTEES

- 3.1 Responsibility. The Mayor shall appoint Councilmembers to standing and ad hoc subcommittees as required to accomplish the work of the Council, subject to affirmation by

the Council at its next regular meeting. It will be the responsibility of these subcommittees to inform and make recommendations to the Council and submit them to the Council for a vote. Staff shall work with, and support, Council subcommittees as required.

- 3.2 Instructions and Expectations. The Council shall make certain that all Council subcommittees are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the committee's efforts shall be defined in writing and approved by a majority of the City Council.
- 3.3 Reporting. Council subcommittee members are to keep the Council informed of the work and progress of their subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.
- 3.4 Standing Subcommittees. Four standing subcommittees of the Council exist: the Council Youth Commission Interview Committee, the City/Los Altos School District Schools Issues Committee, the City/Cupertino Union School District Schools Issues Committee and the Open Government Committee.

The Council Youth Commission Interview Committee consists of two members of the City Council and is responsible for conducting interviews of applicants for the Youth Commission and making recommendations to the City Council regarding the appointments. The Committee meets as needed.

The City/Los Altos School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Los Altos School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern by both legislative bodies, as directed by the City Council and/or School Board. Meetings are open to the public and are generally held at least bi-annually.

The City/Cupertino Union School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Cupertino Union School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern. Meetings are open to the public.

The Open Government Committee consists of two members of the City Council and advises the City Council and provides information to the City Manager on potential ways to implement the Open Government Policy. The Committee develops appropriate goals to ensure practical and timely implementation of the Open Government Policy and proposes any amendments to the Policy.

SECTION 4. COMMISSIONS AND COMMITTEES

- 4.1 Responsibility. The Council will appoint residents of the community to the City's standing commissions and committees. These commissions and committees will respect the public and staff and shall take seriously their responsibility for reporting to the Council. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.
- 4.2 Governing. The City's Commissions and Committees are governed by the Commission Handbook as adopted and amended by the City Council.

- 4.3 Commission Liaisons. To facilitate the exchange of information between the Council and its Commissions, the Mayor will at least annually make liaison appointments to the Commissions. These appointments shall be ratified by the Council. Councilmembers shall respect the separation between policy making and advisory Commissions by: A) not attempting to lobby or influence Commissions on any item under their consideration; B) attending meetings of assigned Commissions, as needed, but not taking a position on an item before the Commission; C) not voting at the Commission's meeting on any item; and D) assisting the Commission in scheduling recommendations to be heard by the Council.

If an issue arises regarding a member of any Commission, staff may work with the assigned Council Liaison to resolve the issue.

SECTION 5. AD HOC COMMITTEES AND TASK FORCES

- 5.1 Instructions and Expectations. The Council shall make certain that all Council-appointed Ad Hoc Committees and Task Forces are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the Committee's or Task Force's efforts shall be defined in writing and formally approved by a majority of the City Council.
- 5.2 Reports. Ad Hoc Committees and Task Forces are responsible for keeping the Council informed about issues being considered, and their progress. This is to be accomplished by meeting minutes distributed in the Council meeting packets or through oral reports to Council. Ad Hoc Committees and Task Forces are responsible for advising the Council of any need for information or more specific instructions.
- 5.3 Redirection. Ad Hoc Committees and Task Forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.
- 5.4 Noticing. Per Resolution No. 2015-09, Ad Hoc Committees and Task Forces that are created by the City Council and are composed of less than a quorum of the Council and have members of City Commissions and/or members of the public on the committee are subject to the provisions of the Ralph M. Brown Act.

SECTION 6. ADMINISTRATIVE MATTERS

- 6.1 Attendance. City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings unless unable. Councilmembers will notify the Mayor or the City Clerk if they will be absent from a meeting.
- 6.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Councilmembers/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (i.e., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Councilmembers should be respectful, professional and consistent with the City's Electronic Use Policy.

- 6.3 Regional Boards. The Mayor shall appoint Councilmembers to Regional Committees/Commissions/Boards as required by the governing bodies. These appointments are subject to affirmation by the Council. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Los Altos is appropriate on some boards; this is generally the case when other local governments have their own representation.

The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Los Altos. If an issue should arise that is specific to Los Altos, and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with the Council's position.

Council representatives to such boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. If a Councilmember is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

- 6.4 Response to Public. It will be the responsibility of the City Manager to ensure a response is provided to all public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services and provide a copy of such correspondence to the City Council, as appropriate.
- 6.5 Proclamations. Proclamations are discretionary public announcements directing attention to a local resident, organization or event. The Mayor, without formal action of the Council, may issue proclamations. Requests for proclamations should be submitted at least one week in advance. This allows the Mayor to decide if a proclamation should be issued. Alternatively, the Mayor, at his/her discretion, may refer a request to Council.
- 6.6 Reimbursement. City Councilmembers may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember. Reimbursements shall be subject to the City's Travel and Expense Policy.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the City Council.

- 6.7 Training.
Ethics: Members of the City Council and commissions shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/her public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions.

Sexual Harassment: In addition, Councilmembers shall receive two hours of sexual harassment prevention training every two years, per State law. New members must receive this training within their first six months of service.

Brown Act: Those individuals appointed by the City Council to serve on a commission or advisory committee will receive training on the requirements of the Brown Act at the time they begin their service.

The City Clerk is required to keep training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

- 6.8. Use of Electronic Devices during Council Meetings. City Councilmembers shall not use electronic devices to send or receive communications regarding agenda items or to access information which other Councilmembers do not have equal access to during a meeting of the City Council at which he or she is in attendance. This does not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter. Councilmembers responding to such a message during the meeting shall do so in a manner that does not disrupt the meeting.
- 6.9. City Mission and City Seal. The Mission of the City of Los Altos is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Los Altos. No change to the City Mission and/or City Seal shall be made without Council approval.
- 6.10. Use of email. City Councilmembers shall strive to use only their City email account for City business.

SECTION 7. COUNCIL RELATIONSHIP WITH STAFF

- 7.1. City Manager. City Councilmembers are always free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department or any employee must be directed to the City Manager. City Councilmembers shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Councilmembers. The City Manager may delegate this responsibility to Department Heads.
- 7.2. Agenda Item Questions. The Council shall not abuse staff, nor embarrass staff in public. If a Councilmember has a question on a subject, the Councilmember should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Councilmembers from asking questions during a Council meeting.
- 7.3. Complaints. Councilmembers shall encourage people to file all complaints directly with the appropriate staff member. Staff shall ensure that all people receive a response.
- 7.4. Staff. Councilmembers may ask Department Heads for information. This informal system of direct communication is not to be abused.

SECTION 8. MEETINGS

- 8.1 Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.
- 8.2 Broadcasting of City Council Meetings. All regular Council meetings and study sessions shall be scheduled in the Community Meeting Chambers to allow for web streaming and simulcast on the City's Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor. All Council meetings held in the Community Meeting Chambers shall be video-recorded.
- 8.3 Regular Meetings. The City Council shall conduct its regular meetings at the time and place established by ordinance. At the first regular meeting in December, the City Council will approve the schedule of meetings for the next calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 8.5, if necessary.

It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.

- 8.4 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing to the City Manager their unavailability to attend a meeting or agreement to cancel a meeting.
- 8.5 Special Meetings. A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting and members making the call. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Councilmembers the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

- 8.6 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or a majority of the City Council may call closed session meetings at any time. Requests for a closed session should be made to the City Manager.
- 8.7 Annual Retreat. The City Council shall hold an annual retreat following the reorganization of the Council (typically in December or January). The purpose of the retreat shall be to review accomplishments for the past year and to discuss and set priorities for the City Council for the following year.

- 8.8 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Councilmembers appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Councilmember in the absence of the Mayor and Vice Mayor, or in the absence of all Councilmembers, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

- 8.9 Minutes. Staff shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Councilmember. Closed session minutes, if any, shall be approved by all Councilmembers and kept in strict confidence.
- 8.10 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 9. POSTING NOTICE AND AGENDA

- 9.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to the City's Open Government Policy and State law.
- 9.2 Location of Posting. The notice and agenda shall be posted at City Hall and at the meeting location, if located away from City Hall, in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

SECTION 10. AGENDA CONTENTS

- 10.1 Mayor's Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The Mayor, in consultation with the City Manager or his/her designee, and the City Clerk shall organize the agenda.
- 10.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.
- 10.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.
- 10.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
- A. Upon a majority determination that an "emergency situation" (as defined by State Law) exists; or

- B. Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.
- 10.5 "Timing" of Agenda. Staff and/or the Mayor will "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.
- 10.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Establish Quorum, Pledge of Allegiance, Closed Session Announcement (if needed), Changes to the Order of the Agenda, Special Items, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Discussion Items, Informational Items, City Council Reports (limited to one minute per Councilmember), Future Agenda Items (limited to one minute per Councilmember), and Adjournment.
- 10.7 Change in Order of Business. The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. All items removed from the Consent Calendar may be considered immediately after approval of the Consent Calendar or elsewhere in the agenda at the Mayor's discretion. Councilmembers shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.
- 10.8 Tentative Council Calendar. The Tentative Council Calendar shall list items pending to come before Council within the next 12 months period.

Quarterly (first meeting in January, April, July and October), Council shall review the Tentative Council Calendar. At this time, Councilmembers may request new items be added. The Councilmember requesting the item shall state the topic and which Council priority the request aligns to. Council and staff shall agree as to where the new item shall be placed on the Tentative Council Calendar.

- 10.9 Placing items on a future agenda. Members of the City Council may have any matter that can be legally agendaized placed on the agenda of the City Council by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items." Placing an item on a future agenda requires two Councilmembers to support the item if no staff work is required and three Councilmembers if staff work is required.

SECTION 11. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

11.1 Role of Mayor.

- A. The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Councilmembers and among Council, staff and public.
- B. Communication with Councilmembers
1. Councilmembers shall request the floor from the Mayor before speaking.
 2. When one member of the Council has the floor and is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.

C. Communication with Members of the Public Addressing the Council

1. The Mayor shall open the floor for public comment as appropriate.
2. Councilmembers may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Councilmembers and among Councilmembers and members of the public.
4. Members of the public shall direct their questions and comments to the Council.

11.2 Rules of Order. The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

- A. A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.
- B. All motions, except nominations, require a second.
- C. A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.
- D. A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Councilmembers present.

11.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Councilmembers. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.5 Staff and Consultant Reports. Staff and consultant reports will be given a limit of up to 10 minutes. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

11.6 Public Comment.

- A. Persons present at meetings of the City Council may comment on individual items on the agenda. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

- B. The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

A group of speakers may designate a single speaker to represent the group. The designated speaker would be given the time which would have been allocated to others (to a maximum of 10 minutes) to speak. Individuals wanting to delegate time to another must be present at the meeting and must indicate their desire to cede time to a single individual by noting on a speaker card they are doing so. Persons who have ceded their time will not be permitted to speak on the topic at that meeting. Ceding of time will not be allowed during noticed public hearings.

- C. In order to facilitate an orderly meeting schedule, each speaker is requested to fill out a Request to Speak card before discussion on the agenda item begins, with the name and address of the speaker, and the subject or subjects upon which the speaker wishes to address the City Council. The request to speak cards shall be turned into the City Clerk before the item is heard by the City Council.
 - D. Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.
 - E. After the speaker has completed their remarks, Councilmembers may ask questions of the speaker after being acknowledged by the Mayor. Councilmembers shall be respectful of the speakers and shall not enter into a debate with any member of the public.
 - F. Upon conclusion of the Public Comment section for any item, the Mayor may provide Councilmembers and/or staff with an opportunity to respond to statements made by the public.
 - G. All Councilmembers shall listen to all public discussion as part of the Council's community responsibility. Individual Councilmembers should remain open-minded to comments made by the public.
 - H. The Mayor has the right to ask a member of the public to step down if over the allotted time or if comments are not germane.
- 11.7 Motions. It will be the practice of the City Council for the Mayor to provide Councilmembers an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Councilmember may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Councilmember recognized by the Mayor. Customarily, the Mayor will take the floor after all other Councilmembers have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Councilmember may request the Mayor or moving party divide the motion into separate motions to provide Councilmembers an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Councilmembers are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter.

If a tie vote results at a time when less than all members of the Council, who may legally participate in the matter, are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

11.8 Reconsideration.

A. Request for Reconsideration.

1. Request by a member of the public.

Any member of the public may request that a member of the City Council that voted in the majority request reconsideration. In order for that member of Council to take action, such request must be received no later than 5:00 p.m. on the third day following the decision. The requestor should specify in writing the reason for the request to reconsider.

2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or 24 hours in advance of the posting of the agenda for the next regular meeting. Meeting agenda postings are governed by the Open Government Policy or Brown Act, whichever requires the most notice.

3. The City Councilmember making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

B. Motion to Reconsider Any Council Action.

1. Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting). A motion to reconsider an action may be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember and is debatable.

The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting.

Requests for reconsideration not made at the same meeting must be made by a member of the prevailing party 24 hours to the City Manager prior to the posting of the next regular meeting agenda. If the request is supported by any two (2) other Councilmembers, then it shall be added to the agenda. A request added to an agenda shall be structured in a manner that the reconsideration may take place immediately following approval of the request for reconsideration.

At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

11.9 Discussion.

- A. The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Councilmembers on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Councilmembers should disclose any ex parte communication prior to discussion on an item.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

B. Obtaining the Floor for Discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should limit his/her time to 3 minutes.

C. Speaking More Than Once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Councilmember has already spoken, other Councilmembers wishing to speak shall then be recognized. No Councilmember shall be allowed to speak a second time until after all other Councilmembers have had an opportunity to speak.

D. Relevancy of Discussion.

All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Councilmembers shall avoid repetition and strive to move the discussion along. Arguments, for or against a measure, should be stated as concisely as possible.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Councilmember who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

It is the responsibility of each Councilmember to maintain an open mind on all issues during discussion and deliberation. It is not necessary for all City Councilmembers to speak or give their viewpoints if another Councilmember has already addressed their concerns.

E. Mayor's Duties During Discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Councilmember who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

11.10 Councilmember Respect. At all times, Councilmembers in the minority on an issue shall respect the decision and authority of the majority.

11.11 Council and Staff Reports and Directions on Future Agenda Items. Council and staff reports at the end of Council meetings shall be limited to announcing Council, Regional Board activities on which Councilmembers serve, City and City-sponsored activities. Community groups may announce their activities during Public Comments at the beginning of Council meetings.

SECTION 12. CLOSED SESSIONS

12.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City's position, and could cost the taxpayers of Los Altos financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the City Clerk shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Councilmembers shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other

than Councilmembers, the City Attorney or City Manager, except where authorized by a majority of the City Council.

- 12.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Councilmembers and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

- 12.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.
- 12.4 Agenda. The agenda for a closed session will contain that information required to be disclosed pursuant to the Ralph M. Brown Act.
- 12.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

12.6 Rules of Decorum.

- A. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Councilmembers to disagree. Councilmembers shall strive to make each other feel comfortable and safe to express their points of view. All Councilmembers have the right to insist upon strict adherence to this rule.
- B. Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Councilmembers.
- C. The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

12.7 Conduct of Meeting.

- A. The Mayor will call the closed session to order promptly at its scheduled time.
- B. The Mayor will keep discussion focused on the permissible topics.
- C. The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
- D. If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Councilmember, not so

designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

12.8 Public Disclosure After Final Action.

- A. The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, as directed by the Ralph M. Brown Act.
- B. The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 13. DECORUM

- 13.1 Councilmembers. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. When speaking, a Councilmember's tone should remain neutral and non-verbal communication aspects should be considerate and polite. Formal business attire is required only when Council meetings, workshops, or study sessions are held in Community Meeting Chambers and/or televised.
- 13.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Councilmembers and members of the public.
- 13.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. City Code Chapter 2.05, *Public Meeting Rules for Conduct*, shall apply to all City Council Meetings.
- 13.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Community Meeting Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

SECTION 14. VIOLATIONS OF PROCEDURES

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

AMENDED AND APPROVED: February 14, 2017.

APPENDIX A

ROSENBERG'S RULES OF ORDER



Procedures Manual

Menlo Park City Council

CITY OF MENLO PARK

Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

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Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of the public corporation.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide councilmembers in their actions. It is anticipated that this Procedures Manual will be reviewed and revised from time to time.

Overview of city documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website.

California Government Code: The California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "General Law" city, which means it is organized in accordance with provisions of the Government Code. Also described within the Government Code is the Council-City Manager form of government. This form of government prescribes that the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan:

The General Plan is a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Orientation of new councilmembers

It is important that councilmembers have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

City Council: Powers and Responsibilities

City Council generally

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all councilmembers are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park's city councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the councilmembers who make up the two-year City Council sessions.

A councilmember may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Councilmembers are encouraged to and often participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the City Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor and Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the City Council or the introduction of new items not otherwise part of the City Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" City Council agenda item calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role during a disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed by the City Manager/ Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County board of supervisors would serve in the place of the City Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of advisory bodies

The city has a number of standing advisory bodies. City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains guidelines on the appointment, roles and responsibilities of the various commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by the City Council for a specific task. City Council subcommittees, when used, are to help the City Council do its job. Committees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees will normally not have direct dealings with staff operations. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The City Council may assign, and specify the role of, one or two councilmembers to the task force (if more, it becomes a defacto City Council meeting). Unless otherwise specified, councilmembers have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

City Council relationship with advisory bodies

The City Council has determined that councilmembers should not lobby commissioners for particular votes. However, councilmembers may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as councilmembers to reflect the views of the City Council as a body.

Councilmembers choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers have the rights, and only the rights, of ordinary citizens with respect to commissions – including the right to write to and speak to the commission during public comment periods.

Role of commission liaisons

Councilmembers are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, councilmembers may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Councilmembers should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, councilmembers are to reflect the views of

the City Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

Typically, assignments to commission liaison positions are made at the beginning of a City Council term in December. The Mayor will ask councilmembers which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which councilmembers will represent as a liaison. In the rare instance where more than one councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Council Meetings

General procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding officer: The Mayor is the presiding officer and acts as chair at City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the City Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual councilmembers, shall establish the seating arrangement for regular City Council meetings.

Quorum: Three-fifths of the councilmembers constitute a quorum for the transaction of business.

Meeting schedule

The City Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. A Capital Improvement Plan is reviewed in February for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the City Council Chambers, 701 Laurel St., on Tuesdays at 7 p.m., with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the City Council meeting will be held in alternative locations such as the Senior Center. No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be canceled as well. Councilmembers should inform the City Manager's assistant as soon as possible if they intend to be out of town on a set meeting date. In recognition of the personal and professional obligations which may conflict with attending City Council meetings, Councilmembers are not compelled to participate in routine Council meetings remotely as it can present a hardship due to technological limitations, noticing compliance and time zone differences.

Special meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours before a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting notices and minutes: Notice requirements of the Brown Act are complied with for all meetings; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Agenda development

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid councilmembers and staff with planning and scheduling. A medium-range “tentative” City Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week before the meeting. Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

Placing items on the agenda

City Council: A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with councilmembers. Upon approval of a majority of the City Council, the item will be agenda item and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agenda items: Emergency and non-agenda items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other

severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Notification and advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Order of Business – (This section was reordered as directed on January 23, 2018, to more closely follow our current agenda listing.)

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (closed to the public): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session before the closed session (Cal Govt Code 54956.8).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session before the closed session unless the City Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (Cal Govt Code §54957.6).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (Cal Govt Code §54957.6).

It is critical to stress that there shall be no disclosure of closed session confidential information. Councilmembers, employees of the City, or anyone else present shall

not disclose to any person, including affected/opposing parties, the press or anyone else, the content or substance of any discussion which takes place in a closed session without City Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled before the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the City Council to adjourn to a closed session on the advice of the City Attorney.

2. **Study Session:** From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular session. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.
3. **Public Comment:** The City Council receives general public comment about issues not on the agenda. Comments on agendized items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the City Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker's actual jurisdiction of residence, and given to the City Clerk before Public Comment.

Comments should focus on a specific matter within the City Council's jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agendized or non-agendized items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

4. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.
5. **Consent Calendar:** Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Councilmembers may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and the City Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and City Council action taken separately on the item; the City Council must concur with such a request. Items that are removed ("pulled") by councilmembers for discussion will typically be heard after other Consent Calendar items are approved unless the majority of the City Council chooses an earlier or later time.

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

6. **Public Hearing:** In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
7. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
8. **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.
9. **Councilmember Reports:** Provides councilmembers an opportunity to introduce matters not currently before the City Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agenda future items, or announcements of interest to the public.

State law provides that the City Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting,

or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

- 10. Written Communications:** The City Council has established a practice of placing written communication between councilmembers requesting items to be agendized and select letters sent by agencies to councilmembers on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the councilmembers' positions on the dais.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

- 1. Obtaining the floor:** A councilmember or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the City Council. Cross-exchange between councilmembers and public should be avoided.
- 2. Questions to staff:** A councilmember shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff time to research a response for the meeting.
- 3. Interruptions:**
 - a. Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- 4. Discussion:** A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
- 5. Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
- 6. Right of protest:** A councilmember is not required to state reasons for a dissenting vote.

- 7. Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
- 8. Conducting business at a late hour.** According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a two-thirds, three-fourths, or four-fifths (based on the number of Councilmembers present) vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 p.m. and a new ending time for the meeting. The City Clerk will alert the City Council at or before 11:00 p.m. New items of business will not be discussed after 11:00 p.m. unless the motion to consider such item(s) was passed

Voting procedures

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected councilmember will step down from the dais and leave the City Council Chambers.

Councilmembers may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions: There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

Other guidelines

Other guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.

3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Open meeting laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code §54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

A. Applicability: The Act applies to the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City Council. Staff cannot promote actions that would violate the Act.

B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City councilmembers immediately after their election and before their swearing-in ceremony.

C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions:

1. An emergency exists (determined by a majority of the City Council).
2. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
3. The item was continued to another meeting that was scheduled and posted within five days of the original agenda.

E. Public input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer periods may be established by the Mayor or the City Council.

F. Public disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

H. Special meetings: Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and the City Council 24 hours before the time of the meeting.

I. Emergency meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

J. Other provisions: The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

City Council Communications

Overview

Perhaps the most fundamental role of a councilmember is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

Councilmember correspondence

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of the City Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City Council is required, however, copies will be kept on file.

Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the City Council's position on an issue, the response should reflect the

position of the City Council as a whole. Of course, a councilmember may clarify their vote on a matter by stating, for example, “While I voted against “X,” the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual councilmember.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any councilmember quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

Local ballot measures

At times, measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual councilmembers may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State legislation, propositions

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City’s position is clear, the Council has a practice of requiring analysis and discussion of bills before taking an official position. The analysis includes a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

Interactions with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between councilmembers and city staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Manager form of government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

Council-Manager relationship

The employment relationship between the City Council and the City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Councilmembers should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more councilmembers. Further, councilmembers should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal City Council meetings, there are periodic briefing meetings with individual councilmembers and written memoranda and email. Communication must be undertaken in such a way that all councilmembers are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback in a timely manner.

City Manager code of ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code of Ethics.

City Council-City Attorney relationship

The City Attorney is the legal adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Roles and information flow

Objectives: It is the intent of staff to ensure councilmembers have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information: Individual councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

Councilmembers have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Councilmembers should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff members time to research a response for the meeting.

Staff roles: The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual councilmembers for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

Information distribution

In cases where a staff response to an individual councilmember request involves written materials that may be of interest to other councilmembers, the City Manager will provide copies of the material to all other councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the City Council or of interest to the City Council.

Magnitude of information requests

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Staff relationship with advisory bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and the City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may take minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved City Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

Restrictions on political involvement by staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with City Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A councilmember asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all councilmembers. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Support provided to City Council

Staff support

General administrative support to councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Office equipment/technology

To enhance councilmembers' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The City Council can also receive and send email and faxes.

Councilmembers may be connected from their home to the City's computer network. Information Technology staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's backup systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting rooms

An office is available adjacent to the City Manager's Office for shared use by councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail and deliveries

Councilmembers receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

Financial Matters

City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains to travel and meeting expenses.

Expenditure guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

Conflicts and Liability

Conflict of interest

State laws are in place to prevent an action by a councilmember that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a councilmember's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City Council actions that are highlighted in the League of California Cities' Guide. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual councilmembers.

City Attorney advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide

binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Individual councilmembers or the full City Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Conflict of interest forms

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training and Resource Materials

League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state Legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The City of Menlo Park participates in League activities through the Peninsula Division.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

Institute for Local Government (ILG)

The Institute for Local Government also produces publications. For ILG publications please go to www.ca-ilg.org/publications.

APPENDIX A – Reference Guide to Motions

Type of Motion	Second Required	Debatable	Amendable	Priority Over Pending Motion	Reconsider	Interrupt Speaker
Adjourn	Y	n/a	n/a	Y	n/a	n/a
Amend or Substitute ¹	Y	Y	Y	Y	Y	n/a
Appeal	Y	Y	n/a	n/a	Y	Y
Call the Question ⁷	Y	n/a	n/a	Y	n/a	n/a
Take Up New Business Past 12 pm ⁸	Y	Y	n/a	Y	n/a	n/a
Limit Debate	Y	n/a	Y	Y Except “table”	Y	n/a
Main Motion	Y	Y	Y	n/a	Y	n/a
Nominations	n/a	Y	n/a	n/a	n/a	n/a
Personal Privilege or Point or Order	n/a	n/a	n/a	Y	Y	Y
Postpone to Time Certain	Y	Y	Y	Y	Y	n/a
Previous Question	Y	n/a	n/a	Y	Y	n/a
Recess or Adjourn to Time Certain	Y	Y	Y	n/a	n/a	n/a
Reconsider	Y ²	Y ³	n/a	n/a	n/a	⁴
Table or Take From Table	Y	n/a	n/a	Y ⁵	n/a	n/a
Take up Out of Order	Y	n/a	n/a	n/a	n/a	n/a
Withdraw a Motion ⁶	n/a	n/a	n/a	Y	Y	Y

“Y” indicates that this action can be taken, is necessary, is required, is permitted or is applicable

“n/a” indicates that this action cannot be taken, is unnecessary or is inapplicable

¹ Limit of three substitute motions.

² May only be made by a person who voted on prevailing side; not applicable to “table” motions. Must be made within two meetings of original action.

³ If prior motion was debatable.

⁴ Except for request for later action.

⁵ Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.

⁶ Must be voted unless there is no objection.

⁷ Requires 4/5 vote.

⁸ Requires ¾ vote taken by 11:00 p.m. to extend beyond midnight.

LEGISLATIVE POLICY GUIDE

The City Council of Menlo Park believes:

- In conducting the business of government with openness, respect, and civility, and including the involvement of all stakeholders in establishing goals and in solving problems.
- The vitality of cities is dependent upon their fiscal stability and local autonomy, and that local self-governance is the cornerstone of democracy.

Therefore:

- The City supports legislation that reflects the need to conduct the public's business in public.
- The City opposes legislation that mandates costly and unnecessary procedures.
- The City supports the use of the general plan as a guide to meeting community planning needs, and opposes mandatory review or approval by another level of government and legislation that restricts the land use authority of cities.
- The City emphasizes efficiency and effectiveness to achieve the best possible use of city resources and believes the state should implement fiscal and legislative reforms in order to allow local government to adequately finance its service responsibilities, with accountability to the taxpayers for its programs.
- The City supports additional funding for local transportation and other critical unmet infrastructure needs and enhanced autonomy for local transportation decision-making.
- The City supports strategic alliances with counties, schools, other cities and local agencies, nonprofit and civic organizations and business and professional associations.

September 2005

APPENDIX C

City Council Policies

CC 86	Naming and/or Changing the Name of Facilities
CC 90-001	Tenant/Landlord & Dispute Resolution Service
CC 91-0001	Board and Commission Attendance Policy
CC 91-0002	Travel, Meeting, Conference, Training and Meal Expenses
CC 91-0003	City Council Meeting Procedures
CC 92-0001	Commuter Check Program
CC 92-0002	Transportation Allowance Program
CC 92-004	Award Authority for Purchases and Professional Services
CC 93-001	Selection of Mayor
CC 95-001	Anti-Harassment and Non-Discrimination Policy
CC 01-0004	Commission/Committees Policies and Procedures and Roles and Responsibilities
CC 02-0003	Veteran's Preference Policy

ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2017. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2017.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same

position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

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Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full

disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in, or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



CITY OF PALO ALTO

CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK

Procedures and Protocols Approved 9/19/11

If you have any questions about this handbook, please feel free to contact the City Clerk by phone at (650) 329-2571 and e-mail at city.clerk@cityofpaloalto.org or the City Attorney by phone at (650) 329-2171 and e-mail at city.attorney@cityofpaloalto.org.

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CITY COUNCIL PROCEDURES

INTRODUCTION & CONTENTS

This handbook describes the way the Palo Alto City Council does its business. It is intended to accomplish two goals. First, the handbook is an **informational guide** for anyone doing business or appearing before the City Council. Second, the handbook is a compilation of **Procedures and Protocols** that have been formally adopted by Council Resolution.

The handbook is organized into two sections:

1) Public Participation in Council Meetings

This section explains the basic rules for speaking to the City Council. It covers things like when to speak, time limits, and how groups of speakers are handled.

2) Council Meeting & Agenda Guidelines

This section explains the different kinds of meetings the City Council holds, what they are for, and how the meeting agenda is prepared.

SECTION 1 - PUBLIC PARTICIPATION IN COUNCIL MEETINGS

1.1 - Policy

It is the policy of the City Council to assure that members of the public have the opportunity to speak to any regular or special meeting agenda item before final action. These rules establish the rights and obligations of persons who wish to speak during City Council meetings.

1.2 – Purpose

These rules are intended to enhance public participation and Council debate so that the best possible decisions can be made for Palo Alto. Palo Alto has a long and proud tradition of open government and civil, intelligent public discourse. *Open* government meetings must allow everyone to be heard without fear of cheers or jeers. For these reasons, the City Council takes these rules seriously. Disruptive or unruly behavior in violation of the law can result in removal from the Council meeting and/or arrest and prosecution.

1.3 - Summary of Rules

Every regular City Council agenda has two different kinds of opportunities for the public to speak. The first is during ***Oral Communications***. This part of the meeting is provided so that the public can speak to anything that is in the City's jurisdiction, even if there is no action listed on the agenda. The Council allows three minutes per speaker, but limits the total time to 30 minutes per meeting. State law does not permit the Council to respond to oral communications, but City staff may be asked to follow up on any concerns that are raised.

The second opportunity to speak is during the public comment or public hearing portion of ***Each Agenda Item***. Public comments or testimony must be related to the matter under consideration. The Council allows three minutes per speaker for most matters. During “*quasi-judicial*” hearings (where the City Council is legally required to take evidence and make impartial decisions based upon that evidence), the applicant or appellant may have up to ten minutes at the outset and three minutes for rebuttal at the end. These hearings are specially marked on the Council agenda.

A person who wants to speak to the Council must fill out a speaker card and hand it in to the City Clerk. The Clerk will give the cards to the Mayor or Vice Mayor so that the speakers can be identified and organized in an orderly way.

1.4 - General Requirements

A. Accessibility

Palo Alto makes every reasonable effort to accommodate the needs of the disabled. Any provision of these rules may be modified if needed to provide reasonable accommodation. Persons needing assistance should contact: Larry Perlin, ADA Director, City of Palo Alto, 650/329-2496 (voice) or 650/328-1199 (TDD).

*For all purposes, applicant also refers to applicant agent.

B. Presiding Officer's Permission Required

The presiding officer at Council meetings (usually the Mayor or Vice-Mayor) is legally required to "preserve strict order and decorum."ⁱ This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

- Any person desiring to address the Council must first get the permission of the presiding officer by completing a speaker card and handing the card to the City Clerk.
- The presiding officer shall recognize any person who has given a completed card to the City Clerk.
- No person, other than a Council Member and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.
- No person shall enter the staff area of the Council dais without the permission of the Presiding Officer or appropriate Council Appointed Officer.

C. Recording and Identification

Persons wishing to address the Council shall comply with the following:

- Use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.
- State their name and address if presenting evidence in a hearing required by law.
- Other speakers should state their name and address, but cannot be compelled to register their name or other information as a condition to attendance at the meeting.

D. Specific Requirements and Time Limits

1) Oral Communications

Oral communications shall be limited to three minutes per speaker and will be limited to a total of thirty minutes for all speakers combined.

- Oral communications may be used only to address items that are within the Council's subject matter jurisdiction, but not listed on the agenda.
- Oral communications may not be used to address matters where the receipt of new information would threaten the due process rights of any person.
- All remarks shall be addressed to the Council as a body and not to any *individual* member.

- Council members shall not enter into debate or discussion with speakers during oral communications.
- The presiding officer may direct that the City Manager will respond to the person speaking and/or the Council at a later date.

2) Other Agenda Items

Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of three minutes per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to less than two minutes if necessary to accommodate a larger number of speakers.

3) Spokesperson for a Group

When any group of people wishes to address the Council on the same subject matter, the presiding officer will request that a spokesperson be chosen by the group to address the Council. Spokespersons who are representing a group of five or more people who are present in the Council chambers will be allowed ten minutes and will to the extent practical be called upon ahead of individual speakers.

4) Quasi-Judicial/ Planned Community Hearings

In the case of a quasi-judicial/planned community hearing, single applicants and appellants shall be given ten minutes for their opening presentation and three minutes for rebuttal before the hearing is closed. In the case of a quasi-judicial/planned community hearing for which there are two or more appellants, the time allowed for presentation and rebuttal shall be divided among all appellants, and the total time allowed for all appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed; however, under no circumstances shall an individual appellant be given less than five minutes for presentation and three minutes for rebuttal. In the event a request is made and the need for additional time is clearly established, the presiding officer shall independently, or may upon advice of the city attorney, grant sufficient additional time to allow an adequate presentation by the applicant or appellant in a hearing required by law.

5) Addressing the Council after a Motion

Following the time for public input and once the matter is returned to the Council no person shall address the Council without first securing the permission of the Council so to do, subject to approval of the City Attorney with respect to any hearing required by law.

*For all purposes, applicant also refers to applicant agent.

6) Decorum

The Palo Alto Municipal Code makes it unlawful for any person to:

- Disrupt the conduct of a meeting
- Make threats against any person or against public order and security while in the Council chamber.
- Use the Council Chambers during meetings for any purpose other than participation in or observation of City Council Meetings.

Any Council Member may appeal the presiding officer's decision on a decorum violation to the full Council. Decorum violations are punishable as a misdemeanor and may lead to a person being removed from the Council meeting.ⁱⁱ

SECTION 2 – COUNCIL MEETING & AGENDA GUIDELINES

2.1 - Policy

It is the policy of the Council to establish and follow a regular format for meeting agendas.

2.2 – Purpose

The purpose of these guidelines is to facilitate the orderly and efficient conduct of Council business. This purpose recognizes the value of establishing a community understanding of meeting procedures so that broad public participation is encouraged. This purpose also recognizes that Council Members must have a common approach to the discussion and debate of City business so that meetings are both streamlined and thorough.

2.3 - Summary of Guidelines

The City Council generally conducts four different kinds of meetings. These are **Regular Meetings**, **Special Meetings**, **Study Sessions**, and **Closed Sessions**.

- A. **Regular Meetings** are conducted at City Hall on the first three Monday nights of each month, except during the Council's annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Wednesday. For major complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

Once the agenda is posted, it shall also be uploaded to the City Council web page for use by the public. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Wednesday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

- B. **Special Meetings** are "special" because the mayor or Council can call them on a minimum of 24 hours notice. Special meetings need not be held at City Hall, as long as the alternate location is within the City. The Council makes every effort to

provide notice well in advance of 24 hours, especially when the special meeting is for the purpose of conducting a **Study Session**.

- C. **Study Sessions** are meetings during which the Council receives information about City business in an informal setting. The informal study session setting is intended to encourage in-depth discussion and detailed questioning and brainstorming by Council on issues of significant interest, including City policy matters, zoning applications, and major public works projects. The Council may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for future Council consideration as no action can be taken at a study session. Public comments on study session items may be received together with oral communications immediately following the session or may be heard during discussion of the item as determined by the Mayor. The Decorum rules still apply to the behavior of the Council and public.
- D. **Closed Sessions** can be part of regular or special meetings. Closed sessions are the only kind of Council meeting that the public cannot attend. State law allows closed sessions to discuss pending litigation, employment issues, real estate negotiations and certain other matters. Members of the public are permitted to make public comments on closed session matters. The Council must make a public report after the session when certain kinds of actions are taken.

These are guidelines, not rules. The Council intends that City staff and Council Members will follow these guidelines. However, these guidelines should not be used in a way that leads to inefficiency, unfairness, or the promotion of form over substance. State law establishes a variety of *mandatory* meeting rules the City must follow in order to assure open and public government, regardless of unusual situations and consequences.

2.4 - General Requirements

A. Regular Meetings

Attendance Required. Council Members, the City Clerk, City Attorney, and City Manager, along with any other city officers and department heads that have been requested to be present, shall take their regular stations in the Council chamber at 7:00 p.m. on the first, second and third Mondays of each month, except during the established Council vacation.ⁱⁱⁱ The Council expects its members to attend regularly and notify the City Clerk of any planned absences. The Council may levy fines of up to \$250.00 against Council members who willfully or negligently fail to attend meetings.^{iv}

B. Telephonic Attendance Of Council Members At Council Meetings

The City Council Procedures provisions concerning Telephonic Attendance shall apply to all Boards and Commissions as well as the City Council. Requests by Council Members to attend a Council meeting via telephonic appearance are actively discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family or similar emergency requiring a Council Member's absence. In addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).

If these two threshold requirements are met, the Council Member who will be appearing telephonically must ensure that:

- The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.
- The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.
- The teleconference technology used is open and fully accessible to all members of the public, including those with disabilities.
- Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.
- The teleconference location must not require an admission fee or any payment for attendance.

If the Council Member determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting via teleconference.

Approved Teleconference Guidelines for Council Members:

- One week advance written notice must be given by the Council Member to the City Clerk's office; the notice must include the address at which the teleconferenced meeting will occur, the address the Council packet should be mailed to, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. Cellular telephones shall not be used to participate in teleconferenced meetings.
- The Council Member is responsible for posting the Council agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by faxing or mailing the agenda to whatever address or fax number the Council Member requests; however, it is the Council Member's responsibility to ensure that the agenda arrives and is posted. If the Council Member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the one-week advance written notice above.
- The Council Member must ensure that the location will be publicly accessible while the meeting is in progress.

- The Council Member must state at the beginning of the Council meeting that the 72-hour posting requirement was met at the location and that the location is publicly accessible, and must describe the location.

Furthermore, the City Clerk will provide Council with a quarterly report detailing the telephone charges associated with teleconferenced meetings.

C. Items Considered After 10:30 p.m.

The City Council makes every effort to end its meetings before 11:00 p.m. The Council also generally does not take up new matters after 10:30 p.m. Before 10:00 p.m. the Council will decide and announce whether it will begin consideration of any agenda items after 10:30 and, if so, which specific items will be taken up.

D. Late Submittal of Correspondence or Other Information Related to Planning Applications.

In order to allow for adequate Staff review and analysis, and to ensure public access to information, all plans, correspondence, and other documents supporting planning applications being heard by the City Council must be submitted to staff not later than noon five working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline to Council Members or staff, and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. If a Council member receives planning application materials from a project applicant he or she shall notify the City Clerk and the City Manager as soon as possible. There are no restrictions on the rights of applicants or others to comment or respond to information contained within the Staff Report. At the meeting the City Council may determine whether to continue or refer the item to the appropriate Board and/or Commission if significant changes to a project or significant new information become known. Nothing in this statement is intended to restrict the rights of applicants or other interested parties to respond to information contained in or attached to a Staff Report..

*For all purposes, applicant also refers to applicant agent.

E. Agenda Order

City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below. It is the Council's policy to hear the major items of business first at each meeting, to the extent possible. The City Manager, with prior approval of the Mayor, is authorized to designate upon the agenda of the Council, and the City Clerk shall publish in the agenda digest, items that shall be taken up first or at a specific time during the course of the meeting.^v The City Council may take matters up out of order upon approval by a majority vote of those present:

- 1) Roll Call
- 2) Special orders of the day
- 3) City Manager Comments
- 4) Oral communications, including oral communications related to any study session that began immediately before the regular meeting
- 5) Approval of minutes
- 6) Consent calendar

Items may be placed upon the consent calendar by any council-appointed officer whenever, in such officer's judgment, such items are expected to be routinely approved without discussion or debate. The consent calendar shall be voted upon as one item.

F. Council Comment

No discussion or debate shall be permitted upon items upon the consent calendar; however, any Council Member may request that his or her vote be recorded as a "no" or "not participating" due to a specified conflict of interest on any individual item. Council Members may also explain their "no" votes at the end of the Consent Calendar, with a 3 minute time limit for each Council Member. Council Members may also submit statements in writing to the City Clerk before action is taken. The City Clerk shall preserve and make available such written statements in a manner consistent with the Brown Act and shall assure that the minutes of the meeting make reference to the existence and location of such written statements.

G. Public Comment

If members of the public wish to speak to items on the Consent Calendar, the Mayor will have the option of allowing the testimony prior to adoption of the Consent Calendar, or removing the item from the consent calendar and hearing the public comment at a later time, prior to the vote on the item.

H. Council Requests to Remove Item

Any Council Member may request that an item be removed from the consent calendar; if the request is seconded, the item will be removed from the consent calendar. The City Manager's office should be advised, in writing, of a request for removal no later than noon the day of the meeting.

I. Hearing of Removed Items

Removed items will be heard either later in the meeting or agendized for a discussion at a subsequent meeting, depending upon the number of speakers and the anticipated length of the items that have been officially scheduled for discussion on a particular evening. The Mayor will decide when during the meeting any removed items will be heard.

J. Consent Calendar Categories

The consent calendar shall be presented in 5 categories in the following order:

1) Ordinances and Resolutions

The following ordinances and resolutions may appear on a consent calendar:

- Second Reading (passage and adoption) of Ordinances.
- a resolution which are ceremonial in nature.
- Ordinances or resolutions that implement a prior Council policy direction in the manner contemplated by the Council's previous actions, in the Adopted Budget (including the Capital Improvement Program and especially in the department key plans); and the Council Top Priority Workplan, among other sources..
- Budget amendment ordinances that accept funding such as grants or gifts, provided Council has previously approved the activity or program.
- Resolutions approving funding applications, such as grants or loans, provided that the program or activity has been previously approved by Council.

2) Administrative Matters Including Contracts, Appointments, Approval of Applications, and Any Other Matter.

The titles of administrative matters need not be read. An administrative matter may be placed on the consent calendar if it is:

- An action that is merely the administrative execution of previous Council direction. The Council direction and vote will be quoted in the staff report accompanying the item.
- Contracts for which the subject or scope of work has been previously reviewed by the City Council.
- A contract for goods, general services, professional services, public works projects, dark fiber licensing contracts or wholesale commodities, purchases, as outlined in the Purchasing Ordinance, provided such contracts represent the customary and usual business of the department as included in the Adopted Budget. Examples include: routine maintenance contracts, annual audit agreement; software and hardware support agreements, janitorial services, copier agreements or postage machine agreements.
- Rejection of bids.
- Designation of heritage trees.
- Designation of historic building at the request of the property owner if there are no unusual policy ramifications.
- Approval of funding applications, such as grants or loans, provided that Council has previously approved the general program or activity.

- Formal initiation, for consideration at a later date, of a zoning code amendment or review process, such as preliminary review.
- Status report required by law for fee administration.
- Cancellation of meetings or scheduling of special meeting.

3) *Request to Refer Items to Any Council Standing Committee, Committee, Board, Commission or Council Appointed Officer.*

The consent calendar includes matters for which staff is merely seeking Council approval of a referral to a Council standing committee or other City official, advisory board or commission. This does not preclude staff from making referrals to the standing committees. Staff uses such referrals in order to expedite the business of the full Council, since its agenda is so full. Discussion of a complex issue by another body, provides an opportunity for public input and extended discussion by the members of the body. The full Council is then able to benefit from the minutes of that discussion when the item comes back to the Council for final approval. This practice also allows the City/School Liaison Committee to consider items of interest to both agencies without having to go through the formality of a Council agenda referral.

4) *Items Recommended for Approval if the Committee Unanimously Recommends Placement on the Consent Calendar, Unless Otherwise Recommended by the Committee, Mayor, or Staff.*

5) *Items Recommended for Approval, and for Placement on the Consent Calendar, by any Council-Appointed Boards and Commissions, Provided that Other Public Hearing Requirements are Not in Effect.*

6) *Agenda Changes, Additions, and Deletions*

7) *Action Items:*

- Unfinished Business
- Public Hearings
- Reports of committees/commissions
- Ordinances and Resolutions
- Reports of officials

K. *Council Matters*

Any two Council Members may bring forward a colleague memo on any topic to be considered by the entire Council. Two Council Members are required to place such a memo on the agenda, reflective of the Council procedure requiring a

motion and a second for consideration of a motion by the Council. Up to four Council Members may sign a colleague memo. The City Attorney recommends that the colleague memo be limited to three Council Members in order to avoid the potential of a Brown Act issue. Prior to preparing a colleague memo, Council Members will consult with the City Manager to determine whether he/she is or is willing and able to address the issues as part of his/her operational authority and within current budgeted resources. Colleague's memos should have a section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager. Council Members shall provide a copy of the proposed memo with the City Manager or appropriate senior staff prior to finalization. Completed Council colleagues memos shall be provided to the City Clerk's staff by noon on the Tuesday prior to the Council meeting that the memo is intended to be agendized, to provide time for the City Clerk to process for the Council packet.

The City Council will not take action on the night that a colleague memo is introduced if it has any implications for staff resources or current work priorities which are not addressed in the memo. The Council will discuss the colleague memo and then direct the City Manager to agendize the matter for Council action within two meetings, allowing City staff time to prepare a summary of staffing and resource impacts. Action may be taken immediately by the Council on colleague memos where there are no resource or staffing implications or where these are fully outlined in the colleagues memo. The Brown Act requires that the public be fully informed of the potential action by the Council via the Agenda 72 hours before a scheduled Council meeting. In order to satisfy the Brown Act requirements, the Council should consult with the City Attorney to ensure that the proposed title to the colleague memo contains all actions that the Council Members want completed on the night of the Council review.

L. Council Member Questions, Comments and Announcements

The purpose of this agenda item is to allow Council to question staff briefly on matters upon which Council has taken action or given direction, make general comments as a reference to staff on factual matters of community concern, or make brief announcements in a manner consistent with Government Code section 54952.2. New assignments will not be given nor will major policy issues be discussed or considered. To the extent possible, Council will confer with staff before raising matters under this agenda item. This agenda item will generally be limited to 15 minutes in length and the public may not speak to matters discussed;

M. Closed Sessions

Special closed sessions will be scheduled before or after regular or special Council meetings to the extent possible and appropriate. Closed sessions may be scheduled during a regular or special Council meeting, but this is discouraged by Council;

N. Adjournment

O. Rescheduling Agenda Items

When the Council is unable to complete its agenda the remaining business will generally be rescheduled as follows. Nothing in this section shall be deemed to supersede or conflict with state law.

1) Meeting Adjourned Sine Die

When a regular meeting is adjourned *sine die* (without a day), all unfinished items will be listed under unfinished business on the next regular Council meeting agenda; except, that where deemed necessary, the City Clerk, with the City Manager's concurrence, may place those business items in a different order on the agenda.

2) Meeting Adjourned to Date Certain

When a regular meeting is adjourned to another regular meeting night, all unfinished items will be listed in their original order after roll call on the agenda of such designated regular meeting.

3) Continued Items

When an item on the agenda is continued to a subsequent meeting, such item will be listed under unfinished business on such agenda unless the Council by majority vote chooses to place such item in a different location on such agenda or unless the City Clerk, with the City Manager's concurrence, deems it necessary to place such item at a different location on such agenda.

P. Adding New Items to the Agenda

No matters other than those on the agenda shall be finally acted upon by the Council. However, emergency actions (as defined in Government Code section 54956.5) and matters upon which there is a lawful need to take immediate action (as defined in Government Code section 54954.2) may, with the consent of two-thirds, or all members present if less than two-thirds are present, be considered and acted upon by the Council.

Q. Special Meetings

Special meetings may be called by the Mayor or City Council by providing a minimum of 24-hours posted notice in the manner required by state law. To the greatest extent possible, special meetings called for other than regular meeting days should be scheduled by a majority of the Council present and voting at a regular meeting.^{vi} Unlike regular meetings, there are no circumstances that permit the City Council to add new items to a special meeting agenda or notice.

R. Study Sessions

Study sessions are meetings during which the Council receives information about City business in an informal setting.

1) Time

Special study sessions will be held as needed.

2) No Formal Rules

Study sessions are intended to be conducive to in-depth factual presentations by City staff and detailed questioning and brainstorming by Council. The Council may discuss the material freely without following formal rules of parliamentary procedure, and the Mayor shall have discretion to determine the appropriate process for conducting the study session, including when public comment and oral communications will be heard.

3) Public Participation.

The general rules of decorum apply.

4) No Final Action

Staff may be directed to bring matters back for Council consideration at future meetings, as no action can be taken.

S. Closed Sessions

Closed sessions are the only kind of Council meeting that the public cannot observe. State law allows closed sessions to discuss pending litigation, employment issues, real estate negotiations and certain other matters. To the greatest extent possible, the City Attorney and City Clerk shall use standardized agenda descriptions that are consistent with Government Code section 54954.5.

1) Announcements Before Closed Sessions

The mayor shall announce the item or items to be considered in closed session by reference to the appropriate agenda number or letter, or in an alternate form that shall be provided by the City Attorney.

2) Public Comments

Members of the public are permitted to make public comments on closed session matters. The City Clerk shall be present in the open session to record Council attendance and any statements made during oral communications or by the Council.

3) Attendance

The City Manager and City Attorney, or their designees, shall attend closed sessions unless it is necessary to excuse them. Only such additional staff shall attend as are necessary and then only if the legal privileges of confidentiality obtained in an executive session are not waived.

4) Public Reports

State Law and a Palo Alto initiative require the Council to make a public report after a closed session when certain kinds of actions are taken.^{vii} Reports from closed sessions shall be made by the Mayor, the Vice Mayor in the Mayor's absence, or such other City representative as designated by the Council or its committees. Such designated person is the only individual authorized to make public statements concerning the closed session.

It is the policy of the City Council to inform the public of action taken in closed session to the greatest extent possible. It is recognized, however, that the need for confidentiality is inherent in closed sessions and that certain matters if revealed may be a detriment to the results desired. The Council shall publicly report: (a) any decision to appoint, employ, or dismiss a public employee and the roll call vote thereon at its next public meeting, (b) actions related to litigation and the roll call vote on such actions, unless the report would, in the written opinion of the City Attorney for specifically stated reasons, clearly jeopardize the city's ability to effectuate service of process on one or more unserved parties or impair the city's ability to resolve the matter through negotiation, mediation or other form of settlement. Notwithstanding the City Attorney's written opinion, the Council may under any circumstance, by majority vote, determine that it is in the

City's best interests to disclose actions taken in closed session related to litigation. The public report shall be given as soon as possible, but no later than the next regular meeting, and shall include the vote or abstention of every member present. The City Attorney's written opinion shall be made public, along with any action taken and any vote thereon, as soon as any litigation is concluded. The City Attorney shall record any action and vote upon such forms as the City Attorney may deem desirable.

5) No Minutes

No minutes of closed sessions shall be kept. The City Attorney shall record the information necessary to comply with state law and the Palo Alto initiative.

6) Confidentiality

No person in attendance at a closed session may disclose the substance or effect of any matter discussed during the session.^{viii}

T. Motions, Debate & Voting

1) Policy

It is the policy of the Council to follow simplified rules of parliamentary procedure for motions, debate and voting. These rules focus on the types of motions the Council can debate and when those motions are properly used.

2) Purpose

The purpose of these rules to facilitate orderly and thorough discussion and debate of Council business. These rules shall not be applied or used to create strategic advantage or unjust results.

3) Summary of Rules

Palo Alto does not follow Roberts Rules of Order. See the Summary Table below.

U. Motions

A motion is a formal proposal by a Council Member asking that the Council take a specified action. A motion must receive a second before the Council can consider a matter. Matters returning to the Council with unanimous approval from a standing committee will be introduced without a motion if directed by the committee.

1) Types of Motions

There are two kinds of motions. These are the "main" motion and any secondary motions. Only one main motion can be considered at a time.

2) Procedure:

- Get the Floor

A Council Member must receive the permission of the Mayor (or other presiding officer) before making a motion.

- **State the Motion**
A motion is made by a Council Member (the “maker”) stating his or her proposal. Longer proposals can be written and may be in the form of a resolution.
- **Second Required**
Any other Council Member (including the presiding officer) who supports the proposal (or who simply wishes it to be considered) may “second” the motion without first being recognized. A motion to raise a question of personal privilege does not require a second.
- **Motion Restated**
The Mayor should restate the motion for the record, particularly if it is long or complex.
- **Lack of a Second**
If there is no second stated immediately, the Mayor should ask whether there is a second. If no Council Member seconds the motion the matter will not be considered.
- **Discussion**
The maker shall be the first Council Member recognized to speak on the motion if it receives a second. Generally Council Members will speak only once with respect to a motion. If the Mayor or Council permits any Council Member to speak more than once on a motion, all Council Members shall receive the same privilege.
- **Secondary Motions**
Secondary motions may be made by a Council Member upon getting the floor.
- **Action**
After discussion is complete the Council will vote on the motion under consideration.

3) *Precedence of Motions*

When a motion is before the Council, no new main motion shall be entertained. The Council recognizes the following secondary motions which may be considered while a main motion is pending. These motions shall have precedence in the order listed below. This means that a secondary motion that is higher on the list will be considered ahead of a pending secondary motion that is lower on the list:

- Fix the time to which to adjourn;
- Adjourn;
- Take a recess;
- Raise a question of privilege;
- Lay on the table;
- Previous question (close debate);
- Limit or extend limits of debate;
- Motion to continue to a certain time;
- Refer to committee;

- Amend or substitute;

4) Secondary Motions Defined

The purpose of the allowed secondary motions is summarized in the following text and table.

- *Fix the time to which to adjourn*
This motion sets a time for continuation of the meeting. It requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned.
- *Adjourn*
This motion ends the meeting or adjourns it to another time. It requires a second and is not debatable except to set the time to which the meeting is adjourned, if applicable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.
- *Take a recess*
This motion interrupts the meeting temporarily. It is amendable, but is not debatable.
- *Raise a question of personal privilege*
This motion allows a Council Member to address the Council on a question of personal privilege and shall be limited to cases in which the Council Member's integrity, character or motives are questioned, or when the welfare of the Council is concerned. The maker of the motion may interrupt another speaker if the presiding officer recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.
- *Lay on the table*
This motion is used to interrupt business for more urgent business. A motion to lay on the table requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is tabled, the matter must be reagendaized in the future if further consideration is to be given to the matter.
- *Previous question*
This motion "calls the question" by closing debate on the pending motion. A motion for previous question requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If motion for previous question fails, debate is reopened; if motion for previous question passes, then vote on the pending motion. A motion for previous question requires a two-thirds vote of those Council Members present and voting.

- Limit or extend debate
This motion limits or extends the time for the Council or any Council Member to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Council Members present and voting.
- Continue to a certain time
This motion continues a matter to another, specified time. It requires a second, is amendable and is debatable as to propriety of postponement and time set.
- Refer to a city agency, body, committee, board, commission or officer
This motion sends a subject to another city agency, body, committee, board, commission or officer for further study and report back to Council, at which time subject is fully debated. It requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.
- Amend or substitute
This motion changes or reverses the main motion. It requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely.

Motion	Description	2nd Required	Debatable	Amendable	2/3 Vote
Fix the time to which to adjourn	Sets a next date and time for continuation of the meeting	X	Only as to time to which the meeting is adjourned	X	
Adjourn	Sets time to adjourn. Not in order if (a) repeated without intervening business (b) made as an interruption of a member while speaking; (c) the previous question has been ordered; and (d) while a vote is being taken	X	Only to set the time to which the meeting is adjourned		
Take a recess	Purpose is to interrupt the meeting	X		X	
Raise a question of privilege					
Lay on the table	Interrupts business for more urgent business	X			
Previous question (close debate or "call the question")	Closes debate on pending motion	X			X
Limit or extend limits of debate	Purpose is to limit or extend debate	X		X	X
Motion to continue to a certain time	Continues the matter to another, specified time	X	X	X	
Refer to committee	Sends subject to another city agency, body, committee, board, commission or officer for further study and report back to council, at which time subject is fully debated	X	Only as to propriety of referring, not substance of referral	X	
Amend or substitute	Modifies (or reverses course of) proposed action. Cannot raise independent question. Can amend an amendment, but no further	X	Only if underlying motion is debatable	X	

V. Debate and Voting

1) Presiding officer to state motion

The presiding officer shall assure that all motions are clearly stated before allowing debate to begin. The presiding officer may restate the motion or may direct the City Clerk to restate the motion before allowing debate to begin. The presiding officer shall restate the motion or direct the City Clerk to restate the motion prior to voting.

2) Presiding officer may debate and vote

The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council Members. The presiding officer shall not be deprived of any of the rights and privileges of a Council Member.

3) Division of question

If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a member shall, divide the same. The presiding officer's determination shall be appealable by any Council Member.

4) Withdrawal of motion

A motion may not be withdrawn by the maker without the consent of the Council Member seconding it.

5) Change of vote

Council Members may change their votes before the next item on the agenda is called.

6) Voting

On the passage of every motion, the vote shall be taken by voice or roll call or electronic voting device and entered in full upon the record.

7) Silence constitutes affirmative vote

Council Members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Council Members have stated in advance that they will not be voting.

8) Failure to vote

It is the responsibility of every Council Member to vote unless disqualified for cause accepted by the Council or by opinion of the City Attorney. No Council Member can be compelled to vote.

9) Abstaining from vote

Council Members should only abstain if they are not sufficiently informed about an item, e.g. when there was a prior hearing and they were unable to view the prior meeting before the current meeting. In the event of an abstention the abstainer in effect, "consents" that a majority of the quorum of the Council Members present may act for him or her.



10) Not participating

A Council Member who disqualifies him or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the discussion or the vote. A Council Member may otherwise disqualify him or herself due to personal bias or the appearance of impropriety.

11) Tie votes

Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Council voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Council may make a motion to continue the matter to another date. Any continuance hereunder shall suspend the running of any time in which action of the City Council is required by law. Nothing herein shall be construed to prevent any Council Member from agendaizing a matter that resulted in a tie vote for a subsequent meeting.

12) Motion to reconsider

A motion to reconsider any action taken by the Council may be made only during the meeting or adjourned meeting thereof when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. The motion must be made by one of the prevailing side, but may be seconded by any Council Member. A motion to reconsider may be made at any time and shall have precedence over all other motions, or while a Council Member has the floor, providing that no vested rights are impaired. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion. Nothing herein shall be construed to prevent any Council Member from making a motion to rescind such action at a subsequent meeting of the Council.

13) Appeal from the decision of presiding officer

When the rules are silent, the presiding officer shall decide all questions of order, subject to appeal by a Council Member. When in doubt, the presiding officer may submit the question to the Council, in which case a majority vote shall prevail. Any decision or ruling of the presiding officer may be appealed by request of any member. The presiding officer shall call for a roll call or electronic voting device vote to determine if the presiding officer's ruling shall be upheld. If said vote passes or results in a tie vote, the presiding officer's ruling shall stand. If said vote fails, the decision or ruling of the presiding officer is reversed.

14) Getting the floor; improper references to be avoided

Every Council Member desiring to speak shall address the chair and, upon recognition by the presiding officer, every Council Member shall be confined to the question under debate, avoiding all indecorous language and personal attacks.



15) Interruptions

Except for being called to order, a Council Member once recognized, shall not be interrupted when speaking, except as otherwise provided for in these rules. A Council Member called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Council Member shall be permitted to proceed.

W. Quasi-Judicial/Planned Community Hearings

Policy

It is the policy of the Council to assure that the due process rights of all persons are protected during City hearings. A "quasi-judicial" hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial/planned community hearings involve a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Council's decision.

Purpose

These rules are intended to assure that City Council decision making on quasi-judicial/planned community matters is based upon facts and evidence known to all parties and to support the role of Boards and Commissions in making independent recommendations to Council.

General Requirements

For purposes of this Section IV, a Quasi-Judicial or Planned Community Development Project subject to these rules is a formulated plan to go forward with a particular project or development.

1) Quasi-Judicial/Planned Community Proceedings Defined

Quasi-judicial/planned community proceedings subject to these procedural rules include hearings involving the following matters:

- Conditional Use Permits
- Variances
- Home Improvement Exceptions
- Design Enhancement Exceptions
- Subdivisions, other than final map approvals
- Architectural Review
- Assessment protest hearings
- Other matters as determined by the City Attorney
- Appeals related to any of the above
- Environmental Review relating to any of the above



2) *Restrictions on Council Communications Outside of Quasi-Judicial and Planned Community Zone Hearings*

It is the policy of the Council to discourage the gathering and submission of information by Council Members outside of any noticed public meeting, prior to final recommendations by the Architectural Review Board or Planning & Transportation Commission. The following procedural guidelines are intended to implement this policy, but shall not be construed to create any remedy or right of action.

3) *Identification of Quasi-Judicial/Planned Community Matters*

The City Attorney, in conjunction with the City Clerk and City Manager, will identify agenda items involving quasi-judicial/planned community decisions on both the tentative and regular Council agendas. This identification is intended to inform the Council, interested parties, and the public that this policy will apply to the item.

4) *Council to Track Contacts*

Council Members will use their best efforts to track contacts pertaining to such identified quasi-judicial/planned community decision items. Contacts include conversations, meetings, site visits, mailings, or presentations during which substantial factual information about the item is gathered by or submitted to the Council Member.

5) *Disclosure*

When the item is presented to the Council for hearing, Council Members will disclose any contacts which have significantly influenced their preliminary views or opinions about the item. The disclosure may be oral or written, and should explain the substance of the contact so that other Council Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Council's decision and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed sufficient basis for a request to continue the item. A contact or the disclosure of a contact shall not be deemed grounds for disqualification of a Council Member from participation in a quasi-judicial/planned community decision unless the Council Member determines that the nature of the contact is such that it is not possible for the Council Member to reach an impartial decision on the item.

6) *No Contacts after Hearings*

Following closure of the hearing, and prior to a final decision, Council Members will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

7) *Written Findings Required*

On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under



consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

8) *Rules of Evidence*

Council hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Council.

9) *Burden of Proof*

The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Council to support his or her position.

10) *Council Members Who are Absent During Part of a Hearing*

A Council Member who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Council Member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

11) *Appeals*

Appeals to the Council shall be conducted *de novo*, meaning that new evidence and arguments may be presented and considered. All matters in the record before any other City board, commission or official shall be part of the record before the Council.

*For all purposes, applicant also refers to applicant agent.



X. Standing Committees

Policy

It is the policy of the Council to use standing committees in open and public meetings to study City business in greater depth than what is possible in the time allotted for Council meetings.

Purpose

These rules are intended to enhance public participation and committee meetings so that the best possible decisions can be made for Palo Alto.

General Requirements

Council standing committees shall be subject to the following procedural rules:

1) Quorum

A majority of the committee membership shall constitute a quorum.

2) Referrals

Only the Council or City Manager shall make referrals to the standing committees. Referrals will generally be directed to only one of the standing committees. Items may be withdrawn from the committee and taken up for consideration by the Council at any Council meeting with the consent of a majority of the Council, and subject to any applicable noticing or agenda posting requirements. Council members who submit matters to the Council which are referred to a standing committee may appear before the standing committee to which the referral has been made in order to speak as proponents of the matter. Standing committee meetings during which such referrals may be considered shall be noticed as Council meetings for the purpose of enabling the standing committee to discuss and consider the matter with a quorum of the Council present.

3) Function of committees

The purpose and intent of committee meetings is to provide for more thorough and detailed discussion and study of prospective or current Council agenda items with a full and complete airing of all sentiments and expressions of opinion on city problems by both the Council and the public, to the end that Council action will be expedited. Actions of the committee shall be advisory recommendations only.

4) Minutes

The City Clerk shall be responsible for the preparation and distribution to the Council of the minutes of standing committee meetings. The minutes for these meetings shall be sense minutes which reflect the motions made during these meetings. The minutes shall be delivered to all Council Members before the Council meeting at which the committee's recommendations are to be discussed.



5) *Report of committee*

The minutes of each committee meeting shall serve as the report to the Council. Any member may write a separate report.

6) *Agenda*

The chairperson of each standing committee shall prepare the agenda for committee meetings, the sequence of study being, within reasonable limits of practicality, the same as the sequence of referral.

7) *Public Participation*

Public comment on agenda items will be limited to a maximum of five minutes per speaker, or any alternate time limit specified by the presiding officer.

8) *Conduct of standing committee meetings*

The chairperson of each committee may conduct meetings with as much informality as is consistent with Council procedural rules, which shall also be in effect during committee meetings. The views of interested private citizens may be heard in committee meetings, but in no case shall a committee meeting be used as a substitute for public hearings required by law.

9) *Oral Communications*

Opportunities for oral communications shall be provided in the same manner as Council meetings.

Y. *Ad Hoc Committees*

Policy

The Council may use Ad Hoc Committees on a limited basis where necessary to study City business in greater depth than what is possible in the time allotted for Council and Standing Committee meetings.

Purpose

These rules are intended to clarify the distinctions between Standing and Ad Hoc Committees, and to set up guidelines for creation of Ad Hoc Committees.

General Requirements

Council Ad Hoc Committees shall be subject to the following procedural rules:

1) *Definition of Ad Hoc Committee*

An Ad Hoc Committee is an advisory committee composed solely of less than a quorum of members of the Council. The work of an Ad Hoc Committee is limited to a single finite purpose. By contrast, a Standing Committee has continuing subject matter jurisdiction extending for a lengthy time period and/or a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Council.



- 2) **Brown Act**
Ad Hoc Committees do not constitute legislative bodies and are not subject to the requirements of the Brown Act.
- 3) **Appointment**
The Mayor or the City Council may appoint four or less members of the Council to serve on an Ad Hoc Committee. In contrast, only the Council and not the Mayor alone can create a Standing Committee. The Mayor will publicly announce any Ad Hoc Committee created by him or her, its membership and stated purpose and posted on the City Council website. The City Manager shall prepare a report to Council about the anticipated time commitment required for staff to assist the Ad Hoc Committee.
- 4) **Duration**
Ad Hoc Committees are created for a finite period of time. If an Ad Hoc Committee does not complete its task by the end of the calendar year, it shall not continue unless reappointed by the new Mayor in the following year.
- 5) **Members**
Ad Hoc Committees shall consist of less than a quorum of Council members only, and shall not include any other persons such as members of other legislative bodies.
- 6) **Reporting**
Ad Hoc Committees shall report their recommendations to the Council no less than once per quarter in writing or orally. Any Council Member may during the COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS request that an updated Ad Hoc Committee report be placed on the next meeting's agenda.
- 7) **Termination of Ad Hoc Committee by Majority of Council**
A majority of the Council may vote to terminate any Ad Hoc Committee following placement of the issue on an agenda.
- 8) **Conclusion**
A public announcement shall be made any time the Ad Hoc Committee has concluded its work and/or upon dissolution.

2.5 - Election of Mayor

Palo Alto Municipal Code Section 2.04.060 governs the election of the Mayor. Nominations for Mayor may be made by any individual Council Member and do not require a second.



CITY COUNCIL PROTOCOLS

The handbook is organized into eight sections:

- 1) Core Responsibilities**
- 2) Council Conduct**
- 3) Other Procedural Issues**
- 4) Policy & Services Committee – Role, Purpose & Work Planning**
- 5) Enforcement**
- 6) City Council Emails for Agenda-Related Items**
- 7) City Council and Board and Commissions Policy for Travel and Miscellaneous Expense Reimbursement, March 2006**

City of Palo Alto Council Protocols Ethics Addendum



SECTION 1 - CORE RESPONSIBILITIES

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members:

- A. Demonstrate honesty and integrity in every action and statement
- B. Comply with both the letter and spirit of the laws and policies affecting the operation operations of government.
- C. Serve as a model of leadership and civility to the community
- D. Inspire public confidence in Palo Alto government
- E. Work for the common good, not personal interest
- F. Prepare in advance of Council meetings and be familiar with issues on the agenda
- G. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- H. Participate in scheduled activities to increase Council effectiveness
- I. Review Council procedures, such as these Council Protocols, at least annually
- J. Represent the City at ceremonial functions at the request of the Mayor
- K. Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- L. Respect the proper roles of elected officials and City staff in ensuring open and effective government
- M. Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town



SECTION 2 - COUNCIL CONDUCT

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

2.1 – Public Meetings

- A. Use Formal Titles
The Council should refer to one another formally during Council meetings as Mayor, Vice Mayor or Council Member followed by the individual's last name.
- B. Practice Civility and Decorum in Discussions and Debate.
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.
- C. Honor the Role of the Presiding Officer in Maintaining Order and Equity.
Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason, following the parliamentary procedures outlined in the City Council Procedural Rules.
- D. Demonstrate Effective Problem-Solving Approaches.
Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Council Members are role models for residents, business people and other stakeholders involved in public debate.
- E. Be Respectful of Other People's Time.
Stay focused and act efficiently during public meetings.

2.2 - Private Encounters

- A. Treat Others as You Would Like to be Treated.
Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way.



2.3 – Council Conduct with City Staff

The key provisions on Council-staff relations found in section 2.04.170 of the Palo Alto Municipal Code:

“Neither the council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent the city manager from exercising individual judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.”

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City Staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

A. Treat All Staff as Professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your Council colleagues, practice civility and decorum in all interactions with City staff.

B. Channel Communications through the Appropriate Senior City Staff.

Questions of City staff should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, Assistant City Clerk, City Auditor, Senior Assistant City Attorneys, or Department Heads. The Office of the City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council Members. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. However, nothing in these protocols is intended to hinder the access Council-appointed liaisons (e.g. to the San Francisquito JPA or NCPA) may require in order to fulfill their unique responsibilities.

C. In Order to Facilitate Open Government, All Council Members Should Make Decisions with the Same Information from Staff On Agendized or Soon-To-Be Agendized Items (i.e. Items on The Tentative Agenda or in a Council Committee).

D. Never Publicly Criticize an Individual Employee, Including Council-Appointed Officers. Criticism is Differentiated From Questioning Facts or the Opinion of Staff.

All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney, City Auditor or City Clerk should be



made directly to these CAOs through private correspondence or conversation-

E. Do Not Get Involved in Administrative Functions.

Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.

F. Be Cautious in Representing City Positions on Issues.

Before sending correspondence related to a legislative position, check with City staff to see if a position has already been determined. When corresponding with representatives of other governments or constituents remember to indicate if appropriate that the views you state are your own and may not represent those of the full Council.

G. Do Not Attend Staff Meetings Unless Requested by Staff.

Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.

H. Respect the "One Hour" Rule for Staff Work.

Requests for staff support should be made to the appropriate senior staff member, according to the protocol for channeling communications. Any request, which would require more than one hour of staff time to research a problem or prepare a response, will need to be approved by the full council to ensure that staff resources are allocated in accordance with overall council priorities. Once notified that a request for information or staff support would require more than one hour, the Council Member may request that the City Manager place the request on an upcoming Council agenda.

I. Depend upon the Staff to Respond to Citizen Concerns and Complaints.

It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate senior staff member, according to the protocol on channeling communications. The senior staff member should respond according to the Policy and Procedure for Responding to Customer Complaints. Senior staff is responsible for making sure the Council Member knows how the complaint was resolved.

J. Do Not Solicit Political Support from Staff.

The City Charter states that "Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office." In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.



2.4 - Conduct with Palo Alto Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. Council Members serve as liaisons to Boards and Commissions, according to appointments made by the Mayor, and in this role are expected to represent the full Council in providing guidance on Council processes or actions to the Board or Commission. Refrain from speaking for the full Council on matters for which the full council has not yet taken a policy position. In other instances, Council Members may attend Board or Commission meetings as individuals, and should follow these protocols:

A. If Attending a Board or Commission Meeting, Identify Your Comments as Personal Views or Opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.

B. Refrain from Lobbying Board and Commission Members.

It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

C. Remember that Boards and Commissions are Advisory to the Council as a Whole, not as Individual Council Members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Council Members should not feel they have the power or right to unduly influence Board and Commission members. A Board and Commission appointment should not be used as a political reward.

D. Concerns about an Individual Board or Commission Member Should be Pursued with Tact.

If a Council Member has concerns with a particular Board or Commission member fulfilling his or her roles and responsibilities and is comfortable in talking with that individual privately, the Council Member should do so. Alternatively, or if the problem is not resolved, the Council Member should consult with the Mayor, who may address the issue to the Council as appropriate.

E. Be Respectful of Diverse Opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer



working relationship with some individuals serving on Boards and Commissions, but must be fair to and respectful of all citizens serving on Boards and Commissions.

F. Keep Political Support Away from Public Forums.

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council Member.

G. Maintain an Active Liaison Relationship.

Appointed Council liaisons or alternates are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission.

2.5 - Staff Conduct with City Council

A. Respond to Council Questions as Fully and as Expeditiously as is Practical.

The protocol for staff time devoted to research and response is in application here. If a Council Member forwards a complaint or service request to a department head or a Council Appointed Officer, there will be follow-through with the Council Member as to the outcome.

B. Respect the Role of Council Members as Policy Makers for the City.

Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives

C. Demonstrate Professionalism and Non-Partisanship in all Interactions with the Community and in Public Meetings.

D. It is Important for the Staff to Demonstrate Respect for the Council at all Times. All Council Members Should be Treated Equally.



SECTION 3 - OTHER PROCEDURAL ISSUES

3.1 – Commit to Annual Review of Important Procedural Issues

At the beginning of each legislative year, the Council will hold a special meeting to review the Council protocols, adopted procedures for meetings, the Brown Act, conflict of interest, and other important procedural issues.

3.2 – Don't Politicize Procedural Issues (e.g. Minutes Approval or Agenda Order) for Strategic Purposes

3.3 – Submit Questions on Council Agenda Items Ahead of the Meeting

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than in one-on-one communications with staff prior to the meetings. Any clarifications or technical questions that can be readily answered can be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the appropriate Council Appointed Officer or City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting. More detailed procedures relating to agenda questions can be found in the addendum to these protocols titled "Policy and Procedures for Council E-mails for Agenda Related Items"

3.4 - Submittal of Materials Directly to Council

If Council receives planning application materials related to agenda item matters they will notify the City Clerk and the City Manager as soon as possible.

3.5 - Late Submittal of Correspondence or Other Information Related to Planning Applications

In order to allow for adequate Staff review and analysis, and to ensure public access to information, all plans, correspondence, and other documents supporting planning applications being heard by the City Council must be submitted to staff not later than noon five working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline to Council Members or staff, and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. If a Council member receives planning application materials from a project applicant he or she shall notify the City Clerk and the City Manager as soon as possible. There are no restrictions on the rights of applicants or others to comment or respond to information contained within the Staff Report. At the meeting the City Council may determine whether to continue or refer the item to the appropriate Board and/or Commission if significant changes to a project or significant new information become known. Nothing in this statement is intended to restrict the rights of applicants or other interested parties to respond to information contained in or attached to a Staff Report.

*For all purposes, applicant also refers to applicant agent.



3.6 – Respect the Work of the Council Standing Committees

The purpose of the Council standing committees is to provide focused, in-depth discussion of issues. Council should respect the work of the committees. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at Committee, the item will be placed on the Consent Calendar unless otherwise recommended by the Committee, Mayor or staff.

3.7 – The Mayor and Vice Mayor Should Work With Staff to Plan the Council Meetings

There are three purposes to the pre-Council planning meeting: 1) to plan how the meeting will be conducted; 2) to identify any issues or questions that may need greater staff preparation for the meeting; and 3) to discuss future meetings. The purpose of the meeting is not to work on policy issues. Normally, only the Mayor and Vice Mayor are expected to attend the pre-Council meetings with the City Manager and other CAOs. Consideration in building the agenda should be given to the potential length of the meeting and at what point items of significant public concern may be heard.



SECTION 4 - POLICY & SERVICES COMMITTEE – ROLE, PURPOSE, & WORK PLANNING

The Municipal Code states that the role of the Council Policy & Services Committee is to:

...consider and make recommendations on matters referred to it by the council relating to parliamentary and administrative procedures and policy matters pertaining to intergovernmental relations, personnel policies, planning and zoning, traffic and parking, public work, and community and human services. (§2.04.220)

In 2009 and 2010, the Council reviewed the purpose and structure of the Committee and adopted recommendations on several items related to this. This section documents these agreements related to the Committee.

Purpose Statement: The purpose of the Policy & Services Committee is to review and identify important community issues and City policies and practices to ensure good public policy.

The Committee shall consider and make recommendations to Council on matters relating to parliamentary and administrative procedures and policy matters.

SECTION 5 - ENFORCEMENT

Council Members have the primary responsibility to assure that these protocols are understood and followed, so that the public can continue to have full confidence in the integrity of government. As an expression of the standards of conduct expected by the City for Council Members, the protocols are intended to be self-enforcing. They therefore become most effective when members are thoroughly familiar with them and embrace their provisions. For this reason, Council Members entering office shall sign a statement affirming they have read and understood the Council protocols. In addition, the protocols shall be annually reviewed by the Policy and Services Committee and updated as necessary.



SECTION 6 - CITY COUNCIL E-MAILS FOR AGENDA-RELATED ITEMS

6.1 - Policy

The Council adopted protocols provide a framework for the policy on e-mail communications between Council Members and Staff on agenda-related items, including the following:

- A. In order to facilitate open government, all Council Members should make decisions with the same information from Staff on agendized or soon-to-be agendized items (i.e. items on the tentative agenda or in a Council Committee)
- B. Submit questions on Council agenda items ahead of the meeting, In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than in one-on-one communications with Staff prior to the meetings. Any clarifications or technical questions that can be readily answered can be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the appropriate Council Appointed Officer or City Manager as far in advance of the meeting as possible so that Staff can be prepared to respond at the Council meeting.

In its settlement agreement with the San Jose Mercury News of February 2003, the City Council agreed to consider a policy under which the Council would waive any deliberative or other privilege, other than attorney-client privilege, that it might assert with regards to e-mails on agendized items. This policy and procedure implements that agreement. The Council, in adopting this policy, does not waive attorney-client-privilege or any other privilege associated with a closed session authorized under the Brown Act.

6.2 - Procedure

- A. Council Members should direct any questions on staff reports to the City Manager or designee. Questions on reports from the City Auditor, City Attorney, or City Clerk should be directed to the appropriate Council Appointed Officer. Council Members should not direct any questions on agenda items to other members of the City Manager's Staff or the Staff of the other Council Appointed Officers.
- B. Council Members will submit questions on agenda items no later than 9 a.m. on the Monday of the Council meeting at which the item will be discussed. Any questions received after that time may be responded to via e-mail, or alternatively, will be responded to at the Council meeting.



- C. Staff will not engage in “dialogues” with individual Council Members regarding questions, i.e. follow-up questions to initial questions will be responded to at the Council Meeting.
- D. Staff will give highest priority to responding prior to the Council meeting via e-mail only on items on the Consent Calendar. Questions which address the policy aspects of the item on the Council agenda will not be responded to prior to the meeting, although Staff welcomes such questions in advance of the meeting in order to prepare for the Council and public discussion. Technical and clarifying questions on non-Consent Calendar items will be responded to as time permits.
- E. If the Staff will be responding to a Council Members Consent Calendar question at the meeting rather responding to the question via e-mail, Staff will inform the Council Member as early as possible after receipt of the question(s).
- F. Questions and all Staff-prepared responses will be forwarded to all Council Members as well as put up on the special web page created for public review of Council agenda questions and Staff responses. Staff will include the name of the Council Member posing the questions in the “subject” field of the e-mail response.
- G. Written copies of all Council Member agenda questions and Staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public.



SECTION 7 - CITY COUNCIL AND BOARDS AND COMMISSIONS POLICY FOR TRAVEL AND MISCELLANEOUS EXPENSE REIMBURSEMENT, March 2006

GENERAL CONSIDERATIONS

This policy is set by the City Council and applies to Council Members and to Board and Commissions members, who will be referred to as "Officials" in the policy. In reimbursing travel and miscellaneous expenses, a municipal purpose requiring the expenditure of public funds must be in evidence; also, in accord with the Charter and Municipal Code, such expenditures must be from authorized appropriations.

7.1 - Eligible Activities

The following activities ("Eligible Activities") are recognized by the Council as advancing municipal purposes and are eligible for expense reimbursement, subject to limitations on activities and specific and total expenditures described elsewhere in this policy:

- A. Communicating with representatives of regional, state and national government on adopted city policy positions;
- B. Attending educational seminars designed to improve officials' skill and information levels;
- C. Participating in regional, state and national organizations whose activities affect the city's interest;
- D. In collaboration with city staff, implementing a city-approved strategy for attracting or retaining businesses to the city.

All other expenditures require prior approval by the City Council at a regular or special meeting.

7.2 - Out-of-Town Conferences or Meetings

A. Reimbursement

All payments for travel and meetings shall be on the basis of either reimbursement of expenses advanced by the Council Member/Official or payments made directly to travel agencies/websites, hotels, airlines or the organization sponsoring the meeting. All requests for payments or reimbursements must be accompanied by supporting vouchers, invoices or paid detailed receipts and a copy of descriptive literature about the conference or meeting. The Mayor or Chair for Officials must approve, in advance, individual travel requests for out-of-town meetings and conferences, e.g., Annual League of California Cities Conference, National League of Cities Conference, etc., including Eligible Activates. Allowable expenses for local or Bay Area Eligible Activates do not require prior approval by the Mayor or Chair.

The total reimbursement shall not exceed the budget adopted by the Council for this purpose.



All reimbursements shall comply with the limits of Policy and Procedures 1-02 (Citywide Travel Policy).

Expense reports should be submitted within 30 days of end of trip. Inability to provide such documentation in a timely fashion may result in expense being borne by the Council Member or Official.

B. Meals and Incidentals

Notwithstanding the preceding general policy regarding reimbursement, a Council Member or Official may submit a payment request (supported by conference literature) for advance payment of meals and incidentals allowance according to the Internal Revenue Service authorized mileage reimbursement rate and payment for meals and incidentals consistent with City Policy and Procedures 1-02. If the amount advanced is exceeded, additional reimbursement may be requested upon return from the meeting. Requests for additional reimbursement must be supported by a detailed report and receipts for all meals and incidentals. The Mayor shall pre-approve additional reimbursements, and if the expenses are determined to be excessive, they may not be approved.

C. Lodging Expense

Reimbursements or payment of hotel bills will be limited to the highest group or governmental rate available and will cover room charges, applicable taxes and any other item listed in this policy for the Council Member or Official. Telephone calls to Palo Alto City Hall may be made collect. Other charges on the bill such as extra guests and the like are not reimbursable.

D. Transportation

- *Air Transportation*
Reimbursement or payment will be limited to economy class commercial air carrier, or an available group travel rate if lower.
- *Private Automobiles*
Private automobiles may be used for personal or group transportation on extended trips. Reimbursement shall be made at the rate established by the Internal Revenue Service authorized mileage reimbursement rate consistent with the City Policy and Procedures 1-02. Mileage reimbursement for private automobiles shall not exceed the cost of round trip air transportation (economy class) and rental car, if applicable, or an available group travel rate if lower.
- *Rental Car*
Economy level only when Council Member or Official has traveled by airplane out of the Bay Area.
- *Shuttle/Taxi*
When traveling out of the area.



7.3 - Local or Bay Area Activities

Council Members or Officials who have been requested or designated to represent the City may receive the actual cost of:

- A. Meals, if they are a scheduled feature of the activity, e.g., SCCCA dinner meetings.
- B. Registration fees where applicable.
- C. Mileage if activity is outside the City (mileage claims should be submitted monthly, with details: date and type of meeting, number of miles traveled to be indicated), consistent with City Policy and Procedures 1-02.
- D. Council Members and Officials may be reimbursed by the City for use of a private bicycle to attend local or Bay Area activities outside the City of Palo Alto consistent with City Policy and Procedures 2-9.

7.4 - Other Expenses

- A. Airport parking fees, but Council Members and Officials must use long-term parking for travel exceeding 24 hours.
- B. Meal expenses and associated gratuities must be within the limits set in City Policy and Procedures 1-02.
- C. Telephone/Fax/Cellular expenses will be reimbursed for actual expense incurred on City business.
- D. Internet Fee up to \$15 per day, if a Council Member or Official is traveling on official business and needs access for City-related business.
- E. Baggage Handling Fee up to \$3 per bag will be reimbursed.
- F. Ethics Training Expenses – AB1234 requires ethics training every two years and such fee and related expenses are eligible for reimbursement.

7.5 - Activities Not Considered Reimbursable

- A. Voluntary attendance at any conference or meeting, not representing the City.
- B. Meetings of social or service organizations.
- C. Meetings of voter groups or with individual citizens concerned with agenda items.
- D. Election campaign activities.
- E. Alcohol and entertainment expenses.



- F. Personal portion of the trip and other non-mileage automobile expenses.

7.6 - Reports to Council

Council Members and Officials shall provide brief verbal reports on meetings attended at the City's expense at the next regular Council/Board/Commission meeting. If multiple Officials attended, a joint report may be made. All related documents are subject to the Public Records Act and can be periodically reviewed by auditors.

7.7 - Violation of This Policy

Use of public resources or falsifying expense reports is in violation of this policy and may result in any or all of the following:

- A. Loss of reimbursement privileges
- B. A demand for restitution to the City
- C. The City reporting the expenses as income to the elected or appointed Official to state and federal tax authorities
- D. Civil penalties of up to \$1000 per day and three times the value of the resources used
- E. Prosecution for misuse of public resources

7.8 - Mayor and Vice Mayor Additional Compensation

The Mayor shall receive \$150 monthly and the Vice Mayor \$100 monthly to defray additional expenses of these offices.

7.10 - Support Services

The City Clerk's Office makes travel arrangements for Council Members. This service includes conference registration, hotel reservations, per diem advances and reimbursement of unforeseen expenses. The department liaison for each board and commission will be responsible for arrangements for Officials.



CITY OF PALO ALTO COUNCIL PROTOCOLS ETHICS ADDENDUM

The citizens, businesses and organizations of the city are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity.

To this end, the City Council has adopted Council Protocols and this Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

A. Comply with Law

Members shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include but are not limited to: the United States and California constitutions, the city Charter, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of governments and City ordinances and policies.

B. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards and commissions, the staff or the public.

C. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.

D. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

E. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

F. Gifts and Favors

It is contrary to the city of Palo Alto's ethical standards for any council member to accept gifts or gratuities from an individual, business, or organization doing business, or seeking to do business, with the City or who is seeking permits or other entitlements from the City.



The acceptance of gifts can convey an appearance of favoritism and conflict of interest. Gifts can be perceived as attempts to influence City operations or as compensation for services rendered and can erode the public confidence in the impartiality of decisions made by Council Members.

Council Members exercise good faith in carrying out this Protocol. It is impossible to list every situation and fact pattern, so it anticipates that Council Members will exercise their good judgment in determining whether the item is a gift or not.

This policy is supplemental to the gift limitations of the Fair Political Practices Commission's Limitations and Restrictions on Gifts, Honoraria, Travel and Loans.

The following are not considered gifts under this Protocol:

- Gifts which the Council member returns (unused) to the donor, or for which the Council Member reimburses the donor, within 30 days of receipt.
- Gifts from a Council Member's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, unless he or she is acting as an agent or intermediary for another person who is the true source of the gift.
- Minor gifts of hospitality involving food or drink, that the Council Member receives in an individual's home or at another location of business.
- Gifts approximately equal in value exchanged between the Council Member and another individual on holidays, birthdays, or similar occasions.
- Informational material provided to assist the Council member in the performance of their official duties, including books, reports, pamphlets, calendars, periodicals, videotapes, or free or discounted admission to informational conferences or seminars.
- A bequest or inheritance.
- Campaign contributions.
- Personalized plaques and trophies with an individual value of less than \$250.
- Tickets to attend fundraisers for campaign committees or other candidates, and tickets to fundraisers for organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.



- Free admission, refreshments, and similar non-cash nominal benefits provided to the Council Member at an event at which the Council Member gives a speech, participates in a panel or seminar, or provides a similar service. Transportation within California, and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or similar service, are also not considered gifts.
- Passes or Tickets which provide admission or access to facilities, goods, services, or other benefits (either on onetime or repeat basis) that the Council Member does not use and does not give to another person.
- Wedding gifts
- A prize or award received in a bona fide competition not related to official status.

(These exceptions are paraphrased from FPPC publications.)

- Gifts from Sister Cities or other entities, other municipalities, if forwarded to the City.

G. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

H. Use of Public Resources

Members shall not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

I. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any other board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

J. Advocacy

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do.

K. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing



with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

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- ⁱ Palo Alto Municipal Code, § 2.04.080(b).
 - ⁱⁱ Palo Alto Municipal Code, § 2.04.120(c); 2.04.150(b)
 - ⁱⁱⁱ Palo Alto Municipal Code, § 2.04.010(b).
 - ^{iv} Palo Alto Municipal Code, § 2.04.050(a).
 - ^v Palo Alto Municipal Code, § 2.04.070(c)
 - ^{vi} Palo Alto Municipal Code, § 2.04.020.
 - ^{vii} Palo Alto Municipal Code, § 2.04.030.
 - ^{viii} Palo Alto Municipal Code, § 2.04.040.

A GUIDE TO CITY COUNCIL COMMUNICATIONS & BUSINESS

INCLUDING PROCEDURES FOR PUBLIC PARTICIPATION

Adopted November 19, 2012

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I. INTRODUCTION & CONTENTS

Among the core values of the City of Redwood City is *Integrity*. The City Council's commitment to that core value is reflected and enhanced through public participation and civic engagement, which the City Council encourages and welcomes. This guide describes how the City Council conducts its business, as well as the rights and the obligations of individuals who wish to speak during City Council meetings. By working together with the City's community members as responsible and accountable partners in achieving a mutual vision, we promote the City's identified core purpose - to build a great community together.

II. GENERAL MATTERS

- A. Procedural Rules. Rosenberg's Rules of Order shall serve as a general guide to procedural matters and motions but need not be strictly followed. (See www.ca-ilg.org/sites/main/files/file-attachments/resources__Rosenbergs_Rules_of_Order_-_Revised_2011.pdf)
- B. Adjournment. City Council meetings conclude no later than 11:00 p.m. unless a 5/7 majority of the Council votes to extend the meeting to discuss specified items; any motion to extend the meeting shall include a list of the specified items to be handled. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting or by 5/7 majority vote to a specified meeting. Occasionally, the City Council may adjourn in memory of someone. Such request is usually handled through the Mayor.
- C. Decorum. Civility and respectful discourse is encouraged. No person shall disrupt the orderly conduct of the Council meeting or impede the conduct of its business.

Prohibited disruptive behavior includes but is not limited to: shouting, making disruptive noises, such as clapping, boos, or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, holding up or waving posters or signs in the audience, making threats against any person or against public order and security, or approaching the Council table without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

The City Council discourages profane remarks or personal insults, to any member of the Council, staff, or general public because the use of swear words or personal attacks by their nature tend to incite an immediate breach of the peace, or cause a disruption, and impede good communication with the City Council.

The City Council also discourages the use of finger or hand gestures of any sort because it is disruptive and distracting and may inhibit potential speakers from expressing themselves if their comments will be judged and commented upon as they speak.

- D. Enforcement of Decorum. Disruptive or unruly behavior as described more fully above may result in removal from a City Council meeting and/or arrest and prosecution. Any law enforcement officer on duty may serve as the Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the City Council meetings.
- E. Cooling off Period/Clearing Council Chambers. In the event the audience at a council meeting continues, after a warning by the Presiding Officer, to engage in disruptive or unruly behavior to the extent that the meeting is preventing Council Members or others from adequately participating in the meeting, the Presiding Officer may order a cooling off period and/or the Council chambers be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption) or may adjourn the meeting to another time or place so that the meeting may continue uninterrupted.
- F. Council Chamber Capacity. Council Chambers attendance shall be limited to the posted seating capacity, which currently is 152 people. Entrance to the City Hall will be appropriately regulated by the City Manager or designee on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council, or stand in the back of the room. Sitting on the floor shall not be permitted. The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers. There is also a monitor outside for people to view the proceedings.
- G. Accessibility. The city makes every reasonable effort to accommodate the needs of the disabled. Persons needing assistance should contact the City Clerk.
- H. Use of City Equipment. City equipment such as video equipment and projector is not available for public use during public comment for items not on the agenda due to the limited time for such items and the need to coordinate with the City Clerk to assure compatibility with City equipment. Such equipment is generally available on a limited basis for use during presentations on agenda items such as land use matters or appeals. The speaker must make prior arrangements with the City Clerk in order to assure compatibility with the City's system, to allow testing for viruses or other matters that might harm the City's equipment, and that the materials do not require more than a few minutes' preparation and set-up.
- I. Alternate Facilities for Council Meetings. The Mayor and Vice-Mayor may approve from time to time that a meeting be held at a facility other than the City Council Chambers and provide advance notice to the public.
- J. Use of City Council Chambers. The City Council Chambers are for use only by the City. By permission of the City, the Chambers may be used; to the extent it does not disrupt any City activity, for City co-sponsored meetings or by other governmental agencies. In addition, upon permission of the City, the City Council chambers may be used by the

League of Women Voters to facilitate City Council debates during election years. All other uses are prohibited. Applications for use shall be made to the City Clerk.

- K. Materials after Posting of Agenda. New materials provided after the posting of the agenda are available during the meeting in the public binder on the table in the back of the City Council chambers and are posted on the City's website

III. PUBLIC COMMENT

The City Council wants to assure that members of the public have the opportunity to speak before final action on an item and these procedures are intended to assure an orderly conduct of the business of the Council and the members of the public wishing to speak to an item.

A. Public Comment: General Rules.

1. Public comment will generally be taken in the following order and in accordance with the published agenda:
 - a. Public comment on non-agenda items and consent items.
 - b. Public comment on action items including appeals and public hearings as they are taken up under the procedures set forth herein.
2. Oral communications may be used only to address items that are within the Council's subject matter jurisdiction.
3. Any person desiring to address the Council must first obtain permission of the presiding officer.
4. Speakers shall use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.
5. All remarks should be addressed to the Council as a body and not to any individual member nor to staff or any other member of the public.

Public comment is generally limited to three minutes per speaker but such time may be altered depending on the volume of business to be conducted and the number of speakers.

6. There is no yielding of time to another speaker.
7. **Speaker Cards.** Speaker cards must be submitted to address the council during oral communications and on any agenda matter. The speaker must identify the agenda item number and/or subject matter on which the speaker desires to comment.

Identifying information requested on the speaker cards is *optional* and is collected in order that the City can respond to speakers when appropriate after the meeting.

Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included on the speaker card or in any communication

to the City Council, will become part of the public record. As speaker may list his or her name on the card as “anonymous” and address as “City Resident.” The Presiding Officer will call on speakers by the name listed on the speaker card so if a speaker lists his or her name as “anonymous” or another pseudonym, he or she should be prepared to respond to that name when called to the podium by the Presiding Officer.

8. The City Clerk will give the cards to the Presiding Officer so that the speakers may be identified an orderly way. **Once the public comment period has begun, no additional speaker cards will be collected and no additional speakers allowed to speak.** This is because the amount of time allotted to speakers is dependent upon the total number of speakers.
 9. Petitions. Petitions shall be submitted to the City Clerk and shall not be read in their entirety unless requested to do so by the Council.
- B. Public Comment: Non-Agenda Matters and Consent Calendar.
1. The General Rules for all public comment apply. (See above.)
 2. The time allotted for public comment on this portion of the agenda is **fifteen (15)** minutes. Regardless of the number of speakers, time shall not exceed 3 minutes per speaker but might be less than 3 minutes when there are more than 5 speakers.
 3. Matters not on the agenda. The Brown Act does not allow the City Council to discuss non-agendized matters because it does not give the public adequate notice. Accordingly, the City Council is limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is challenging for staff to respond to a variety of issues on which they may or may not be prepared to respond on a moment’s notice so the City Manager may direct staff to respond at a later time.
 4. Consent calendar. There is a generally a Consent Calendar on all regular meeting agendas on which includes those matters that the City Manager, in consultation with the Mayor and Vice-Mayor, deems to be of a routine nature. The public is encouraged to contact the person identified on the agenda, prior to the Council meeting with questions about matters on the consent calendar.
- C. Public Comment: Action Items. The public may comment on each remaining item listed on the agenda for action as the item is taken up.
1. The General Rules for all public comment apply.
 2. Speaker Cards. After the initial public comment on non-agenda items and consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Member of the public wishing to speak to the Council on the item must fill out a speaker card and hand it in to the City Clerk prior to the commencement of the public comment portion of the matter.

3. Action items (other than appeals and public hearings). The amount of time allotted to this portion of the agenda is **thirty (30)** minutes. Regardless of the number of speakers, time shall not exceed 3 minutes per speaker but might be less than 3 minutes when there are more than 10 speakers.
4. Appeals and public hearings. The time allotted for public comment is **sixty (60)** minutes. If there are more than twenty (20) persons wishing to comment in addition to the staff and the parties, the Presiding Officer may limit the public comment for all speakers to less than three (3) minutes per speaker.

IV. PROCEDURES FOR PUBLIC HEARINGS ON LAND USE AND ZONING MATTERS AND ON APPEALS

- A. Presentation by the Party Participants. The Presiding Officer may limit the amount of time to be devoted to public presentations.
 1. For public hearings for land use and zoning matters and for appeals, staff shall present its report first.
 2. If there is no appeal, then public comment is next. (See III Public Comment above).
 3. If there is an appeal, then time shall be provided for one representative on both sides of the appeal to make a presentation. Each side will be allocated **ten minutes** to make a presentation on the appeal. The appellant shall go first, then the applicant, and then individuals may make public comment.
 4. Where the appellant is the applicant, the appellant-applicant may make a **ten (10) minute** presentation after the staff report, and public comment on the matter shall follow.
 5. In case there are two or more appellants, the time allowed for presentation shall be a total of **twenty (20) minutes** divided among all appellants. In no event will an individual appellant be given less than five (5) minutes for presentation.
 6. In some cases, a designated spokesperson(s) appears on behalf of an individual or a group to present the case of the applicant or appellant. Because the applicant and/or appellant is given more time than others, applicants and appellants may not additionally speak during public comment, regardless of whether the applicant or appellant spoke or whether represented by a spokesperson, on the item so as to avoid the inequity of some parties obtaining more time than others.
- B. Public Comment. See Section III Public Comment above.
- C. Rules of Evidence Do Not Apply. The City Council and its subordinate agencies as well as staff are not partisans on any side of any land use dispute but are charged with making decisions in the best interests of the entire City after weighing all input, and this process is a means of addressing divergent community interests. Accordingly, the rules of evidence and other such legal procedures do not apply.

- D. Ex-parte Communications. Constituents have a reasonable expectation that they may engage their elected officials on matters of community concern such as land use matters which are often controversial. However, interested persons also have a right to know what a Council Member considers as evidence in making certain decisions and may feel that the proceeding was not fair when a public official has ex parte communications (communications that occur outside of a public hearing) on a matter that is before or likely to come before the City Council.

The City Council wishes to balance its commitment to transparency in government and its obligation to provide a fair process. Accordingly, the following is suggested as best practices:

1. Legislative decisions. Legislative decisions relate to the City Council's law-making and policy functions, such as ordinances, zoning, and general plan amendments. The City Council may discuss pending legislative matters freely with its constituents and the public and no disclosure of those contacts is necessary.
2. Adjudicative decisions or quasi-judicial decisions. Adjudicative or quasi-judicial decisions relate to evaluations and judgments where the City Council is charged with applying legal standards to a factual situation, such as discretionary land use entitlements. Accordingly, the procedure employed must be fair and as well as accord interested parties with a meaningful opportunity to prepare and be heard. Interested parties should keep in mind that ex parte contacts with Council Members may give rise to the perception that the process was not fair if Council Members have information that other interested parties do not have or ex parte contacts may give rise to a perception that the Council Member is biased in favor of or against a particular party. While Council Members may meet with constituents to discuss pending adjudicative decisions, it is recommended that the Council Member make a complete disclosure of the contact, as follows:
 - i. Where information of a specific nature is gathered by a member of the City Council through contacts outside the record and the information is not already on the record, the member shall disclose the contact and its substance on the record prior to the commencement of the hearing to which such contact relates.
 - ii. When a matter involves a mixture of adjudicatory and legislative decisions, ex parte contacts and communications shall be disclosed.
3. Appeals. Once an appeal is filed, the City Council prefers to limit ex parte communications and rely on the record as presented during the hearing. In this case, the City Council Members should discourage any ex parte communications and may wish to avoid gathering or receiving information outside the noticed public meeting but to the extent such communication occurs, they should disclose this information.

4. Hearings involving vested rights. Vested rights involve an established property interest such as revocation of a use permit. Here, the City Council's need for discourse with the public outside of a noticed meeting is less significant because the Council is not considering granting a benefit and instead is contemplating a modification or loss of an existing property interest. In this case, the City Council strongly discourages ex parte communications but to the extent such communication occurs, they should disclose this information.
- E. Tentative Opinions Not Prejudgment. While Council members sometimes express tentative opinions on various projects pending before them the expression of such opinions assists interested persons and the public to address the concerns expressed and makes for a robust and far-ranging exploration of the issues raised by a project, the final decision is nonetheless based upon the entire record, after all evidence and testimony has been considered, and such tentative opinions are a necessary part of the review process and do not constitute prejudgment of the project.
 - F. Procedural Protections. Nothing in these procedures shall be construed as limiting any procedural protections that a party of the public may be entitled to by law over and above the protections of these guidelines, based upon the facts of any particular proceeding.
 - G. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the direction provided by the Council.
 - H. Absence. A Council Member who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has watched or listened to a video broadcast, or recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Council Member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.
 - I. Submission of Written Materials to Council.
 1. Documents, comments and information may be provided to the City Council in writing subject to the following provisions:
 - a) Written documents, comments or information may be mailed to the City Clerk or delivered to the City Clerk.

- b) If the document, comment or information concerns a hearing item, the sender should clearly label the material with the date of the meeting and the agenda item to which it applies. All documents, comments and information provided to the City become a public record. If senders do not want their e-mail address or any other contact information to be made public, they should not send such documents and comments by email but may deliver communications via U.S. Postal Service or in person to the City Clerk office. If they do not want their contact information included in the public record, contact information should not be included in the communication.
- 2. Pursuant to the Redwood City Municipal Code s. Chapter 1, an appellant who is filing an appeal must provide all documents upon which appellant is relying at the time he or she files the appeal.

V. USE OF ELECTRONIC MEDIA

Use of Electronic Communications at Public Meetings. See Policy, "The Use of Computer Hardware During City Council, Boards, Commission, and Committee Meetings," approved by Resolution No. 15035 on July 12, 2010, and attached hereto as **Attachment 1**.

VI. PROCEDURES FOR CITY COUNCIL CORRESPONDENCE

- A. City Council Use of City Letterhead. Resolution No. 13644, Adopted June 7, 1999, and entitled, "A Resolution Approving and Adopting City Council Policy Regarding Use of City Letterhead and City Log and Rescinding Any And All Prior Such Policies," is attached hereto as **Attachment 2**.
- B. Use of Title on Candidate Endorsements and Ballot Measures.
 - 1. A City official can lawfully endorse a candidate for election or a ballot measure and identify themselves using their job or political title (e.g., Joe Smith, Townville Assistant City Manager or Lucy Lawful, Vice Mayor of Townville).
 - 2. The caveats are as follows: a) the city employee or official may not mislead the public into thinking that s/he is speaking in official capacity or on behalf of the city, b) the employee or official must not use public resources such as letterhead, and c) the city employee's or official's off duty speech must not interfere with official duties.
 - 3. The Institute for Local Government suggests the following practice: officeholders may allow their names and titles to be used, subject to a condition that there is an asterisk by their name indicating that titles and organizational affiliations are for identification purposes only, and do not imply an endorsement by the organization itself.

VII. CITY COUNCIL - STAFF COMMUNICATIONS

Requests made by individual Council Members for information or assistance will be addressed as quickly as possible under the circumstances, provided that, in the judgment of the City Manager (or the City Attorney depending on the nature of the request) the request is not of a magnitude, either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council. If the individual council member request goes beyond these parameters, or in the judgment of the City Manager, is not within the scope of City policies or business, the City Manager will bring the request to the full Council for consideration.

LIST OF ATTACHMENTS

1. City Council Policy regarding "The Use of Computer Hardware during City Council, Boards, Commissions, and Committees Meetings," approved by Resolution No. 15035, adopted July 12, 2010.
2. City Council Policy regarding "Use of City Letterhead and City Logo" and Rescinding Any And All Prior Such Policies, approved by Resolution No. 13644, adopted June 7, 1999.

CITY OF SAN LEANDRO



COUNCILMEMBERS HANDBOOK

MARCH 2013

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REFERENCES

SAN LEANDRO CITY CHARTER
BROWN ACT
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION. (1994).
<u>Elected Officials Handbooks (4th ed.). Washington, D.C.:ICMA.</u>
POLITICAL REFORM ACT
SAN LEANDRO ADMINISTRATIVE CODE
SAN LEANDRO MUNICIPAL CODE

LEGISLATIVE HISTORY

The original Councilmembers Handbook was approved on October 19, 1998, by Minute Order No. 98-66. The handbook was completely revised and approved on December 20, 2010, by Resolution No. 2010-151. The following amendments have been made since December, 2010:

Date	Resolution No.	Section
06/20/2011	2011-108	Amended Appendix D
02/06/2012	2012-014	Added Appendix G
02/19/2013	2013-023	Amended Section IV regarding Requests by Members of the Council to Schedule Agenda Items

SECTION I

CITY COUNCIL

THE COUNCIL

The elective officers of the City of San Leandro shall consist of a Council of six members and the Mayor. All Council Members and the Mayor shall be elected by the registered voters of the City at large. One Council Member shall be elected from each Council Member district. *(Section 200 and Section 225(a), City Charter)*

DISTRICTS

There shall be six districts, numbered one through six as provided for within the City Charter. The boundaries of Council Member districts shall be those adopted by Charter or amended by ordinance of the Council. Each district shall consist of geographically compact contiguous territory and shall contain, as nearly as possible, equal numbers of residents. No change in district boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such person was elected or appointed. *(Section 230, City Charter)*

TERMS OF OFFICE

Council Members and the Mayor shall hold office for four years commencing on January 1 following their election. *(Section 235, City Charter)*

No person shall be eligible for the office of Council Member who has served two, complete four-year terms as Council Member immediately prior to the term for which such person seeks election or appointment. *(Section 265, City Charter)*

No person shall be eligible for the office of Mayor who has served two, complete four-year terms as Mayor immediately prior to the term for which such person seeks election or appointment. *(Section 270, City Charter)(Election date information see Section 600, City Charter)*

VACANCY

A vacancy shall exist in the office of Council Member or Mayor when the person elected or appointed to such office fails to qualify or becomes disqualified, or upon the occurrence of any event which, under the general laws, would cause a vacancy in such office.

A vacancy in the office of Council Member or Mayor shall be filled by appointment by the Council. The appointee shall hold office until the next general municipal election and until a successor is elected and qualified. Any unexpired remainder of the term of such office shall be filled by the voters at such election. If the Council fails to fill such

vacancy within sixty days after its existence, the Council shall call a special election, at which the unexpired remainder of the term of such office shall be filled by the voters. *(Section 245 and Section 250, City Charter)*

Should a Council Member vacate his or her office prior to completion of a second consecutive four year terms as Council Member, he or shall be ineligible for the office of Council Member for the following term. *(Section 275, City Charter)*

Should the Mayor vacate his or her office prior to completion of a second consecutive four year term as Mayor, he or she shall be ineligible for the office of Mayor for the following term. *(Section 280, City Charter)*

ELIGIBILITY

Any person is eligible to hold office as elected Council Member if such person is a registered voter of the City and a resident of the geographical area which constituted the district from which such person was nominated at the time of filing nomination papers, and was a resident of such area and a registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing.

Any person is eligible to hold office as appointed Council Member if such person is a registered voter of the City and a resident of the geographical area which constitutes the district from which such person's elected predecessor was nominated, and was a resident of such area and a registered voter of the City at the time of appointment and for a period of thirty days immediately preceding appointment. *(Section 205, City Charter)*

Any person is eligible to hold office as elected Mayor if such person is a registered voter of the City and was registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing. Any person is eligible to hold office as appointed Mayor if such person is a registered voter of the City and was a registered voter of the City for a period of thirty days immediately preceding appointment. *(Section 210, City Charter)*

ELECTIONS

In order to consolidate the General Municipal election with the statewide direct primary or statewide general election, the Council may by ordinance provide for such consolidation. Such ordinance shall also provide for the date of commencement of terms of office following the consolidated General Municipal Election. *(Section 600, City Charter; San Leandro Municipal Code, Section 1-11-100—Date of General Municipal Election)*

POWERS OF THE COUNCIL

All powers of the City shall be vested in the Council, except as otherwise provided for within the Charter. (*Section 300, City Charter*)

COUNCIL: SERVING AS OTHER AGENCIES

The City Council also serves as Members on the following Authorities and Agencies. The Mayor and Vice Mayor serve as the Chairperson and Vice Chairperson, respectively. Agenda items are included on the City Council Agenda, and Meetings are held at the Civic Center, City Council Chamber, 835 East 14th Street, San Leandro.

San Leandro Economic Development Agency	(meets as needed, annual meeting to be determined)
San Leandro Hillside Geologic Hazard Abatement District	(meets annually the third Monday in June.)
San Leandro Parking Authority	(meets annually the third Monday in June)
San Leandro Public Financing Authority	(meets annually the third Monday in June)
San Leandro Redevelopment Agency	(meets 1st and third Mondays monthly)

INCOMPATIBLE OFFICE OR EMPLOYMENT

A Council Member or Mayor who accepts or retains an incompatible public office or incompatible public employment after taking office on the Council shall be deemed thereby to have resigned as Council Member or Mayor. (*Section 240, City Charter*)

GUIDELINES FOR CITY COUNCIL MEMBERS SEEKING OUTSIDE GOVERNMENTAL APPOINTMENTS

If a Council Member decides to seek an outside governmental appointment (e.g. through the State or National League of Cities), the following guidelines will be observed:

- Staff support will not be provided to assist in the appointment application process or any follow-up thereof.
- The City will not pay per diem for travel associated with the appointment process.
- There will be no commitments of other City resources to assist in the appointment process.

MAYOR/COUNCIL COMPENSATION

All provisions of the Government Code of the State of California relating to compensation, benefits and reimbursement for expenses applicable to members of a City Council of a general law city shall be applicable to Council Members. (*Section 255, City Charter; Government Code Section 36516*)

Ordinance No. 2006-019 sets the Council Members' salary at \$1,260 per month. Additionally, each member of the Board of the Redevelopment Agency receives compensation of \$30 per meeting of the Agency attended by that member, not to exceed four meetings per month.

The Mayor shall receive a salary established by ordinance as approved by a majority of the City Council. In addition, the Mayor shall be entitled to the same benefits and reimbursement for expenses as are Council Members. (*Section 260, City Charter*)

Ordinance No. 2006-020 sets the Mayor's salary at \$2,520 per month.

The Mayor is provided a car allowance of Three Hundred Seventy-Five Dollars (\$375.00) per month, which shall be in lieu of the travel reimbursement afforded other City Council Members. (*San Leandro Administrative Code, Title 1, Chapter 5*)

(Appendix A--Guidelines regarding the Setting of the Mayor's Salary, are included for reference at the back of the handbook. These guidelines were approved by the City Council on February 4, 2002.)

REIMBURSEMENT FOR EXPENSES

City Council Members may be reimbursed for actual and necessary automobile expenses incurred in the performance of official duties within the San Francisco Bay Area in such amounts as are properly claimed, but not to exceed One Hundred Twenty-Five Dollars (\$125) per month for each Council Member.

The Mayor is provided a car allowance of a flat Three Hundred Seventy-Five Dollars (\$375.00) per month, which shall be in lieu of the travel reimbursement afforded other City Council Members. (*San Leandro Administrative Code, Title 1, Chapter 5*)

The sum of One Hundred Dollars (\$100) per full day and Fifty Dollars (\$50) per one-half day is allowed as reasonable expenses to be allowed each member of the City Council when traveling on official duty for all out-of-pocket expenses other than transportation and hotel expenses. (*San Leandro Administrative Code, Section 1.3.110*)

NON-INTERFERENCE WITH ADMINISTRATIVE SERVICE

Neither the Mayor nor any Council Member shall interfere with the execution of the powers and duties of the City Manager, or order, directly or indirectly, the City Manager or any department head to appoint or remove any person to or from any office or employment with the City. Except for the purpose of inquiry, the Mayor and Council Members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor any Council Member shall give orders to any subordinate of the City Manager, either publicly or privately. (*Section 345, City Charter*)

If a Council Member feels something needs to change or a staff member needs to receive instructions to do something, the issue should be raised with the City Manager immediately. In some cases he or she may be able to solve the problem on the spot; in others it may be more complicated. The City Manager reports to the whole Council of seven. What one Council Member thinks ought to happen may not be what the majority of the Council wants to happen. *(Taken from "Elected Official Handbooks," Book 5)*

SECTION II

MAYOR

POWERS AND DUTIES

The elected Mayor shall be the political head of the City. The Mayor shall:

- (a) recommend City policy;
- (b) recommend to the Council appropriate and necessary legislation;
- (c) recommend programs for the physical, economic, social and cultural development of the City;
- (d) be responsible for public relations activities and represent the City for ceremonial purposes;
- (e) represent the City in intergovernmental relations, personally or by delegated representative, at the direction of the Council;
- (f) preside at meetings of the Council;
- (g) establish and dissolve ad hoc committees, subject to approval by the Council;
- (h) possess the authority to suspend implementation of any action taken by the Council by filing with the City Clerk, within three days after such Council action, a notice of suspension thereof. Such suspension shall constitute a motion for reconsideration of the action taken, to be voted upon by the Council at its next regular meeting;
- (i) provide leadership and marshal citizen participation in City activities;
- (j) report to the public from time to time on the affairs of the City;
- (k) possess the authority and attributes of a Council Member;
- (l) possess such authority and perform such duties as are granted or required by Charter or by the Council;

(Section 305, City Charter)

VICE MAYOR

At its first regular meeting in May of each year, the Council shall designate one of its members Vice Mayor, to serve for a period of one year and until a successor is elected

and qualified. In the absence of the Mayor, the Vice Mayor shall possess and perform the powers and duties of the Mayor. (*Section 310, City Charter*)

Role of the Vice Mayor: The role of the Vice Mayor is to nurture and foster good will amongst the Council Members; to represent the Mayor, upon request, at ceremonial occasions on behalf of the City; to preside over the Council Meetings in the absence of the Mayor. The Vice Mayor shall act as the Standby Officer in the absence of the Mayor in the event of a disaster.

SECTION III

MEETINGS

MEETINGS OF THE COUNCIL

The Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution. All regular Council meetings shall be held in the Civic Center Complex or on public property within the City, should the Council find and determine that the Civic Center Complex is hazardous or unsuitable for the conduct of a regular Council meeting. (*Section 315 and Section 320, City Charter*)

TIME AND PLACE OF MEETINGS

Regular meetings of the City Council are held on the first and third Mondays of each month at 7:00 p.m. in the Civic Center, City Council Chambers, 835 East 14th Street. If any such day is a City holiday, the meeting shall be held on the next business day at 7:00 p.m. Work Sessions of the City Council are held regularly at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the 4th Monday, if needed, in the Helen Lawrence South Offices Conference Room at the Civic Center. Work Sessions may be held at locations throughout the City at the direction of the City Council. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, no formal action is usually taken at a Work Session. Starting times for each item are approximate. (*San Leandro Municipal Code, Section 1-1-200; San Leandro Administrative Code, Section 1.1.105*)

SPECIAL MEETING, CALL, NOTICE

A special meeting may be called at any time by the Presiding Officer of the Council, or by a majority of the members, by emailing, faxing or delivering written notice to each member of the Council at his/her residence or place of business and by emailing, faxing or mailing written notice to the press, at least twenty-four hours prior to said meeting.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at said meeting.

RULES OF ORDER

The proceedings of the Council shall be governed, unless otherwise stated, under “Robert’s Rules of Order, As Amended” on all matters pertaining to parliamentary law; however, no action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow said rules.

RULES OF PROCEDURE

The Council, by ordinance, shall establish rules of procedure for taking actions. Such rules shall:

- (a) provide that Council actions shall require the affirmative votes of a majority of the entire Council membership.
- (b) provide for the introduction, publication, adoption, amendment, effective date and codification of ordinances.
- (c) provide for the introduction and adoption of resolutions.

(Section 330, City Charter)

PUBLIC PARTICIPATION

No one shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak to the subject of any special meeting. *(Section 335, City Charter)*

The public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item. In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body's jurisdiction. (§ 54954.3(a) of the Brown Act)

QUORUM

A majority of the Council shall constitute a quorum for the transaction of business. *(Section 325, City Charter)*

SECTION IV

AGENDA

ORDER OF BUSINESS

The following shall constitute the order of business to be followed in conducting regular meetings of the Council:

Closed Sessions

- Call to Order
- Pledge of Allegiance
- Roll Call
- Announcements
- Presentations/Recognitions
- Public Hearings
- Joint Public Hearings
- Public Comments (limited to 3 minutes)
- City Manager and City Attorney Reports and Comments
- Amendment of Consent Calendar
- Consent Calendar
- Items Removed from Consent Calendar
- Action Items
- City Council Calendar, Reports and Announcements
- Council Requests to Schedule Agenda Items
- Adjourn

The order of business may be changed if deemed appropriate by the Mayor and agreed to by a majority of the Council. The printed agenda for each regular meeting shall include the following statement:

“The City Council welcomes your participation at meetings. The Agenda provides several opportunities for public participation.

Public Comments: *The public is invited to make comments on items **that are not listed on the Agenda** at this time. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor.*

Consent Calendar: *Members of the public who wish to address the Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes total for all items.*

Items Removed from Consent Calendar and Action Items: *Public comments on these items will be limited to 3 minutes per speaker, subject to adjustment by the Mayor.*

*When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk prior to or as the item is being announced so that the order of speakers may be determined and an official record of names and addresses obtained. Speakers should approach the podium and speak clearly into the microphone, stating their name for the record. There shall be no dialogue between persons speaking from the podium and the City Council until the speaker has completed his or her comments. Your item may be taken under consideration and referred to staff. All personal, racial or ethnic slurs, profane language, or disruptive conduct is prohibited. Any person who disrupts the meeting by expressing such conduct is subject to removal from the Council Chambers and/or arrest."*

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, find that there is a need to take immediate action, and that the need for action came to the City's attention after the agenda was posted. If less than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented. Other exceptions are provided for emergencies, as defined, and certain continued hearings.

POSTING OF AGENDA

The City Clerk is directed to post a copy of the agenda on the notice board outside the East 14th Street main entrance to the Civic Center, not less than 72 hours prior to each regular meeting, and not less than 24 hours prior to each special meeting to be held by the City Council. Notices may also be included on public access or electronic media, such as the City's website and cable television.

The agenda shall also be available to the general public by noon on Friday prior to the City Council Meeting scheduled. Agendas are also available by email by subscription from the City website, or by mail when self-addressed postage paid envelopes are provided.

DELIVERY OF AGENDA TO THE CITY COUNCIL

If practicable, the agenda and agenda item report packet shall be delivered to Council Members each Friday morning, preceding the Monday meeting to which it pertains. Council Members are asked to advise the City Clerk's Office where they desire agenda packets to be delivered. Holiday schedules may vary.

PUBLIC HEARINGS

Public Hearings precede Public Comments. Anyone wishing to speak regarding a Public Hearing item may do so at that time. The order of business for public hearings is as follows:

1. Staff presentation
2. Applicant/Appellant – 10 minutes
3. City Council Questions/Clarifications
4. Public Comments – 5 minutes per speaker, subject to adjustment by the Mayor
5. Applicant/Appellant Rebuttal – 5 minutes
6. City Council Comments/Questions/Action

Council Members should not speak to an issue until the public hearing has been closed. If a Council Member has met with a proponent/developer or opponent of the subject hearing, he/she should acknowledge such meeting prior to opening of the hearing at the Council meeting.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Council Members addressed through the Chair.

CITIZENS ADDRESSING COUNCIL

Covered under Section VIII “Addressing the Council.”

CONSENT CALENDAR

Consent Calendar items are typically routine in nature and are considered for approval by the City Council with a single action. The City Council may remove items from the Consent Calendar for discussion and vote on the item as a separate matter. Items listed on the Consent Calendar are deemed to have been read by title.

REQUESTS BY MEMBERS OF THE COUNCIL TO SCHEDULE AGENDA ITEMS

Requests by members of the Council to consider items for placement on a future agenda will be raised during the section of the regular meeting agenda entitled ***Council Requests to Schedule Agenda Items***. Any item raised as a future agenda item by a Councilmember will, **by consensus of the Council** (affirmation by at least four members), be referred to staff for placement on an upcoming Council agenda. The Presiding Officer will ask Councilmembers to indicate their interest in considering the item, then announce whether or not there is consensus to schedule the item on a future agenda.

SECTION V

PRESIDING OFFICER

PRESIDING OFFICER

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of the Mayor and the Vice Mayor, the Council shall elect a temporary presiding officer to serve until the arrival of the Mayor or the Vice Mayor or until adjournment.

CALL TO ORDER

The meeting of the Council shall be called to order by the Mayor or in his/her absence by the Vice Mayor. In the absence of both the Mayor and the Vice Mayor, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

PARTICIPATION BY PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, he/she should consider turning the Chair over to another member.

QUESTION TO BE STATED

The Presiding Officer shall orally restate each question immediately prior to call for the vote. Following the vote, the Presiding Officer or City Clerk shall announce whether the question carried or was defeated for the benefit of the audience.

MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No Council Member, staff or member of the audience is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

The Presiding Officer shall ensure that he/she, as well as the balance of Council, refrains from commenting or entering into conversation with speakers during Public Comments or during Public Hearings.

SECTION VI

RULES, DECORUM AND ORDER

POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall sustain or reverse the Presiding Officer's determination.

DECORUM AND ORDER - COUNCIL MEMBERS

- (a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself/herself to the question under debate.
- (b) A Council Member desiring to question a staff member shall address his/her question to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose.
- (c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.
- (d) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of our Council.
- (e) Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
- (f) Any Council Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

DECORUM AND ORDER - EMPLOYEES

Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City

Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

DECORUM AND ORDER - PUBLIC

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, applause and similar demonstrations and outbursts shall not be permitted by the Presiding Officer, who may direct the Sergeant-at-Arms to remove such offenders from the room. Aggravated cases shall be prosecuted or appropriate complaint signed by the Presiding Officer.

ENFORCEMENT OF DECORUM

The Chief of Police or representative shall be ex-officio Sergeant-at-Arms of the Council. He/She shall carry out all orders and instructions given him/her by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to eject any person from the Council Chambers or place him/her under arrest or both.

As set forth in the Brown Act (Government Code Section 54957.9), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. The City Council may establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Attendance at Council Meetings does not provide individuals or groups of individuals immunity or protection when their conduct is in violation of any other laws (California Penal Code, City of San Leandro Municipal Code, etc.) The Sergeant-at-Arms should and will be called upon by the Presiding Officer to enforce these laws at Council Meetings.

CONFLICT OF INTEREST (Disqualifications)

All Council Members are subject to the provision of California Law, such as Chapter 7, Title 9, of the California Government Code (The Political Reform Act), relative to conflicts of interest, and to conflict of interest codes adopted by ordinance or resolution of the Council.

Conflict of interest issues can be very complicated and fact specific. If a Council Member, after receiving the agenda packet, believes or is aware that he/she has a potential conflict, he/she should confer with the City Attorney as soon as possible before the meeting.

Any Council Member who has a conflict of interest or potential conflict of interest shall, immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public;
2. Recuse himself or herself from discussing and voting on the matter;
3. Leave the Council Chambers during the debate and voting on the issue.

The recused Council Member may speak on the issue during the time that the general public speaks on the issue. (*Government Code Section 87105(A)*)

The Council is prohibited by law from entering into a contract if any of the Council Members are financially interested in that contract. (*Government Code Section 1090 et seq.*)

LIMITATION OF DEBATE

No Council Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken.

DISSENT AND PROTESTS

Any Council Member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by language such as “I would like the minutes to show that I am opposed to this action for the following reasons....”

PROCEDURES IN ABSENCE OF RULES

Except as modified by the provisions of this handbook, the proceedings of the Council shall be governed by Robert’s Rules of Order, As Amended.

RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Vice Mayor or temporary Presiding Officer shall decide all questions of interpretations of these rules, points of order or other questions of procedure, requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Members present and voting.

SECTION VII

ADMINISTRATION

ROLE OF THE CITY COUNCIL

Policy Development - A Sense of Mission:

Local officials need to listen to the community as well as help the community visualize where it wants to be in the future.

As an elected official, you play a fundamental role in the evolution of the goals, purposes, and direction of your community. You are responsible for making decisions about tax policy and tax rates, the scope of services your government will provide, and the role of the public sector versus that of the private sector in the delivery of those services. You are also responsible for policies that will affect local economic growth, cultural change, and the environment. All these complex and ever-changing factors affect and are affected by a local government's mission.

To understand your government's mission is to become familiar with its policies. Review the budget, the capital improvement plan, the comprehensive or master plan, administrative procedures and practices, and the charter. As issues come up, take another look at existing policies to see if they support the mission of the organization. Keep in mind that policy making can be passive as well as active. Policy ideas can and do come from many sources, but the final determination of how policies (and through policies the mission of your organization) evolve during your term of office rests with you, the elected governing official. Wherever the ideas come from, it is the Council's responsibility to look at the merits of each idea and then approve, modify, or reject it. *(Chapter 1, Book 1, ICMA Elected Officials Handbook)*

Policy Making:

In very simple terms, policy making means deciding what you are going to do - not how you are going to do it. An example may help illustrate the difference. Deciding that your community is going to emphasize the provision of low-income housing is a basic policy decision. Making that decision means that you will be spending money on housing programs, that you intend to make this subject a priority, and that, in all likelihood, some other programs will have to wait their turn. Note that making the policy decision says nothing about *how* you will provide low-income housing. That question comes later and may require advice from your staff or other knowledgeable individuals. Your staff may suggest several alternatives for providing low-income housing. You might be able to use federal programs, state financing, or public-private partnerships. You will have to make other policy decisions, choosing which of these alternatives you wish to use. Once you have made these secondary policy decisions, your staff can deal with *how* to carry out your policy. Policies are formulated for the broad issues that affect your community.

These may include everything from providing jobs to paving streets to making sure that children have enough playgrounds.

As a policy maker, you are sometimes judge and sometimes advocate; you need to hear opposing views, consider the arguments, think about the concerns of the constituency you serve. Two major activities will help you shape policy systematically: setting goals and formulating the budget.

The four phases of the policy-making cycle are:

1. Identify and analyze community needs. What do your constituents want? What program changes were the basis of your campaign? What long-standing problems require attention? What do staff studies of social and economic trends tell you about the future?
2. Analyze program and service alternatives and resources. How do you gather the resources you will need to accomplish the goals you have in mind?
3. Choose and implement programs. How do you gain the consensus of your colleagues on the Council--or their cooperation in selecting programs and services? What details do you provide to staff, and what do you leave to their discretion?
4. Evaluate program results. How well is the program being implemented? Did you get what you expected? Is the program accomplishing what you intended it to?

Elected officials are also called on to make decisions about more narrow issues raised by constituents--fixing potholes in certain neighborhoods, the protection and replacement of old trees, and the problem of minors hanging out in video arcades during school hours. These kinds of little issues can quickly eat up most of your time.

However, it is the big issues that deserve most of your time and attention.

In addition to learning how various policies are influencing the mission of your local government, you will want to review the roles of other elected officials, of the staff, of interest groups, and of individuals from other local governments and other levels of government in making policy. (*Chapter 1, Book 1, ICMA Elected Officials Handbook*,)

Staff role:

A full-time staff, hired for its expertise, also has a responsibility to help the Council formulate policy. The City Manager and the staff often make recommendations based on what has worked in other communities as well as organizational and financial feasibility, and present alternative strategies for the review and decision of elected officials.

Realistically, the policy-making process and the influence of the City Manager and the organization's staff in shaping policies - both as they are being developed and as they are implemented - do not constitute a fixed equation. As you look at various issues, you and your colleagues will find that at times the decision is based solely on your ideas, while at other times you accept staff recommendations with little discussion. But many decisions reflect a blending of Council and staff perspectives within parameters you set.

Policy and administration are inextricably intertwined, and it is the responsibility of both the elected officials and the City Manager to work continually to clarify what they are looking at and to define their roles in discussions and actions. Often you must rely on your best judgment and common sense to determine what policy is. It is not the day-to-day operations of departments - that's administration. Yes, you are ultimately responsible for the way community services are provided and how things are run, but if you hire a City Manager, you will work through him or her to make sure things are taken care of. (*Chapter 1, Book 1, ICMA Elected Officials Handbook*,)

Administration and Management:

Once you have established a policy, it is the job of your City Manager to administer or execute that policy. When a constituent complains of a missed garbage pick-up, potholes, or an overzealous police officer, working through your City Manager will help you serve that constituent most effectively. It is the City Manager's job to know the most effective way to get action. The City Manager should also give you the staff support you need so that citizens recognize you as concerned and responsive. Also, your City Manager can tell you if a policy decision is needed from Council to deal with the issue you have raised.

Although it is up to the City Manager you have selected to deal with personnel and administration issues on a day-to-day basis, you have a role to play too. There may be times when you have reason to believe that Council policies are not being properly administered, and in such cases it is your responsibility to find out if your suspicions are valid. But do your checking through the normal chain of command. Sometimes, it might seem easier to check things out informally by contacting individual employees of the government whom you know socially. But that can undermine the authority you have delegated to the City Manager. Present the complaint to the City Manager and ask for a report. Then, if the situation is not remedied, the City Manager will have to answer to the Council for it.

Internal management involves actions the City Manager takes to put the resources of the organization to effective use in getting things done. On a day-to-day basis, this is the Manager's job. In Council-Manager communities, the Council also should regularly evaluate the performance of the City Manager as part of its assessment of internal management. (*Chapter 1, Book 1, ICMA Elected Officials Handbook, Book*)

APPOINTMENT OF CITY MANAGER

The Council shall appoint a City Manager, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief administrative officer of the City;
- (c) shall be chosen on the basis of administrative qualifications;
- (d) shall be paid at a salary fixed by the Council commensurate with the responsibilities of the position;
- (e) shall not have served on the Council within a period of one year immediately preceding the date of appointment.

During a period of ninety days immediately following the date of installation of any person newly elected to the Council at a regular or special municipal election or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or reduce the salary of, the City Manager. *(Section 400, City Charter)*

CITY MANAGER: MEETINGS

The City Manager shall:

- (a) be accorded a seat at the Council table and at all meetings of boards and commissions;
- (b) be entitled to participate in the deliberations of the Council, boards and commissions, but shall not have a vote;
- (c) receive notices of all special meetings of the Council, boards and commissions.

(Section 410, City Charter)

CITY ATTORNEY: APPOINTMENT; POWERS AND DUTIES

The Council shall appoint a City Attorney, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief legal officer of the City;
- (c) shall perform such duties consistent with the Charter as may be required by the Council;

- (d) shall recommend to the Council proposals for additions to, deletions from, and amendments to the City Charter as are deemed necessary or desirable.

(Section 425, City Charter)

CITY CLERK

- (a) The Council shall appoint a City Clerk, who shall serve at the pleasure of the Council, and shall perform such duties consistent with the Charter as may be required by the Council.
- (b) The Council by ordinance may consolidate the office and functions of the City Clerk with that of the City Manager.

(Section 435, City Charter)

The City Manager shall, at all times assign an officer of the City to the duties of City Clerk, and such officer shall possess the requisite qualifications for such duties. Such assignment shall be approved by the City Council. *(San Leandro Municipal Code, Section 1-2-110)*

DEPARTMENTS AND DIVISIONS

The Council, by ordinance, shall create, reorganize and abolish departments and divisions thereof as necessary for the proper administration of the City's business. The City Manager shall appoint an administrative officer to head each department. Such department heads shall serve at the pleasure of the City Manager. The City Manager also may appoint an administrative officer of the City to serve as a deputy for the purpose of performing any legally required act of a department head. *(Section 420, City Charter)*

NEPOTISM

No person shall be appointed to the office of Council Member or Mayor or to any permanent salaried office or employment if such person is related by blood or marriage within the third degree to a Council Member or Mayor or to the appointing officer. *(Section 705, City Charter)*

POLITICAL ACTIVITY

It is prohibited for any person holding a position as an officer or employee to engage in any political activities of any kind while in uniform or during working hours. In addition, no political activities shall be permitted on City premises. *(San Leandro Administrative Code, Section 10.2.100; Government Code Section 3206 and Section 3207)*

SECTION VIII

ADDRESSING THE COUNCIL

MANNER OF ADDRESSING THE COUNCIL

Any citizen may arise and address the Council on any business specially concerning him/her, or affecting his/her interests; however, preference will be given to those who have first presented matters in the form of a written communication, or who have notified the Presiding Officer of their desire to speak.

Any member of the public desiring to address the Council shall complete a “speaker card” and hand it to the City Clerk. The City Clerk will advise the Presiding Officer. The Presiding Officer will announce the names from the speaker cards. Once the individual’s name is called, he/she should proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she shall speak directly into the microphone and for the record, shall state his/her name and address and business address in San Leandro, if applicable. Members of the public may submit speaker cards to address items listed under Public Hearings, Public Comments, Consent Calendar or Action Items. Speakers will address the City Council after the staff presentation has been completed.

The Presiding Officer shall have the power to change the order of business during a City Council Meeting if the number of persons in attendance warrants such a change.

Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on an item not appearing on its posted agenda. Therefore, any issue raised under the Public Comments section of the agenda will be referred to staff for a decision about placing it on a future agenda for discussion, action, or report.

TIME LIMITATION

Any member of the public desiring to address the Council shall limit his/her address to five (5) minutes during Public Hearings. Members of the public addressing the Council during Public Comments, Consent Calendar, or Action Items shall be limited to three (3) minutes per agenda item, and a maximum of five (5) minutes for all Consent Calendar items.

APPLICANTS AND/OR APPELLANTS – PUBLIC HEARINGS

Any applicant and/or appellant desiring to address the City Council shall limit their address to ten (10) minutes. This time limit will not be applied to speakers to whom constitutional due process applies. The City Attorney shall advise the City Council on this regard. Applicants and/or appellants shall be allowed five (5) minutes for rebuttal following public comments and prior to City Council comments and questions.

COUNCIL MEMBER DELIBERATIONS

No Council Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for more than five (5) minutes each time he/she has the floor, without the approval of a majority vote of the Council.

ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no person shall address the Council except to answer an inquiry of Council Members addressed through the Chair.

LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer should request that the speakers be succinct in their comments and not be redundant. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

Any statements including charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her, shall be referred without comment to the City Manager for appropriate action.

WRITTEN CORRESPONDENCE

The Administrative Staff in the City Manager's Office are authorized to receive and open all mail addressed to the Council as a whole. Communications related to administrative business, and not necessarily requiring Council action, are referred to the City Manager for immediate attention, so that they may be handled between Council Meetings. The City Manager will provide a copy of such communication and response to each Council Member. Copies of all other communications sent to Council as a whole will be reviewed by the City Clerk, and either transmitted to each member of the Council or, for routine, non-priority communications, filed in the Council office.

Any communication relating to a matter pending, or to be brought before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinances. Communications specifically addressed to individual Council Members will be transmitted to them unopened.

PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the platform area in front of the Council table without the invitation or consent of the Presiding Officer.

SECTION IX

MOTIONS

PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the maker without the consent of the person seconding it.

BUSINESS ITEMS OUT OF ORDER

The Presiding Officer may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION

If the question contains two or more divisionable propositions, the Presiding Officer may, upon request of a member, (unless appealed) divide same.

MOTION TO FIX HOUR OF ADJOURNMENT

Any regular meeting can be adjourned to a stated date, time and place.

MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table is not debatable and shall preclude all amendments or debate of the subject under consideration.

MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

MOTION TO AMEND

A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted upon first. The main motion shall then be voted on, either as amended or as originally stated, if the amendment failed to pass.

CONTINUANCE OF MATTERS

- (a) When five (5) or fewer members of the Council are present at the scheduled meeting, a request for a continuance may be made once in order that the matter may be scheduled for a time when more than five (5) members are expected to be present.
- (b) Requests for continuance when there are five (5) or fewer members present shall be granted unless State law or local regulations require that action be taken at that time.
- (c) Regardless of the number of Council Members present, or request of a member of the public, any Council Member may exercise a personal privilege to have an item continued once unless State law or local regulations require that action be taken at that time. This privilege is not to be taken lightly.
- (d) If a matter is continued, the Presiding Officer will ask if those present who wish to speak to the matter can return at a later date. Those individuals who cannot will be given the opportunity to speak on the matter and said comments shall be made part of the record to be considered at the continued date; however, further comment shall be allowed where new material is presented.

CONTINUED MATTERS. COUNCIL MEMBER OBLIGATION

When a member of Council is absent from an earlier meeting at which a matter is discussed, it shall be the duty of such member to become acquainted with the issues discussed by reading the minutes, the documents presented, and, if possible, listening to the recording of such discussion.

SECTION X

VOTING PROCEDURE

VOTING PROCEDURE

Actions of the Council shall be taken by ordinance, resolution or motion. Actions of the Council shall require the affirmative votes of a majority of the entire Council membership. The Council shall pass ordinances and resolutions only by taking the ayes and nays by an open vote, which shall be entered in the minutes of the meeting. The ayes and nays shall be taken and recorded on all motions. Abstentions shall also be recorded. *(San Leandro Municipal Code, Title I, Chapter 1, Article 3)*

TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes another action to further consider the matter. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by Council. (Official actions are those quasi judicial actions such as made by the Planning Commission wherein less than four votes sustains their action.)

ABSTENTIONS

Abstentions shall be counted, but shall not be recorded as either an “aye” or “nay” vote. Should a Council Member abstain from voting on an issue due to a conflict of interest, an announcement should be made prior to the discussion of the item indicating the reason for the abstention.

SECTION XI

RESOLUTIONS, ORDINANCES AND MINUTE ORDERS

DEFINITIONS

As a rule, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by “ordinance,” whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by “resolutions.” The term “resolution” in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document. In this City, however, two methods of action are in general use to accomplish such non-ordinance actions: “resolution” and “motion” (the latter recorded by minute order). The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as a “resolution.” This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such “resolutions” are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional “whereas” explanatory material it often recites) to facilitate such future reference and research.

The “motion” (assuming it was one which passed) is a Council action which is recorded by a numbered Minute Order, as well as by an item entry in the minutes of the meeting at which it was accomplished. In this City, procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

METHOD OF ACTION

Actions of the City Council shall be taken by ordinance, resolution or motion. (*San Leandro Municipal Code, Section 1-1-300*)

An ordinance or resolution may be adopted by a motion, and shall require the affirmative votes of a majority of the entire Council membership. (*San Leandro Municipal Code, Section 1-1-305*)

ORDINANCES AND RESOLUTIONS: READING

At the time of its introduction or adoption, an ordinance or resolution shall be read by title only, unless a Council Member or the Mayor requests that the ordinance or resolution be read in full. Any matter designated as a consent item regularly appearing on the City Council agenda and available for public inspection in the City Clerk’s Office

may, by motion of the City Council, be deemed to have been read by title. (*San Leandro Municipal Code, Section 1-1-310*)

RESOLUTIONS: ADOPTION/EFFECTIVE DATE

Each Resolution shall become effective upon adoption, or at a later date specified within.

ORDINANCES: ADOPTION

No ordinance shall be adopted within five (5) days after its passage to print. (*San Leandro Municipal Code, Section 1-1-330*)

ORDINANCES: ALTERATION PROHIBITED

No ordinance shall be altered as to a matter of substance after its passage to print. Correction of typographical or clerical errors shall not constitute alteration as to a matter of substance. (*San Leandro Municipal Code, Section 1-1-335*)

ORDINANCES: EFFECTIVE DATE

Each ordinance shall be effective thirty (30) days after its adoption, or at a later date specified therein.

Notwithstanding the above reference, an ordinance may be introduced and adopted at the same meeting, and shall be effective upon adoption, if it is an ordinance:

- (a) relating to an election;
- (b) for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency;
- (c) relating to public improvement proceedings;
- (d) relating to taxes for the usual and current expenses of the City;
- (e) annexing territory to the City;
- (f) covered by particular provisions of law prescribing the manner of its passage and adoption.

(*San Leandro Municipal Code, Section 1-1-345*)

ORDINANCES: PUBLICATION AND POSTING

The title of each ordinance passed to print shall be published once and the City Clerk shall post a complete copy thereof on the City Council Chamber bulletin board for five

(5) days prior to adoption. The title of each ordinance adopted pursuant to San Leandro Municipal Code, Section 1-1-345, shall be published once and the City Clerk shall post a complete copy thereof on the City Council Chamber bulletin board for five days following adoption. (*San Leandro Municipal Code, Section 1-1-325*)

ORDINANCES AND RESOLUTIONS: AUTHENTICATION

The City Clerk shall authenticate by signature all ordinances and resolutions adopted by the Council. (*San Leandro Municipal Code, Section 1-1-320*)

ORDINANCES: MAINTENANCE OF BY CITY CLERK

A true and correct copy of all ordinances shall be kept and certified by the City Clerk, such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

COMPREHENSIVE CODES

The Council may adopt any comprehensive code of technical regulations by reference thereto in an adopting ordinance.

Any ordinance may be compiled into a comprehensive code which the Council may adopt by reference thereto in an adopting ordinance.

Comprehensive codes of regulations or of ordinances adopted by reference need not be published, provided that copies thereof shall be available at the office of the City Clerk for use or purchase by the public.

Repeal or amendment of codified ordinances, or additions to a comprehensive code, shall be accomplished by reference to numerical designations assigned thereto for the purpose of arrangement and indexing of the comprehensive code.

TRAFFIC CODE

The City Clerk shall compile and maintain a Traffic Code, in duplicate, which shall contain, in logical format and order, all ordinances, resolutions and regulations adopted pursuant to Title VI of the San Leandro Municipal Code. The Traffic Code shall be a public record. (*San Leandro Municipal Code, Sections 1-1-350, 355, 360, 365, and 370*)

SECTION XII

WORK SESSIONS

Work Sessions of the City Council are ordinarily held at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the 4th Monday, if needed. Those meetings shall take place at a location to be designated by the Council. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, no formal action is taken at a Work Session.

OPEN TO THE PUBLIC

Members of the public are encouraged to attend Work Sessions. At each Work Session there will be a public comment period. During this period the public will be given the opportunity to comment on any item. Comments are limited to three (3) minutes per speaker.

PURPOSE

Work Sessions are not intended to constitute a regular meeting of the City Council as defined in the City Charter and they shall be carried on regardless of the number of Council Members in attendance. Normally work sessions will start when at least four (4) members of the Council are present.

Except for the procedural motions required by the Brown Act which may be made at a Work Session (and which are discussed more fully in the section “AMENDED AGENDA”), no formal action shall be taken and no motions shall be offered. The sole purpose of said meetings is to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions.

AGENDA

The City Clerk shall be responsible for preparing an agenda of items for discussion at each Work Session. The City Clerk is directed to post the agenda in accordance with directions pertaining to the posting of agenda for regular meetings of the City Council.

Any item raised by a member of the City Council which was not specifically included on the posted agenda automatically will be referred to staff for placement on an upcoming Council Work Session agenda unless it is time sensitive, in which case it will be placed on a regular agenda.

AMENDED AGENDA

The Brown Act generally prohibits the City Council from discussing or taking action on an item not appearing on its posted agenda. The Act provides certain exceptions to this rule. For instance, the City Council may, on a two-thirds vote, determine that the need to

take action on an item arose after the agenda was posted. If less than five members of the Council are present, the vote must be unanimous. If the Council makes this determination it may proceed to consider the underlying issue presented, although no action would be taken on the underlying issue at the Work Session itself. Other exceptions are provided for emergencies, as defined, and certain continued hearings.

SECTION XIII

CLOSED SESSIONS

Council meets from time to time in Closed Sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to the public and news media. Matters discussed in closed sessions are considered confidential and shall not be divulged. These are:

(1) Labor Relations

Closed sessions held at such times pursuant to Government code Section 54957.6 where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.

As a matter of policy, Council acknowledges that the City and its taxpayers are best served if positions authorized during such sessions are represented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

(2) Security or Emergencies

Arrangements made to address threats to the City or its property must be kept confidential.

(3) Personnel Sessions

Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

(4) Litigation

Closed sessions to consider potential or pending litigation in which the City or an officer or employee is or could be a party.

Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position.

(5) Real Property Negotiations

Discussion of specified real estate negotiations.

The City Attorney shall announce during Council Open Session, any formal Council actions taken. (*Chapter VI, the Brown Act*)

SECTION XIV

COUNCIL COMMITTEES

The City Council may organize among its members such standing committees as it may determine, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by Council and making recommendations thereon to the Council as a whole.

Each Council Member shall be assigned by the Mayor to various standing committees. Such assignments shall be ratified by the Council as a whole. The Mayor may also serve on various standing committees and be ratified by the Council as a whole. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members.

From time to time AD HOC committees may be organized by the Mayor to address special concerns which may be of short duration.

It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to these various committees. Normally appointments are for a one or two year period, but may be renewed at the Mayor's discretion where Council Members have particular experience or expertise with respect to the business of a particular committee.

STANDING COMMITTEES

The list of standing and Ad Hoc Committees and Committee assignments shall be revised from time to time as necessary.

COUNCIL COMMITTEE MEETINGS

- (a) It is the policy of the City Council that Council Committee meetings, as a general rule, be noticed and open to the public. A staff member shall be present at all committee meetings. It is also the policy of the City Council that all Council Committees adopt a schedule of regular meetings at least once a year, post a written agenda 72 hours before each of its regular meetings, limit discussion during its meetings to items on the posted agenda, provide an opportunity at the beginning of each meeting for comments from the public, and, if the committee elects to do so, adopt time limits for public comments at its regular meetings. In voluntarily adopting these procedural rules for its less-than-a-quorum committees, the City Council specifically declines to adopt the "cure and correct" provisions of the Brown Act for any purpose as to any action taken by a standing Council Committee. (*The Brown Act, Chap. VII, 2.b*)

- (b) Previous restrictions within the Brown Act had prohibited a fourth member of a seven member legislative body from attending a subcommittee meeting. The Attorney General considered the following exception to the definition of “meeting”:

“The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, provided that a majority of the members do not discuss among themselves other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of a local agency.”

The Legislature amended the Brown Act in 1997 and slightly modified the notice requirements for standing committees of the City Council. A majority of a legislative body may now attend an open and noticed meeting of a standing committee within their own agency if they only **observe** the proceedings. (*Government Code Section 54952.2*)

If members of a local legislative body attend a meeting of a standing committee in which they are not a part, the observing members should sit in the audience and refrain from making any comments or asking any questions.

- (c) It is the policy not to hold joint Council-Committee meetings nor joint Sub-Committee meetings. An item that might be considered for such meeting should be scheduled for a work session of the whole Council.

SECTION XV

BOARDS AND COMMISSIONS

GENERAL

The City Council, by ordinance, shall create boards and commission as necessary to facilitate governmental operations in all appropriate fields, including, but not limited to:

- (a) Board of Appeals;*
- (b) Board of Zoning Adjustments;
- (c) Handicapped Access Appeals Board;*
- (d) Human Services Commission;
- (e) Library-Historical Commission;
- (f) Personnel Relations Board;
- (g) Planning Commission;
- (h) Recreation and Parks Commission;
- (i) Rent Review Board;
- (j) Senior Commission
- (k) Site Development Sub-Commission;*
- (l) Youth Advisory Commission.

** Created by Ordinance, members appointed as necessary.*

(San Leandro Municipal Code, Section 1-3-100)

An ordinance creating a board or commission shall specify its powers and duties, number of members and their terms of office, and such other matters as the Council deems appropriate. The Council by ordinance may consolidate, reorganize and rename any of such boards and commissions, provided that no board or commission shall be abolished except upon a determination by the Council, after public hearing, that the functions of such board or commission are no longer necessary for the proper administration of the City's business. The City Manager shall designate the officers and employees who shall provide staff assistance to each board and commission. *(Section 350, City Charter)*

POWERS AND DUTIES

As described in the board, commission or committee profile, in Section XVI.

ELIGIBILITY AND QUALIFICATIONS

No member of any board or commission shall be a member of any other board or commission or hold any paid office or employment in the City Government. In order to be eligible for an appointment to any board or commission, a person shall be a qualified elector of the City.

MEMBERS: DISTRICT REPRESENTATION

One elector from each Council Member District shall be appointed to each of the following Boards and Commissions:

- (a) Board of Zoning Adjustment;
- (b) Human Services Commission;
- (c) Library-Historical Commission;
- (d) Planning Commission;
- (e) Recreation and Parks Commission
- (f) Senior Commission

All other members of each such Board and Commission shall be appointed at large. Three (3) residents selected at large shall be appointed to the Youth Advisory Commission by each Council Member, at least one (1) resident selected from each Council Member District, and the remainder may be selected at large. No change in Council Member District boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such member was appointed. (*San Leandro Municipal Code, Section 1-3-110*)

APPOINTMENTS, TERMS, METHOD

The members of each of such boards or commissions shall be appointed by the Council. They shall be subject to removal by the Council without cause, notice or hearing.

Board and Commission members, except Youth Advisory Commission Members, shall hold office commencing from the date of appointment until their respective successors are appointed and qualified. The terms of Board and Commission Members shall terminate upon the expiration of the regular term of the Mayor or Council Member representing a Council Member District or at-large position from which the Board or

Commission Member was appointed. Youth Advisory Commission Members shall hold office for one (1) year and until their respective successors are appointed and qualified. Youth Advisory Commission Members may be appointed for up to four (4) consecutive terms. A vacancy shall be filled by appointment for the unexpired remainder of the term. *(San Leandro Municipal Code, Section 1-3-115)*

Newly-elected Council Members or a newly-elected Mayor may begin circulating the applications of individuals to be considered for nomination to board and commission positions after they officially assume office.

The application of an intended nominee shall be distributed to all members of the Council at least 10 days prior to the scheduling of the nomination on the City Council agenda. Once the nomination is approved by the City Council, a resolution of appointment of the Member will be scheduled for adoption at the next regular City Council meeting.

In the interest of ensuring that City Boards and Commissions are operating effectively and that all areas of the City are represented as recommendations and decisions are being made, the City Councilmembers will use their best efforts to fill Board and Commission vacancies within 60 days after such vacancies occur.

Additionally, after the seating of a new City Council following a municipal election, Councilmembers will use their best efforts to make new appointments or reappointments within 60 days. To assist the Council in making its appointments, the City Clerk will collect all current applications and forward them to the appropriate Councilmembers immediately after the new Council is seated. As additional applications are received during this period, they will be forwarded to the appropriate Councilmember immediately upon receipt until all appointments and reappointments have been made.

At the City Council meeting that occurs on the first Monday 60 days after a new Council is seated, the City Clerk will schedule an agenda item on the subject of unfilled Board and Commission appointments at which time the City Council will discuss such remaining vacancies. There will be no penalty assessed against any Councilmember who has not made such appointments within the 60 days.

VACANCIES

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If members of a board or commission absent themselves from three consecutive regular meetings of each board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, their office shall become vacant and shall be so declared by the Council.

Government Code Section 54974 provides that whenever an unscheduled vacancy occurs, a special vacancy notice shall be posted in the office of the City Clerk, and as may otherwise be directed by the City Council, within 20 days after the vacancy occurs; and that final appointment to fill such vacancy shall not be made for at least 10 working days after such posting.

It shall normally be the policy to take applications on a regular ongoing basis; applications shall be considered current for two years from the date received.

The City Clerk shall, pursuant to Government Code Section 54972, prepare an appointments list of all regular and ongoing boards and commissions which are appointed by the City Council, which shall contain the information required in said section. All efforts will be made to provide public information relative to vacancies prior to such appointments.

PROCEDURES FOR MAKING APPOINTMENTS AND REAPPOINTMENTS

Any person desiring to be considered for an appointment to any City board or commission, except incumbent board or commission members, shall complete an application indicating on which board or commission they desire to serve. Persons shall be limited to serving on only one board or commission at a time.

Any appointees shall comply with appropriate provisions of the law relative to disclosure of financial interests, if applicable.

It shall be the policy of the City Council not to appoint any person to a board or commission who would have continually recurring conflicts of interest requiring abstentions, or an excessively high percentage of such situations.

ATTENDANCE POLICY

- (a) The City Council requires that members of boards and commissions abide by the following policy:
- (b) Members of boards or commissions shall be required to attend not less than 75% of all regular meetings held;
- (c) Failure by a member to attend three consecutive regular meetings of a board or commission will be cause for Council declaring the member's position vacant;
- (d) Attendance records will be reviewed by the City Council in June of each year based on the previous 12-month period (June 1 through May 31), except for appointments effective July 1st or thereafter.

APPLICABILITY OF BROWN ACT PROVISIONS

All permanent boards, commissions and most committees formally created by the City Council are subject to the provisions of the Brown Act. In order to implement certain requirements of the Brown Act, the City Council has adopted model “Rules and Regulations” which are applicable to such boards, commissions and committees. (See sample, page XV-6)

MEMBERS: COMPENSATION, EXPENSES

Members of Boards and Commissions shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in performance of official duties. (*San Leandro Municipal Code, Section 1-3-130*)

RULES AND REGULATIONS OF THE

Adopted to Implement Certain Requirements of the Brown Act

Agendas of the _____ shall be posted at least 72 hours before each regular meeting at _____.

A log indicating the time each agenda was posted shall be kept by the _____.

All persons wishing to address the _____ during the public input portion of its meetings shall limit their comments to _____ minutes.

The total time devoted to the public input portion of the meetings of the _____ shall not exceed _____ hrs/mins. Any person wishing to speak at a meeting but unable to do so because of the limit set forth above shall be accorded first right to address the _____ at its next meeting.

Consistent with the Brown Act, the _____ shall take no action on any matter not appearing on its posted agenda unless it makes one of the findings authorizing it to do so. Thus, unless an emergency exists or the need to take action arose after posting the agenda the _____ will not discuss or vote open any item raised by any member of the public or any of its own members unless the item appears on its posted agenda. an item raised during a meeting of the _____ that does not appear on its posted agenda will automatically be placed on its next agenda for action, provided that any request that a meeting be adjourned in memory of someone recently deceased shall be granted and the Chair shall so adjourn the meeting.

Any person, including any member of the public or of the _____, may request that an item be placed on the agenda for the _____ by writing/telephoning _____ at _____ no later than _____ a.m./p.m. on the _____ day preceding the next regularly scheduled meeting.

The regular meetings of the _____ shall ordinarily be held on the _____ (and) _____ of each month at _____ and shall be held in the _____, but the precise dates for regular meetings shall be those shown in the notice provided by the _____ in _____ of every year or as the _____ may later revise from time to time during the year.

SECTION XVI

BOARDS, COMMISSIONS, AND COMMITTEE PROFILES

Board of Appeals
Board of Zoning Adjustments
Handicapped Access Appeals Board
Human Services Commission
Library-Historical Commission
Personnel Relations Board
Planning Commission
Recreation and Parks Commission
Rent Review Board
Senior Commission
Site Development Sub-Commission
Youth Advisory Commission

INTERNAL COMMITTEES

Airport Committee
Business and Housing Development Committee
City and San Leandro Unified School District Liaison Committee
City and San Lorenzo Unified School District Liaison Committee
Civic and Cultural Committee
Disaster Council
Facilities and Transportation Committee
Finance Committee
Joint Oakland/San Leandro Committee
Rules and Communications Committee
Shoreline-Marina Committee

OUTSIDE AGENCY APPOINTMENTS

Alameda County Fire Commission
Alameda County Housing Authority, Board of Commissioners
Alameda County Mosquito Abatement District, Board of Trustees
Alameda County Transportation Commission
Alameda County Waste Management Authority
Associated Community Action Program (ACAP), Governing Board
Association of Bay Area Governments (ABAG), Gen. Assembly & Regional Plg. Comm.
East Bay Dischargers Authority
League of California Cities, East Bay Division, Board of Directors
Oakland Airport-Community Noise Management Forum

COMMISSION PROFILE

Title of Commission: **BOARD OF APPEALS**

Description of Board Duties:

The Board of Appeals created under Section 7-5-110 of the San Leandro Municipal Code shall hear and decide appeals of orders, decisions, or determinations made by the Building Official or Fire Marshall relative to application and interpretation of this Article.

The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The decision of the Board shall be final and conclusive on matters relating to the suitability of alternative materials and types of construction. Upon receipt of the Board's written decision, the Building Official/Fire Marshall shall proceed in accordance therewith.

MEMBERSHIP:

The Board shall consist of five (5) members to be appointed by the Mayor, four (4) of whom shall be registered civil engineers, all who are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the Building Official shall be an ex officio member, shall act as Secretary to the Board, and shall have a voice but no vote. The members appointed by the Mayor shall hold office at the Mayor's pleasure.

MEETING SCHEDULE:

The Board of Appeals meets on an as-needed basis.

COMMISSION PROFILE

Title of Commission: **BOARD OF ZONING ADJUSTMENTS**

Description of Board Duties:

The Board shall:

- (a) hear and decide upon applications for the approval of:
 - (1) conditional uses other than Planned Unit Developments under Chapter 2 of Title VII of the Municipal Code (Signs) and the Zoning code of the City of San Leandro;
 - (2) variances under the Zoning Code of the City of San Leandro and Chapter 7 of Title VII of the Municipal Code (Right of Way Lines);
 - (3) modification of requirements for and restrictions upon fences, walls hedges under the Zoning code of the City of San Leandro;
 - (4) installation of operating accessory structures in required yards under the Zoning Code of the City of San Leandro;
 - (5) any matter within the jurisdiction of the Site Development Sub-Commission under Chapter 2 of Title VII and the Zoning code of the City of San Leandro when such application is filed in combination with an application for approval of a matter within the jurisdiction of the Board. In so hearing and deciding, the Board shall have the same powers and duties and shall be limited to the same scope of review as is the Site Development Sub-Commission;
- (b) hear and decide appeals from administrative action under the Zoning Code of the City of San Leandro;
- (c) make recommendations to the Planning Commission as to the desirability of amendments to the Zoning Code of the City of San Leandro.

MEMBERSHIP:

Seven (7) members (one member from each Council District/one at-large)
Four (4) year term

MEETING SCHEDULE:

Meets first Thursday of every month; 7:00 p.m., City Hall, City Council Chambers

COMMISSION PROFILE

Title of Commission: **HANDICAPPED ACCESS APPEALS BOARD**

Description of Board Duties:

The Board shall:

- (a) Receive appeals and conduct hearings thereon under the provisions of §19957.5 of California Health and Safety Code relating to the enforcement of the building access requirement of Part 5.5 of the Code and the granting of exceptions to such building access requirements authorized by §19957 thereof.
- (b) Make recommendations to the City Council from time to time concerning the provision of access to public accommodations and facilities by physically handicapped persons constructed within the City of San Leandro.
- (c) Other functions which may be designated by resolution or motion of the Council.

MEMBERSHIP:

Two (2) members of the Board shall be physically handicapped persons. For purposes of this subsection physically handicapped means any person who (i) has a physical impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Two (2) members of the Board shall be persons experienced in building and construction.

One (1) member of the Board shall be a representative of the general public.

MEETING SCHEDULE:

Meetings are held on an as-needed basis.

COMMISSION PROFILE

Title of Commission: **HUMAN SERVICES COMMISSION**

Description of Board Duties:

The Commission shall advise the Council on all matters relating to social conditions within the City, assess and report to the Council the social needs of the people, recommend to the Council methods for meeting such needs, and assist the Council in marshaling the human resources necessary to accomplish the foregoing. In discharge of this responsibility, the Commission shall:

- (a) evaluate social services being provided within the City, and provide advice and assistance toward coordination thereof;
- (b) provide motivation for the development of new social services as the need therefor is determined;
- (c) coordinate the efforts of social service agencies to raise funds from the community;
- (d) assist in the procurement of grants from public and private funding sources;
- (e) study proposed programs and proposed budgets of social service agencies requesting City assistance and recommend Council approval or disapproval of such programs, budgets and requests. The Commission shall conduct periodic reviews of such programs and budgets and shall report to the Council on the implementation of such programs and expenditures of City funds and physical resources therefor.

MEMBERSHIP:

Nine (9) members (one member from each Council District/three at-large)

Four (4) year term

MEETING SCHEDULE:

Meets fourth Wednesday of every month; 7:00 p.m., City Hall, Sister Cities Gallery

COMMISSION PROFILE

Title of Commission: **LIBRARY-HISTORICAL COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) recommend policies for the use and improvement of all property operated for library purposes by the City;
- (b) recommend rules and regulations governing the operation and use of library buildings;
- (c) recommend acceptance or rejection of proposed donations to the City for library purposes;
- (d) recommend regarding proposed contracts with other agencies for the provision and use of library services and facilities;
- (e) advise the Council on all matters concerning the historical state of the City;
- (f) report to the Council the historical needs of the City;
- (g) recommend to the Council the means for fulfilling the historical needs of the City;
- (h) provide liaison between the Council and all historical organizations operating within the local community;
- (i) coordinate historical activities within the City;
- (j) devise and recommend to the Council implementation of procedures for establishing and maintaining appropriate relationship with non-local historical organizations;
- (k) assist all historical organizations operating within the local community to develop a high level of community participation in historical endeavors and activities;
- (l) study proposed programs and proposed budgets of historical organizations making requests of the City and recommend Council approval or disapproval of any proposed program or budget for which City funds are requested. No such program or budget involving City

- (m) assistance or City funding, or the use of City property, shall be implemented without approval of the Council;
- (n) conduct periodic audits of Council-approved programs and budget and report to the Council on the implementation of such programs and expenditures of City funds therefor;
- (o) develop and recommend to the Council a program for the preservation and restoration of important historical sites and items within the City;
- (p) coordinate and provide for the execution of appropriate programs in the City in order to stimulate interest in and advancement of historical awareness and the arts.

MEMBERSHIP:

Seven (7) members (one member from each Council District/one at-large)
Four (4) year term

MEETING SCHEDULE:

Meets third Tuesday of every month; 7:00 p.m., Main Library, Trustees Room

COMMISSION PROFILE

Title of Commission: **PERSONNEL RELATIONS BOARD**

Description of Board Duties:

The Board shall:

- (a) adopt comprehensive rules for the administration of a merit personnel program. Any such rules relating to personnel classification, compensation, or benefits, or otherwise significantly affecting City expenditures, shall be subject to Council approval;
- (b) provide for the hearing of appeals from administrative action taken against any member of the merit personnel system for whom no other appeal procedure exists, and the submission of findings and recommendations after hearing to the City Manager;
- (c) provide for the hearing and determination of grievances, establishment of appropriate units, and allegations of unfair labor practices, in matters for which no other procedure exists;
- (d) provide advice regarding personnel relations matters upon request of the Council or the City Manager.

In the conduct of its hearings, the Board may:

- (a) issue subpoenas requiring attendance of witnesses and production of books, documents or other things before it;
- (b) administer oaths and affirmations.

MEMBERSHIP:

Five (5) members (at-large)

Four (4) year term

No person shall be eligible to hold office as a Personnel Relations Board member who has held a salaried non-elective office or employment with the City within the preceding year. No person shall be eligible to hold a salaried non-elective office or employment with the City who has held office as a Personnel Relations Board member within the preceding year.

MEETING SCHEDULE:

Meets third Thursday of first month each calendar quarter; 5:30 p.m., City Hall,
Human Resources Conference Room

COMMISSION PROFILE

Title of Commission: **PLANNING COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) hear and recommend to the Council on proposals to adopt, amend or repeal a general plan for the physical development of the City;
- (b) exercise such functions with respect to land subdivisions, planning, zoning and future right-of-way lines as are prescribed in Chapters 3, 13 and 16 of Title VII of the San Leandro Municipal Code;
- (c) possess the powers and perform the duties prescribed by statute.

MEMBERSHIP:

Seven (7) members (one member from each Council District/one at-large)
Four (4) year term

MEETING SCHEDULE:

Meets third Thursday of every month; 7:00 p.m., City Hall, Council Chambers

COMMISSION PROFILE

Title of Commission: **RECREATION AND PARKS COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) recommend policies for the management and improvement of all property used for recreational purposes by the City;
- (b) recommend plans for the future development of the recreation program to meet the needs of the City;
- (c) interpret the City's recreation programs and plans to the people;
- (d) advise the Council on all matters concerning the cultural state of the City;
- (e) report to the Council the cultural needs of the City;
- (f) recommend to the Council the means for fulfilling the cultural needs of the City;
- (g) provide liaison between the council and all cultural organizations operating within the local community;
- (h) coordinate cultural activities within the City;
- (i) devise and recommend to the Council implementation of procedures for establishing and maintaining appropriate relationships with non-local cultural organizations;
- (j) assist all cultural organizations operating within the local community to develop a high level of community participation in cultural endeavors and activities;
- (k) study proposed programs and proposed budgets of cultural organizations making requests of the City and recommend Council approval or disapproval of any proposed program or budget for which City funds are requested. No such program or budget involving City assistance or City funding, or the use of City property, shall be implemented without approval of the Council.
- (l) conduct periodic audits of Council-approved programs and budgets and report to the Council on the implementation of such programs and expenditures of City funds therefor;

- (m) coordinate and provide for the execution of appropriate programs in the City in order to stimulate interest in and advancement of the arts.

MEMBERSHIP:

Nine (9) members (one member from each Council District; one member from SLzUSD; one member from SLUSD; and one at-large member)

Four (4) year term

MEETING SCHEDULE:

Meets first Wednesday of every month; 7:00 p.m.; City Hall, South Offices Conference Room.

COMMISSION PROFILE

Title of Commission: **RENT REVIEW BOARD**

Description of Board Duties:

The Board shall:

- (a) hear and decide upon rent disputes as requested and submitted in writing to the City Manager according to Ordinance No. 2001-08.
- (b) After hearing both parties (landlord and renter), the Board will make a recommendation to the parties for the resolution of their dispute.
- (c) If the resolution proposed is agreed upon by both parties, they may formalize the agreement in a standard form signed by both parties. **Neither the City nor the Board shall be a party to such an agreement, nor shall the City of Board assume responsibility for enforcement of its terms.**
- (d) The matter may, if the parties are unable to mutually agree to a resolution, be referred to the City Council for further consideration.
- (e) The Board shall annually prepare a report to the City Council assessing the effectiveness of the rent review program.

MEMBERSHIP:

Five (5) members. Two (2) members of the Board shall be tenants, two (2) members shall be landlords, and one (1) member shall be neither a tenant nor a landlord. One (1) of the landlord members may reside outside the City of San Leandro.

Four (4) year term

MEETING SCHEDULE:

Meets fourth Tuesday of each month on an “as-needed” basis, 7 p.m., City Hall, South Offices Conference Room

COMMISSION PROFILE

Title of Commission: **SENIOR COMMISSION**

Description of Board Duties:

The Commission shall:

- (a) advise the City Council on matters relating to the status and condition of senior citizens within the City,
- (b) assess and report to the Council the social, health and other needs of senior citizens;
- (c) recommend to the Council methods of meeting such needs; and
- (d) assist the Council in marshaling the resources necessary to accomplish the foregoing.

In discharge of this responsibility, the Commission shall:

- (a) assess the social, economic, education, cultural, emotional and other needs of senior citizens within the City and create citizen awareness of those needs;
- (b) conduct informational hearings on matters affecting senior citizens in the community;
- (c) monitor legislative developments concerning senior citizens, and inform the City Council, seniors, and the public of such developments;
- (d) encourage better coordination in the delivery of services to senior citizens, seek to improve the quality of such services, and foster increased communication between providers of such services within the community and the residents of the City, through voluntary public and private initiatives;
- (e) assess paratransit and other transportation needs of the community's senior citizens, and make recommendations to enhance transportation services for senior citizens;
- (f) review the City Manager's budget recommendations as they affect programs concerning senior citizens, as part of the City's annual budget process;

- (g) advise and make recommendations to the City Council on all matters relating to the community's senior citizens, including delivery of city services; funding for senior services, facilities, and programs except funding provided through the Community Assistance Grant funding process; and availability of various funding opportunities for senior citizen-related programs and services that may be available to the City;
- (h) consider and act upon as necessary all matters relating to the social needs of senior citizens, and all other matters relating to senior citizens heretofore referred to or considered by the Human Services Commission;
- (i) consider and act upon as necessary all matters relating to recreation and cultural programs targeted to senior citizens, policies for the management and improvement of any public facility dedicated for the use of senior citizens, and all other matters relating to senior citizens heretofore referred to or considered by the Recreation and Parks Commission.

MEMBERSHIP:

Nine (9) members (one member from each Council District; and three at-large members)

Four (4) year terms

MEETING SCHEDULE:

Meets third Thursday of each month; 10:00 a.m., City Hall, Sister Cities Gallery

COMMISSION PROFILE

Title of Commission: **SITE DEVELOPMENT SUB-COMMISSION**

Description of Board Duties:

Duties of the Site Development Sub-Commission are found in § 1-5-2502 of the San Leandro Zoning Code. It shall be the duty of the Sub-Commission to review sketches, layouts, site plans, structural plans, signs, and architectural drawings in connection with any matter before the Sub-Commission. The Sub-Commission shall have authority to confer with the applicant or property owner concerning modifications of the proposal, or conditions necessary to approval, and may approve, disapprove, or conditionally approve the proposal. The Sub-Commission may refer any matter before them to the Board of Zoning Adjustment or Planning Commission.

MEMBERSHIP:

Three (3) members: one (1) member of either the Planning Commission or the Board of Zoning Adjustment appointed by the Mayor, one (1) members of the Planning Commission appointed by the Chairman of the Planning Commission, and one (1) member of the Board of Zoning Adjustments appointed by the Chair of the Board of Zoning Adjustments.

MEETING SCHEDULE:

The Site Development Sub-Commission meets on an as-needed basis.

COMMISSION PROFILE

Title of Commission: **YOUTH ADVISORY COMMISSION**

Description of Board Duties:

The Commission shall do all things necessary to identify the role and responsibility of the City of San Leandro in relation to the youth of the City and to assist the Council in identifying those programs, projects and activities which will promote the general welfare of youth in the City. The Commission shall undertake its powers and duties and shall report directly to the City Council from time to time. In addition the Commission shall:

- (a) identify and study the social, economic, education, cultural and emotional needs of the youth of the community and to create citizen awareness of those needs;
- (b) advise and make recommendations to the City Council on the matters affecting the youth of San Leandro;
- (c) provide advice and assistance to other City boards and commissions, to City departments, to school districts, and to private and voluntary agencies on matters concerning local youth;
- (d) increase public awareness of problems affecting young people;
- (e) suggest specific program areas in which the needs of youth are not being met and will not be met by other organizations;
- (f) provide opportunities for the youth of San Leandro to learn about and appreciate the variety of services and programs provided by local government;
- (g) foster mutual understanding, respect and communication among teen groups of all races, religions and nationalities;
- (h) encourage teen leadership and responsibility through involvement;
- (i) provide coordination of community youth activities and the promotion of cooperative relationships among the various youth organizations in the City.

MEMBERSHIP:

Twenty-one (21) members (three members from each Council District/three at-large members).

One (1) year term

MEETING SCHEDULE:

Meets first and third Mondays; 6:00 p.m., City Hall, Sister Cities Gallery

CITY OF SAN LEANDRO***GUIDELINES REGARDING THE SETTING OF THE
MAYOR'S SALARY*****Purpose of the Guidelines:**

It is hereby acknowledged that the Mayor of San Leandro, as the official representative of the City and working on behalf of the City Council, historically has worked for the City as Mayor for more than half time per week. It is also acknowledged that each Mayor has special City-related projects that typically require additional time per week in order to complete. It is further acknowledged that the Mayor's salary is fixed by ordinance that can be modified by Council action at any time. It is acknowledged that the City Council wishes to retain its jurisdiction to review the Mayor's salary. Should the City Council approve a change in the Mayor's salary, the Mayor's salary becomes operative thirty days after City Council adoption of the enabling ordinance.

The purpose of this policy is to standardize, define, and document the criteria to be used by the City Council in the determination of the Mayor's salary.

Base Salary:

The base salary for the Mayor shall be two (2) times the amount paid to City Council members.

Salary-Increases:

The Mayor may request that the City Council consider awarding him or her a salary increase up to an amount not in excess of three (3) times the amount of a Council member salary. The Mayor shall submit in writing to the City Council Rules and Communications Committee a personally composed statement requesting such increase and justifying the request by providing at least the following information:

- specific and measurable accomplishments of the previous year including but not limited to those related to the City Council's Vision Statements and City Council consensus building/team building successes;
- his/her intentions regarding part-time vs. full-time commitment for the upcoming year;
- prospective plans regarding special projects for the upcoming year, and
- specific, measurable goals to be accomplished on behalf of the City described in terms of the then current City Council's Vision Statements.

The Mayor may submit a request to the Rules and Communications Committee and the Rules and Communications Committee may consider a request by the Mayor in the

second year of the Mayor's term in office. The City Council Rules and Communications Committee shall be required to review the Mayor's salary increase request no more frequently than once per year. It is the intent of these Guidelines that the Mayor's salary not be reduced during his or her term in office or, upon re-election, an immediately subsequent term.

Other Benefits Afforded the Mayor:

It is hereby acknowledged that the Mayor has historically been afforded additional benefits ex officio. These shall include, but not be limited to:

- car allowance of a flat \$375 per month, which shall be in lieu of the \$125 travel reimbursement afforded other City Council members;
- use of a cellular phone and pager for City-related business;
- use of the Mayor's office in City Hall;
- use of personal computer located in the Mayor's office in City Hall
- use of the City's voice mail system for recording of telephone messages
- installation and use of telephone line(s) in the Mayor's residence for City-related business;
- installation and use of a City fax machine in the Mayor's residence for City-related business.

CITY OF SAN LEANDRO***GUIDELINES FOR COUNCIL MEMBER CORRESPONDENCE*****Purpose of the Guidelines:**

These guidelines are to provide guidance should a Council Member want to transmit their individual opinions to elected officials and/or other governmental agencies. The guidelines are intended to specifically address individual Council Member correspondence to a governmental agency and/or another elected official regarding issues that staff has been given direction to pursue via a negotiation process or other form of resolution.

These guidelines are not intended to in any way restrict Council written communication with constituents and do not apply to personal correspondence with elected officials.

Guidelines:

As a matter of protocol, a Council Member should, when sending correspondence described above, contact the City Manager or Mayor to indicate their intent to send a letter so that the Council Member may be briefed on the current status of staff work of which the specific Council Member may not be aware.

The balance of Council and City Manager, as a matter of courtesy, should be given a copy of the letter, which should be noted on the letter (cc:).

CITY OF SAN LEANDRO***GUIDELINES FOR COUNCILMEMBER TOWN HALL
MEETINGS*****Purpose of the Guidelines:**

These guidelines are to provide guidance should a Councilmember want to hold a Town Hall or City-sponsored Community Meeting in his or her District. The guidelines are intended to specifically address the process Councilmembers should follow to plan a Town Hall or City-sponsored Community Meeting. The specific tasks, and the department or staff responsible for ensuring the tasks are completed, are included to help standardize the process. Also included in the guidelines are standards which are intended to ensure that a minimum level of personnel attends the meeting.

These guidelines are not intended to in any way restrict Councilmembers from organizing and/or holding their own Town Hall or Community Meetings to address the needs of their constituents, which do not require staff involvement other than room reservations and room set-up by on-duty Facility staff, unless so approved by the City Manager. These meetings shall not involve over-time assignments of City staff.

Guidelines:**Planning/Organization**

- Planning should start approximately eight weeks in advance. The Councilmember will work with the City Manager and Community Relations Representative to determine the date for the meeting and develop an agenda. Staff availability and other meetings will be considered when setting the date.
- Each Councilmember will be limited to one Town Hall or City-sponsored Community Meeting per year. The City Manager will determine the minimum level of personnel to be in attendance from required departments. Whenever possible, a Department Head will attend to address a department matter on the agenda.
- As a standard, the Police Chief, Captain, or Lieutenant will attend to answer questions regarding community compliance and crime, unless otherwise agreed.
- As a standard, the Engineering and Transportation Director, the City Engineer, the Principal Engineer, or the Senior Traffic Engineer will attend to answer questions regarding traffic, unless otherwise agreed.
- Meetings are generally held in the evenings and are scheduled to last 90 minutes.
- Meetings are generally held at a local school, church, or community center.
- The Community Relations Representative will develop a flyer, and distribute it to the public via direct mail to target neighborhoods, distribute it to elementary schools, or publish it in the San Leandro Times.
- The Community Relations Representative will secure the meeting space, and work with the on-site Facility Manager to set up the room and provide refreshments and logistics.

- Printing, mailing, refreshments, and room rental costs, if any, are paid out of the Council District budget.
- The hosting Councilmember will notify the Mayor and fellow Councilmembers of the scheduled meeting.

Meeting Agenda

- Introduction/Welcome – 10 minutes
 - Councilmember provides overview of meeting.
- Presentations – 20-30 minutes
 - City staff presents updates on selected topics of local interest.
- Questions & Answers – 45-60 minutes
 - Councilmember and staff field questions.
 - Staff documents and obtains information to respond to residents.

Follow-up

- The Community Relations Representative sends issues to Department Heads for their information and follow-up within 30 days.
- Residents who left their names and addresses/phone numbers are responded to if they requested follow-up.
- The Councilmember hosting the meeting will be copied on replies to residents and forwarded information on responses from Department Heads, and whenever possible all Councilmembers will receive the information if it is of general interest to the Council.

CITY OF SAN LEANDRO***GUIDELINES REGARDING COUNCIL SUPPORT FOR OR
OPPOSITION TO BALLOT MEASURES OR LEGISLATION*****Purpose of the Guidelines:**

The purpose of these guidelines is to describe the City Council's policy regarding support for or opposition to ballot measures or legislation on local, state or national matters.

Guidelines:

The City Council as a group will not adopt a formal position in favor of or in opposition to ballot measures or legislation unless such ballot measure or legislation has a direct benefit to or impact on a significant portion of the community of San Leandro or the City of San Leandro.

Councilmembers requesting City Council support or opposition to a measure or legislation shall first receive consensus from the body to place said support or opposition on a future agenda for Council discussion and consideration.

No public funds shall be used in any support for or opposition to any measure or legislation.

Nothing in these Guidelines is intended to discourage or inhibit individual Councilmembers from expressing their individual support for or opposition to any ballot measure or legislation.

CITY OF SAN LEANDRO***GUIDELINES FOR CITIZEN APPOINTMENTS TO
AIRPORT RESEARCH GROUPS, ADVISORY COMMITTEES
AND FORUMS***

Citizen appointments to any airport research group will be for a period of four years. Appointments to any advisory committee or community forum will be for a period of two years. The City Council will retain the discretion of extending an appointment as appropriate, depending upon the subject and term of the group or forum. At the end of a term, an appointee will continue to serve until a successor has been selected.

Any vacancies in any group, committee or forum, from whatever cause arising, shall be filled by appointment by the City Council.

When an appointment is necessary for citizen representation to a group, committee or forum, the City Council Airport Committee will direct staff to announce the application period to the community. That announcement may be by direct mail to interested individuals or homeowner groups, by advertisement in the local newspaper, or other method as appropriate.

Any person desiring to be considered for an appointment to any airport research group, advisory committee or forum shall complete an application as provided by the City. The application will request the individual's name and contact information; present employer; any City Boards or Commissions served on; relevant education, experience or training; and qualifications to serve in that capacity.

The Airport Committee will review the applications that have been received and direct staff to invite appropriate applicants to an interview by a Subcommittee of the Airport Committee. Based on information provided by the applicant and the recommendation of the subcommittee interview, a recommendation will be made to the City Council for the appointment by motion at a City Council meeting.

Should the Airport Committee deem it appropriate to direct a citizen appointee to vacate their appointment, such direction will be approved by the City Council, and a notice will be sent to the appointee in writing from the Mayor or City Manager, identifying the date when said appointment will terminate.

If an appointee absents themselves from three consecutive regular meetings of any group, committee or forum, unless by permission of the City Council Airport Committee, or is convicted of a crime involving moral turpitude, or ceases to be a resident of the City, their appointment shall become vacant and shall be so declared by the Council.

Appointees to any research group, advisory committee or forum shall receive no compensation for their services.

CITY OF SAN LEANDRO***SAN LEANDRO SISTER CITY AND FRIENDSHIP CITY
GUIDELINES*****I. Criteria for Establishing a Sister City and Friendship City Affiliations**

In keeping with the goals of President Eisenhower's People to People Program to offer opportunities for people of all ages to experience, explore and absorb other cultures through long-term partnerships, the City of San Leandro sets forth the following guidelines for developing its Sister City and Friendship City affiliations. These relationships are intended to transcend transitory political or social concerns, and lead to ongoing community involvement with Sister City and Friendship City regions and people.

It is recognized that Friendship City affiliations are less formal and more limited in scope than Sister City affiliations, consisting of less administrative and financial expectations.

II. Sister City Selection Criteria

- A. A city chosen for a Sister City affiliation should be located in a country that has established diplomatic relations with the United States. There should be the potential for genuine people-to-people contact; communication and visitation should be able to occur freely in both directions.
- B. The proposed city should be similar in population, and/or role in the region, and/or have cultural, educational, socio-economic, governmental, or other tangible features in common with San Leandro, making it an appropriate Sister City.
- C. There must be residential community and cultural ties between San Leandro and the proposed city. The relationship should not be economically driven.
- D. The proposed city must be in a country not already represented by San Leandro's Sister Cities, and ideally, so as to maintain balance in the program, should be of a different linguistic or cultural group than San Leandro's existing Sister Cities.

III. Friendship City Selection Criteria

- A. A city chosen for a Friendship City affiliation should be located in a country that has established diplomatic relations with the United States.
- B. The proposed city should have cultural, demographic, economic, or other tangible features similar to those of San Leandro.

IV. Community Involvement

It is acknowledged that the Sister City affiliations with Ribeirao Preto, Ponta Delgada and Naga are long standing and were formed in a cooperative effort between City and community representatives.

For all new Sister City and Friendship City affiliations, there should be an organized group of residents and business owners in San Leandro willing and capable of supporting and building the relationship. For new affiliations, viability of the organization should be demonstrated by submitting their statement of intent for review by the City Council Human Relations Committee. Their statement should include:

- A. Planned activities for the first year of the relationship.
- B. A list of volunteers, professionals or other organizations committed to supporting the program and responding in a timely fashion to overtures from the Sister City or Friendship City, to working with City staff, and to representing the City of San Leandro with competence and integrity.
- C. For Sister Cities, a budget for the first year of activities, showing the funds and/or commitments to contribute materials, services or time to meet the budget requirements.
- D. For Sister Cities, plans for on-going financial and personal support of the relationship.
- E. For Friendship Cities, plans for on-going personal support of the relationship.

V. Responsibilities of the City of San Leandro

- A. Requests for establishing a Sister City or Friendship City affiliation and the community organization's implementation plan and budget, where appropriate, will be reviewed by the City Council Human Relations Committee, with a recommendation to the City Council as appropriate.
- B. When appropriate, the City will organize and carry out community receptions and/or events to acknowledge the formal visit of the Mayor or other elected officials from a Sister City when an invitation has been extended by the San Leandro Mayor or City Council, and when that Sister City is not represented by a community organization (Ribeirao Preto, Ponta Delgada, or Naga). The City Council Human Relations Committee will recommend the reception and/or event activities. Community receptions and/or events for Friendship City dignitaries will be the responsibility of the community group sponsoring the affiliation.
- C. Informal visits by Sister City or Friendship City dignitaries will be acknowledged by a meeting or luncheon with the Mayor and/or City Councilmembers, depending upon the availability of City officials and the visiting dignitaries. If advance planning permits, such plans for a meeting or luncheon will be reviewed by the City Council Human Relations Committee. If the visit does not provide adequate time for Committee review, the Mayor will report to the City Council all official activities that took place during the visit.

- D. Generally, the City will not fund travel nor reimburse for travel or lodging expenses for visitors coming to San Leandro without prior approval by the City Council, and only for those instances to reciprocate for prior hosted accommodations by the Sister City. There is no expectation that the City will fund travel or lodging expenses for visitors from Friendship Cities.
- E. The City may terminate a Sister City or Friendship City affiliation if, after considering such factors as community involvement, length of no contact or visits, funding, etc., it determines that continuation of the affiliation is not in the best interest of the City.

VI. City Official Visits to Sister Cities and Friendship Cities

When a City Councilmember initiates a request to visit a Sister City or Friendship City, such request will be made in writing to the City Council, including the proposed itinerary, how the travel and expenses will be funded, and other assistance the City will be asked to provide (i.e. gifts to be presented by the Councilmember). The Human Relations Committee will make a recommendation to the City Council, including a recommended budget for the visit. The Mayor will send appropriate correspondence to the Mayor of the Sister City or Friendship City.

When an invitation is received from a Sister City or Friendship City for San Leandro officials to visit that city, the City Council shall review the invitation or request, including what expenses, if any, have been offered by the Sister City. The City Council will then consider recommendations from the City Council Human Relations Committee regarding who will represent the City and how the travel and expenses shall be funded.

VI. Gifts

Gifts or memorabilia presented to a representative of the City of San Leandro which are intended for the City shall become the property of the City. All gifts received by individual City Councilmembers are subject to applicable Fair Political Practices Commission and Government Code reporting requirements.

CITY OF SAN LEANDRO***GUIDELINES REGARDING THE USE OF CITY
ELECTRONIC COMMUNICATIONS*****Purpose of the Guidelines:**

To provide guidance to the City Council on the recommended use of the City's Electronic Communications Systems (including the electronic mail system).

Definition:

Electronic Communications encompasses any kind of communication created by, retrieved by, sent to, or stored by any City User utilizing any City-provided Electronic Communications System, including all information, data and attachments related to those communications. Specific types of Electronic Communication Systems include Internet communications, electronic mail (E-Mail), voice mail systems, and text messaging through a cellular phone.

Guidelines:

E-Mail is intended to function as a convenient and efficient method of communicating transitory information in an electronic format.

The E-Mail System is not designed as a tool for the storage of data. Each City User is assigned 1 gigabyte (GB) of storage for their Outlook files. The size of City Users' Outlook Boxes, including E-mail, calendar, tasks, notes, contacts, folders, etc., directly impacts the performance of Outlook. Accordingly, large files and pictures should be stored outside of Outlook whenever possible.

The forwarding of E-Mails from City computer systems or through City provided E-Mail accounts by employees or public officials to any personal or other E-Mail account that is not a City provided email account that belongs to, or is managed by the employee or public official is strongly discouraged. Users are cautioned that any E-Mail sent or forwarded from a City computer system or email account to a personal email account may subject that entire personal account to disclosure pursuant to a public records request. An email sent from a personal email account to a City email account or City computer system is a public record subject to disclosure under the California Public Records Act.

Council Members should be aware of potential Brown Act violations when Council Members discuss matters within the City's subject matter jurisdiction outside of a publicly noticed meeting, which includes through E-Mail or other Electronic Communication System. Council Members should be aware of the potential to engage in a seriatim meeting that violates the Brown Act when using any Electronic Communication System as a communication tool between other Council Members.

As a general rule, the City considers every E-Mail to be a preliminary draft that is not to be retained in the ordinary course of business. Any E-Mail message that is considered to be a public record should be moved from the user's Outlook's Inbox, Sent Items, or Deleted items and retained in the User's Outlook Cabinet or saved and placed in the appropriate subject file, either electronically or in hard copy.

E-Mail messages located in an User's Inbox, Sent Items and Deleted Items folders will be automatically deleted by Information Technology from all computer devices and systems on the 120th day after sending or receipt, whether deleted by the User or not. All email will be archived and retained for 24 months.

The City's E-Mail and communications systems may not contain offensive, abusive, threatening or obscene language or graphics.

E-Mail messages or information which are in conflict with applicable law or City policies, rules or procedures are prohibited.

Exemption from Disclosure

The disclosure or exemption from disclosure of "public records" (which generally means any writing, whether electronic or paper, that contains information relating to the conduct of the public's business) is governed by the California Public Records Act and its exemptions (Gov't. Code §§ 6250 et seq.). It is City policy to exempt from disclosure all records that may be exempted pursuant to specific provisions of the California Public Records Act, unless specifically waived by the City Council, or City Manager.

Protect Confidential Information

Users shall treat all information as "confidential" if there is any possibility that the information could be considered personal (such as personnel or medical records), exempt from disclosure under the California Public Records Act or private (such as proprietary or financial information received from a third party), or if it could potentially expose the City to liability. If you are sending a confidential E-Mail, the following notice is recommended at the end of the email.

CONFIDENTIALLY NOTICE: This electronic mail message and any accompanying documents are for the sole use of the intended recipient(s) and may contain CONFIDENTIAL and/or PRIVILEGED information. Any unauthorized disclosure, copying, distribution, use, or the taking of any action in reliance upon this communication is strictly prohibited. If you receive this communication in error, please contact the sender by reply e-mail or by phone and destroy all copies of the original message and any attachments.



Councilmembers' Handbook

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Prepared by the City Manager's Department/City Clerk's Division

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RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

COUNCIL INTERACTIONS

In interactions with each other, Councilmembers will abide by the following principles:

- **Be Respectful:** Treat each other with respect, even when/especially when there is disagreement.
- **Engage in Open and Honest Communication:** Be direct, straightforward, and transparent with each other.
- **Be Honest and Truthful:** Act with integrity and authenticity; be ethical.
- **Address Difficult Issues:** Confront challenging topics directly; avoid talking around them or not talking about them at all.
- **Find Areas of Common Ground:** Seek areas of agreement; identify shared interests, values, and positions.
- **Be Open to Different Perspectives:** Keep an open mind; be willing to change your views with new information, data, etc.
- **Give the Benefit of the Doubt:** Freely give credit for good intentions; avoid ascribing bad intentions.
- **Role Model Good Leadership:** Be professional; adhere to standards of civility; demonstrate effective leadership for the community.
- **Be Considerate of Each Other's Time:** Manage expectations about responsiveness and availability, recognize the time limitations and constraints of your colleagues.

QUORUM

Four members of the City Council (AKA "Council") constitute a quorum to do business, but less than that number may adjourn from time-to-time. When there is no quorum, the Mayor, Vice Mayor, or any other Councilmember shall adjourn the meeting. If no Councilmember is present, the City Clerk Administrator shall adjourn the meeting.

AGENDA

All written petitions, communications, and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a regular or adjourned regular meeting should be delivered to the City Clerk Administrator no later than the time established by current administrative policy. The Mayor, in consultation with the City Manager, City Clerk Administrator, and department heads will establish the agenda and the order of the agenda. The Mayor may invite the Vice Mayor to attend agenda review meetings for the preparation to preside over the Council meeting should the Mayor be unavailable. The City Clerk Administrator shall compile the agenda, listing all matters to be considered by the Council according to the order of business, numbering each item consecutively. A copy of the agenda, complete with all accompanying agenda reports and other background materials, shall be delivered to each Councilmember, the City Attorney, City Manager, Assistant City Manager, and department heads, so as to be available to the recipient no later than the Friday preceding the Council meeting. The agenda packet with supporting material will be available to the public on the City's website no later than the Friday preceding the Council meeting. The agenda only, without the supporting material, is available to the public in the City Manager's Department/City Clerk's Division and is posted on the bulletin board outside the City Council Chambers no later than the Friday afternoon preceding the Council meeting, and in the Council Chambers during each meeting.

Generally, only those matters listed on the agenda shall be finally acted upon by Council. However, if a matter is deemed by any Councilmember, the City Manager, City Clerk Administrator, or City Attorney to be urgent, it may, in accordance with the Brown Act, be added to the agenda and acted upon by the Council if an explanation of the urgency is stated in an open Council meeting and a majority, or super majority, depending upon the applicable provisions of the Brown Act, of the Council consents to hear it.

ORDER OF BUSINESS

The business of the Council at regularly scheduled meetings shall be disposed of in the following order:

Afternoon Session (start time determined by Mayor):

- Call to Order
- Roll Call
- Pledge of Allegiance
- Administrative Business (Introduction of New Employees; Presentations; Presiding Officer's Announcements; Statements of Disqualification; Additions and Deletions; Oral Communications Announcement; City Attorney Report on Closed Session; City Manager Report)
- Consent Agenda
- Council Business (Public Hearings and General Business)
- Administrative Business (Council Meeting Calendar; Council Memberships in City Groups and Outside Agencies;)
- Oral Communications (on or around 5:30 p.m.)
- Adjournment (if no Evening Session is scheduled)
- Recess to Evening Session (if scheduled)

Evening Session (start time determined by Mayor):

- Call to Order
- Roll Call
- Administrative Business (Presentations)
- Council Business (Public Hearings and General Business)
- Adjournment

Whenever reasonably necessary to expedite the business of the meeting or to accommodate members of the public, the presiding officer may alter the order of business. The presiding officer will solicit Councilmembers' views but ultimately will make the decisions if and how to change the agenda. A Councilmember should alert the presiding officer should he/she expect a large group to be in attendance.

Special Meetings Procedures

The Mayor will set the order of business for special meetings. Oral communications are not required during special meetings. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

CONSENT AGENDA

Councilmembers will attempt to have their questions about consent agenda items answered by City staff in advance of the Council meeting. Councilmembers may ask a brief clarifying question about a Consent Agenda item without pulling it. If there is a policy question or deeper line of questioning, the item should be pulled from the Consent Agenda.

Should a Councilmember want to pull an item from the Consent Agenda, the Councilmember will provide the Presiding Officer and City Manager advance notice of intent to pull the item. The Councilmember will announce which items he/she intends to pull at the beginning of the Consent Agenda.

Prior to the Council's consideration of the Consent Agenda, members of the public are invited to comment on any Consent Agenda items. After public comment, any Councilmember may remove Consent Agenda items from the Consent Agenda. Items which remain on the Consent Agenda will be acted upon by the Council pursuant to a single motion. Items removed from the Consent Agenda will be considered after the Council vote on the Consent Agenda. Members of the public may comment on removed Consent Agenda items prior to the Council action on these items.

It is acceptable to register a "no" vote on an item on the Consent Agenda without pulling the item from the Consent Agenda. The Councilmember would state that the Councilmember wishes to vote "no" on the item, with or without a brief explanation, before the Mayor calls the vote. After the vote, the Mayor will announce the outcome as: "Motion carries unanimously with the exception of Councilmember A voting "no" on item x."

STANDARD PROCEDURE FOR GENERAL BUSINESS AND PUBLIC HEARING AGENDA ITEMS

Councilmembers may make motions before or after public comment on an agenda item, as the maker of the motion sees fit. The general order for items:

- Staff or Sponsoring Councilmember Presentation
- Council Questions
- Council Motion (Should Councilmember elect to make motion ahead of public comment)
- Public Comment
- Council Motion (Should the Councilmember elect to make the motion after public comment)
- Council Questions
- Council Comments and Deliberation
- Vote

STANDARD PROCEDURE FOR GENERAL BUSINESS AND PUBLIC HEARING AGENDA ITEMS (*continued*)

Generally, there is a preference for reserving Councilmembers comments for the deliberative process after questions have been asked and answered.

DECORUM IN COUNCIL MEETINGS

Requirements

1. Councilmembers will refrain from texting and the use of social media while at the dais, except in case of urgent need or emergency.
2. Councilmembers will use their computers or devices to access their agenda materials, and use e-mail as needed for business purposes, such as communicating with the City Clerk during the meeting or checking e-mails from the public. E-mails sent to the group citycouncil@ e-mail account will continue to be forwarded to Councilmembers' individual City e-mail accounts by the City Clerk, as possible, during the Council meeting. The City Clerk will not print hard copies and distribute them during the meeting.
3. While the Council is in session, all persons shall preserve order and decorum. Any person disrupting the Council meeting shall be barred by the presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council. Any member of the public who fails to comply with the rules of order and decorum after being warned by the presiding officer, thereby requiring the presiding officer to interrupt the meeting once again to restore order, shall be considered to be disrupting the Council meeting.
4. Every member of the public and every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, should confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. Members of the public addressing a council meeting shall speak from the public lectern and speak into the microphone so that comments can be broadcast and recorded.
5. No persons other than Councilmembers and necessary City staff are permitted on the Council dais.

DECORUM IN COUNCIL MEETINGS *(continued)*

Except as otherwise set forth below, no audio/visual recording devices may be left unattended at the speaker's lectern or elsewhere in the Council Chambers. Cell phones, beepers, and similar devices shall be turned off or inaudible in Council Chambers during Council meetings.

6. Individuals may place, and leave unattended, audio recording devices at the designated location in Council Chambers on the window ledge adjacent to the "Press Box" sign.
7. Individuals shall not be allowed to bring furniture into Council Chambers, or other items that might obstruct free passage within or ingress to or egress from Council Chambers, or to place any such obstructions in Council Chambers aisles or passage ways.

Enforcement

The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum inside and outside of the Council Chambers.

Persons who disrupt a Council meeting while in session are subject to arrest and prosecution. Upon instructions of the presiding officer it should be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language, or language tending to bring the Council or any Councilmember into contempt, or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the presiding officer or otherwise disrupts the proceedings of the Council meeting.

Announcements

The Mayor or Councilmembers may make announcements of general interest to other Councilmembers or members of the public. These announcements may include, but not be limited to, meeting schedule information, meetings of general community interest, or other general information. No written material will be presented, no recommendations will be made, and no actions will be taken, although the Council may direct staff to report back with regard to an item that is the subject of an item for future discussion at a regular or special meeting.

DECORUM IN COUNCIL MEETINGS *(continued)*

Continued Meetings (if necessary)

If a Council meeting is continued to consider unfinished business, a notice of continuance will be posted within 24 hours. Oral Communications will be heard once, not in each session of the continued meeting. Members of the public will be allowed to comment on continued agenda items at one session, but not a second time at a continued session.

DUTIES OF PRESIDING OFFICER

The Mayor (or in the Mayor's absence, the Vice Mayor) shall be the presiding officer of the Council. In the absence of the Mayor and the Vice Mayor, the City Clerk Administrator or Deputy City Clerk shall call the Council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Vice Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the item of business then pending before the Council.

The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, decide all questions of order in accordance with the procedural rules for motions and debate, and announce the Council's vote on all actions or direct the City Clerk Administrator to do so. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. Any Councilmember, with the exception of the presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another Councilmember, the Council shall vote on the appeal. If the appeal motion is not seconded, the presiding officer's decision shall stand. The presiding officer's name shall be called last on any question in voting.

PROCEDURAL RULES FOR MOTIONS AND DEBATES

Presiding Officer

The presiding officer may debate and may second motions, but may not make a motion. The presiding officer is subject to the limitations of debate that are imposed on all Councilmembers and, except for making motions, shall not be deprived of any of the rights and privileges of a Councilmember.

PROCEDURAL RULES FOR MOTIONS AND DEBATES *(continued)*

Councilmember

Every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the rules of civil debate herein stated. A Councilmember, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, or appeal of the presiding officer's procedural ruling). In addressing the issue under consideration, a Councilmember shall be guided by the following principles:

1. We may disagree, but we will be respectful of one another;
2. All comments will be directed to the issue at hand;
3. Personal attacks should be avoided.

Point of Order

Any Councilmember, with the exception of the presiding officer, may call for a point of order to bring to the attention of the Council a violation of these rules, an omission, a mistake, or an error in procedure, and to secure a ruling from the presiding officer on the question raised. The point of order shall be raised immediately after the violation, omission, mistake or error in procedure has been committed. A Councilmember who wishes to call for a point of order may interrupt a Councilmember who has the floor at the time but shall not explain the basis for his or her point of order until subsequently recognized by the presiding officer. The presiding officer, in his or her discretion, may allow the Councilmember who was interrupted to conclude his or her remarks before ruling on the point of order. A point of order is not debatable; however, the presiding officer may consult the City Attorney or City Manager before ruling on the point of order.

Regular Motion

Any Councilmember, with the exception of the presiding officer, may make a regular motion. A regular motion is debatable.

PROCEDURAL RULES FOR MOTIONS AND DEBATES *(continued)*

Motion to Amend/Substitute Motion

Any Councilmember, with the exception of the presiding officer, may make a motion to amend a regular motion or a motion to substitute a new motion for a regular motion. A motion to amend and a substitute motion are both debatable. If the nature of the motion is in question, the presiding officer shall decide whether the motion is a motion to amend (which seeks to retain but modify a regular motion) or a substitute motion (which seeks to replace a regular motion with a new and different motion). If the motion to amend or substitute motion is seconded, the Council shall first vote on whether to accept the motion. If the Council votes to accept the motion, the Council shall then vote on the amended motion or substitute motion. If the Council votes not to accept the motion, the Council shall then vote on the original motion.

Friendly Amendment

Any Councilmember including the presiding officer may ask the moving Councilmember to authorize a friendly amendment to a motion on the floor. If acceptable to both the moving Councilmember and seconding Councilmember, the motion shall thereafter proceed as amended. If not acceptable to the moving Councilmember or seconding Councilmember, the Councilmember who requested the friendly amendment may thereafter make a motion to amend. The presiding officer shall decide whether or not to allow debate or limit debate on a proposed friendly amendment.

Request/Motion to Divide the Question

The presiding officer may, in his or her discretion, divide the motion into multiple questions after a motion has been made and seconded. Any Councilmember may request that the presiding officer divide the motion into multiple questions after a motion has been made and seconded. If, upon request, the presiding officer declines to divide the question, any Councilmember may make a motion to divide the question. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to divide the question. When dividing the question, the presiding officer or the requesting or moving Councilmember shall clearly state each question to be the subject of a separate Council vote.

PROCEDURAL RULES FOR MOTIONS AND DEBATES *(continued)*

Motion to Limit Consideration

Any Councilmember, with the exception of the presiding officer, may make a motion to limit consideration (public comment and/or Council debate) on an item to a specific period of time. The motion shall specify the period of time to which consideration shall be limited. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to limit debate. The presiding officer, in the interest of accomplishing the Council's business in a reasonably timely manner, may assign time limits to agenda items prior to or during the Council's consideration of those agenda items.

Motion to Call the Question

Any Councilmember, with the exception of the presiding officer, may make a motion to call the question. If adopted, the motion requires that all discussion of the item under consideration be halted immediately without further discussion and that the item be immediately put to a vote of the Council. A motion to call the question is not debatable.

Motion to Reconsider

A motion to reconsider any action taken by the Council may be made only on the same day that the action was taken. The motion may be made either immediately during the same session, or at a recessed or adjourned session on the same day. With the exception of the presiding officer, the motion may be made only by a Councilmember who previously voted in the majority on the item which is the subject of reconsideration. A motion to reconsider is debatable.

PROCEDURAL RULES FOR MOTIONS AND DEBATES *(continued)*

Motion to Rescind

Any Councilmember, with the exception of the presiding officer, may make a motion to rescind a prior Council Action. A Council action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the Council. Action taken pursuant to resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable. Except in the case of an emergency or where the Council makes the necessary findings and adds the item to the agenda as a late item in accordance with Brown Act requirements, a request to rescind a prior action of the Council, not already agendaized for that meeting, will not be acted upon at the same meeting at which the request is presented but will be continued to the next meeting to permit notification of interested persons. Nothing in this rule shall be construed as limiting the authority of the Council from again considering at a future Council meeting an item it had considered and acted upon at a prior Council meeting and thereafter taking action upon that item at variance with the prior Council action or which supersedes the prior Council action.

Motion to Suspend the Rules

Any Councilmember, with the exception of the presiding officer, may make a motion to suspend the rules. The moving Councilmember shall identify the rule to be suspended if the motion is adopted and specify the action proposed to be taken during the rule's suspension. The motion shall require the affirmative vote of two-thirds of the Councilmembers present for passage. A motion to suspend the rules is debatable.

Multiple Motions

A maximum of three motions may be pending at any given time during a Council meeting. Subsequent motions shall be rejected by the presiding officer until less than three motions are pending. When two or three motions are pending, the last pending motion made shall be the first motion voted on by the Council. For example, if a regular motion and a motion to amend are simultaneously pending, the vote on the motion to amend shall be taken first and the vote on the regular motion shall be taken second. By way of further example, if a regular motion is followed by a substitute motion which, in turn, is followed by a motion to table (refer to page 15, Motion to Table), the vote on the motion to table shall be taken first, followed by the vote on the substitute motion and then, if necessary, followed by the vote on the regular motion.

ADDRESSING THE COUNCIL AFTER PUBLIC COMMENT IS CLOSED

After public comment on an item is closed, no person shall address the Council except upon the request of a member of the Council through the presiding officer.

COUNCIL ACTION

Any vote of the Council may be by voice vote. A roll call vote will be taken if any member of the Council requests it, either prior or subsequent to any vote.

Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded and until the motion has been restated by the presiding officer or the City Clerk Administrator. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. Ordinances and resolutions may be introduced and passed by reading the title only; they shall be read in full only when requested by a majority of the Council.

Disqualifications

Section 607 of the City Charter states that "All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publically declared and a record thereof made."

The Political Reform Act of 1974, Section 87100 states that "no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that "No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public..."

The City Attorney is available to help Councilmembers decide if they should declare disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the City Attorney will provide guidance in determining whether a Councilmember should disqualify him/herself from acting on the item. In these instances Councilmembers should use the phrase, "...to avoid the appearance of impropriety."

COUNCIL ACTION *(continued)*

Voting

Any Councilmember, with the exception of the presiding officer, may make a motion. Any Councilmember including the presiding officer may second a motion. Any motion which is not seconded by a Councilmember shall die for lack of a second. With the exception of a motion to suspend the rules, which requires a two-thirds affirmative vote for passage, any motion shall pass if a majority of present Councilmembers vote in favor of the motion. Any motion shall fail if a majority of present Councilmembers vote in opposition to the motion or if there is a tie vote on the motion by present Councilmembers. A resolution shall require four affirmative Councilmember votes for adoption. Except as otherwise stated in the City Charter, an ordinance shall require four affirmative Councilmember votes for adoption.

Vote Required

1. Ordinances and Resolutions

Legislative action shall be taken by the Council only by means of an ordinance or resolution. Except where a greater number of votes is required by statute or Charter, any ordinance or resolution introduced or passed must receive the affirmative votes of at least four (4) members of the Council.

2. Minute Orders

Administrative matters may be acted upon by minute order. These actions may be taken by motion and, unless subject to Charter, statutory or Constitutional requirements, shall be deemed passed upon receiving a majority vote of all Councilmembers present.

Tie Vote

If a tie vote should occur on an appeal to the Council of an administrative decision, or on any matter before the Council, the tie vote shall be resolved as follows:

1. Disqualification

A tie vote resulting from a disqualification of one or more Councilmembers, with no Councilmembers absent and no vacancies on the Council shall constitute a denial of the appeal, or a defeat of the motion.

COUNCIL ACTION *(continued)*

Tie Vote (continued)

2. Absence

A tie vote during the absence of one or more Councilmembers, or when there is a vacancy on the Council shall cause the item to be automatically continued (typically to the next meeting); except that as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Votes

A tie vote at the next regularly scheduled City Council meeting on a matter which has been continued as a result of a tie vote constitutes a denial of the appeal or defeat of the motion.

Motion to Table

Any Councilmember, with the exception of the presiding officer, may make a motion to table. If adopted, the motion requires that all discussion of the item under consideration at the time of the motion be halted immediately without further discussion. The motion may or may not include a specific time at which the Council will resume consideration of the item. However, a motion which does not include a specific resumption time shall not be construed as precluding the Council's ability to resume consideration of the item at any future City Council meeting. A motion to table is not debatable.

Motion to Adjourn

Any Councilmember, with the exception of the presiding officer, may make a motion to adjourn. If adopted, the motion requires the Council to immediately cease its meeting and to adjourn to the next regularly scheduled or specially scheduled Council meeting. A motion to adjourn is not debatable.

COUNCIL ACTION *(continued)*

Motion to Fix the Time to Adjourn

Any Councilmember, with the exception of the presiding officer, may make a motion to fix the time to adjourn. The moving Councilmember shall specifically state the hour at which the Council meeting shall immediately cease if the motion is adopted. If adopted, the motion requires the City Council to immediately cease its meeting at the appointed hour and to adjourn to the next regularly scheduled or specially scheduled Council meeting. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to fix the time to adjourn. Nothing in this rule shall be construed as prohibiting the Council from adjourning its meeting prior to the hour specified in the motion should the Council complete its business prior to the appointed hour.

Motion to Recess

Any Councilmember, with the exception of the presiding officer, may make a motion to recess. The moving Councilmember shall specifically state the length of time of the recess if the motion is adopted. If adopted, the motion requires the Council to immediately recess its meeting for the specified period of time. A motion to recess is not debatable. Nothing in this rule shall be construed as prohibiting the presiding officer from recessing a Council meeting from time-to-time as deemed appropriate by the presiding officer.

ADDRESSING THE COUNCIL FROM THE FLOOR

Securing Permission to Speak

Any persons desiring to address the Council shall follow the procedures specified in the agenda and shall first secure permission from the presiding officer. Remarks should be directed to the matter being considered.

ADDRESSING THE COUNCIL FROM THE FLOOR *(continued)*

Individuals

Persons addressing the Council should, but are not required to, give their name in an audible tone of voice for the record and sign their name on the sign-up sheet provided for that purpose. Unless further time is granted by the presiding officer, the time limit shall be as stated in the agenda and/or as directed by the presiding officer. All remarks shall be addressed to the Council as a whole and not to any individual member. Without the permission of the presiding officer only Councilmembers and the person addressing the Council shall be permitted to enter into any discussion.

Each Councilmember may recognize a member or members of the public for additional time or move additional time for public discussion. The presiding officer may at his/her discretion increase or decrease public comment time for more than or less than 3 minutes.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation longer than the time allowed for in the agenda must contact the City Clerk Administrator or the Mayor prior to the meeting.

An individual who wishes additional time to speak on an agenda item on behalf of an organization or group (group speaker) must contact the Mayor prior to the meeting to request the additional time. In return, the group speaker should encourage other group members to avoid extensive repeat comments. Additional time to speak will not be granted if a group speaker is making a request while the Council meeting is in session.

Councilmember Engagement with the Public during Public Comment

Public comment is intended for the Council to hear from the public and is not the time for a dialogue between the Council and the public. Councilmembers make take note of comments or questions for follow-up, and at the conclusion of the public comment and upon recognition by the Presiding Officer, may pose those questions to staff.

If the Presiding Officer perceives, or is alerted by another Councilmember of, a substantial factual issue with a member of the public's comments, the Presiding Officer may ask staff for an immediate clarification at the end of the speaker's comments. If a Councilmember seeks clarity on an issue, it is preferred for the Councilmember to engage with his/her colleagues and staff in achieving clarity.

ADDRESSING THE COUNCIL FROM THE FLOOR *(continued)*

Oral Communications

Community members may address the City Council about any matter not on the agenda but within the City Council's subject matter jurisdiction during Oral Communications. The Mayor determines when Oral Communications will commence but it generally will occur on or around 5:30 p.m. If an agenda item is still in progress at 5:30 p.m., the item will be concluded before opening Oral Communications.

Upon concluding Oral Communications, any remaining afternoon business items will be conducted. If the afternoon business concludes earlier than 5:30 p.m., the Council shall recess then reconvene at 5:30 p.m. to hear Oral Communications.

Speakers will be invited up to the lectern by the Mayor and are asked to keep comments to three minutes or less, and encouraged to state name but not required to state community of residence or affiliation. Up to 30 minutes will be allocated for Oral Communications. The Mayor may shorten individual comment to less than three minutes in order to hear from all individuals who wish to offer comments during the thirty-minute Oral Communications period. Note that in the absence of an emergency, California law prohibits the City Council from discussing or taking immediate action on comments offered in Oral Communications.

1. Presentations will ordinarily be limited to THREE MINUTES.
2. Priority will be given to individuals who did not speak at the previous Council meeting's Oral Communications.
3. Individuals may not speak more than once during Oral Communications.
4. All speakers must address the entire Council and will not be permitted to engage in dialogue.
5. The Council may not take action on Oral Communications, but may direct that the issue discussed be agendized for a future meeting.

SPEAKERS ARE ENCOURAGED AND REQUESTED, BUT NOT REQUIRED, TO SIGN THEIR NAME ON THE SIGN-UP SHEET PLACED NEAR THE SPEAKER'S STAND SO THAT THEIR NAMES MAY BE ACCURATELY RECORDED IN THE MINUTES OF THE MEETING.

Time limits may be increased or decreased at the Mayor's discretion, subject to the approval of the City Council.

Generally, matters presented as oral communications which require further investigation or information shall be referred to staff, and if the Council determines that action is required, the item may be placed on a future agenda.

ADDRESSING THE COUNCIL FROM THE FLOOR *(continued)*

Oral Communications (continued)

Spanish translation services for Council Oral Communications will be provided. Unless requested four days in advance of the Council meeting, Spanish translation services will not be provided for other agenda items, unless the Spanish translation service provider can appear on less than four days' notice.

Speaker Timer at Lectern

Speakers must be aware of the public speaker timer at the lectern. Speakers will be given a specific amount of time to address the Council. The timer will show green for speaking, yellow at a 30-second wrap-up, and red when time has ended.

Public Hearings

Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration.

For land use application public hearings, the applicant presentation shall be limited to 20 minutes, maximum; all other individuals shall be limited to 5 minutes, maximum.

For appeals public hearings, the appellant shall be limited to 20 minutes, maximum; all other individuals shall be limited to 5 minutes, maximum.

Time limits may be increased or decreased at the Mayor's discretion, subject to the approval of the City Council.

PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be kept by the City Clerk Administrator and shall be recorded in a file kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings. The City Clerk Administrator shall be required to make a record only of such business as was actually passed by a vote of the Council and shall not be required to make a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks related and whether they spoke in support of or in opposition to such matter.

PREPARATION OF THE MINUTES *(continued)*

Remarks of Councilmembers Entered in Minutes

A Councilmember may request, through the presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.

Synopsis of Debate Entered in Minutes

The City Clerk Administrator may be directed by the presiding officer, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

Delivery of Minutes

As soon as possible after each Council meeting, the City Clerk Administrator shall cause a copy of the minutes to be forwarded to each Councilmember, the City Manager, and department heads, typically delivered with the agenda packet for the next regularly scheduled Council meeting.

APPROVAL OF MINUTES

The minutes of the preceding Council meeting may be approved without reading, provided that the City Clerk Administrator has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.

CORRECTION OF MINUTES

When a Councilmember wishes to correct the minutes, he/she shall contact the City Clerk Administrator in advance of the meeting with the correction. The City Clerk Administrator will then verify the correction by listening to the recording of the City Council meeting. Upon verification of an error in the minutes, the City Clerk Administrator will provide the corrections to the Council in advance of the meeting. If time constraints prevent this procedure, the Council shall continue the approval of the minutes to the next meeting, and direct the City Clerk Administrator to verify the error.

PROCESSING COUNCIL MAIL

The Mayor (or designee) is authorized to receive and review all mail generally addressed to the City Council. All correspondence not requiring Council action will be acted upon between Council meetings and referred to staff if appropriate. Action taken on these communications will later be reported to the Council.

SPECIAL COMMITTEES

Subject to approval of the Council, the Mayor may appoint special committees of the Councilmembers, private citizens, or both, as deemed desirable and necessary to assist and advise the Council in its work.

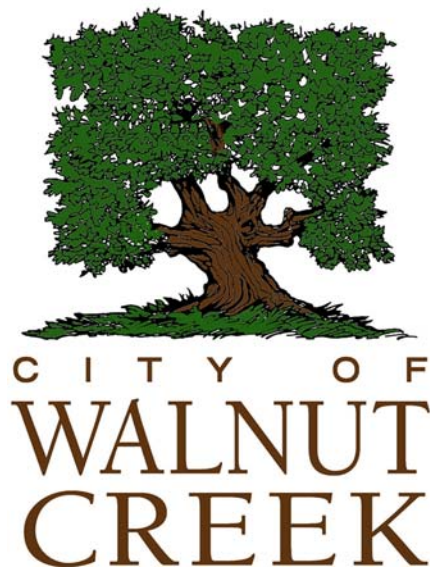
PREPARATION AND STAFF APPROVAL OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

All ordinances, except those initiated by the voters of the City under the provisions of Article VII, Section 706 of the City Charter, shall be prepared or reviewed by the City Attorney. Ordinances shall be prepared for presentation to the City Council only if ordered by a majority vote of the Council, requested in writing by the City Manager, or prepared on the City Attorney's own initiative. As time allows, the City Attorney may assist individual Councilmembers in preparation of ordinances for future Council consideration.

Ordinances (except ordinances initiated by the voters of the City under provisions of Article VII, Section 706 of the City Charter), resolutions, and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be examined for administration by the City Manager, the head of the affected department, or an authorized representative of the City Manager.

CITY OF WALNUT CREEK

CITY COUNCIL HANDBOOK



Adopted on July 15, 2014, Resolution No. 14-48
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CHAPTER 1

INTRODUCTION AND OVERVIEW

1.1. Purpose of Handbook

The City of Walnut Creek has prepared its own City Council Handbook (“Handbook”) to assist the City Council by documenting accepted practices and clarifying expectations. The Handbook is intended to assist Councilmembers in carrying out their roles, as well as to provide useful information to prospective Councilmembers and other interested citizens. Through agreement of the City Council and staff to adhere to these practices, the effective administration of City Council affairs is greatly enhanced. While attempting to not be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

Councilmembers will be provided a copy of and be familiar with the Handbook. The City Council will conduct its meetings in accordance with the guidance in the Handbook.

The City Clerk shall be responsible for the maintenance of the Handbook and for making it available to the public. It is anticipated that this Handbook will be reviewed at least biennially, in odd years, in order to reflect changes in the law or City Council procedure or policy.

Failure to observe any of the listed rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Councilmember or by the City Council as a whole. This Handbook is not intended to be a legal statement, and is not written in legal terms.

1.2. Overview of City Documents

This Handbook provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary to undertake the business of a City Council. Many other laws, policies, plans and documents exist that bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that provide guidance to the City Council direction is provided below.

- *California Constitution and Codes*

The California Constitution and Codes contain many requirements for the operation of city government. Many of these requirements are also replicated within the Walnut Creek Municipal Code to ensure there is broad awareness of such requirements. Walnut Creek is a “general law” city, which means it is organized in accordance with provisions of the California Government Code. Some cities within California are “charter cities” and have adopted local charters by election.

Also described within the California Government Code is the City Council – City Manager form of government, which is practiced in Walnut Creek. Basically, this form of government prescribes that a City Council’s role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of City government.

- *Walnut Creek Municipal Code*

The Walnut Creek Municipal Code contains local laws and regulations adopted by ordinance. It contains a variety of laws including, but not limited to, planning and zoning standards, election laws, local tax standards, and park and open space regulations. The Walnut Creek Municipal Code is available either on the City's website or from the City Clerk.

- *General Plan 2025 (Adopted April 4, 2006)*

General Plan 2025 comprises of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas. This is a state-mandated plan addressing adopted future land development plans and policies through 2025. General Plan 2025 has been implemented through the adoption of numerous Specific Plans, including the Locust Street / Mt. Diablo Boulevard Specific Plan and the North Main Street / Ygnacio Valley Road Specific Plan.

1.3. Orientation of New Councilmembers

Members of the City Council should have an understanding of the full range of services, facilities and programs provided by the City. As new members join the City Council, the City Clerk coordinates with Department Directors to provide an orientation, allowing an opportunity to meet key staff and provide tours of City facilities. A Councilmember who is interested in learning more about the services, facilities and programs provided by the City should contact the City Manager.

CHAPTER 2

CITY COUNCIL – GENERAL POWERS AND RESPONSIBILITIES

The City of Walnut Creek is governed by a five-member City Council elected at-large to four-year terms on a staggered biennial basis. Councilmember terms are staggered so that a measure of continuity is maintained in the transition from one City Council to the next. The City utilizes a mayoral rotation system in order to determine which Councilmembers shall be chosen to serve as Mayor and Mayor Pro Tem. The City Councilmembers also serve as members of other entities operating on behalf of the city of Walnut Creek, including the Parking Authority, Public Facilities Financing Authority and the Successor Agency to the former Walnut Creek Redevelopment Agency.

2.1. City Council Generally

The powers of a City Council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically forbidden by the Constitution and laws of the State of California.

The Walnut Creek City Council acts as a body. While the Mayor has some additional ceremonial and administrative responsibilities, no Councilmember has any power beyond those of the other members. In the establishment of policy, voting and in all areas except those identified below, all members are equal. Except where the law requires a certain number of affirmative votes, a majority vote of the City Council establishes policy and makes decisions for the City. While an individual member may disagree with a decision of the City Council, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure that the policy of the City Council is implemented. Actions by staff to implement a decision of the City Council do not reflect any bias against a Councilmember who held a minority view on that issue.

2.2. City Council-Manager Form of Government and the Role of the City Manager

The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City who works for five independently elected officials. The City Council and City Manager should be a participatory team. Councilmembers should avoid situations that can result in the City staff being directed by one or two members of the Council. Regular communication between the City Council and the City Manager is important in managing open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.

The City Council is to evaluate the City Manager on a regular basis to ensure that both the City Council and the City Manager are in agreement about performance and goals.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

The City Manager's power and authority include the ability to:

- Review all agenda documents before preparing the agenda for any regular or special meeting of the City Council.
- Direct the work of all appointive City officers and departments that are the concern and responsibility of the City Council, except those that are directly appointed by or report directly to the City Council.
- Recommend to the City Council adoption of measures that the City Manager may deem necessary for the health, safety or welfare of the community.
- Consolidate or combine offices, positions, departments or units under the City Manager's jurisdiction.
- Conduct research in administrative practices in order to bring about greater efficiency in City government.
- Provide management and leadership training to City departments.

2.3. Roles and Responsibilities – Mayor, Mayor Pro Tem and Councilmembers¹

1. Mayor

- Is appointed by the Council for a term of one year.
- Serves as the presiding officer of the City Council, preserving strict order and decorum at all meetings of the City Council; announces City Council decisions on all subjects; and decides all questions of order, subject to modification by the City Council.
- Leads the City Council into an effective, cohesive working team.
- Is recognized as the ceremonial spokesperson for the City.
- Selects a substitute for City representation when unable to attend.
- Concurs as to any agenda prepared by the City Clerk at the direction of the City Manager, and with the concurrence of the Mayor.
- May call for special meetings as necessary in response to the scope and timing of the City Council's workload and schedule.

¹ A publication that provides additional useful information in defining roles and responsibilities of elected officials can be found in the "Leadership Guide for Mayors and Councilmembers," published by the League of California Cities. The Guide is available upon request from the City Clerk.

- Recommends City Council appointments to various public bodies, which are then confirmed by a majority vote of the City Council every December.
- Signs minutes on behalf of the City when Mayor's signature is required.
- Responds to correspondence submitted to the full City Council on non-agenda items.
- Charged with the administration of proclamations. Following City Council-adopted standards, the issuance of proclamations is at the Mayor's discretion, without formal action by City Council.
- Coordinates the annual evaluation of the City Manager and City Attorney.
- Coordinates with the City Clerk for the planning of various annual ceremonial events (see Chapter 7.5 for the list of events).
- Serves as the City Council's spokesperson in the media.
- Is entitled to vote on all matters, but does not have veto power.

2. Mayor Pro Tem

- Serves as the presiding officer when the Mayor is absent.
- Performs the duties of the Mayor in the Mayor's absence or at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.

3. Councilmembers (including Mayor and Mayor Pro Tem)

- Participate in City Council meetings and in other public forums while demonstrating respect, consideration and courtesy to others.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in City government.
- Demonstrate honesty and integrity in every action and statement.
- Are familiar with the City Council Handbook.
- Prepare in advance of City Council meetings and be familiar with issues on the agenda.

- Advise the City Manager and City Clerk as soon as possible of an impending absence.²
- Seek authorization from the City Manager if any request of staff will require more than one hour of staff time to complete. This provision does not apply to City Council questions related to agenda reports.
- Shall not take action on any matter that has no direct effect on the local affairs of the City and over which the City has no jurisdiction.
- Shall be respectful of other people's time, stay focused and act efficiently during public meetings.
- Commit to spending time each year outside of regular City Council meetings to work with the City Manager and staff on setting goals and priorities for the City government and to work on issues that may be inhibiting the maximal achievement of City goals.
- May represent the City at ceremonial functions at the request of the Mayor.
- Serve on City Council committees, as appointed by the Mayor with City Council confirmation.
- Represent the City Council on County, area, district or state boards, committees or commissions, and other public agencies, or quasi-public agencies, as appointed by the Mayor with City Council confirmation.
- May join two other Councilmembers to call a special meeting of the City Council (discussed in more detail in Section 9.1).
- Complete all required training in a timely manner, including State-mandated AB 1234 Ethics Training (see Section 13.1).
- File in a timely manner all required Fair Political Practices Commission documentation, including the annual Statement of Economic Interests and campaign statements.

2.4. Election of Mayor and Mayor Pro Tem

There are five Councilmembers, each of whom is either elected or appointed to the City Council. Each Councilmember, regardless of whether elected or appointed, has an equal

² California Government Code Section 36513 provides that if a Councilmember is absent from all regular City Council meetings without permission for sixty (60) days consecutively from the last regular meeting attended, (or seventy (70) days if the City Council meets once a month), the seat held by that Councilmember becomes vacant. The law is silent with regard to the basis for granting or denying permission to be absent. Such a determination is left to the City Council as a whole.

opportunity to serve as Mayor. At a minimum, a Councilmember will serve as Mayor once every five years. Because Councilmembers have four-year terms of office, a Councilmember may not be able to serve as Mayor in a given four-year period.

Each Councilmember has a specified position in the rotation sequence. In any year, the first person in the sequence shall be selected as Mayor, the second in the sequence as Mayor Pro Tem. After serving as Mayor, that Councilmember moves to the end of the rotation sequence, and the other four Councilmembers move forward in the sequence. If a Councilmember leaves office, the other Councilmembers move forward in the sequence. A Councilmember's position in the sequence relative to other Councilmembers may not change except by City Council majority vote.

When a new Councilmember is elected or appointed, that Councilmember goes to the fifth position in the rotation, after all incumbents. If two or more new Councilmembers are elected at the same time, the number of votes received in the election determines the position in the rotation sequence, with the new Councilmember receiving the highest number of votes being first among the new members. Within 60 days of the election or appointment of a new Councilmember or members, the City Council will approve an updated mayoral rotation sequence.

At the first meeting in December each year, the City Council shall elect one of its members as Mayor and one as Mayor Pro Tem according to the rule set forth above. The election of the Mayor and Mayor Pro Tem shall be by vote of a majority of members of the City Council. The Mayor shall be seated and assume the duties of presiding officer immediately following the election of Mayor and before the election of the Mayor Pro Tem, unless a motion is carried to elect and seat the Mayor and Mayor Pro Tem at the same time.

The mayoral rotation system can be changed at any time by a Council majority vote.

2.5. Appointment of City Manager and City Attorney

The City Council appoints two positions within the city organization: the City Manager and the City Attorney (currently a contract attorney). Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City with the exception of staff of the City Attorney's office. The City Attorney has such duties as prescribed by the general laws of the State and the regulations of the City (Title 2, Administration, Chapter 6, Officers.)

2.6. Vacancies

An elective office becomes vacant when the incumbent dies, resigns, retires, is removed from office under recall proceedings, is adjudged insane, convicted of a felony; or of an offense involving a violation of her/his official duties; or ceases to be a resident of the City; or neglects to qualify within ten days following election or appointment; or shall have been absent from the State without leave for more than sixty consecutive days; or fails to attend the meetings of the body of which she/he is a member for a like period without being excused by said body.

Government Code Section 36512 governs the filling of City Council vacancies for general law cities, if the City has not already adopted its own ordinance governing vacancies pursuant to that

section. Per Government Code Section 36512, the City Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. However, the City may enact an ordinance providing that a person appointed to fill a vacancy holds office only until the date of a special election which shall immediately be called to fill the remainder of the term.

2.7. Concurrent Roles - Successor Agency, Public Facilities Financing Authority and Parking Authority

The City Councilmembers serve as members of other entities operating on behalf of the City Council of the City of Walnut Creek:

Parking Authority

The Parking Authority was formed in April 1970. The City Council declared via Resolution 2519 the need for a Parking Authority pursuant to the Parking Law of 1949 (Streets and Highway Code 32500 et seq). The Walnut Creek City Council declared the City Council to be the Parking Authority.

Public Facilities Financing Authority

The Public Facilities Financing Authority (PFFA) was formed in December 1992 (Resolution 92-101). The PFFA was formed via a joint powers authority with the former Redevelopment Agency of the City of Walnut Creek (currently, the Successor Agency). The PFFA was formed to provide financing of public capital improvements and working capital for its members. Examples of some of the actions made by the City Council as the PFFA are as follows: financing of the new South Locust Street Parking Garage (1/19/1993); tax allocation bonds for the Veterans Building (1250 Locust Street) (10/7/2003); the purchase and sale of tax allocation bonds for the merged Mt. Diablo and South Broadway project (1/18/2000); and bond issuance for the Boundary Oak Golf Course Improvements (6/3/1997).

Successor Agency to the Former Walnut Creek Redevelopment Agency

The California State Legislature enacted Assembly Bill X1 26 (the “Dissolution Act”) to dissolve redevelopment agencies formed under the Community Redevelopment Law effective February 1, 2012. The California Supreme Court, in its decision in *California Redevelopment Association v. Matosantos*, issued December 29, 2011 (the “Supreme Court Decision”), declared the Dissolution Act to be constitutional. On January 17, 2012, the Walnut Creek City Council adopted a resolution accepting for the City the role of successor agency (the “Successor Agency”) to the Redevelopment Agency of the City of Walnut Creek (the “Redevelopment Agency”). An Oversight Board (the "Oversight Board"), consisting of members representing the County, the City, and various education and special districts, was formed to approve and direct certain actions of the Successor Agency.

2.8. Role in Disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed to assemble in the City’s Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive

information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The City Council adopted Resolution No. 13-12 appointing Standby Officers for the City Council and City Manager and designating an alternative location for the seat of government in the event of enemy attack, or in the event of a state of emergency or a local emergency (Appendix A). Standby officers should be identified in December of election years.

CHAPTER 3

FINANCIAL MATTERS

3.1. Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, Councilmembers receive a stipend of \$650 per month.³ Councilmembers are also eligible for participation in group insurance benefits including retirement, health, dental, vision, and life insurance plans as noted in the Compensation and Benefits Summary for Elected Officials. ([Appendix B](#)).

Councilmembers are not compensated by Walnut Creek for attendance at standing committees, joint power authorities, or other agencies or organizations, but may be compensated by those external organizations for attending meetings.

3.2. Expenditure Allowance

The annual city budget includes limited funding for Councilmembers to undertake official City business. Eligible expenses include travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending (1) meetings and events organized by the League of California Cities, U.S. Conference of Mayors, National League of Cities and the Contra Costa Mayors' Conference; (2) meetings with representatives of local, regional, state and the federal government on adopted City policy positions; (3) educational seminars designed to improve officials' skill and information levels; (4) meetings of regional, state and national organizations whose activities affect the City's interests; and (5) meetings to implement a City-approved strategy for attracting or retaining businesses in the city, which will typically involve at least one staff member. [Appendix C](#) is a copy of the City's Travel and Reimbursement Policy.

3.3. Expenditure Guidelines

Any expense must be related to the conduct of City business. Public property and public funds may not be used for any private or personal purpose, including personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen at such meetings.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's office with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor and City Attorney.

³ Receipt of Compensation is optional.

CHAPTER 4

COMMUNICATIONS

An important role of each Councilmember is communication with the public to assess community opinions and to communicate information about the City. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the City Council. Equally important, when members are expressing personal views and not those of City Council, the public should be so advised.

4.1. Written Correspondence

The City Manager is authorized to receive and take administrative action on all correspondence directed to the City Council. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets, is to be compiled and distributed to the City Council prior to the City Council meeting. The City Manager is also authorized to respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond to the extent possible. A courtesy copy is provided to each Councilmember.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such issues as private citizens, city letterhead, official City Council title, and staff support should not be utilized. In addition, city letterhead and staff support cannot be utilized for personal or political purposes.

4.2. Speaking for “the City”

Similar to written correspondence, when Councilmembers are requested to speak to groups or are asked the City Council’s position on an issue, the response should reflect the position of the City Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, “While I voted against X, the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. The Mayor may delegate this responsibility to the Mayor Pro Tem or a fellow Councilmember.

4.3. Speaking as an Individual

On occasion, Councilmembers may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should clearly indicate in their communications that they are not speaking for the City Council as a whole, but for themselves as one member of the Council. City letterhead and office support may be utilized in these circumstances. As discussed above, in spoken conversations, Councilmembers should clarify when they are speaking as an individual and not on behalf of the City Council.

4.4. Council Conduct with the Media

Councilmembers are frequently contacted by the media for quotes and background information. The following provides helpful tips for communication with the media:

- **The Mayor is the official spokesperson for the City Council on City policy.**
Because the Mayor is the designated representative of the Council to present and speak on the official City position, Councilmembers must be clear about whether comments represent the official City position or a personal viewpoint.
- **Avoid going “off the record.”** Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. However, one bad experience could be catastrophic.
- **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Therefore, be cautious about use of humor, sarcasm, or word play.

CHAPTER 5

POSITIONS ON ISSUES

5.1. Positions on Issues Not Under the Council's Jurisdiction

The City Council shall not take action on any matter that has no direct effect on the local affairs of the City of Walnut Creek and over which the City, as a California municipal corporation, has no jurisdiction.

5.2. State Legislation, Propositions

The City has been a member of the League of California Cities for many years. This group actively tracks legislation at the state level. Either through the advisories received from this organization or as a result of City staff following key legislative bills of importance to the City, the City Council is at times requested to take a position or an action on pending state legislation. As a framework for screening bills that are pending to determine if the City should weigh in, the City Council adopted a Legislative Policy resolution which serves as the legislative platform for the City Council. Correspondence on legislative matters shall generally be signed by the Mayor, but for good cause, the City Manager may authorize or prepare correspondence to be signed by another Councilmember, by the City Manager, or by another official or employee, provided that the position is consistent with the Legislative Policy adopted by the City Council. Appendix D is a report outlining the Legislative Policy program for the City of Walnut Creek.

5.3. Proclamations

Proclamations are public announcements or recognitions directing attention to local residents, organizations or events. Proclamations are not statements of policy. Proclamations specifically promoting religious, racial, ethnic or sexual orientation issues will not be considered. The City Council must approve any proclamation of a political nature. The Mayor, without formal action of the City Council, may issue proclamations that adhere to these guidelines. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion. Individual Councilmembers do not issue proclamations.

5.4. Local Ballot Measures

At times local measures that affect the City may be placed on the ballot. There are restrictions regarding what actions a City Council or individual Councilmembers may take on ballot measures. Should a local measure affecting the City be placed on the ballot, the City Council will be provided a report and given the opportunity to consider whether or not to take a position on the measure.

5.5. Endorsement of Candidates

Councilmembers have the right to endorse candidates for all City Council seats or other elected offices. It is inappropriate to mention endorsements during City Council meetings, other official City meetings, or when attending other meetings as a representative of the City.

Councilmembers should act with the utmost integrity when making public comments in an election season that impact their peers on the seated City Council. Campaign buttons, shirts and logos are not to be displayed from the City Council dais.

5.6. Relationship with Advisory Bodies

Councilmembers should not lobby commissioners for particular votes. However, Councilmembers may request that commissioners consider certain issues during their deliberations.

CHAPTER 6

INTERACTION WITH CITY STAFF

6.1. Agreed Upon Norms for City Council – City Staff Interactions

Governance of a city relies on the cooperative efforts of elected officials, who set policy and priorities, and City staff, who analyze problems and issues, make recommendations, and implement and administer the City Council's policies. In order to help facilitate effective communications between the City Council and City staff, a set of Agreed upon Norms for City Council – City Staff Interactions was adopted at the City Council's April 18, 2011 retreat (Appendix E).

6.2. Timely Response to City Council Requests

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Councilmembers for information or assistance; except that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

If a request by an individual Councilmember is determined by the City Manager to take three (3) or more hours of staff time to complete, that request may be included on the formal City Council agenda for full City Council discussion.

6.3. Access to Information

Individual Councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform City Council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his/her ability to monitor the flow of information, requests for information are best tracked if submitted in writing. And to ensure proper responsiveness, questions and requests for information are to go to the City Manager, Department Director or a Director's designee. Councilmembers are asked to copy a Department Director on any emails to their staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the City Council.

6.4. Dissemination of Information

In cases where a staff response to an individual Councilmember request involves written materials that may be of interest to other Councilmembers, the City Manager will provide copies of the material to all other Councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, or otherwise not available to the City Council or of interest to the City Council.

6.5. Restriction of Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the City Council-City Manager form of government, formulate recommendations consistent with City Council policy and for the good of the community and should not be influenced by political factors.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, law exists which preserve this right.

See Appendix F for further details (Memo from City Attorney dated August 8, 2012 on Political Activities of City Officials and Employees).

CHAPTER 7

SUPPORT PROVIDED TO CITY COUNCIL

7.1. Staff Support

General administrative support to members of the City Council is provided through the City Manager's office. Administrative support includes coordinating the Mayor's calendar, correspondence, and coordinating responses to inquiries which require City staff input. Administrative support to members of the City Council includes handling City Council mail, phone calls, correspondence and travel arrangements for City Council business. Emails received directly by Councilmembers are handled individually by the recipient with the exception of the Mayor, whose emails are handled by the City Manager's Office. If a Councilmember forwards an email request to staff for action, then that email is handled in the same manner as any written correspondence received by mail. In addition to supporting the five City Councilmembers, the administrative support staff members also assist the City Manager and handle requests, inquiries and complaints submitted to the City. Sensitivity to the workload of support staff members in the City Manager's office is appreciated. Prior consultation with the City Manager is requested if a Councilmember seeks administrative support for a task that requires a significant time commitment.

7.2. Use of Office Equipment and Electronic Devices

To enhance Councilmembers' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones. The City Council also has access to a copy machine and a fax machine for conducting City business. Additionally, the City Council receives paperless City Council agenda packets via the iPad. All agenda matters are communicated through the iPad and Councilmembers may use their own iPad or the City will purchase an iPad for any Councilmember upon request. The City-purchased iPad will remain property of the City and must be returned to the City once the Councilmember leaves office. Users are allowed to take the device home or use it anywhere they conduct City business. However, such use is subject to the City's Technology Use and Email Retention policy (iPads provided by the City will not have cellular connectivity and will require the use of public or private Wi-Fi networks.) See Appendix G for a copy of this policy.

These technologies facilitate efficient communication by Councilmembers; however, their use also raises important legal issues to which Councilmembers must pay special attention.

Be aware that most emails sent by Councilmembers may be public records under the Public Records Act. The information in the email may be stored on the computer network for several years even upon being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act. Also be aware that the City's email system is intended for the conduct of official business, and not for political reasons.

Special rules should be considered during meetings subject to the Brown Act. Specifically, the Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the City Council. "Technological devices" under the Brown Act include phones, faxes, computer email, text or other instant messaging, public access cable TV and video. Councilmembers should not use e-mail, faxes or phones for communicating with other Councilmembers in order to develop a majority position on any particular issue that may come before the full City Council.

Summarily, the use of telecommunications and mobile computing devices by members of City Council during public meetings should be limited as follows:

1. Cellular telephones, pagers, and any other telecommunications devices should be in the silent mode or turned off during the City Council meeting.
2. Mobile computing devices shall be generally be limited to viewing publically available agenda material and materials contained in the record before the entire body.
3. No device shall be used in violation of the requirements of the Brown Act, such as by sharing communications among a majority of the legislative body privately and separately from the public discussion at the meeting.
4. No device shall be used in violation of the due process rights of interested parties at adjudicatory hearings, such as by consideration of information not a part of the hearing record, or by use of an electronic communications or data device so as to result in inattention to the record and/or proceedings before the City Council.

7.3. Use of the City Council Office and Meeting Rooms

A City Council office is available near the City Manager's office for shared use by members of the City Council. The City Council office is to be used for conducting City business (i.e., meeting with constituents, meeting with staff, or checking City e-mail).

Councilmembers can use City meeting rooms for official City business including for committee meetings where a Councilmember serves on that committee. Councilmembers can contact the City Manager's office staff for assistance in reserving a meeting room.

7.4. Mail and Deliveries

Members of the City Council receive mail and other materials from the public, private interests and staff. The City Manager's office staff maintains a mailbox for each Councilmember.

7.5. Ceremonial Events

The City traditionally holds or takes part in a number of ceremonial events each year and when planning events, does so with input from the Mayor. Annual standing events (subject to change) are provided below:

- **State of the City** – Normally held mid-January to mid-February (Chamber of Commerce event).
- **Commissioners' Reception** – The City Clerk works with the Mayor to establish a date for this event.
- **Mayors' Conference** – The City hosts every 19 months.
- **Memorial Day** – Held annually on the last Monday of May.
- **Veterans Day** – Held annually on November 11.

CHAPTER 8

CONFLICTS AND LIABILITY

8.1. Conflict of Interest

State laws are in place to prevent an action by a Councilmember that would constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney or the Fair Political Practices Commission (“FPPC”) regarding a Councilmember’s potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; government Code §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by Government Code §1090 are different from those in the Political Reform Act. A Councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Councilmember believes that he/she may have any financial interest in a contract that will be before the City Council, the Councilmember should immediately seek advice from the City Attorney, the FPPC, or the Councilmember’s personal attorney.

There are a number of other restrictions placed on Council actions that are highlighted in the *League of California Cities’ Guide* (available in the City Clerk’s office). Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Councilmembers.

8.2. Conflict of Interest Related to Real Property Holdings

Certain conflicts may arise due to Councilmember property holdings, and the law requires that a Councilmember disqualify him or herself in certain situations. The threshold question is whether or not a Councilmember’s decision would have a reasonably foreseeable financial effect on his or her real property interest, giving rise to a legal conflict of interest. As a general rule, a governmental decision is considered to have a reasonably foreseeable financial effect if it “would cause a reasonably prudent person, using due care and consideration under the circumstances, to

believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property.” (FPPC Regulation § 18705.2)

Common examples of conflicts include (but are not limited to) when the governmental decision involves the adoption or amendment to a general or specific plan, and the parcel is located within the proposed boundaries, where the decision determines a parcel’s zoning or rezoning, where the decision would impose, repeal, or modify taxes or fees, etc., and when a decision affecting real property value is located within 500 feet of the property line of the official’s real property.

It is recommended that any concerns or questions regarding real property conflict of interests are directed to the City Attorney’s office.

8.3. City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only entity that can provide binding interpretations and immunity on such matters is the FPPC. Members or the full City Council may also solicit opinions on such matters directly from the FPPC, however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual members of City Council, but the City Council as a whole.

8.4. Conflict of Interest Forms

Annual disclosure statements are required of all Councilmembers, designated commissioners and senior staff, which indicate potential conflicts of interest including sources of income, real property interests and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms.

8.5. Harassment and Workplace Standards

State law prohibits, and the City has policies and procedures which prohibit, discrimination and harassment. See [Appendix H](#).

8.6. Liability

The City offers a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to agencies with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that Councilmember’s being personally liable for damages which would not be covered by the City’s insurance. Examples may include discrimination, harassment or fraud.

CHAPTER 9

CITY COUNCIL MEETINGS

9.1. City Council Meetings

All regular and special meetings of the City Council shall be open to the public; provided, however, closed sessions may be held for the purposes permitted by law, from which the public may be excluded.

1. Regular Meetings

The first and third Tuesdays of each month are designated by Municipal Code Section 2-2.01 as the regular meetings of the City Council.

The Mayor or a majority of the members of the City Council may call additional meetings as necessary in response to the scope and timing of the City Council's workload and schedule. A majority of the City Council may cancel a regular meeting.

If the City Council determines that the City Council Chamber is not appropriate, the City Council may reschedule the meeting or designate a suitable alternative location in the City. The decision to hold a regular meeting at a location other than the City Council Chamber must be made prior to the regular meeting date and the change in location must be clearly and conspicuously stated on the agenda. If the City Council adjourns its meeting from the City Council Chamber to another location, notice of adjournment and the new location for the meeting must be posted in the City Hall lobby during the time the meeting is being held.

2. Special Meetings

Upon giving notice in the manner required by law, the Mayor or a majority of the members of the City Council may call a special meeting of the City Council. Topics of discussion at special meetings must be limited to those noticed to the public.

3. Types of Sessions: Open or Closed

Open Sessions:

The City Council may hold an open session (i.e. study session, retreat or workshop) to meet with various people, City Commissions and ad hoc committees; to receive briefings and background information; and to hold general discussions on major issues before formal City Council action is required. Open sessions may be scheduled as regular, adjourned regular or special meetings. The Mayor and City Manager shall collaborate on scheduling of items. Presentations to the City Council may be made by staff members, consultants, representatives of other public agencies and/or any other person expressly invited for that purpose.

Closed Sessions:

It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, State law recognizes that public discussion of certain items could jeopardize the public interest, compromise the City's position, or cost the citizens of Walnut Creek financially, and, therefore, generally allows the City Council to hold closed session meetings for the consideration of certain personnel matters, labor negotiations, real property negotiations, matters of public security and the discussion of litigation,

among other things. Therefore, these rules provide for strict confidentiality of City Council discussion under certain circumstances and as required by State law. The procedures for the conduct of the closed sessions shall be the same as those for open session meetings, except that the public, after allowance for public comment, will be excluded.

Confidential Information in Closed Sessions

In 2003, the Legislature passed Assembly Bill 1945 (“AB 1945”), which states that no person may disclose confidential information that has been acquired by being present in a closed session, unless authorized by the body holding the closed session. Disclosure of closed session discussions need only occur when required by law or when there is a majority vote of the City Council. In the event someone violates this provision, the statute gives the legislative body three options to address the violation: (1) the body may ask a court to issue an injunction preventing the further disclosure of confidential information; (2) if the person disclosing the information is an employee, the public entity may take disciplinary action against that employee; or (3) if the person disclosing the information is a member of the legislative body, the public entity may refer that person to the grand jury.

9.2. Agenda

1. Agenda Preparation and Distribution

The agenda for each meeting of the City Council shall be prepared by the City Clerk at the direction of the City Manager and with the concurrence of the Mayor.

The City Clerk will make the agenda and staff reports available to the public in accordance with the Brown Act.

2. Action on Items Not on Agenda

The City Council shall not take action on any item not appearing on the posted agenda, except as such action is permitted by law and under the following circumstances: Both (1) upon a determination that an emergency exists, as defined by state law; and (2) upon a determination by the City Council that the need to take action immediately arose after the agenda was posted.

When an issue arises during a meeting that requires City Council action, is not listed on the agenda, and does not qualify under an exception that allows immediate action, the City Council may refer the issue to staff for review and possible placement of the item on a subsequent City Council agenda.

Councilmembers may briefly respond to a question posed or comment made by a member of the public. In addition, on their own initiative, or in response to questions posed by the public, Councilmembers may ask a clarifying question, provide a reference to staff or other resources for factual information, or ask staff to report back to the City Council.

3. Agenda Items Originated by Councilmembers

A member of the City Council, or the City Council itself, may take action to place a matter of business on a future agenda.

A Councilmember who wants to place an item on a future City Council agenda should raise the issue under the Councilmember Announcements portion of a meeting. With the consent of City Council, the City Manager will direct staff to place the item on the agenda of a future meeting to be held within 90 days.

Once an item has been listed on an agenda, another Councilmember may not remove the item from the agenda without the consent of the Councilmember who originally requested it.

4. Agenda Items Originated by the Public

A member of the public may request an item be placed on a future agenda during public comment or through other communication with Councilmembers. Upon consensus of a majority of City Council, the item will be agendaized within 90 days and a staff report will be prepared and approved by the City Manager, or his/her designee.

5. Development of an Agenda

A long-range calendar that reflects an estimate of when items will be scheduled is maintained by the City Clerk's office. In general, the final process for developing the specific items for the next City Council meeting requires two working weeks. In other words, at the time of a City Council meeting, staff is finalizing materials for the subsequent meeting. Consequently, only in rare instances can an item requested at a City Council meeting appear on the next meeting agenda.

9.3. General Meeting Procedures

1. Presiding Officer

The Mayor is the presiding officer of the City Council. The presiding officer shall preserve strict order and decorum at all meetings of the City Council, announce City Council decisions on all subjects and decide all questions of order. If a Councilmember challenges a decision by the presiding officer, the presiding officer must call for a vote of the entire Council to uphold or modify the decision.

In the absence of the Mayor for any reason, the Mayor Pro Tem shall be the presiding officer of the Council.

In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call the City Council to order, whereupon the temporary presiding officer, identified by the rotation sequence specified in Chapter 2.5, shall be acknowledged as the presiding officer by the Councilmembers present. Upon the arrival of the Mayor or the Mayor Pro Tem and at the conclusion of the business then before the City Council, the temporary presiding officer shall relinquish the chair.

2. Seating Arrangements

The Mayor Pro Tem is seated immediately next to the Mayor. The Mayor shall establish the seating arrangement for regular City Council meetings.

3. Quorum

A majority of the Council shall constitute a quorum for any City Council meeting.

No business may be transacted by the City Council at a regular or special meeting unless a quorum of the membership is present.

Except where otherwise required by law, actions by the City Council shall be by a majority of the quorum of the City Council present when action is taken.

4. Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers; the names of those present and those absent shall be entered in the minutes. If a Councilmember should arrive late to the meeting, it shall be noted in the minutes. If the reason for a Councilmember's absence is known, it shall be reflected in the minutes.

9.4. Order of Business

At the time specified on the agenda for the commencement of a meeting of the City Council, the City Councilmembers, City Clerk, City Attorney, City Manager, and such other City officers and department heads as have been requested to be present, shall take their designated seats in either the Council Chamber or the meeting location.

1. Regular and Special Meeting Order of Business

For a regular or special meeting, the City Council will take up its business for consideration and disposition in the order prescribed as follows; however, with the consent of a majority of the Councilmembers present, matters may be taken out of order.

1. Opening: Pledge of Allegiance, Roll Call and Ceremonial Items
2. Consent Calendar
3. Public Communications
4. Councilmember and Staff Announcements, Reports on Activities or Requests
5. Public Hearings
6. Council Considerations
7. Adjournment

A definition of these meeting categories follows:

Meeting Item	Item Explanation
1. Opening	The Opening shall include the Pledge of Allegiance, Roll Call and any ceremonial items such as proclamations or special informational presentations.
2. Consent Calendar	Items may be placed on the Consent Calendar by the City Manager when such items are expected to be routinely approved without discussion or debate. The Consent Calendar shall be voted upon as one item, provided, however, that Councilmembers or members of the public may request that an individual item be removed from the Consent Calendar, in which case the item shall be considered after the vote on the remainder of the Consent Calendar. Councilmembers who do not wish to discuss an item on the Consent Calendar but who wish to vote no or to abstain, may direct the City Clerk to record a no vote or abstention for that item. Councilmembers should contact the City Manager prior to noon on the day of a Council meeting to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff who must be present to respond to removed items. Equally important, it also allows the City Manager to inform staff who do not need to be present at the meeting.
3. Public Communications	The agenda for any regular meeting shall provide an opportunity for members of the public to address the City Council on matters within the City Council's jurisdiction that <i>do not otherwise appear on the agenda</i> for that meeting (see Section 9.1 for exceptions for both special meetings and study sessions and for other specifics).
4. Councilmember and Staff Announcements, Reports on Activities or Requests	As called out in the order that follows, staff members and Councilmembers will provide brief oral reports and updates on activities as required by law and will make announcements of general interest to the community. a. City Attorney Closed Session announcements b. City Manager reports c. City Councilmember Reports on AB1234 activities, City Council assignments and upcoming events or requests
5. Public Hearings	At a meeting when multiple public hearings are scheduled, generally the City Council will hear first any items on appeal. The Mayor, with the concurrence of Councilmembers, may re-order the items within this portion of the agenda in order to benefit the public or to provide efficient hearing of the scheduled items.
6. City Council Considerations / Study Session items	This portion of the agenda is for items that do not require a public hearing under State or local law but where a formal staff presentation, question-and-answer period, public input, or discussion among the Councilmembers will be helpful.
7. Adjournment.	The Mayor announces the end to the meeting. The meeting may be adjourned in honor of a local citizen, commemorating their loss, if they have made significant contributions to the community.

2. Items to be Considered after 11 p.m.

In order to allow the public to attend and participate in City Council meetings, the City Council shall not take up any new item after 11:00 p.m. unless the City Council so votes.

If a public hearing will continue beyond 11:00 p.m., the City Council shall vote to either complete the item or to continue the item to a future date certain. If the item being heard is subject to a deadline, such as under the Permit Streamlining Act, the continuance shall be not more than 24 hours from that date, unless the applicant agrees to a further continuance.

The City Council will endeavor to conclude its remaining business that evening in an expeditious manner by continuing all other items of other than a routine nature.

3. **Order of Business for Adjourned Meetings and Continued Items**

When a meeting is adjourned or an item is continued to another date, generally the continued item will be placed first on that portion of the agenda at that meeting; however, where deemed necessary, the City Clerk, with the concurrence of the City Manager and Mayor, may place a continued item in a different order on the agenda.

9.5. Public Comment

1. **Opportunity to Speak**

Members of the public will be afforded the opportunity to speak, upon request, regarding all items under the subject matter jurisdiction of the City Council.

During special or study session meetings, the public may address the City Council only on items on the agenda. Therefore, public testimony on agenda items will occur during City Council consideration of the item.

Due to the number of items on the agenda and the length of City Council meetings, and to ensure equal treatment of all speakers, the following time limits have been set:

Agenda Section	Time Limits*																
Public Communications	3 minutes for each person whether an individual or group spokesperson. - Total time allocated at beginning of meeting: 30 minutes; additional time for public comment may be allocated at the end of the meeting if necessary. The Mayor shall allocate the 30 minutes among as many different topics as feasible. Times may be modified by the Mayor in some circumstances.																
Public Hearings OR Consideration Items	<table> <tr> <td>Order of presentation:</td><td>Minutes:</td></tr> <tr> <td>Staff presentation</td><td>As needed</td></tr> <tr> <td>Appellants (when not applicants)</td><td>15</td></tr> <tr> <td>Applicants</td><td>15</td></tr> <tr> <td>Organized presentation by group spokesperson</td><td>10</td></tr> <tr> <td>Individual speakers</td><td>3</td></tr> <tr> <td>Rebuttal by applicant</td><td>5</td></tr> <tr> <td>Rebuttal by appellant</td><td>5</td></tr> </table>	Order of presentation:	Minutes:	Staff presentation	As needed	Appellants (when not applicants)	15	Applicants	15	Organized presentation by group spokesperson	10	Individual speakers	3	Rebuttal by applicant	5	Rebuttal by appellant	5
Order of presentation:	Minutes:																
Staff presentation	As needed																
Appellants (when not applicants)	15																
Applicants	15																
Organized presentation by group spokesperson	10																
Individual speakers	3																
Rebuttal by applicant	5																
Rebuttal by appellant	5																

* The Mayor has the authority to modify the time limits set forth above based on the size of the agenda and the likely number of speakers.

Speakers may not assign unused time to other speakers. During Public Hearing or Consideration items, group spokespersons are allotted 10 minutes in-lieu of other members of the group speaking on the item. The City Clerk will ensure that each speaker receives adequate warning of the start and end of the allotted time.

2. **When to Speak**

During Public Communications, the presiding officer will recognize persons who wish to speak on matters that are not on the agenda and are within the subject matter jurisdiction

of the City Council. Public comment on agenda items will be taken when the City Council considers the item.

All remarks shall be addressed to the City Council as a legislative body and not to any individual Councilmember. Councilmembers may ask questions of a speaker at the close of a speaker's testimony. Staff may be given the opportunity to clarify public comments on matters of fact before closing for City Council deliberations.

3. Failure to Speak

Any failure of a member of the public to request to speak on an item, or any failure by the City Council to afford an opportunity to speak on an item, shall not affect the City Council's right to act on that item or the validity of any action subsequently taken by the City Council.

4. Staff

Staff may be provided the opportunity to present a summary of each staff report and will be available to answer questions of Councilmembers.

5. Spokesperson for a Group of Persons

When any group of persons wishes to address the City Council on the same subject matter, the presiding officer may ask the group to select a spokesperson to address the City Council. A group spokesperson shall ask the presiding officer to acknowledge him or her as a group spokesperson prior to beginning to address the City Council.

6. Addressing the Council during Council Deliberations

No person may address the City Council following the time for public testimony and during City Council deliberations, unless a majority of the City Council agrees or in answer to a specific question directed to the individual by a member of the City Council.

7. Speaker Cards and Other Protocol.

A member of the public who wishes to address the City Council will be asked to complete a speaker card for the record; the speaker card includes the speaker's name, address and other contact information, and the number of the agenda item. The completion of a public comment card is not necessary to address the City Council but will aid the City Clerk in maintaining an accurate record. The cards are located at the lectern and in the back of the Council Chamber. The completed cards should be presented to the City Clerk.

To ensure accuracy of the record, members of the public addressing City Council should speak in an audible tone of voice into the microphone at the lectern. Each speaker is encouraged, but not required, to give his or her name and city of residence.

9.6. Council Discussions

To assist the City Council in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for the management of City Council meetings.

1. **Obtaining the floor.** A member of the City Council or staff shall first address the Mayor to gain recognition. Comments and questions should be limited to the issue before Council. Cross-exchange between Councilmembers and public should be avoided.

2. **Questions to Staff.** A Councilmember shall, after recognition by the Mayor, address questions to the Department Director or designated staff member. If a Councilmember has questions on an agenda item, that member should contact staff prior to the meeting in order to allow staff time to research a response/answer for the meeting. If staff answers a question about an item on the agenda, that response should be copied to all other Councilmembers.

3. **Interruptions.** Once a Councilmember has the floor, other Councilmembers may not interrupt except to make a point of order or point of personal privilege.

4. **Discussion Limit.** A Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak.

5. **Tabling Procedure** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain.

6. **Right of protest.** A Councilmember is not required to state reasons for a dissenting vote.

7. **Calling for the question.** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable, and the City Council must vote on it.

9.7. Additional Protocol and Decorum

To assist the City Council in working with a wide variety of backgrounds, personalities, opinion, values, and goals, additional protocols are outlined below:

1. **Use Formal Titles.** Councilmembers should refer to one another formally during public meetings as “Mayor,” “Mayor Pro Tem,” or “Councilmember,” followed by the individual’s last name.

2. **Technology.** Cellular telephones or any other telecommunications devices should be in the silent mode or turned off during the City Council Meeting.

3. Practice civility and decorum in discussions and debates.

4. Honor the role of the Mayor in maintaining order.

5. **Warnings.** The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the City Council to regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order him or her to leave the City Council meeting. If the person does not

depart the City Council Chamber of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the City Council to escort that person from the City Council Chamber.

The Mayor shall deliver the requisite warning in substantially the following form:

You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to City Council Chambers for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

6. Misdemeanor. Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

9.8. Voting Procedures

Normally, Councilmembers shall work to reach consensus through discussion before a motion is made. The Mayor or any Councilmember may focus discussion toward a decision by making a motion; however, before a motion can be considered or debated, it must be seconded. A second to a motion does not bind the seconder to voting for the motion.

After a motion has been seconded, the presiding officer may open the matter for further discussion, offering the first opportunity to speak to the maker of the motion. Following the comments of the maker of the motion, the presiding officer may recognize any other Councilmember. Once the motion has been discussed and the presiding officer calls for a vote, no further discussion will be allowed; however, Councilmembers may briefly explain their votes for the record. Unless otherwise provided by law or by the item acted upon by the City Council, all City Council actions shall take effect immediately.

1. Main Motions and Other Motions

A Main Motion is the primary proposal or question before the City Council for discussion and decision. A Main Motion is both debatable and amendable.

Ten other motions may be offered during a meeting:

Motion	Purpose	Debatable	Amendable
Adjourn	To terminate a meeting	No Exception: For a motion to adjourn to another time, the time is debatable.	Only to the time to which the meeting is to be adjourned
Recess	To permit an interlude in the meeting and to set a definite time for continuing the meeting	No	Only as to the length of the recess
Postpone Temporarily or Table	To set aside, on a temporary basis, a pending motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting	Yes	No
Calling the Question	To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately Requires a two-thirds vote. If the motion passes, a vote shall be taken on the pending motion or motions.	No	No
Limit or Extend Debate	To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion Requires a two-thirds vote of the Councilmembers present.	No	Amendments are restricted to period of time of the proposed limit or extension
Refer to Committee or Staff	To refer the question before the City Council to a committee or to staff for the purpose of investigating or studying the proposal and to make a report back to the City Council If the motion fails, discussion or vote on the question resumes.	Yes	Yes
Substitute	To strike out one main motion and to insert another main motion in its place; substitute motion must relate to the subject of the original motion	Yes Substitute motion is debatable. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.	Yes

Motion	Purpose	Debatable	Amendable
Amend	To modify or change a motion that is being considered by the City Council so that it will express more satisfactorily the will of the members If the amended motion passes, then the main motion should be voted on as amended.	Yes Note: It is debatable unless applied to an undebatable motion.	Yes
Postpone Indefinitely	To prevent further discussion and voting on the motion If the motion fails, discussion and voting on the motion resumes. If it passes, the subject of the motion shall not be brought up again for the remainder of the meeting.	Yes	No
Reconsider	To immediately bring a successful motion back for reconsideration A motion to reconsider must be made by a Councilmember in the majority and on the same date as the vote to be reconsidered was taken.	Yes	No

2. **Precedence of Motions**

When a Main Motion is before the City Council, no more than three other motions may be on the floor at any one time, and no motion shall be considered except the following, which shall have precedence, one over the other, in the following order:

1. Adjourn
2. Recess
3. Postpone temporarily
4. Previous question
5. Limit or extend debate
6. Refer to committee or staff
7. Substitute
8. Amend
9. Postpone indefinitely
10. Reconsider

The above order of preference is subject to the following restrictions:

- (1) A motion shall not be in order when the previous question has been ordered.
- (2) A motion shall not be in order while a vote is being taken.

3. **Votes by Voice Vote or Roll Call**

When present, all members are to vote. City Council votes are taken by roll call.

Votes are aye, no or abstain only. Abstentions must be explained.

Each time the City Council takes action it must “publicly report” any “action taken” and the vote or abstention on that action of each member present for the action. “Action taken” is defined in the Brown Act as a collective decision made by a majority of the members of a legislative body upon a motion, proposal, resolution, order or ordinance. In order to comply with this requirement, each time the City Council takes action, the action should be by motion followed either (1) by a roll call vote with each vote or abstention individually recorded in the minutes or (2) following each vote the City Clerk should announce the vote, and identify each Councilmember’s vote.

Tie votes shall be lost motions. If a tie vote occurs when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

No action shall be taken by secret ballot, whether preliminary or final.

4. Voting Requirements for Specific Actions

Most actions of the City Council can be taken by majority vote. However, state law requires that some actions have a minimum number of affirmative votes for approval. Examples include:

1. Approval of a general plan or specific plan amendment: Three (3) Affirmative Votes.
2. Approval of a Resolution of Necessity: Four (4) Affirmative Votes.
3. Approval of an ordinance or expenditure of funds: Three (3) Affirmative Votes.
4. Approval of an urgency ordinance: Four (4) Affirmative Votes.
5. Placing a general tax measure on the ballot: Four (4) Affirmative Votes.
6. Placing a special tax measure on the ballot: Three (3) Affirmative Votes.

5. Reconsideration of an Item

Reconsideration of an item will be allowed in accordance with the following guidelines: Resubmittal of issues previously acted upon is discouraged, however, requests will be considered by a majority vote of the City Council. A motion for reconsideration must be made by a member of the prevailing majority when the previous vote was taken. All motions for reconsideration shall be entertained within two (2) meetings of the previous action. No motion for reconsideration will be entertained after this deadline unless the City Council determines significant new information has arisen which warrants such action.

9.9. Open Meeting Law (“the Brown Act”)

Operations and procedures of the City and City Council incorporate requirements of the state’s open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and Penalties

The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

- A. Applicability: The Act applies to City Council and all commissions, boards and City Council appointed committees (except if comprised entirely of two Councilmembers) and task forces that advise City Council. Staff cannot promote actions that would violate the Act.
- B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of City Council or city staff contact more than two Councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact Councilmembers. Correspondence that merely takes a position on an issue is acceptable. The Brown Act applies to individuals who are elected to the City Council after the election and before the swearing-in ceremony.

- C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.
- D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions: 1) An emergency situation exists (determined by a majority of the City Council). 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the City Council; or if less than 2/3 are present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.

- E. Public Input: The public, by law, has an opportunity to address the City Council on any item of interest to the public that is within the jurisdiction of the City Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the City Council.
- F. Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.
- G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.
- H. Special Meetings: Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and City Council 24 hours before the time of the meeting.
- I. Emergency Meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

- J. Other Provisions: The Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information. A Guide to the Ralph M. Brown Act is available in the City Clerk's office.

CHAPTER 10

MISCELLANEOUS INFORMATION RELATED TO CITY COUNCIL MEETINGS

10.1. City Council Meetings Video Streamed and Broadcast

All City Council meetings held in the City Council Chamber are broadcast live and rebroadcast on the City's government access channel, web-streamed on the City's web site, and digitally archived.

The recordings of the City Council meetings are not the official record of those meetings. The minutes are the only official record.

10.2. Action Minutes

The City Clerk shall ensure the preparation of the minutes of each City Council meeting, and these minutes will comprise the official record of the actions of the City Council. City Council minutes are action minutes, wherein little narrative is included, for televised meetings. Non-televised meetings may contain additional information.

The minutes will be scheduled for approval at a subsequent City Council meeting as part of the Consent Calendar. Councilmembers have the authority to make revisions to the minutes subject to a majority vote of the City Council. Councilmembers having only typographical corrections to minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting. To make amendments to the minutes of a City Council meeting, a Councilmember should notify the City Clerk in writing of the proposed changes in advance of the meeting. In doing so, this will allow the City Clerk to prepare an amended set of minutes for distribution either prior to or during the City Council meeting.

Once the minutes are approved by the City Council, the Mayor and City Clerk will sign the minutes verifying their accuracy. The City Clerk will maintain the minute archives.

CHAPTER 11

COUNCIL ADVISORY BODIES

11.1. City Commissions

The City of Walnut Creek has established five commissions to assist in recommending policy and help in the decision-making process in areas the City Council has deemed important to Walnut Creek.

City commissions comprise five to seven members. Commission members must be registered voters and must also live within the City of Walnut Creek, with the exception of the two architects and one landscape architect serving on the Design Review Commission, and up to two Arts Commission at-large members. These commissioners must be registered voters, but need not reside in Walnut Creek. All commissioners serve without compensation.

<u>Commission</u>	<u>Formed</u>	<u>Authority</u>	<u>Membership Term</u>	<u>Department Liaison</u>
Arts (<i>3rd Monday in Jan., April, July & Oct.</i>)	12/6/1961 <i>Repurposed</i> 1/5/2012	Ordinances 564 & 2106	5 members 4 year term	Arts, Recreation & Community Services
Design Review (<i>1st & 3rd Wednesdays each month</i>)	4/23/1973	Ordinances 1172 & 2106	5 members 4 year term	Community and Economic Development
Park, Recreation and Open Space (<i>bi-monthly on 1st Monday</i>)	12/6/1944	Ordinance 2106	5 members 4 year term	Public Works
Planning (<i>2nd & 4th Thursdays each month</i>)	10/1/1930	Ordinances 56 & 2106	7 members 4 year term	Community and Economic Development
Transportation (<i>bi-monthly on 3rd Thursday</i>)	6/10/1974	Ordinances 1218 & 2106	5 members 4 year term	Public Works

In order to maximize citizen participation on City commissions, it is City Council policy and practice to limit the number of terms served consecutively on a commission to two. Terms are intended to commence on the first Tuesday in March when the Oath of Office is taken. In the event of an unscheduled vacancy the term will commence upon the oath of office and seating at the first meeting.

Selection Process

Commissioners are appointed by a majority vote of the City Council and serve staggered terms. Commission recruitment occurs biennially in January through the City Clerk's office. The process begins with the City Council interviewing current commissioners who are up for reappointment for a second term. After reappointments are complete, the City Clerk recruits for open seats utilizing multiple types of advertising, the media and networking opportunities to present qualified candidates to the City Council for consideration.

The interview and selection of candidates is an open process. The City Council reviews the applications and votes to select the most qualified applicants to interview. The full City Council conducts interviews in February. Following the interviews, the City Council ballots and appoints the applicant(s) receiving the highest number of votes.

Attendance, Unscheduled Vacancy & Resignation

If an unscheduled vacancy occurs on a commission, the City Council either appoints from the pool of applicants on file (the eligibility list) or opens up the position to new applications where the above process is followed.

The City Council receives an attendance report for all commissioners and may remove a commissioner for excessive absences. Commission members who are unable to continue their service, for whatever reason, should submit a formal letter of resignation to the City Council. A commission member may be removed from office at any time by majority vote of the City Council.

Mentor Program

Members of the City Council may serve as mentors to Commissioners. The Councilmember (mentor) and Commissioner (mentee) have personal contact through face-to-face interaction and other forms of communication to foster relationships and to allow the Councilmember to offer insights and provide guidance to the Commissioner. Typically, assignments to Commission mentor positions are offered at the onset of a Commissioner's term. The City Clerk will ask Commissioners if they desire a mentor.

11.2. Council Appointed Representatives

The City Council appoints a Walnut Creek representative to serve on the following bodies: Contra Costa Library Commission; Contra Costa Commission on Aging; Contra Costa Mosquito, the Vector Control Board, and the County Connection Citizens Advisory Committee. Commission members must be registered voters living within the City of Walnut Creek boundaries. The appointment of these representatives is handled in conjunction with the biennial commission recruitment process. The appointed Walnut Creek representatives should provide annual updates to the City Council.

11.3. Other Citizen Committees

In addition to City Commissions, the City Council may also establish special advisory bodies to study and review specific programs and address a community need. The advisory bodies are much more limited in scope than City Commissions.

CHAPTER 12

CITY COUNCIL COMMITTEES

12.1. Committees Generally

The City Council from time to time, may form committees in order to address issues of interest. They may be either a standing committee (for example the Finance Committee) or an ad hoc committee with limited duration which is disbanded after completion of a specific study or report (for example Broadway Plaza Development Agreement Committee). The City Council accepted Guidelines outlining procedures pertaining to City Council Committees at the October 25, 2013 special meeting ([Appendix I](#)).

City Council Committee appointments are made annually each December for the following year. The Mayor recommends the appointments, which are then confirmed by a majority vote of the City Council. (Note: the senior member of a committee serves as the Chair).

It shall be the prerogative of the Mayor, taking into consideration relative length of City Council service, individual Councilmember preference and equivalency, to assign individual Councilmembers to these various Committees.

The City Council shall review status of all Committees at least annually prior to the appointments in December in order to determine their effectiveness. The City Clerk maintains a list of such appointments.

Councilmembers are encouraged to participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the Council on matters discussed at committees and other regional and state board/agency/group activities in which they have been involved. [Appendix J](#) is a Master List of Regional Board Opportunities Available to Councilmembers.

12.2. Standing Committees

The City Council may organize among its members such standing committees of two members as it may determine useful, each of which shall act as a fact finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to such committee by City Council and making recommendations thereon to the City Council as a whole.

Each Councilmember shall be assigned by the Mayor to various standing committees. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other Councilmembers.

Currently, four Standing Committees exist: Public Education; Finance; Affordable Housing and Community Partnerships; and Public Safety ([Appendix K](#) contains the Resolutions establishing the committees).

12.3. Ad Hoc Committees

From time to time Ad Hoc committees may be formed by the Mayor to address special concerns which may be of short duration. An Ad Hoc committee is composed solely of less than a quorum of the City Council and is exempted from the Brown Act. The exemption covers

advisory committees that are ad-hoc in nature (serving a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed). These committees are not required to schedule regular meetings or post meeting dates and agendas.

12.4. City Council Representation on Other Agencies

Councilmembers may be assigned to represent the City on county, area, district or state boards, committees or commissions, and other public agencies or quasi-public agencies. The Mayor recommends the appointments, which are then confirmed by a majority vote of the City Council. The City Clerk shall maintain a list of all such appointments.

An appointed representative or representatives shall be the duly authorized representatives and spokespersons for the City Council on or before such bodies; no other Councilmember shall speak as the City Council's representative or on behalf of the City Council before such bodies. A Councilmember may appear before such body as a private citizen.

CHAPTER 13

MISCELLANEOUS REQUIREMENTS

13.1. Ethics Training

State Assembly Bill 1234 (AB 1234) requires Councilmembers to take Ethics Training because of the compensation received for service or the reimbursement received for expenses. Councilmembers are required to take training no later than one year from the first day of service. A refresher training is required every two years thereafter (City Clerk will send reminder notices).

A free online ethics training course is available at: <http://localethics.fppc.ca.gov>.

Upon completion of the online course, Public Service Ethics Education Online Proof of Participation Certificate is issued, which must be signed and the original Certificate filed with the City Clerk.

13.2. City-wide Policies Available to City Councilmembers

Political Reform Act & Statement of Economic Interest

Government Code Section 87200 requires that all Councilmembers fully disclose personal assets and income as described in the California Fair Political Practices Commission (FPPC) Form 700, Statement of Economic Interest. (See Section 8.4)

More information can be found at <http://www.fppc.ca.gov> or by contacting the City Attorney's office.

Mandated Reporter Law

All City Councilmembers are subject to mandated reporter laws. The California Child Abuse and Neglect Reporting ACT (CANRA) can be found in California Penal Code Sections 11164-11174.3. Mandated reporters should become familiar with the detailed requirements as they are set forth in CANRA. Under the law, mandated reporters must report abuse when the victim is a child (a person under the age of 18) and the perpetrator is any person (including a child). Abuse includes physical abuse, sexual abuse, willful cruelty or unjustified punishment, unlawful corporal punishment, and neglect. If a Councilmember is aware of abuse of this kind, they are responsible for reporting it to the Walnut Creek Police Department.

CHAPTER 14

ADDITIONAL TRAINING AND RESOURCE MATERIALS

Institute for Local Governance (ILG)

The Institute for Local Government promotes good government at the local level with practical, impartial and easy-to-use resources for California communities. ILG resources are available through an extensive website, webinars, conference sessions, publications and more. The ILG has an Internet website at www.ca.ilg.org.

League of California Cities

The League of California Cities is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The League has an Internet web site at www.cacities.org. The City of Walnut Creek participates in League activities through the East Bay Division.

Other Reference Material Available

The Brown Act - Open Meetings for Local Legislative Bodies

A Guide to the Political Reform Act

Elected Officials Handbooks

City of Walnut Creek Municipal Code

CHAPTER 15

APPENDIX

- A. Resolution No. 15-24 appointing Standby Officers for the City Council and City Manager.
- B. Compensation and Benefits Summary for elected Officials.
- C. Travel and Reimbursement Policy.
- D. State and Federal Legislative Agenda
- E. Agreed Upon Norms for City Council – City Staff Interactions.
- F. Memo from City Attorney dated August 8, 2012 on Political Activities of City Officials and Employees.
- G. Technology Use and Email Retention Policy.
- H. Discrimination and Harassment Policy.
- I. City Council Committee Guidelines.
- J. Master List of Regional Board Opportunities Available to Councilmembers.
- K. Resolutions establishing Standing Committees.

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APPENDIX A

**CITY OF WALNUT CREEK
RESOLUTION NO. 15-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
RESCINDING RESOLUTION NO. 13-12 AND APPOINTING STANDBY OFFICERS
FOR THE CITY COUNCIL AND CITY MANAGER IN THE EVENT OF ENEMY
ATTACK, OR IN THE EVENT OF A STATE OF EMERGENCY OR A LOCAL
EMERGENCY**

WHEREAS, Sec. 8635 et seq. of the Government Code of the State of California, entitled "Preservation of Local Government" provides the procedure whereby cities may provide for the continuance of the legislative department of the City in the event of enemy attack, or in the event of a state of emergency or a local emergency, by appointing three standby officers for each member of the City Council and City Manager; and

WHEREAS, the City has carefully investigated the qualifications of the hereinafter named officers;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF WALNUT CREEK AS FOLLOWS:**

Section 1. The following are hereby appointed standby officers for the City Council of the City:

Cindy Silva

1. Kathy Hicks
2. Allan Moore
3. Matt Francois

Bob Simmons

1. Neil Gerstner
2. Carla Ludwig
3. Brian Krcelic

Loella Haskew

1. Gary Skrel
2. Sue Rainey
3. Gail Murray

Justin Wedel

1. Kristina Lawson
2. Ed Wohlers
3. Hardy Miller

Rich Carlston

1. Gwen Regalia
2. Bob Brittain
3. Angela De La Housaye

Section 2. In the event that the City Manager cannot fulfill his/her duties or elects to delegate his/her position as Director of Emergency Services, the following appointments shall be made in the order of 1, 2 and 3 for the Director of Emergency Services:

1. Chief of Police
2. Public Works Director
3. Community and Economic Development Director

Section 3. Each of the designated standby officers for the City Council shall take the oath of office as required for the office of Council Member and shall serve in his/her post as standby officer at the pleasure of the City Council and may be removed and replaced at any time with or without cause. Standby officers shall receive no compensation for the performance of their duties as standby officers.

Section 4. Each standby officer shall have the following duties:

1. To inform himself or herself of the duties of the office for which he or she is standby officer. He or she shall receive from the City of Walnut Creek a copy of 8635 et seq. of the Government Code of the State of California entitled ☐ Preservation of Local Government.
2. To keep informed of the business and affairs of the City of Walnut Creek to the extent necessary to enable him or her to fill his or her post competently. For this purpose the City of Walnut Creek, may arrange information meetings and require attendance.
3. To immediately report himself or herself ready for duty in the event of enemy attack or in the event of a state of emergency or a local emergency at the place and in the method previously designated by the City of Walnut Creek.
4. To fill the post for which he or she has been appointed when because of enemy attack or in the event of a state of emergency or a local emergency it has become vacant. Standby officers number 2 and 3 shall substitute in succession for standby officer number 1 in the same way that said standby officer number 1 is substituted in place of the regular officer. He or she shall serve until the recovery of the regular officer from his or her injuries.

Section 5. Resolution No. 13-12 is hereby rescinded.

Section 6. This resolution shall become effective immediately upon its passage and adoption.

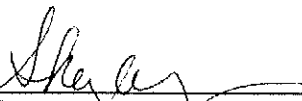
PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 7th day of April, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons
NOES: Councilmembers: None
ABSENT: Councilmembers: None



Bob Simmons
Mayor of the City of Walnut Creek

Attest:



Sherry Kelly
Acting City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-24 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 7th day of April, 2015.



Sherry Kelly
Acting City Clerk of the City of Walnut Creek

APPENDIX B

Compensation and Benefits for Councilmembers^{1 2}

Benefit	Description
Salary	Effective 12/1/2002 \$650 per month (Ordinance No. 1995)
CalPERS Retirement	Eligible for optional membership in CalPERS. Local Miscellaneous: Three benefit formulas (2% at 55, 2% @ 60, and 2% @ 62; applicable formula determined in accordance with CalPERS regulations). City pays the employer rate. Councilmember pays the full employee share of the CalPERS employee contribution as determined by CalPERS and the CalPERS Survivor Benefit of \$2.00 per month.
OR	
APPLE 401(a) Plan (alternative plan to Social Security)	If decline optional CalPERS membership, required to participate in APPLE 401(a) plan, unless qualified retired annuitant. Councilmember contribution: 5% City contribution: 2.5%
Medical Insurance	City contributes a medical insurance benefit towards single-party coverage in one of the City's medical plans (Kaiser Permanente or Blue Shield). Effective 1/1/2015: Employee cost-sharing is 15% of applicable single-party premium. May "buy-up" to two-party or family coverage at own expense. In-lieu of medical benefit: Redirect \$350 per month to 457 Deferred Compensation Plan.
Automobile Allowance	Effective 7/1/02 \$100 per month
Technology Allowance	Effective 7/11/1995 \$55 per month
EAP (Employee Assistance Program)	Up to 3 sessions for each incident included per fiscal year for employee and/or dependents. No cost to Councilmember.
Optional Benefits	
Dental, Vision, and Life Insurance	Eligible to participate in other benefit plans, including dental, vision, and life insurance plans at own expense.
457 Deferred Compensation Plan	Voluntary employee contributions via payroll deduction on a pre-tax basis. No City contribution.

¹ Each Councilmember is also subject to any statutory requirements, such as Medicare taxes (1.45% of compensation paid by employee and equivalent of 1.45% paid by City).

² Individual Councilmembers may and have elected reduced compensation and/or benefits.

APPENDIX C

**CITY OF WALNUT CREEK
RESOLUTION 05-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
ADOPTING A TRAVEL AND REIMBURSEMENT POLICY
FOR THE CITY OF WALNUT CREEK**

The City Council of the City of Walnut Creek resolves as follows:

1. City of Walnut Creek Administrative Policy 72-1, as amended from time to time by the City Manager, is reaffirmed as the travel and reimbursement policy for all City officials and employees, including but not limited to Councilmembers, Commissioners and members of Task Forces and Committees.

2. Councilmembers, Commissioners and members of Task Forces and Committees may be reimbursed for travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings and events organized by the League of California Cities, U.S. Conference of Mayors, National League of Cities, and the Contra Costa Mayors' Conference.

3. Councilmembers, Commissioners and members of Task Forces and Committees may be reimbursed for travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings with representatives of local, regional, state and the national government on adopted city policy positions, attending educational seminars designed to improve officials' skill and information levels, and participating in regional, state and national organizations whose activities affect the City's interests.

4. Councilmembers, Commissioners and members of Task Forces and Committees may be reimbursed for travel, meals and lodging and other actual and necessary expenses approved in advance by the City Manager for attending meetings to implement a City-approved strategy for attracting or retaining businesses to the city, which will typically involve at least one staff member.

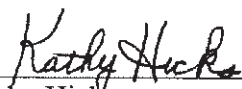
5. Councilmembers shall continue to receive a \$100 monthly automobile allowance for actual and necessary expenses resulting from use of their private vehicles for attending City events and other Council business.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 20th day of December 2005, by the following called vote:

AYES: Councilmembers: Rainey, Regalia, Abrams, Skrel, Mayor Hicks

NOES: Councilmembers: None

ABSENT: Councilmembers: None



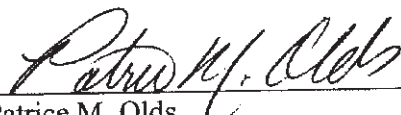
Kathy Hicks
Mayor of the City of Walnut Creek

Attest:



Patrice M. Olds
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY that the foregoing Resolution No. 05-42 was duly and regularly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 20th day of December 2005.



Patrice M. Olds
City Clerk of the City of Walnut Creek

CITY OF WALNUT CREEK

ADMINISTRATIVE POLICY NO. 72-1

Revised: October, 1989

October, 1996

TRAVEL AND REIMBURSEMENT

PURPOSE

To establish a policy for the reimbursement of official travel at City expense.

DEFINITION

The term "employee" for purposes of this policy shall mean City officials (City Councilmembers, Commissioners, Members of Task Forces and Committees) and employees.

POLICY

- A. Employees are eligible to be reimbursed for reasonable expenses incurred while on City business. Reimbursement of travel expenses is not strictly required and in certain instances it may not be appropriate for an employee to be reimbursed for all travel expenses.

The Finance Division shall not reimburse any travel expenditures unless adequate funds are available in the designated program travel account.

- B. Advance approval for travel is required when costs exceed \$500 or overnight lodging is planned. A "Travel Authorization" form must be completed, approved by the Department Director, and forwarded to the Budget Control Section of the Finance Division at least ten (10) days prior to trip departure.

REIMBURSABLE EXPENSES

It is very important that employees keep track of their reimbursable expenses and safeguard all receipts needed to support their claims for reimbursement. Ignoring this requirement could result in the denial of an employee's claim.

TRAVEL AND REIMBURSEMENT

The following are considered reimbursable expenses:

A. Registration Fees

The City will reimburse employees in full for such registration fees as may be required for attendance at authorized conferences, meetings, seminars and training.

B. Transportation

Reimbursement shall be limited to the most economical method and the most usually traveled route. An important consideration should include time away from the job. The least expensive mode of transportation will be the maximum reimbursement.

1. Automobile

- a. City vehicles should be used when appropriate.
- b. Private vehicles will be reimbursed at the rates prescribed by the Internal Revenue Service for personal income tax returns, but shall in no event exceed the cost of coach air travel.

2. Air Travel

- a. Shall be coach class utilizing excursion fares where possible.

C. Lodging and Incidental Expenses

1. Hotel and motel rooms will be reimbursed on the basis of actual expenditures if the travel destination is outside the seven county area including Contra Costa, Alameda, San Francisco, Santa Clara, San Mateo, Marin and Solano.

Reimbursement within the seven county area is subject to City Manager approval.

TRAVEL AND REIMBURSEMENT

2. Reasonable incidental expenses, such as tips, cab fare, parking fees, luggage handling when required in connection with official City business, will be reimbursed on the basis of actual expenditure.
3. Telephone calls required in connection with official City business and one personal call per day (maximum ten-minute duration).

D. Meals

1. "Per Diem" allowance of \$35 daily for all meals and tips. The per diem option requires no receipts and allows for:

Breakfast @ \$ 6.00
Lunch @ 9.00
Dinner @ 20.00

2. An employee has the option of collecting receipts for all meals taken and submitting these for reimbursement in lieu of the per diem allowance.

PROCEDURE

- A. Travel requiring prior authorization (total cost exceeds \$500 or overnight lodging is planned)

1. Prior to Travel
 - a. It is the employee's responsibility to complete the Travel Authorization form when required by this policy. An estimate of total travel costs, and any advance payments required, should be prepared and approved by the Department Director. Department Director travel must be approved by the City Manager.

Advance payments may include registration fees, hotel deposit/payment, travel fees and cash. All advances should be requested with a special payment demand prepared to the appropriate vendor.

TRAVEL AND REIMBURSEMENT

- b. The approved form should be forwarded to the Budget Control Section of the Finance Division at least ten (10) days prior to the date cash advances or payments to vendors are required.
 - c. The Finance Division will review the form for completeness, verify that funds are available to pay for the trip, and sign the Special Payment Demands.
 - d. If approved by the Finance Division, the form will then be given to the Accounts Payable Section for payment.
2. When the trip is complete
- a. A final accounting of actual trip expenses should be completed by the employee within five working days of the conclusion of the trip.
 - b. If a claim for additional funds due the employee is requested, all receipts and/or explanations should be attached to the form and forwarded to the Department Director. If the claim is approved, the Department Director will forward the form and attachments to the Budget Control Section of the Finance Division for audit and final disposition.
 - c. If a refund of advanced funds or "no claim" results from the final accounting the employee should forward the form and attachments to the Budget Control Section of the Finance Division for audit and final disposition.

B. Travel Not Requiring Prior Approval

- 1. Periodic reimbursement of travel expenses for individuals may be submitted on a Periodic Expense Report (AM 74-1b), SPD or petty cash (if applicable). Use of this method anticipates the employee will have reimbursable meetings and/or trips that do not meet the requirements for prior approval.
- 2. All reimbursement documents should indicate the date and purpose of each expenditure, show proper coding for the expenditure, and be signed by the individual and the Department Director.

TRAVEL AUTHORIZATION

Date _____

Employee Name	Department	Employee Signature
Date & Time of Departure	Destination	
Date & Time of Return	Purpose	

POST PLAN NO. _____ M.I.P. FUNDS USED _____
(If applicable) Yes/No

Description	Vendor	Est. Amt.	ADVANCE		Date Needed	CHARGE		AFTER TRAVEL	
			Amount			Program / Account		Actual Cost	
Registration									
Transportation									
Lodging									
Meals									
Surface Travel									
Other									

TOTAL ADVANCE _____

TOTAL Actual Cost _____

TOTAL ADVANCE _____

REFUND ☐ AMOUNT _____

CLAIM ☐ AMOUNT _____

For Claim Only: Signature required
Employee _____

Dept. Director _____

Is expense properly supported?

Yes _____ No _____

Accounting Div. _____

Ad.Serv. Dir. _____

Meals Worksheet

Breakfast _____ @ \$6.00 = _____

Lunch _____ @ \$9.00 = _____

Dinner _____ @ \$20.00 = _____

APPROVAL

Finance:

FUNDS AVAILABLE YES / NO

Dept. Director

Admin. Serv. Dir.

Distribution: White: A/P, Yellow: A/P, Pink: Requestor

APPENDIX D

LEGISLATIVE ADVOCACY PROGRAM

The City Council bi-annually adopts a legislative agenda including priorities for seeking federal and state funding for projects that benefit Walnut Creek. The attached document is current State and Federal Legislative Agenda and Funding Priorities. As the State and Federal Legislative Agenda and Funding Priorities document is updated the then current version will be included the Handbook.

1. The currently adopted State and Federal Legislative Agenda and Funding Priorities document shall form the basis for positions taken by the City on legislative and regulatory matters in California and with the federal government.

2. Copies of correspondence to state or federal legislators or the governor or president on legislative or regulatory matters shall be provided to each member of the Council. Should a member of the Council believe that a position expressed on a legislative or regulatory matter be reviewed, he or she shall ask that the matter be placed on the City Council agenda. Correspondence on legislative or regulatory matters shall generally be signed by the Mayor or if the Mayor is unable to sign the Mayor Pro Tem. The City Manager may also sign correspondence when the Mayor and Mayor Pro Tem are both unable to sign and there is an urgent need to send the correspondence.

3. In the absence of the preparation of a new State and Federal Legislative Agenda and Funding Priorities document, the prior document will remain in full force and effect.

M E M O R A N D U M

To: Mayor Bob Simmons and Members of the Walnut Creek City Council

CC: Ken Nordhoff, City Manager
Matt Huffaker, Deputy City Manager

From: Christopher Townsend, President, Townsend Public Affairs, Inc.
Niccolo De Luca, Northern California Senior Director
Casey Elliott, State Capitol Director
Richard Harmon, Director
Jessica Fernandez, Senior Associate
Alex Gibbs, Associate

Date: October 6, 2015

Subject: Final 2016 Legislative Agenda

Townsend Public Affairs, Inc. (TPA) has prepared this report for the City of Walnut Creek outlining potential areas of legislative interest for 2016. The report is divided between legislative principles and continuing legislation to support.

Legislative Principles

- **Protect Local Control**

- o An ongoing, top priority for the City is to protect local control. The City values its ability and authority to exercise local control, enable excellent public services and protect and enhance the quality of life for Walnut Creek residents and businesses.
- o When legislation is introduced that protects or harms the ability to maintain local control, TPA will immediately alert the City and together assess next steps.
- o This may include budget proposals, unfunded state or federal mandates, legislation impacting employee relations, pension reform or other proposals affecting land use authority.

- **Ensure City's Competitiveness Through Strategic Economic Development**

- o Walnut Creek embraces efforts to support legislation or obtain funding for economic development, including planning and implementation of regional transportation and traffic congestion relief projects, investment in broadband infrastructure, the creation of affordable housing, and the promotion of economic sectors such as clean technology, urban agriculture, health care industry, travel and tourism, and arts and culture.
- o When legislation or funding opportunities are introduced that support the City's

efforts of economic development, TPA will work with the City leadership and together assess next steps and a plan to move ahead.

- o This may include working on funding applications, creating new opportunities, or working on State budget proposals.
- **Promote Livability, Sustainable Development and Environmental Protection**
 - o Walnut Creek values a sustainable quality of life in a suburban/urban environment, including senior and youth services, trails, parks and open space, watersheds, recreation facilities, environmental and climate protection, resource conservation, vibrant libraries, arts and culture.
 - o The City supports legislation and policies that emphasize sustainable development; improve environmental standards and the regulatory process; provide incentives and financial support for preservation of natural resources and promote sustainable energy policies.
 - o This may include working on federal, state, or regional legislative efforts to support sustainability, environmental protections, and other protections of natural resources.
- **Support Forward-Thinking Approaches to Prepare for the Community of the Future**
 - o Walnut Creek supports legislation and policies that promote and support forward-thinking approaches to developing connected communities through new and emerging technologies.
 - o The City supports legislation and policies that promote adaptation to changing environmental, cultural population and economic conditions.
 - o This may include support for the development of locally-established facilities that utilize water recycling, renewable energy generation, new agricultural technologies, community gathering opportunities, and transportation technology.
- **Support Investment in Infrastructure**
 - o The City supports legislation and policies that promote investing in the maintenance and rehabilitation of aging infrastructure and build system capacity to support smart growth principles.
 - o This may include working on federal, state, or regional legislative and funding efforts to support new or ongoing revenue measures, funding sources to pay for capital improvements, and CEQA reform.
- **Support Efforts to Keep Walnut Creek Safe**
 - o Walnut Creek supports federal and state legislation and policies to access resources that provide high quality police, fire, emergency management, and emergency medical services.
 - o This may include sponsoring or supporting federal or state legislative efforts on body camera policies, drones, butane restrictions, sex offender requirements and other such topics.
- **Support Financing Tools for Local Government**

- o The City supports legislation and policies that support local initiatives to develop or redevelop the community to strengthen the local and regional economy and to accommodate local workers' housing needs in places close to transit.
- o This may include sponsoring or supporting federal or state legislative efforts to create new revenue streams or financing opportunities.

Continuing Legislation for Support

The City was very active on state legislation and we recommend those actions continue into the 2016 legislative session. A sampling of legislative topics the City has supported which is ongoing is listed below.

Electronic Cigarettes – Support

- o This bill would define the term "smoking" for purposes of the STAKE Act. The bill would also change the STAKE Act's definition of tobacco products to include electronic devices, such as electronic cigarettes, that deliver nicotine or other vaporized liquids, and make furnishing such a tobacco product to a minor a misdemeanor. The bill stalled in policy committee.

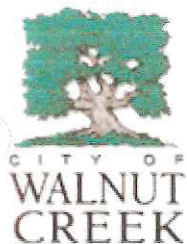
Local Ordinances: Sex Offenders – Support – Sponsored

- o This bill would state that a local agency is not preempted by state law from enacting and enforcing an ordinance that restricts a registered sex offender from residing or being present at certain locations within the local agency's jurisdiction. The bill would also authorize a local agency to adopt ordinances, rules, or regulations that are more restrictive than state law relating to a registered sex offender's ability to reside or be present at certain locations within the local agency's jurisdiction. TPA worked closely with the author's office on drafting bill language to ensure the needs of Walnut Creek were met. The bill stalled in policy committee.

Controlled Substances: Butane – Support – Sponsored

- o This bill would add butane to the list of specified substances for which requirements for purchasing controlled substances apply. The bill would also prohibit any person from purchasing more than 400 milliliters of butane in a calendar month. TPA researched the existing problem, identified an author for the bill, aided in drafting language that addressed Walnut Creek's concerns and proceeded to lobby other legislators on the bill's behalf. The bill stalled in policy committee and will be reintroduced in 2016.

APPENDIX E



WALNUT CREEK CITY COUNCIL

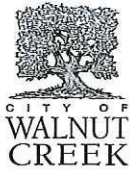
Agreed Upon Norms for City Council-City Staff Interactions*

Governance of a city relies on the cooperative efforts of elected officials, who set policy and priorities, and city staff, who analyze problems and issues, make recommendations, and implement and administer the Council's policies. Here are general guidelines to help facilitate effective communications between the City Council and city staff.

1. The City Council sets the direction and policy—the what. City staff are responsible for administrative functions and city operations—the how.
2. Questions and requests for information are to go to the City Manager, Department Director, or a Director's designee, e.g., a person listed on a staff report. When in doubt, go to the City Manager first.
3. Rely upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.
4. Council is to be thoughtful about how questions are asked of staff so the questions don't come across as directives. The City Manager is charged with directing staff.
5. Copy Directors on any emails to their staff. Staff will copy their Director when responding.
6. All council members should have the same information with which to make Council decisions. When sending a request for information to a Director, separate your inquiry from explaining your opinion so your inquiry can be forwarded to other Council members.
7. In order to provide the Council with timely information, please strive to submit questions on the Council agenda items ahead of the meeting. Give staff ample prior notice of big questions related to staff reports. No surprises at Council meetings.
8. Respect the will of the full City Council.
9. The City Manager and staff are supporters and advocates for adopted Council policy.
10. Depend upon the staff to make independent and objective recommendations.
11. Seeking political support from staff is not appropriate.
12. Praise in public, criticize in private. Help create a no blame culture.
13. Council respects staff's weekends. A phone call after 5 pm on Friday means it is urgent, please respond. An email sent over the weekend can wait until Monday.
14. Directors will support their staff when staff responds respectfully to a request by a Council member when it is not appropriate for the staff to act on the request. Staff will use a phrase such as: *"I'll forward that request to my Director"*.

* - developed and approved by the City Council at their April 18, 2011 retreat.

APPENDIX F



August 8, 2012

MEMORANDUM

TO: SUZIE MARTINEZ, CITY CLERK

FROM: ^{BW} BRYAN W. WENTER, CITY ATTORNEY

SUBJECT: POLITICAL ACTIVITIES OF CITY OFFICIALS AND EMPLOYEES

As the November election approaches, the City Attorney's Office would like to take the opportunity to remind City officials and employees of the laws regarding their use of City resources and positions for political activities. This memorandum reminds all City officials and employees of the primary legal prohibition against using City resources to participate in election campaigns, along with the equally important principle that, with certain limited exceptions, City officials and employees are free to engage in political activities while off duty.

Because each individual case must be determined on its own particular facts, the following general outline is intended to be a guideline only. Please contact the City Attorney's Office with any questions related to this memorandum or your ability to participate in particular political activities.

OVERVIEW

All City officials and employees are covered by the prohibitions of state law contained in Government Code sections 3201-3209. The political activities of City employees are also regulated by section 1706 of the Personnel Rules and Regulations, which state in part that "employees may not engage in political activities during working hours." In general, and subject to restrictions outlined below, City officials and employees have a right to voluntarily participate, or to refrain from participating in political activities as individuals on their own time. However, City officials and employees are generally prohibited from engaging in political activities during working hours.

PERMITTED ACTIVITIES

City officials and employees may do the following:

1. Express their opinions on political subjects and candidates.

2. Become a candidate for nomination or election in any partisan or non-partisan campaign – national, state or local.
3. Engage in partisan or non-partisan political activities as an individual or as a member of a group.
4. Make campaign contributions to a candidate or local ballot measure with personal funds.
5. Join political organizations and vote on any questions presented.
6. Organize and manage political clubs, serve as an official, delegate or alternate, or as a member of any committee.
7. Participate actively in political campaigns.
8. Attend political meetings, rallies, etc., and organize, prepare, and conduct such gatherings.
9. Initiate, sign, and circulate partisan or non-partisan nominating petitions, and distribute campaign literature, badges, etc.
10. Wear campaign badges or buttons, display bumper stickers, pictures or posters on an automobile or in window of home.
11. Speak publicly, or write letters or articles for or against any political candidates; endorse or oppose such candidate in a political advertisement.
12. Manage the campaign of political candidate.
13. Use public funds to lobby the state legislature to aid or prevent passage of state legislation that will affect the City, as directed by Council.

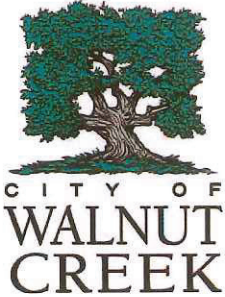
PROHIBITED ACTIVITIES

City officials and employees may not do the following:

1. Participate in political activities of any kind while in uniform.
2. Knowingly solicit or receive political funds or contributions from other City officials or employees or from persons on the employment list of the City, except:
 - a. A City official or employee may solicit or receive political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the official or employee.

- b. A City official or employee may communicate through the mail, or by other means, to a significant segment of the public that may include City officials or employees, to make requests for political funds or contributions.
 - c. A City official or employee may solicit political funds or contributions from a bona fide public employee's organization provided that the funds, when collected by the employee's organization, were not earmarked for a clearly identifiable local officeholder or candidate.
- 3. Use, promise, threaten, or attempt to use his or her City position or official authority to influence the political actions of other City officials or employees or those seeking City employment.
- 4. Distribute campaign literature through the City email system.
- 5. Send or receive campaign-related emails on City computers.
- 6. Place campaign literature on the City's webpage or on other City facilities.
- 7. Use City copy machines, telephones, fax machines, computers, stationary, or any other City resources for campaign purposes.
- 8. Use public funds to attend a political fundraiser.
- 9. Direct City staff to walk precincts, draft campaign ads, or carry out other campaign-related tasks.
- 10. Directly or indirectly solicit campaign contributions from other City officials or employees, unless the solicitation is part of a general effort that incidentally includes City officials and employees.

APPENDIX G

	POLICIES AND PROCEDURES	
	<i>Subject</i>	Technology Use and Email Retention Policy
	<i>Policy #</i>	204
	<i>Date</i>	Issued: 01/17/96 Last Amended: 12/18/12
	<i>Approved by</i>	City Manager
	<i>Authored by</i>	Administrative Service's Information Technology Division and City Attorney's Office

1. **POLICY STATEMENT AND PURPOSE**

To establish the appropriate and professional use of the City's information technology, including computers, telephones, pagers, facsimile (FAX), Internet, Intranet, and related technology, and to establish electronic mail retention requirements for mail messages sent to or by any by any Council Member, Commissioner, staff member, volunteer, or agent from any City email address.

2. **SCOPE**

This policy shall apply to any Council Member, Commissioner, staff member, volunteer, or agent using any City email address

3. **POLICY**

A. ACCEPTABLE USE

1. General. The City's information technology systems (computers, networks, phones, FAX, etc.) are for use by employees in the course of City business only. The City's information technology systems may not be used for personal business at any time, except as otherwise provided below or as otherwise approved by an employee's Department Director. Use for personal purposes, beyond incidental and minimal use, can expose an employee to liability for civil penalties and criminal prosecution under Government Code section 8314. In the event that an employee's supervisor determines that an employee's use of the City's information technology systems is inappropriate, the supervisor may place restrictions on such use or take other appropriate action.

2. Computer Software and Data. Employees are not allowed to install software on file servers or personal computers (PCs) without approval and assistance from the Information Technology Division.

3. Email and Voicemail. Generally, email and voicemail shall be used solely for official business. However, employees may occasionally use email for incidental and

minimal personal uses, provided such use does not interfere with job performance, does not consume significant time, does not distract other employees, does not potentially cause discredit to the City, and is done in a professional and courteous manner. Subscriptions to email lists are permitted only when the list is related to City business. For example, a subscription to a law firm's legal updates regarding an issue that is within the City's subject matter jurisdiction, such as land use, employment, or law enforcement, is permitted. Emails containing information pertaining to investments and trading opportunities are permitted, but only for those who have a need for this information in conjunction with the course of their City business such as members of the Administrative Services Department's Finance Division and the City Treasurer. In contrast, emails that are received containing the "joke for the day" are not permitted.

4. Mass Emails. Employees may not use the City's email system for mass mailing of announcements unless it is specifically related to City business. For example, an announcement of items for sale, requests for donations, lost pets, etc., are not permitted. Bargaining units may not use the City's email system for bargaining unit communications unless expressly permitted by the City's Human Resources' Manager.

5. City Staff Bulletin Board. The City may provide a bulletin board on the City's Intranet web site (<http://cww.ci.walnut-creek.ca.us>) for posting messages that are of a personal nature. Such bulletin board, if and when provided, shall not be accessible from the Internet. The content of bulletin board postings may be personal but shall be of a courteous and professional nature. For example, messages announcing items for sale, birthdays, pets needing homes, non profit events or donations are permitted.

6. Internet Access. Access to the City's Internet is subject to Department Director approval. Generally, use of the Internet is for official business and only in conjunction with the course of the employee's job-related activities. However, employees may occasionally use the Internet for incidental and minimal personal uses, provided such use does not interfere with job performance, does not consume significant amounts of time, does not distract other employees, does not potentially cause discredit to the City, does not unduly impact others' use of the Internet for business purposes, and is done in a professional and courteous manner. All sites visited by employees are automatically tracked by the City's servers, which is an ordinary function of such servers. While the Information Technology Division does not routinely monitor individual employee tracking records, these records are subject to access by City management, representatives of the Information Technology Division and, potentially, by the employee's supervisor, co-workers, and the general public.

7. Network Newsgroups and "listservs." may be utilized only for official business. Users are not permitted to subscribe or post to newsgroups or listservs unless it is directly related to their course of work.

8. Telephones, Copy Machines and FAX Machines. Generally, telephones, copy machines and FAX machines shall be used solely for official business. However, employees may occasionally use city telephones, copy machines and FAX machines for

incidental and minimal personal uses, provided such use does not interfere with job performance, does not consume significant amounts of time, does not incur a cost to the City (e.g. long distance or toll calls), does not distract other employees, does not potentially cause discredit to the City and is done in a professional and courteous manner.

9. Virtual Private Network (VPN) Access. Users may be permitted to access City network and computer systems remotely using a VPN connection. Approval by the Department Director and Chief Information Officer is required prior to initiating a VPN account. VPN users are responsible for ensuring that any non-City device used to establish a VPN connection is properly secured, running all necessary operating system and software patches, and antivirus software. Only salaried (overtime exempt) employees may be given VPN access unless accompanied by an agreement to work from home versus on site.

10. Mobile Device Access. Users may be permitted to access City email or other systems via City or personally-owned mobile device with a VPN, Internet, Activesync or other connection. Approval by the employee's supervisor and the Chief Information Officer are required. Employees using mobile devices should set a passcode to reduce the risk of unauthorized access to their device. If the device offers a "find" capability, for example, "Find my iPhone," it should also be enabled. In the event a mobile device with access to City systems is lost or stolen, the user must notify the Information Technology Division as soon as practicable. The device will be remotely "wiped." Users should be aware remote wipe could result in loss of any data, photos, music, etc, stored on the device, including any personal data and photos. Users accessing City systems with a personal mobile device should back up their mobile device frequently to protect their personal data and settings. Users of both City and personally-owned mobile devices should use care to safeguard both the device and passcode.

11. Malware and Virus Prevention. All employees must strive to keep the City's computer systems safe from viruses and other malware. Employees should never open email attachments from unknown senders and avoid clicking links embedded in messages unless they are certain the destination site is safe to use. Employees may not modify or tamper with antivirus or other security settings established by the Information Technology Division. If an employee knows or suspects his or her computer has become infected by a virus, or is uncertain if an attachment is safe to open, s/he should contact the Information Technology Division help desk for assistance.

12. Professional & Courteous. Employees shall communicate in a professional and courteous manner via email, chat, and voice mail with one another and with members of the public. The *City Administrative Policy regarding Sexual Harassment and Discrimination* also applies to electronic communications. Users should not use electronic mail and voice mail as a file cabinet for messages received or sent. The City's electronic message archiving system retains copies of each message (including voicemail and chat messages). Users may also keep a convenience copy by using the "Save as" or Copy and Paste functions and saving to an appropriate network folder.

B. ACCESS TO DATA—NO EXPECTATION OF PRIVACY

Federal law allows the City, as an employer, to access data files, voice mail, and electronic mail and other electronic messages that are stored and maintained on City-owned computers and technology. Such data is not private and is subject to access by supervisors, co-workers, parties to lawsuits, those who subpoena such information, and often the public generally. However, nothing herein is intended to waive the exemption of those particular records excluded from the California Public Records Act as set forth in sections 6250-6276.48 of the Government Code.

1. General. All data generated, used, and stored on the City's personal computers ("PCs"), servers, and electronic mail systems is considered business-related and, as such, is subject to access by City management, representatives of the Information Technology Division and, potentially, by the employee's supervisor, co-workers and the public, in general. All references to "computer data" in this policy are intended to include electronic mail, chat, and voice mail unless otherwise indicated. Because most of the computers utilized by the various City departments are "networked" and have access to the Internet, it may be possible for co-workers and, in some circumstances, unauthorized persons or programs, to access information stored on an employee's computer. Employees working with business-related confidential information, including personal identifying data such as social security numbers and credit card information, must take steps, as indicated below, to safeguard that data from inadvertent or malicious discovery, access, alteration, or deletion.

2. Subpoena. All computer data, including that sent or received on City email, chat, and voice mail systems, is subject to subpoena and, therefore, may be discoverable in litigation by parties who sue the City or its employees. Upon receipt of a subpoena for computer data, an employee should immediately contact the City Attorney's Office.

3. Public Records. Much of the data stored on the City's computers also qualifies as a "public record" under the Public Records Act and is, accordingly, subject to disclosure and copying by members of the public who make a public records request. Disclosure may be required regardless of who sends or receives a communication or document. In the event that the City receives a request for disclosure of City records, the person responsible for the requested records must use his or her best efforts to preserve the records covered by the request. Requests for disclosure of any City records must be submitted to the City Clerk. In addition, employees should consult with the City Attorney's Office once a public records request has been received. Should an employee have questions regarding the nature of the document(s) he or she is creating and maintaining with regard to the issue of whether it is disclosable pursuant to a public records request, the employee should consult with the City Attorney's Office prior to commencing that work.

4. Director/Supervisor Access. Departmental Directors shall have access to data stored on all departmental computers. In exercising managerial authority to access data stored on employees' PCs, departmental managers may utilize the resources of the Information Technology Division and should consult with the Human Resources Manager, the Administrative Services Director and/or the City Attorney's Office.

5. User Name and Passwords. All employees will be issued a network username and password to be used when accessing the City's networked computer systems. The username and password determine which computer systems and network drives an employee can access, as determined by the employee's supervisor with assistance from the Information Technology Division. The username and password act as a unique identifier and may not be shared with others, including but not limited to coworkers. Passwords must be safeguarded and generally will be changed every 90 days. If the employee knows or suspects their password has been compromised, s/he should notify the Information Technology Division help desk immediately for assistance in changing the password and safeguarding the City's computer systems.

For business information generated, utilized, and maintained that an individual employee wishes or is required to protect from co-workers, the employee should utilize additional Password features available on the system such as, for example, adding an additional password to a document. Despite the authorization to utilize a password, employees are advised that data stored on their City-owned personal computers is still subject to access and discovery as described above.

6. Confidential Data. Additional restrictions may apply to the use and storage of confidential data. For example, users with access to credit card information shall follow specialized security procedures established by their department director in consultation with the Information Technology and Risk Management Divisions. Police employees shall follow specialized directives applying to their use of communication and computer systems, etc. Users should not store confidential credit card data in Word, Excel, or other unencrypted files. The Information Technology Division is available to assist in determining appropriate storage methods.

7. Removal of Data. City data needs to remain on City computers and must not be indiscriminately moved from City work sites or mistakenly transported on laptops or removable media, e.g., floppies, CDs, DVDs, memory (USB) keys, personal digital assistants (PDA), email, and remote virtual private network (VPN) or other Internet-based access such as "Cloud" storage. Every employee must strive to safeguard the integrity and confidentiality of the City's data. If an employee needs to transport or share confidential data with devices that are not "on" the City network, the employee should password protect or otherwise secure the data, for example by using encryption security. The Information Technology Division help desk is available to assist in determining an appropriate data security method. Employees may not move or transport credit card data without permission from their Department Director.

8. Voice Mail. Voice mail stored on the City's voice mail system is also deemed business-related and, as such, is subject to access by City management and representatives of Information Technology Division. Employees are reminded of the importance of communicating in a professional and courteous manner with one another and with members of the public. The *City Administrative Policy regarding Sexual Harassment and Discrimination* also applies to communications via voice mail. Departmental managers shall have access to voicemail messages stored on the system. In exercising managerial authority to access this data, departmental managers may utilize the resources of the Information Technology Division and should consult with the Human Resources Manager, the Administrative Services Director and/or the City Attorney's Office.

C. BROWN ACT IMPLICATIONS FOR COMPUTER AND VOICE MAIL USE

Pursuant to the California open meetings law known as the Ralph M. Brown Act, as set forth in sections 54950-54963 of the Government Code, meetings of the City's legislative bodies, such as the City Council, City commissions, and standing subcommittees of a City legislative body, are required to be open and public. The Brown Act broadly defines the term "meeting" as "any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location . . . , to hear, discuss, deliberate, or take action on any item that is within the jurisdiction of the legislative body." The Brown Act thus prohibits any kind of communication by a majority of the members of any City legislative body, whether the communication is direct or through others, and whether the communication is face-to-face or via technology such as telephone, voice mail, or email, that involves any hearing, discussion, deliberation, or action on an item of the City's business.

While this section of the policy is technically applicable only to members of the City's legislative bodies, employees who perform work for the Council, Commissions, and subcommittees and who communicate with those bodies are strongly advised to carefully consider the type of information that is provided and how it is communicated. While the Brown Act allows City staff to provide information to and answer questions of the Council, Commissions, and subcommittees outside of a noticed and open meeting, the law expressly prohibits any series of communications outside such a meeting "to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body." Employees should consult with the City Attorney's Office regarding questions or issues regarding the Brown Act.

D. ELECTRONIC STORAGE AND RETENTION

1. Background. Under California law, the management and retention of public records are governed by Government Code section 34090 *et seq.* State law provides that records shall be retained for a minimum of two years and cannot be destroyed unless first approved by Council by resolution and the written consent of the City Attorney.

2. Public Records Act. A separate statutory scheme, known as the Public Records Act (the "Act") (Cal. Gov't Code §§ 6250-6276.48), governs the disclosure of public records. Under the Act, unless expressly exempted, all public records of an agency are subject to disclosure upon a request by any member of the public. At all times, the City shall comply with the Act and make available for copying and inspection all records in its care, custody, and control that are subject to disclosure under the Act.

3. Records Retention Policy. The City of Walnut Creek recognizes that access to information concerning the conduct of City business is a fundamental and necessary right of citizens. The City has various policies and requirements that protect and preserve the integrity of City records, in any format, all of which are consistent with State law. Administrative Policy No. 80-3, the City's Records Retention Program, establishes procedures for the retention and/or destruction of City records and makes each City department responsible for establishing and updating a records retention schedule for all records created and retained by employees within the department. The Records Retention Schedule specifies the retention period for City of Walnut Creek records to ensure that legal, regulatory, fiscal, historical, and administrative record retention requirements are met, that records that are essential to the City are protected; and that proper procedures are followed in the retention and/or destruction of City records.

4. Backup Systems. The City's Information Technology Division maintains a regular system of backups on all file servers and mission critical systems. Backups generally are not performed on individual PCs, but the PCs desktop files may be stored on a network drive to facilitate backup of the "My Documents" folder. Backups of network folders are performed on a scheduled basis including a weekly complete backup and daily backups of new or changed data. The weekly full backups are also copied for offsite storage. Backups are overwritten on a cyclical basis. Any data files that are created and deleted the same day are lost. For most systems, data is held on backup six weeks after it has been deleted by an employee. On specific systems an additional backup or backups may be retained for the purpose of archiving the City's critical data.

Data that is stored on the local hard drives (e.g. the C, D, or E drive) of each PC is at risk of loss or deletion since the local hard drive and USB drives are not backed up. Users should not store important data on these drives. The drive letters F through Z typically identify file server or network drives. Backups of the City's email and voicemail systems are for the purpose of system recovery only. Generally, the City stores email only to the degree that storage allows the City to restore the essential system in the event of a failure.

5. California Environmental Quality Act. Notwithstanding paragraph 4 above, email messages sent from or received by any City of Walnut Creek email address referring or relating to any project subject to the California Environmental Quality Act (Cal. Pub. Res. Code § 21000 *et seq.*) shall be retained as discussed herein. Effective December 18, 2012, starting upon the date upon which an application for a project

subject to CEQA is submitted to the City, all project emails sent from and/or received by any City email address shall be saved for a minimum of two years, or throughout the processing of the CEQA project, whichever duration may be longer. Such retention will continue for a minimum of seven months from the date the CEQA project is finally (a) approved, (b) denied, or (c) deemed exempt from CEQA review, whichever date is later. The City may, however, for reasons of administrative efficiency or otherwise, choose to retain email sent to or by any City email address for longer than the minimum time established immediately above even where such email addresses a subject or subjects other than CEQA.

Users are encouraged to save all critical email messages in hard copy for safekeeping. If email is received that is of an archival nature, a hard copy should be printed and saved.

E. VIOLATIONS OF THIS POLICY

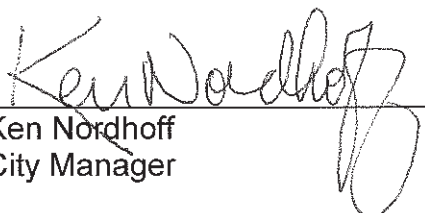
Violation of this policy may result in disciplinary action up to and including termination.

4. POLICY HISTORY AND CITATIONS

This Policy was originally adopted on January 17, 1996 and subsequently revised on the following dates: February 22, 2000 and February 1, 2006.

5. APPROVAL

This policy was issued/amended on December 18, 2012, and approved by:



Ken Nordhoff
City Manager

APPENDIX H

CITY OF WALNUT CREEK ADMINISTRATIVE POLICY NO. 89-2	Issued: May 8, 1989 Revised: February 1, 1999 Revised: September 1, 2001 Revised: February 14, 2006
PROHIBITING HARASSMENT, DISCRIMINATION AND RETALIATION	Approved:  Mike Parness, City Manager

PURPOSE

The purpose of this policy is to: ensure all employees enjoy working conditions which are free from harassment, discrimination and retaliation; describe prohibited behavior; define the responsibilities of all City employees; establish a procedure by which individuals who feel they have been harassed can bring their complaint to an appropriate authority without fear of retaliation; establish a procedure by which complaints of harassment and discrimination are promptly, thoroughly and fairly investigated; and, ensure that individuals who are found to have violated this policy will be subjected to disciplinary action that is commensurate with the severity of the offense.

Harassment, discrimination and retaliatory conduct of any kind is unacceptable conduct and will not be tolerated under any circumstances. It undermines the integrity of the employment relationship, interferes with work productivity and creates a climate of insecurity and distrust. Thus this policy establishes standards of acceptable workplace conduct for City employees in order to maintain a workplace free from discrimination, harassment, intimidation and retaliation.

POLICY STATEMENT

All City employees have a right by state and federal law to a work environment free from harassment and discrimination. Behavior that subjects an employee or other individuals in the workplace to harassment or discrimination based on race, religion, color, national origin, ancestry, disability, marital status, medical condition or history, pregnancy, gender, sexual orientation or age constitutes illegal behavior for which individual employees may be held personally liable. Such conduct will not be tolerated and will result in immediate corrective action, including disciplinary action.

PROHIBITED ACTIONS

Prohibited actions are listed below in three categories: 1) sexual harassment; 2) other forms of discriminatory or harassing conduct; and 3) retaliatory conduct. Sexual harassment is presented as a separate category of discriminatory conduct for emphasis.

1. Sexual Harassment: Includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or non-verbal conduct which is of a sexual nature or gender-based and

that is conditioned upon an employment benefit; or unreasonably interferes with an individual's work performance; or creates an offensive work environment.

Examples of prohibited conduct include, but are not limited to: threats or demands to submit to sexual requests to maintain employment or to avoid some employment or benefit loss such as discharge, demotion or undesired reassignment; offers of job benefits in return for sexual favors; sexual favoritism in job assignments or working conditions; or continued requests for social or sexual contact after being told such requests are unwelcome.

Examples of conduct which could create an offensive work environment include, but are not limited to: use of expletives, or offensive or derogatory comments or jokes; unwelcome notes, e-mail, voicemail messages and greeting cards which are sexual in nature; staring or leering; discussing sexual exploits or asking questions about a person's sexual practices or preferences; posters, notices, cartoons, computer software, magazines, drawings; and other disparate behavior which is sexual in nature or gender-based.

If the sexual conduct is consensual, it may not constitute sexual harassment; however, consensual conduct may otherwise be inappropriate in the workplace and may be subject to sanction and discipline.

2. Discriminatory/Harassing Conduct: Examples of discriminatory/harassing conduct include, but are not limited to: verbal and non-verbal conduct such as use of expletives, or offensive or derogatory comments or jokes; unwelcome notes, e-mail, voicemail messages and greeting cards; derogatory or inflammatory gestures, staring or leering; posters, notices, cartoons, computer software, magazines, drawings or other disparate behavior in any form made on the basis of race, religion, color, national origin, ancestry, disability, marital status, medical condition, pregnancy, gender, sexual orientation or age.

A. Intimidating/Violent Conduct. This category includes physical acts such as unwelcome physical contact, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on any basis as listed above. Prohibited conduct also includes threatening conduct as described in Administrative Policy 96-2, *Workplace Security*, including but not limited to: intimidation and direct and indirect threats of violence or bodily harm, acts of violence or aggression when directed at an individual employee or supervisor/manager or their relatives, friends or property; or the City organization or the public at large.

3. Retaliation: All employees are assured that they may report harassing behavior, report any workplace wrongdoing or misconduct, or participate in any investigation without fear of retaliation by the City, a supervisor or another employee. Retaliatory behavior includes, but is not limited to, any adverse employment action that materially affects the term and conditions of employment and that occurs as a result of an employee's complaint or report of workplace misconduct. Retaliatory behavior conducted by an employee against another employee will be cause for disciplinary action.

RESPONSIBILITIES

Supervisors and Managers

Supervisors and managers have ongoing responsibility to ensure that the work environment is free of harassment, discrimination, intimidation and retaliation by promptly confronting and investigating incidents of suspected misconduct, taking immediate and appropriate action to resolve them and ensuring that the complaining employee does not experience any retaliation. Supervisors shall become familiar with this policy in order to fulfill their responsibilities.

Supervisors and managers have a responsibility to respond to the possible misconduct promptly upon notice or knowledge of such events regardless of whether a formal complaint has been received. Notice or knowledge includes allegations made by the complainant, statements made by witnesses or other third parties, or direct observation. Supervisors and managers must inform the Human Resources Manager as soon as such a situation has come to his/her attention.

Individual Employees

Each employee is also responsible to ensure that their work environment is free of harassment, discrimination, intimidation and retaliation by adhering to the spirit and intent of this policy. Any employee who is aware of a workplace incidence of misconduct, as set forth in this policy, is responsible for informing a supervisor in whom he or she has confidence, their Department Director, the Human Resources Manager, the Administrative Services Director or the City Manager as soon as feasible. Employees who are unsure of whether to report workplace incidents, or how to go about doing so, or are reluctant to do so for whatever reason, are encouraged to contact the City Manager, Administrative Services Director, or the Human Resources Manager to discuss this policy and how it may apply to their situation.

Alternatively, or in addition to contacting City staff, employees may contact the City's third party reporting service, ActionLine, to discuss their concerns. The ActionLine reporting service may be contacted anonymously, if desired.

CONFIDENTIALITY

To the extent possible, the complainant will be accorded confidentiality. However, complainants must understand that their identities may be revealed to accused persons during the course of an investigation or when discipline results from such complaints. Investigation records will be held in the strictest confidence, to the extent permissible by law. The privacy rights of all parties involved in an investigation will be protected to the greatest extent possible.

DISCIPLINE

Depending on the circumstances of each case and the seriousness of the offense, disciplinary action up to and including termination of the offending employee will be taken if it is found that prohibited conduct did occur. Disciplinary action will be taken consistent with City Personnel Rules, labor agreements with City employee groups, and current law.

False complaints and false reports of misconduct are prohibited; any employee making a report, which is known to be without merit shall be subject to disciplinary action. Non-regular

employees, and others, such as volunteers, temporary employees, contractors, and vendors who engage in prohibited conduct are also subject to corrective action.

COMPLAINT PROCEDURE

The City has two procedures in place for employees making complaints set forth as follows:

1. Informal Procedure

A. Prompt, appropriate action will likely stop incidents of harassment; therefore, an employee should, at least initially, tell the offending individual that his or her behavior is unacceptable and that the behavior must stop. An alternative to talking directly with the offending person is to address specific concerns through written communication. The primary purpose of an informal complaint is to resolve harassment concerns and prevent more serious occurrences of harassment at the earliest date possible.

B. Problems that are appropriate for resolution by this informal procedure include isolated incidents that are not severe and those that do not appear to necessitate a disciplinary process. Examples of circumstances in which the informal procedure may be utilized include, but are not limited to:

- Posters or cartoons of an offensive nature;
- A joke made by a co-worker that an employee finds offensive;
- An offensive isolated remark or comment based on gender, race, age or other status;
- An incident targeted at gender, race, age, health condition, or other status that creates embarrassment, discomfort or distraction.

C. If the notification to the offending individual is not effective in bringing the offending behavior to an end, or if the employee is reluctant to approach the offending individual, the employee should inform his or her Department Director or the Human Resources Manager; OR the employee may contact the ActionLine reporting service as an alternative to internal reporting procedures. The ActionLine program provides employees with an alternative to the internal reporting procedures described in this policy. The ActionLine may be contacted for confidential discussion of the employee's concerns; the ActionLine reporting service may be contacted anonymously, if desired. If the offensive conduct continues following informal complaint efforts, a formal complaint procedure may be pursued.

D. Employees who are unsure of whether workplace conduct violates this policy, or who are reluctant to make a complaint or concern known for whatever reason, are encouraged to contact the City Manager, Administrative Services Director, the Human Resources Manager, or the ActionLine to discuss this policy and how it may apply to their situation.

2. Formal Procedure

If harassment activities continue after an employee has utilized the informal complaint procedure or if the employee chooses not to pursue the informal procedure, the City's formal complaint procedure may be used. Note: Paragraphs E-K are intended as guidelines only. The City

Manager or Department Director shall have the discretion to determine the appropriate manner of investigation depending upon the circumstances of the complaint.

The formal procedure is as follows:

A. An employee who wishes to file a formal complaint is encouraged to follow the chain of command in the department or division; however, if this is not possible or is inappropriate, the employee may file the complaint directly with the Division Manager, Department Director, Human Resources Manager, Administrative Services Director or the City Manager. **All complaints should be filed as soon as possible and within 30 days of the incident to allow for an prompt investigation and response to the complaint. Delay in reporting the harassment may hamper the thoroughness of the investigation.**

B. A formal complaint shall be a signed, written account of incident(s) involving harassment, discrimination and/or retaliatory conduct, including the names of the other persons, if any, who were present at the time. The formal complaint may be written either by the complaining employee or the person to whom the complaint is reported. If the complainant does not personally write the report, he or she shall review it for accuracy and sign it.

C. The individual receiving the complaint, whether he or she be a supervisor, manager, Department Director, Human Resources Manager, Administrative Services Director or the City Manager, may discuss the issue with the complaining employee who will be asked what remedies he or she believes would resolve the complaint.

D. The individual in receipt of the formal complaint shall immediately forward the report to the City Manager in a sealed envelope marked "Confidential." The City Manager shall forward a confidential copy of the complaint to the employee's supervisor and Department Director, unless it has been determined that an investigation of the complaint would be compromised by doing so.

E. All formal complaints of harassment, discrimination and retaliation shall be investigated. The nature and extent of the investigation including but not limited to the scheduling and the assignment of individuals to conduct the investigation shall be determined by the Department Director and the City Manager. The City Manager or his or her designee may conduct or participate in all phases of the investigation.

F. The City Manager or Department Director will inform the complainant of the general nature of the investigation and the approximate date of completion. The time necessary to investigate a complaint of harassment is generally 30 to 60 days, but may be more or less depending upon the duration or nature of the alleged harassment, the number of potential witnesses, the extent of the alleged harassment and other factors.

G. The individual investigating the complaint shall meet with the person accused of engaging in harassing behavior and inform him or her of the basis for the complaint, provided doing so will not compromise the investigation; in this event he or she will be given the opportunity to respond in writing if he or she wishes, and to identify witnesses.

H. Investigations will be timely and as extensive as determined to be necessary in the judgment of the investigator, based upon the nature of the allegations. All persons identified as potential witnesses and those individuals who may have information relevant to the issues of the complaint will be contacted and interviewed during the course of the investigation.

I. When the investigation is complete, the investigator shall forward a copy of the report to the City Manager for further action.

J. The City Manager or designee will notify the employee filing the complaint of the results of the investigation and whether disciplinary action is warranted and will be taken. There may be instances in which the City Manager or designee may not be able to provide the employee with the results of the investigation in a timely manner due to legal considerations or the need for further investigation. Should this be the case, the employee shall be notified of this situation. It is the City's policy not to release the investigatory report to either the subject of the investigation or the employee making the complaint.

K. Supervisory and management personnel shall conduct follow-up inquiries with the employee who filed the complaint, to ensure that the workplace is free of harassment, discrimination or retaliation. These inquiries shall be documented in writing and filed with Human Resources.

L. All employees also have a right to file a complaint with the federal [Equal Employment Opportunity Commission](#) (EEOC) and/or the [California Department of Fair Employment and Housing](#) (DFEH).

APPENDIX I

City of Walnut Creek
City Council Standing Subcommittees
Last updated: May 2014

A. Purpose

The City Council from time to time may form standing subcommittees in order to address issues of interest. These subcommittees are formed to study, investigate and make recommendations to the full Council regarding specific topics. Subcommittees should accomplish work different from that carried out at City Council meetings. They should also serve as a sounding board and afford an opportunity to provide feedback to staff on new ideas. In order for the subcommittees to serve effectively, it is necessary to establish certain guidelines for the conduct of City business by subcommittees.

B. Appointment

Council subcommittee appointments are made annually each December for the following year. The Mayor recommends the appointments, which are then confirmed by a majority vote of the Council as stated in Section 12.4 of the City Council Handbook. The City Clerk maintains a list of such appointments.

The City Council shall review status of all standing subcommittees on an at least annual basis prior to the appointments in December in order to determine their effectiveness.

C. Requesting the Creation of a Standing Subcommittee

A Councilmember who wishes to suggest creating a standing subcommittee should request that the request be listed on the next agenda under the “Councilmember and Staff Announcements, Reports on Activities or Requests” portion of a City Council meeting. With the consent of City Council, the City Manager will direct staff to place the discussion of the creation of a new standing subcommittee on the agenda of a future meeting.

Once the request has been listed on an agenda, the Councilmember proposing the standing subcommittee should develop a charter for the subcommittee. The charter should include: purpose and objectives; composition and term; designated staff, and a meeting schedule. The Councilmember should involve input from the appropriate City staff in the development of a subcommittee charter. All standing subcommittees shall be formed by resolution.

D. Conflict of Interest

Should a Councilmember appointee to a subcommittee discover a conflict of interest with their appointment to the subcommittee, that discovery will be communicated to the Mayor immediately.

E. Communications

In order to keep all councilmembers well informed, Councilmember appointees are to provide verbal updates or progress reports to the full Council, as needed, at City Council meetings under the “Councilmember and Staff Announcements, Reports on Activities or Requests” portion of a City Council meeting.

F. Subcommittee Materials

Meeting agendas will be compiled by staff with input from each subcommittee member. Subcommittee materials will be provided to each subcommittee member. These materials will be distributed to each subcommittee member at the same time.

G. Subcommittee Recommendations

Generally, subcommittee members should reach agreement on findings and recommendations to present to the City Council, which should be presented to the Council in writing. When the subcommittee members do not agree, each member may submit his/her findings and recommendations separately to the City Council.

H. Staffing

The City Manager will assign staff to a subcommittee pursuant to the charter.

**City of Walnut Creek City Council
Finance Subcommittee**

Date Created and Official Action:

Adopted October 25, 2013 via Resolution No. 13-34.

Purpose/Objectives:

The subcommittee serves in an advisory capacity to the City Council in matters pertaining to finance. Matters may include, but are not limited to, the following:

- Annual Audit Reports
- Investment Portfolio and Policy
- Long Term Financial Forecasts
- Two Year Budget
- Other finance related matters as determined by the City Council

After completing its review, the subcommittee provides its recommendations to the City Council on finance matters. The subcommittee is not an independent decision-making body.

Composition and Term:

The subcommittee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same subcommittee.

Designated Staff:

The Finance Manager and the Administrative Services Director shall serve as designated staff to the Finance subcommittee. The City Manager may serve as requested by the subcommittee.

The City Treasurer is encouraged to attend and participate.

Meeting Schedule:

The subcommittee meets on an as-needed basis.

APPENDIX J

Master List of Regional Board Opportunities Available to Councilmembers (Appointments Made by External Bodies)

Association of Bay Area Governments

http://www.abag.ca.gov/about_abag/abag_members.html

- Bay conservation and Development Commission
- Metropolitan Transportation Commission
- Bay Area Council Economic Institute
- San Francisco Estuary Partnership
- Regional Seaport Advisory Committee
- San Francisco Bay Restoration Authority

Contra Costa Mayors' Conference

<http://www.ccmayors.org/>

- Association of Bay Area Governments
- Contra Costa Transportation Authority
- Hazardous Materials Commission
- East Bay Regional Parks District Advisory Committee
- East Bay Regional Communication Systems Board
- East Bay Economic Dev. Alliance Exec. Committee
- Elections Citizen Advisory Committee
- County-Wide Bicycle Committee
- ABAG Hazardous Materials Committee
- Contra Costa Central Identification Bureau
- Conference Executive Committee

League of California Cities

<http://www.cacities.org/Policy-Advocacy/Policy-Development>

- Administrative Services Policy Committee
- Community Services Policy Committee
- Employee Relations Policy Committee
- Environmental Quality Policy Committee
- Housing, Community & Economic Development Committee
- Public Safety Policies Committee
- Revenue and Taxation Policy Committee
- Transportation, Communication and Public Works Policy Committee

Compiled November 2013 SM

2277485.1

APPENDIX K

**CITY OF WALNUT CREEK
RESOLUTION NO. 15-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
UPDATING THE CHARTER OF THE FINANCE STANDING COMMITTEE AND
UPDATING THE CITY COUNCIL HANDBOOK**

WHEREAS, the City Council approved the formation of the Finance Standing Committee on October 25, 2013; and

WHEREAS, at the City Council meeting of January 21, 2014 a "Definitions" document was developed and approved detailing existing tasks related to the annual audit, as well as new tasks related to the two-year budget. The modifications while approved by the City Council were never formally approved by resolution. This resolution formally incorporates the "Definitions" document as an attachment to the Finance Committee charter; and

WHEREAS, the City Council also now desires to change the reference of "subcommittee" to "committee" and to revise the charter for the committee.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF WALNUT CREEK AS FOLLOWS:**

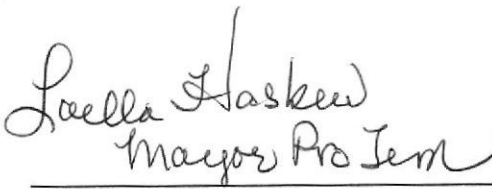
1. The above recitals are true and correct.
2. The City Council approves the revised charter for the Finance Committee attached hereto as Exhibit A.
3. The City Council authorizes the City Clerk to insert the revised charter for the Finance Committee in to the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

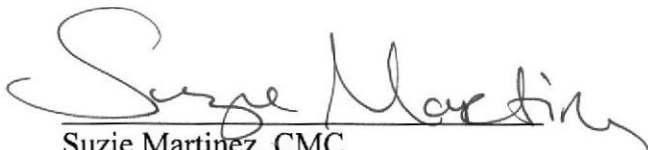
AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None

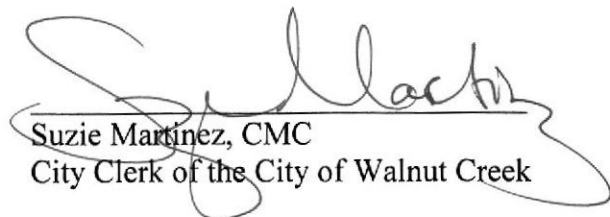

for Bob Simmons
Mayor of the City of Walnut Creek

Attest:



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-47 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

**City of Walnut Creek City Council
Finance Committee**

Date Created and Official Action:

Adopted October 25, 2013 via Resolution No. 13-34; Amended November 3, 2015 via Resolution No. 15-47

Purpose/Objectives:

The committee serves in an advisory capacity to the City Council in matters pertaining to finance. Matters may include, but are not limited to, the following*:

- Annual Audit Reports
- Investment Portfolio and Policy
- Long Term Financial Forecasts
- Two Year Budget
- Other finance related matters as determined by the City Council

After completing its review, the committee provides its recommendations to the City Council on finance matters. The committee is not an independent decision-making body.

*The Attachment includes definitions for Annual Audit Reports and Two Year Budget.

Composition and Term:

The committee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same committee.

Designated Staff:

The Finance Manager and the Administrative Services Director shall serve as designated staff to the Finance committee. The City Manager may serve as requested by the committee.

The City Treasurer is encouraged to attend and participate.

Meeting Schedule:

The committee meets on an as-needed basis.

**City of Walnut Creek
City Council Finance Committee
Definitions**

ANNUAL AUDIT REPORTS:

1. Annual Audit and Management Letter

Review the Annual Audit and Management Letter from the Independent Auditors hired by the City. Make recommendations to the City Council on the acceptance of these reports to the full City Council.

TWO YEAR BUDGET

1. Operating Budget – All Funds

Review the proposed Budget Calendar and Process, initial projections of operating revenues, expenses and program impacts from the City Manager, Administrative Services Director and Finance Manager.

Provide recommendations and advice:

- a) To the City Manager, Administrative Services Director, and Finance Manager on the presentation of the materials to the City Council and the Public; and
- b) To the City Council on the approach and status of the Two Year Operating Budget development and preparation process.

Tasks the committee will undertake include:

- c) Review and recommend all expenditure assumptions built into two year expenditures (compensation, non-personnel costs, staffing levels, etc.).
- d) Review and recommend the cost allocation plan, cost recovery levels across service categories (e.g. development fees) and fee rate recommendations.
- e) Review and recommend all tax revenue projections (outside of fees).
- f) Review and recommend strategies for insuring a balanced budget. This includes closing budget gaps (when a deficit is projected) and reviewing potential service level increases (when budget surpluses arise and one time revenues are available).

2. Capital Projects Budget

Validate the proposed Capital Projects Budget Calendar and Process, Revenues and Expenses developed by the Public Services Director, City Engineer, Chief Information Officer, City Manager, Administrative Services Director and Finance Manager.

Provide recommendations and advice:

- a) To the Public Services Director, City Engineer, Chief Information Officer, City Manager, Administrative Services Director and Finance Manager on the presentation of the materials to the City Council and the Public; and
- b) To the City Council on the approach and status of the Two Year Capital Projects Budget development and preparation process.

**City of Walnut Creek
City Council Finance Committee
Definitions - Continued**

Tasks the committee will undertake include:

- c) Review and recommend proposed capital projects that are consistent with the City's Capital Investment Policy approved by the City Council.
- d) Review and recommend allocation of available resources (grants, development fees, etc.) to asset management and discretionary projects in the proposed two year capital budget

3. Reserves and One-Time Funds

Review the Reserve Levels and Use of One-Time Funds in accordance with established policies. Provide recommendations on the use of one-time revenues and reserves provided by the City Manager, Administrative Services Director and Finance Manager.

Provide recommendations and advice:

- a) To the City Manager, Administrative Services Director and Finance Manager on the presentation of the material to the City Council and the Public, and
- b) To the City Council on the use of available one-time revenues and/or reserves as part of the budget process for their consideration and action, including modifications to the policies, if needed.

Tasks the committee will undertake include:

- c) Review and Recommend City Reserve Levels;
- d) Review and Recommend use of General Fund surpluses from prior audit years.
- e) Review and Recommend use of one-time revenues in developing two year capital and operating budgets.

**CITY OF WALNUT CREEK
RESOLUTION NO. 15-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AMENDING
THE CHARTER OF THE HOUSING AND COMMUNITY DEVELOPMENT STANDING
COMMITTEE AND UPDATING THE CITY COUNCIL HANDBOOK**

WHEREAS, the City Council approved the formation of the "Affordable Housing and Community Partnership" Committee on October 25, 2013; and

WHEREAS, the City Council approved changing the name of the "Affordable Housing and Community Partnership" Committee to the "Housing and Community Development" Committee and revised the charter for the Committee on December 16, 2014; and

WHEREAS, the City Council approves clarifying the language regarding the review of preliminary General Plan Amendments of the committee versus General Plan Amendments review considerations by the City Council as a whole; and changing all references to "subcommittee" to "committee."

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WALNUT CREEK AS FOLLOWS:**

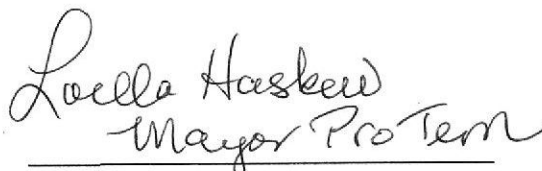
1. The above recitals are true and correct.
2. The City Council approves the revised charter for the Housing and Community Development Committee attached hereto as Exhibit A.
3. The City Council authorizes the City Clerk to insert the charter for the Housing and Community Development Committee in to the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None



for Bob Simmons
Mayor of the City of Walnut Creek

Attest:



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-48 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

**City of Walnut Creek City Council
Housing and Community Development Committee**

Date Created and Official Action:

Adopted October 25, 2013; Amended December 16, 2014 via Resolution No. 14-75;
Amended November 3, 2015 via Resolution No. 15-48.

Purpose/Objectives:

The Committee serves in an advisory capacity to the City Council in matters pertaining to housing policies, residential and commercial development, and the City's Community Development Block Grant and Community Service Grant funding programs. Matters may include, but are not limited to, the following:

- Housing Policies affecting the Housing Element, Inclusionary Ordinance, Commercial Linkage Fees, Density Bonuses and Affordable Housing.
- Requests for funding under the City's Community Development Block Grant (CDBG) and Community Service Grant (CSG) programs.
- Upon request by an applicant, early review of a proposed commercial or residential development project that would involve a General Plan Amendment.*
- Review of a proposed zoning amendment initiated by staff.
- Other housing and community development matters as determined by the City Council.

* Note: General Plan Amendment review considerations are to come before the full Council but preliminary reviews of General Plan Amendments may be brought to the Committee. After completing its review, the Committee provides its recommendations to the City Council.

The Committee is not an independent decision-making body.

Composition and Term:

The subcommittee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same Committee.

Designated Staff:

The Community and Economic Development Director and Housing Manager serve as designated staff to the Housing and Community Development Committee. The City Manager may serve as requested by the Committee.

Meeting Schedule:

The Committee meets once a month as well as on an as-needed basis.

**CITY OF WALNUT CREEK
RESOLUTION NO. 15-49**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
UPDATING THE CHARTER OF THE PUBLIC EDUCATION STANDING COMMITTEE AND
UPDATING THE CITY COUNCIL HANDBOOK**

WHEREAS, the City Council approved the formation of the Public Education Standing Committee on October 25, 2013; and

WHEREAS, the City Council now desires to change the reference of "subcommittee" to "committee" and to revise the charter for the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AS FOLLOWS:

1. The above recitals are true and correct.
2. The City Council approves the revised charter for the Public Education Committee attached hereto as Exhibit A.
3. The City Council authorizes the City Clerk to insert the revised charter for the Public Education Committee in to the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

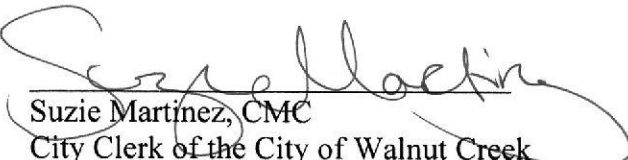
AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None


Mayor Pro Tem
 for Bob Simmons
Mayor of the City of Walnut Creek

Attest:


Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-49 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

**City of Walnut Creek City Council
Public Education Committee**

Date Created and Official Action:

Adopted July 15, 2014, via Resolution No. 14-47; Amended November 3, 2015 via Resolution No. 15-49.

Purpose/Objectives:

The committee serves in an advisory capacity to the City Council in matters pertaining to public education. Matters may include, but are not limited to, the following:

- School district relations
- Support for school services (such as school crossing guards and crisis counselors)
- Joint use of facilities
- Other education-related matters as determined by the City Council

After completing its review, the committee provides its recommendations to the City Council on education matters. The committee is not an independent decision-making body.

Composition and Term:

The committee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same committee.

Designated Staff:

The Arts, Recreation and Community Services Director, Police Chief and Public Works Director shall serve as designated staff to the Public Education committee. The City Manager may serve as requested by the committee.

Meeting Schedule:

The committee meets on an as-needed basis.

**CITY OF WALNUT CREEK
RESOLUTION NO. 15-50**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
UPDATING THE CHARTER OF THE PUBLIC SAFETY STANDING COMMITTEE AND
UPDATING THE CITY COUNCIL HANDBOOK**

WHEREAS, the City Council approved the formation of the Public Safety Standing Committee on October 25, 2013; and

WHEREAS, the City Council now desires to change the reference of "subcommittee" to "committee" and to revise the charter for the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AS FOLLOWS:

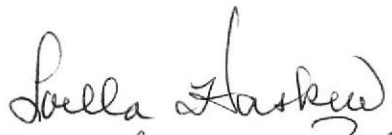
1. The above recitals are true and correct.
2. The City Council approves the revised charter for the Public Safety Committee attached hereto as Exhibit A.
3. The City Council authorizes the City Clerk to insert the revised charter for the Public Safety Committee in to the City of Walnut Creek City Council Handbook.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of November, 2015 by the following called vote:

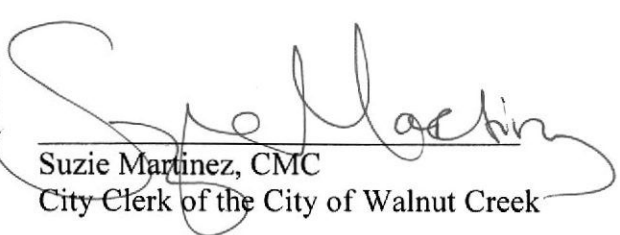
AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

ABSENT: Councilmembers: None


Stella Haskew
Mayor Pro Tem
for Bob Simmons
Mayor of the City of Walnut Creek

Attest:


Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-50 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of November, 2015.


Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

**City of Walnut Creek City Council
Public Safety Committee**

Date Created and Official Action:

Adopted October 25, 2013 via Resolution No. 13-35; Amended November 3, 2015 via Resolution No. 15-50.

Purpose/Objectives:

The committee serves in an advisory capacity to the City Council in matters pertaining to public safety, traffic, police, fire and other areas where the principal concern is that of public safety. Matters may include, but are not limited to, the following:

- Fire/Life Safety Issues
- Crime Incidents/Trends
- Technology related to Public Safety
- Traffic Safety
- Safety Hazards
- School-related Public Safety Issues
- Emergency Preparedness
- Other Public Safety related matters as determined by the City Council

After completing its review of a public safety matter, the committee provides its recommendations to the City Council. The committee is not an independent decision-making body.

Composition and Term:

The committee consists of two City Councilmembers, serving one-year terms. Councilmembers are nominated by the Mayor and confirmed by a majority vote of the Council. Councilmembers may be re-appointed to the same committee.

Designated Staff:

The Chief of Police, Emergency Preparedness Manager, Chief Information Officer; and the City Traffic Engineer shall serve as designated staff to the Public Safety committee. The City Manager may serve as requested by the committee.

Meeting Schedule:

The committee meets on an as-needed basis.