



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA
TUESDAY, MARCH 16, 2021
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

City Council meeting is held via teleconference /Zoom webinar only (no physical meeting space).
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 by first registering for the zoom meeting in advance by: providing email address (not disclosed) and a name. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_mv2roSgASiCyOV-fam73EA

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 or staff 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. online written comment form previously used is no longer available for public comment.

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 (7:00 PM)

PLEDGE OF ALLEGIANCE

INVOCATION (assigned to Councilmember Phan)

PRESENTATIONS

- Cesar Chavez Day Proclamation
- Presentation to Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Milpitas student STEM winners

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.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also 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.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:45 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 March and April 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

C2. Approve City Council meeting minutes of the March 2, 2021, Regular City Council Meeting, and the March 9, 2021, Special City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Approve meeting minutes of the March 2, 2021, Regular City Council Meeting, and the March 9, 2021, Special City Council Meeting.

C3. Authorize the establishment of a Y-Rate for 2.0 FTE Executive Assistants reclassified as the Administrative Assistants and amend the staffing resolution #1626 to reflect the reclassification (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)

Recommendation: Adopt a Resolution establishing the Y-Rate for the employees reclassified from Executive Assistant to Administrative Assistant and amend the Classification Plan to reflect the reclassification.

- C4. Adopt Ordinance No. 65.151 Regarding Responsible Construction (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040, Steve McHarris, City Manager 408-586-3059)**

Recommendation: Waive the Second Reading and Adopt Ordinance No. 65.151, amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code.

- C5. Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager or Designee to Execute the Related Agreement with the County of Santa Clara and Approve a Related Budget Amendment (Staff Contact: Toni Charlop, Emergency Services Coordinator, 408-586-2801)**

Recommendation: Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager to execute the 2020 Emergency Management Performance Grant (EMPG) Memorandum of Understanding with the County of Santa Clara and appropriate funds in the amount of \$22,400 to the Milpitas Fire Department, Office of Emergency Services for the purchase of Computers and Technology for the Emergency Operations Center.

- C6. Approve a Letter to Santa Clara Valley Transportation Authority Expressing the City of Milpitas' Support for a 2016 Measure B 10-year Funding Program that Provides Fairness in Transportation Funding Countywide (Steve Chan, Transportation and Traffic Manager, 408-586-3324)**

Recommendation: Approve a letter to Santa Clara Valley Transportation Authority expressing the City of Milpitas' support for a 2016 Measure B 10-year funding program that provides fairness in transportation funding countywide

- C7. Accept a Grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Approve a related Budget Amendment (Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: Accept a grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Appropriate the funds to the Recreation and Community Services Operating Budget

- C8. Accept Commissioner Resignation (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Accept commissioner resignation and confirm noticing of the unscheduled vacancy.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:00 PM)

- 9. Receive Presentation from Pacific Gas & Electric (PG&E) Representatives Regarding the City's Recent Power Outages and Corrective Actions Taken and also Provide Information on Public Safety Power Shutoffs (PSPS) and Unscheduled Power Outages (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053)**
- 10. Receive Presentation on the Parks and Recreation Master Plan Updates, Recreation and Community Service Fee Assessment and Development of Cost Recovery Policy and Adopt a Resolution Approving Cost Recovery Policy for Recreation and Community Service Department, Project No. 5115 (Steve Erickson, Engineering Director/City Engineer, 408-586-3301, Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)**

Recommendation: (1) Receive a presentation on the Parks and Recreations Master Plan Update, Recreation and Community Services Fee Assessment and Development of Cost Recovery Policy; (2) Adopt a Resolution Approving Cost Recovery Policy for Recreation and Community Service Department.

LEADERSHIP AND SUPPORT SERVICES (8:45 PM)

11. Federal Coronavirus Relief Funds Spending Plan Considerations (Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Recommendation: Provide direction to staff on Federal Coronavirus Relief Funds Spending Plan Considerations.

12. Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget (Ashwini Kantak, Assistant City Manager, 408-586-3053, Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Recommendation: Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies (9:30 PM)

13. Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee (Contact: Mayor Rich Tran, 408-586-3029)

Recommendation: Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee for 3-year terms to expire in March 2024.

14. Consider Recommendations from Mayor Tran for Appointments for City Commissions (Contact: Mayor Tran, 408- 586-3029)

Recommendation: Recommendation: Receive Mayor Tran's recommendations for the City Commissions and approve the recommendations for final appointment by the Mayor.

15. Per Councilmember Dominguez, Discuss Distribution of COVID-19 Vaccines and Consider Drafting a Letter to the County of Santa Clara (Contact: Councilmember Dominguez, 408-586-3031)

16. Per Councilmember Phan, Discuss an Amendment to Existing Ordinance for Third-Party Food Delivery Vendor Services to Prohibit Regulatory Response Fees (Contact: Councilmember Phan, 408-586-3023)

17. Receive and Direct Staff on List of Agenda Items Requested by City Councilmembers (Contacts: Mayor and City Councilmembers, 408-586-3000)

Recommendation: Review list of items presented (list in agenda packet) that have been requested by City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to a City Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. 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.

NEXT AGENDA PREVIEW (10:25 PM)

18. **Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on April 6, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the April 6, 2021 regular City Council meeting.

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 408-586-3003 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 wwood@ci.milpitas.ca.gov prior to the meeting.
You may request a larger font agenda*

February 2021						
S	M	T	W	T	F	S
7	1	2	3	4	5	6
14	8	9	10	11	12	13
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28	22	23	24	25	26	27

April 2021						
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					30	

Milpitas City Council Calendar

March 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	2 6:00 PM -Closed Session 7:00 PM -City Council	3 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) 7:00 PM -Community Advisory Commission (EC)	4 5:30 PM -Santa Clara VTA Board of Directors (CM) 5:30 PM -Milpitas Chamber of Commerce Board (EC)	5	6
7	8 4:30 PM -Economic Development and Trade Commission (KD)	9 4:00 PM - Milpitas HOPE Suicide Prevention Task Force 5:30 PM -Special City Council – Milpitas General Plan	10 5:00 PM -Milpitas Homelessness Task Force 7:00 PM -Planning Commission 7:00 PM -Silicon Valley Clean Energy Board of Directors (EC)	11 4:00 PM -Santa Clara VTA Policy Advisory Committee (AP) 4:00 PM -Treatment Plant Advisory Committee (CM) 7:00 PM -Cities Assoc of SCC (CM) 7:00 PM -Youth Advisory Commission (EC)	12 <i>*4:30 PM-City Council Finance Subcommittee (RT/CM)</i>	13
14	15 7:00 PM -Science, Technology, and Innovation Commission (RT)	16 7:00 PM -City Council	17 6:00 PM -Energy and Environmental Sustainability Commission (EC)	18 6:30 PM -Bay Area Water Supply Conserv Agency (CM) 7:00 PM -Public Safety and Emergency Preparedness Commission (KD)	19	20
21	22 7:00 PM -Arts Commission (RT)	23	24 7:00 PM -Planning Commission	25 4:00 PM -Silicon Valley Regional Interoperability Authority (SVRIA) (KD)	26	27
28	29 7:00 PM -Library and Education Commission (EC)	30	31  Cesar Chavez Day City Hall Closed			

**Finance Subcommittee will meet only as needed*

March 2021						
S	M	T	W	T	F	S
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May 2021						
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Milpitas City Council Calendar

April 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 5:30 PM -Milpitas Chamber of Commerce Board (EC) 5:30 PM -Santa Clara VTA Board of Directors (CM)	2	3
4	5 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	6 7:00 PM -City Council	7 12:00 PM -Santa Clara Valley Water District - Water Commission (CM) 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) 5:30 PM -Veterans Commission (RT) 7:00 PM -Community Advisory Commission (EC)	8 4:00 PM -Treatment Plant Advisory Committee (CM) 4:00 PM -Santa Clara VTA Policy Advisory Committee (AP) 7:00 PM -Youth Advisory Commission (EC) 7:00 PM -Cities Assoc of SCC (CM)	9 3:00 PM -City Council Transportation Subcommittee (RT/CM)	10
11	12 4:30 PM -Economic Development and Trade Commission (KD)	13 4:00 PM -Milpitas HOPE Suicide Prevention Task Force	14 7:00 PM -Silicon Valley Clean Energy Board of Directors (EC) 7:00 PM -Planning Commission	15	16 *4:30 PM -City Council Finance Subcommittee (RT/CM)	17
18	19 5:00 PM -Special Community Advisory Commission 7:00 PM -Science, Technology, and Innovation Commission (RT)	20 7:00 PM -City Council	21 6:00 PM -Energy and Environmental Sustainability Commission (EC)	22 6:00 PM -Main Street Community Conversations – Conversations about Business	23	24
25	26	27 1:30 PM -Senior Advisory Commission (AP)	28 5:30 PM -Cities Assoc. of SCC - Recycling and Waste Reduction Commission (AP) 7:00 PM -Planning Commission	29	30	

**Finance Subcommittee will meet only as needed*

CITY OF MILPITAS MEETING MINUTES

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, March 2, 2021
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 6:00 PM. City Clerk Wendy Wood called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (arrived at approximately 6:02 PM)

ABSENT: None

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(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 LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor Rich Tran

Employee: City Attorney

City Council reconvened to the public portion of the meeting at 8:09 PM.

CLOSED SESSION ANNOUNCEMENT

City Attorney Diaz announced that Council made a decision in Closed Session but there was no reportable action.

PLEDGE

Mayor Tran led all in the Pledge of Allegiance.

INVOCATION

Councilmember Phan introduced John Silva to lead the Invocation. Mr. Silva took a few moments in silence to acknowledge the lives lost and the people suffering from COVID19 and then gave the invocation prayer.

PRESENTATION

Mayor Tran proclaimed March 2021 as Youth Arts Month and Women's History Month. Vice Mayor Montano acknowledge all the women in leadership roles.

PUBLIC FORUM

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor
3. Barbara Jo "BJ" Navarro

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

City Manager McHarris stated that the Santa Clara County Health Officer made an announcement that the County would be aligning with the State's Red Tier framework, effective on the following day, lifting many industry and activity-specific local directives. Everyone is still to maintain the six-foot social distance and wear their face masks. The

and Housing Successor
Agency Annual Report

Department of Housing and Community Development (HCD) and Governor's Office of
Planning and Research (OPR).

C11. 2020 General Plan
Annual Progress Report

Received the 2020 General Plan Annual Progress Report and authorized the submittal
of the report to the Governor's Office of Planning and Research (OPR).

C12. Side Letter - Amend the
Memorandum of
Understanding between
the City and the Mid-
Management-Confidential
Unit – LIUNA/UPEC Local
792

Approved and authorized the City Manager to enter into a side letter agreement with the
Mid-Management-Confidential (Mid-Con) Unit – LIUNA/UPEC Local 792 to extend the
existing labor agreement through June 30, 2025; eliminating a 3% salary increase
scheduled for July 2021; reducing the salary increase scheduled for July 2022 from 3%
to 2%; adding a salary increase of 2% in July 2023; and adding a salary increase of 3%
in July 2024.

PUBLIC HEARINGS

13. 2021 Weed Abatement
Public Hearing and
Adoption of a Resolution
to Abate the Weeds

Fire Marshal/Deputy Fire Chief Albert Zamora presented the annual weed abatement
program and introduced Moe Kumre from the Santa Clara County Agriculture office.

(1) Motion: to open the public hearing.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

The following spoke during Public Comment:

1. Urvishkumar Mehta
2. Voltaire Montemayor

(2) Motion: to close the public hearing.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

(3) Motion: to adopt **Resolution No. 9046** directing the County of Santa Clara
Consumer and Environmental Protection Agency- Weed Abatement Program to abate
the nuisance, keep an account of the cost, and embody such account in a report and
assessment list to the City Council in accordance with the Milpitas Municipal Code.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

COMMUNITY DEVELOPMENT

14. Milpitas Metro Specific
Plan (Update of 2008
Transit Area Specific
Plan)

Planning and Neighborhood Services Director Thomas introduced the item and
consultants Jane Lin from Urban Field Studio, and Christina Paul from M-Group.

Consultants Jan Lin and Christina Paul provided a detailed presentation and requested
feedback from Council.

The following spoke during Public Comments:

1. Urvishkumar Mehta

No motion was made for this agenda item.

LEADERSHIP AND SUPPORT SERVICES

15. Introduce Ordinance No. 65.151 - Responsible Construction

City Attorney Diaz presented the report to introduce Ordinance No. 65.151 for Responsible Construction.

The following spoke during Public Comments:

1. Urviskumar Mehta
2. Voltaire Montemayor
3. Ruth Silver Taube
4. Forest Peterson

Councilmember Phan commented on concerns with section 3-32-8.00 and asked that it be removed.

Motion: to waive reading beyond the title and introduce Ordinance No. 65.151, amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code.

City Attorney Diaz read aloud the title of Ordinance No. 65.151 “An Ordinance of the City Council of the City of Milpitas Amending Various Sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code.”

City Attorney clarified that the motion language would include the amendment to remove section 3-32-8.00 and renumber the remaining section 8.00.

Motion/Second: Councilmember Phan / Mayor Tran

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

REPORTS

- ## 16. Appointments for City Commissions

Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Veterans Commission, Energy & Environmental Sustainability Commission, Community Advisory Commission, Economic Development and Trade Commission, and Parks, Recreation, and Cultural Resources Commission.

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

Motion/Second: Mayor Tran / Councilmember Chua

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

- ### C17. Appointments to the Measure F Oversight Committee

This item was deferred to a future City Council meeting.

C18. List of Agenda Items Requested by City Councilmembers This item was moved onto the Consent Calendar and approved as follows.
Motion/Second: Mayor Tran / Councilmember Chua

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

C19. Preview Agenda Items This item was moved onto the Consent Calendar and approved as follows.
Motion/Second: Mayor Tran / Councilmember Chua

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

ADJOURNMENT Mayor Tran adjourned the meeting at 10:51 PM.

*Draft meeting minutes submitted by
City Clerk, Wendy Wood*

CITY OF MILPITAS MEETING MINUTES

Minutes of: Special Meeting of the Milpitas City Council
Date: Tuesday, March 9, 2021
Time: 5:30 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the special meeting to order at 5:30 PM. City Clerk Wendy Wood called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan (arrived at approximately 5:40 PM)

ABSENT: None

PLEDGE

Mayor Tran led all in the Pledge of Allegiance.

PRESENTATION

There were no presentations.

PUBLIC FORUM

There were no speakers.

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

There were no announcements.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, no conflicts of interest were reported. Councilmember Phan was absent from the roll call. City Attorney Diaz stated that he would not be asking about campaign contribution because there are no contracts or development project on the agenda

CODE OF CONDUCT

City Attorney Diaz read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the March 9, 2021, meeting agenda, as submitted.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

AGENDA ITEM

1. Resolution – Milpitas 2040 General Plan

City Manager McHarris introduced the Milpitas 2040 General Plan and provided a brief overview of the history and importance of the plan. Planning Director Thomas commented on the General Plan, stating that it will serve as the policy foundation for all the planning projects in the City including the specific and master plans projects currently being developed. Planning Director Thomas acknowledged Planning Manager Gardner as the staff project manager and introduced De Novo Planning Group, Consultant, Ben Ritchie. Consultant Ritchie gave a presentation on the 2040 General Plan. He provided a summary of the General Plan and the development process, summarized the content in the Plan, described the development of the Land Use Map,

explained the CEQA review process, and provided details on the public review process. He also noted for the record that staff had identified minor language corrections in the Draft General Plan. Consultant Ritchie stated that they intend to correct the final version, and he clarified that the correction does not change any policies, they are just minor corrections.

(1) Motion: to open the public hearing.

Motion/Second: Mayor Tran / Councilmember Phan

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

The following spoke during Public Comment:

1. Allysson McDonald
2. Yugu Park

(2) Motion: to close the public hearing.

Motion/Second: Mayor Tran / Councilmember Chua

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

(3) Motion: to adopt **Resolution No. 9047** to certify the Milpitas 2040 General Plan Final Environmental Impact Report (FEIR) and adopt the Milpitas 2040 General Plan.

Motion/Second: Mayor Tran / Councilmember Dominguez

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

ADJOURNMENT

Mayor Tran adjourned the meeting at 7:02 PM.

*Draft meeting minutes submitted by
City Clerk, Wendy Wood*



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the establishment of a Y-Rate for 2.0 FTE Executive Assistants reclassified as the Administrative Assistants and amend the staffing resolution #1626 to reflect the reclassification.
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	3/16/2021
Staff Contact:	Jeannine Seher, Director of Human Resources, 408-586-3086
Recommendation:	Adopt a Resolution establishing the Y-Rate for the employees reclassified from Executive Assistant to Administrative Assistant and amend the Classification Plan to reflect the reclassification.

Background:

During 2020, the City contracted with Koff & Associates (K&A) to conduct a classification study for the City's four (4) Executive Assistant and two (2) Principal Civil Engineer positions allocated to various City departments. The goals and objectives of the classification study were to:

- Analyze the work assigned to the positions to identify the major duties and responsibilities;
- Ensure that classification descriptions accurately reflect the current duties and responsibilities; and
- Make a recommendation regarding the appropriateness of the current classification allocation of the positions relative to the duties performed by the incumbents.

The classification study procedures were as follows:

- An initial meeting was held with City management to clarify study scope, objectives, processes, and deliverables.
- Orientation meetings were held with employees to meet consultant, discuss and clarify study objectives and procedures, answer questions, and distribute the PDQs.
- After the PDQs were completed by employees and reviewed by management and consultant staff, interviews were conducted with all employees and their supervisors.
- Following the analysis of the classification information gathered draft class concepts, specifications, and position allocations were developed.

Analysis:

As a result of the classification study, two (2) of the four (4) Executive Assistants were determined to be better aligned with the Administrative Assistant classification. The remaining positions were found to be properly classified. Of the two (2) positions reclassified, one (1) full-time equivalent (FTE) resides in the City Attorney's Office and the other in the Engineering Department.

The Personnel Rules provides authority for the City Manager to amend the classification plan. The Rules further provide, "Whenever an Employee would sustain an actual decrease in salary as a result of downward Reclassification or reorganization within an existing Department unit, without fault or inability on the part of the Employee, the City Council shall adopt a "Y" rate to apply only to the Employee, so affected. A "Y" rate is defined as a monthly salary rate for an individual employee, which is greater than the established range for the Employee's Class. An Employee who accepts a reassignment to a lower paid position in-lieu of layoff, shall not be "Y" rated."

In order to avoid employees being negatively impacted as a result of the reclassification, in accordance with the Personnel Rules, Council is being asked to authorize a “Y” rate for these employees. Employees who are “Y” rated shall have their salaries frozen until such a time that the salary of their newly reclassified position, meets or exceeds their current salary. In addition, this action will officially amend the position allocations by deleting 2.0 FTE Executive Assistant positions and adding 2.0 FTE Administrative Assistant positions.

Classification	Department	FTE Change
Executive Assistant	City Attorney	(1.0)
Executive Assistant	Engineering	(1.0)
Administrative Assistant	City Attorney	1.0
Administrative Assistant	Engineering	1.0

Policy Alternative:

Alternative: Lower the salary of the incumbents to the classification of Administrative Assistant.

Pros: This action will maintain existing position allocations.

Cons: The City contracted with a consulting firm with expertise in classification analysis. The analysis confirmed the incumbents are performing duties with a lower level classification. Not establishing a y-rate for incumbents facing a reclassification for a lower level classification is contrary to the Personnel Rules.

Reason for Not Recommending: The purpose of the classification plan is to provide a systematic classification structure based on the interrelationship between duties performed, the nature and level of responsibilities, and other work-related requirements of the jobs. When those duties are misaligned, the City should update and revise the plan as the needs of an organization change, and revisions can be organizational wide or position-specific depending upon the needs and goals of the organization. The duties for these positions have evolved over time and are most consistent with a lower level classification. The Personnel Rules acknowledge that the plan may need to be revised from time to time by the City Manager and provide a mechanism to protect employees from salary cuts who are reclassified to a lower level position through a Y-Rate provision.

Fiscal Impact:

The Y-Rated salaries and related benefits are currently budgeted and will be included in the development of the FY 2021-22 Proposed Budget. In the future, when the incumbents vacate the positions, the budget will be adjusted to the Administrative Assistant classification.

California Environmental Quality Act:

Approval of the recommendation is not an activity defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b) (3) and 15378(b)(4) either because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and/or because the action is financial and/or administrative and does not directly impact the environment.

Recommendation:

Adopt a Resolution establishing the Y-Rate for the employees reclassified from Executive Assistant to Administrative Assistant and amend the Classification Plan to reflect the reclassification.

Attachment:

Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE
CLASSIFICATION PLAN AND ESTABLISH A Y-RATE**

WHEREAS, on December 17, 1968, the City of Milpitas established a Classification Plan adopted as Resolution No. 1626, which has been amended from time to time and which is in accordance with the Personnel Rules and

WHEREAS, amendments to the Classification Plan are necessary to account for changes within the organization, including transfer of duties, new job responsibilities, and adjustments to salary ranges; and

WHEREAS, the City has an interest in ensuring its positions are appropriately classified; and

WHEREAS, the City has a further interest to ensure that when an employee's position evolves over time and results in a downward reclassification do not suffer a salary loss; and,

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. Resolution No. 1626, as amended, is further amended as follows:

Delete two (2) FTE Executive Assistants

Add two (2) Administrative Assistants

Classification	Department	FTE Change
Executive Assistant	City Attorney	(1.0)
Executive Assistant	Engineering	(1.0)
Administrative Assistant	City Attorney	1.0
Administrative Assistant	Engineering	1.0

3. The City Council also establishes a Y-Rate for the two affected employees, as required by the Personnel Rules, thereby freezing their salaries until such time as the salary of the newly allocated classification exceeds the y-rated salary of the impacted employees.

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:	Adopt Ordinance No. 65.151 Regarding Responsible Construction
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	3/16/2021
Staff Contacts:	Christopher J. Diaz, City Attorney 408-586-3040 Steve McHarris, City Manager 408-586-3059
Recommendation:	Waive the Second Reading and Adopt Ordinance No. 65.151, amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code

Background:

On March 2, 2021, the City Council introduced Ordinance No. 65.151 amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code. In introducing the ordinance, the City Council removed proposed Section III-32-8.00 regarding Conditions of Approval and Enforcement with all other remaining sections renumbered. The Ordinance has now been updated for its second reading and is ready for adoption.

Fiscal Impact:

Adoption of the Ordinance in itself would not lead to any financial impact; however, enforcement of the Ordinance would lead to a financial impact on the City in terms of staff time or other costs if the City opts to delegate enforcement to a neighboring agency or another third-party entity pursuant to a contractual arrangement.

California Environmental Quality Act:

The 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 a administrative activity of the government intended to ensure wage laws are followed in the City pursuant to CEQA Guideline 15378.

Recommendation:

Waive the second reading and adopt Ordinance No. 65.151, amending various sections of Chapter 32 (Responsible Construction) of Title III of the Milpitas Municipal Code.

Attachment:

Ordinance No. 65.151 for adoption.

REGULAR

NUMBER: 65.151

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING VARIOUS SECTIONS OF CHAPTER 32 (RESPONSIBLE CONSTRUCTION) OF TITLE III OF THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of March 2, 2021, upon motion by Councilmember Phan, 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 February 2, 2021, the City Council adopted Ordinance No. 65.150 adding Chapter 32 (Responsible Construction) to Title III (Business and Professions) of the Milpitas Municipal Code; and

WHEREAS, City staff is recommending minor clean-up changes to various sections of Title III, Chapter 32 to include definitions, corrections and other clarifying revisions, and requests that the City Council adopt these 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 III, CHAPTER 32 “Responsible Construction”

Title III, Chapter 32 (Responsible Construction) of the Milpitas Municipal Code is hereby amended to read as follows:

Chapter 32 - RESPONSIBLE CONSTRUCTION

III-32-1.00 - Title

This Chapter shall be known as the “Responsible Construction Ordinance.”

III-32-2.00 - Authority

This Chapter is adopted pursuant to the powers vested in the City of Milpitas under the laws and Constitution of the State of California, including, but not limited to, the police powers vested in the City pursuant to Article XI, Section 7 of the California Constitution.

III-32-3.00 - Definitions

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

- (a) “City” means the City of Milpitas, California or any agency designated by the City to administer the terms of this Chapter.
- (b) “Contractor” means the prime contractor for the Project.
- (c) “Labor Commissioner” means the Office of the Labor Commissioner within the State of California’s Department of Industrial Relations.
- (d) “Owner” means the person or persons, firm, corporation, partnership or other legal entity exercising ownership of the Project.
- (e) “Project” means new construction of greater than 15,000 square feet that is not subject to prevailing wage requirements.
- (f) “Project Construction Employees” means employees of the Contractor or subcontractor.
- (g) “Representative” means a person authorized to legally bind the Owner and/or Contractor (for example; a corporate officer, general partner, or managing member of a limited liability company).

- (h) “Unpaid wage theft judgment” means a judgment, decision or order, for which all appeals have been exhausted or the time to appeal has expired, that was issued by a court of law or an investigatory government agency authorized to enforce applicable federal, state and local wage and hour laws, including but not limited to, the Federal Fair Labor Standards Act, the California Labor Code, and the City of Milpitas Minimum Wage Ordinance, and which has not been fully paid or satisfied. As used in this subsection, “investigatory government agency” includes the United States Department of Labor, the California Division of Labor Standards Enforcement, the City of Milpitas, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

III-32-4.00 - Acknowledgement of Responsibility

Prior to issuance of a building permit required for a Project, an applicant shall sign an acknowledgement that the Owner, Contractor and any subcontractors are required to comply with all applicable provisions of the California Labor Code, including Labor Code section 2810.5, and that the Owner, Contractor and any subcontractors are required to comply with this Chapter.

III-32-5.00 - Pay Transparency Certification

Prior to issuance of a certificate of occupancy for the Project, for each Contractor or subcontractor whose portion of the work exceeds one hundred thousand dollars (\$100,000) or one percent (1%) of the value of the construction cost of the Project, whichever is greater, the Owner shall provide to the City a Pay Transparency Certification (“Certification”), signed by a Representative of the Owner, the Contractor and any subcontractor under penalty of perjury. The Certification required under this Section shall be in a form approved by the City and contain the following:

(a) A statement that:

1. Project Construction Employees received written notice of the employer’s pay practices as required by California Labor Code section 2810.5 and wage statements under Labor Code section 226(a); or
2. Project Construction Employees are covered by a valid collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of the employee, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage. (See Labor Code section 2810.5(c));

and

(b) A statement that the Owner, Contractor and any subcontractors have no unpaid wage theft judgments.

III-32-6.00 - Compliance Determination

Prior to issuing a certificate of occupancy for the Project, the City shall make a finding of compliance with this Chapter. Such a finding shall be issued if:

- (a) The City determines after a review of the Certification that the Owner, Contractor and any subcontractors have complied with the provisions of this Chapter; and
- (b) The City has not received any information that the Labor Commissioner has found violations of Labor Code sections 226 or 2810.5 regarding construction work performed on the Project.

III-32-7.00 - Bonds Required for Correction of Violation

If the City determines that the Owner, Contractor or any subcontractor has failed to comply with the provisions of this Chapter, or if the Labor Commissioner has found violations of Labor Code sections 226 or 2810.5, the City may issue a certificate of occupancy, only if the Owner or Contractor can provide evidence of the existence of a

labor payment and/or lien release bond, in a form and amount sufficient to ensure that any wage claims and penalties can be fully paid.

III-32-8.00 - Private Right of Action

Nothing in this Chapter shall be interpreted to authorize a right of action against the City.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. 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 in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager or Designee to Execute the Related Agreement with the County of Santa Clara and Approve a Related Budget Amendment
Category:	Consent Calendar-Public Safety
Meeting Date:	3/16/2021
Staff Contact:	Toni Charlop, 408-586-2801
Recommendation:	Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager to execute the 2020 Emergency Management Performance Grant (EMPG) Memorandum of Understanding with the County of Santa Clara and appropriate funds in the amount of \$22,400 to the Milpitas Fire Department, Office of Emergency Services for the purchase of Computers and Technology for the Emergency Operations Center.

Background: Santa Clara County has received 2020 Emergency Management Performance Grant (EMPG) funding from State Office of Emergency Services. Annually the Santa Clara County Operational Area Signatories, which includes the City, vote to decide how the funding should be spent.

Analysis: The Milpitas Office of Emergency Services has been awarded \$22,400 to be spent on computers and technology for the Emergency Operations Center (EOC). Milpitas currently has 12 laptops in the EOC, however, the EOC has a room capacity of up to 30 staff. The additional laptops will ensure that EOC personnel has the appropriate equipment when responding to a disaster.

The purchase of the additional laptops addresses one of the recommendations of the Emergency Management Program Assessment and Implementation Plan, which was reviewed by the Council in November 2020.

Policy Alternatives:

Alternative 1: Do not accept the grant funding.

Pros: None

Cons: City to fund the additional equipment for the Emergency Operations Center.

Reason not recommended: Rejection of this recommendation will cost money to the City for staff training.

Fiscal Impact: The awarded grant of \$22,400 will be appropriated for the purchase of new EOC laptops to the Fire Operating budget.

California Environmental Quality Act: Not Applicable

Recommendation: Accept the 2020 Emergency Management Performance Grant (EMPG) and Authorize the City Manager to execute the 2020 Emergency Management Performance Grant (EMPG) Memorandum of Understanding with the County of Santa Clara and appropriate funds in the amount of \$22,400 to the Milpitas Fire Department, Office of Emergency Services for the purchase of Computers and Technology for the Emergency Operations Center.

Attachments:

1. 2020 EMPG Agreement
2. Budget Change Form

**AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND
THE CITY OF MILPITAS GRANTING PROGRAM FUNDS FOR THE
2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)**

THIS AGREEMENT is made effective July 1, 2020, by and between the County of Santa Clara (“County”) and the City of Milpitas (“City”) for the allocation and distribution of 2020 Emergency Management Performance Grant (“EMPG”) funds.

RECITALS

WHEREAS, the Cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San José, Santa Clara, Saratoga, Sunnyvale, the Towns of Los Gatos and Los Altos Hills, and the County of Santa Clara, are parties to the 1994 Operational Area Interim Agreement; and

WHEREAS, the Santa Clara County Emergency Operational Area Council (“EOAC”) is the advisory body of the Santa Clara Operational Area in matters affecting disaster preparedness throughout the Operational Area. EOAC membership includes 5 city council members representing cities in the Operational Area as well as representatives of the Santa Clara Valley Water District, Office of the County Executive, County Board of Supervisors, City Managers’ Association, Police Chiefs’ Association, Fire Chiefs’ Association, County Public Health Department, County Social Services Agency, County Emergency Medical Services Agency, Santa Clara Valley Transportation Authority, and emergency management representatives; and

WHEREAS, the County Civil Protection and Emergency Management Ordinance establishes the EOAC and endows the EOAC with authority to enhance planning and preparedness for large-scale emergencies in the Santa Clara Operational Area, including by making funding allocation recommendations for EMPG funding awarded by the United States Department of Homeland Security to the California Governor’s Office of Emergency Services (“Cal OES”), and subsequently sub-awarded to County; and

WHEREAS, Cal OES has awarded County 2020 EMPG funding in the amount of \$518,214 for the purpose of sustaining and improving comprehensive emergency management programs;

NOW, THEREFORE, this AGREEMENT is to allocate the sum of **\$22,400** from County to City, so that City may implement the “EOC Computers & Technology” project as provided under this Agreement and specified in the EMPG Grant Certifications and Assurances, Exhibit B. The performance period for County for this grant expires on June 30, 2022. The performance period for City for the subgrant expires on March 31, 2022.

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. The hourly burdened labor rate is used to calculate City’s match obligation.

- (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) **“EMPG funds”** or **“EMPG funding”** shall mean the funding City receives under this Agreement.
- (e) **“Emergency Operations Center”** or **“EOC”** shall mean the physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place.
- (f) **“Federal Program Guidance”** shall mean guidance documents issued by the Federal Emergency Management Agency, including the EMPG Program Funding Opportunity Announcement, for Fiscal Year 2020.
- (g) **“Grant Certifications and Assurances”** shall mean the FY19 “Standard Assurance For All Cal OES Federal Grant Programs”, “Certification Regarding Lobbying”, and “Federal Funding Accounting and Transparency Act (FFATA) Financial Disclosure”
- (h) **“Highly Compensated Individual”** shall mean an individual whose income is \$300,000 or more per year.
- (i) **“Prime Recipient”** shall refer to County.
- (j) **“Project Manager”** shall refer to the City employee identified as “Requestor” on an EMPG Project Proposal form.
- (k) **“Spend Plan”** shall mean a written document that explains the project on which City intends to spend 2020 EMPG funding, including project deliverables and milestone dates by which any funds allocated to City must be spent.
- (l) **“State Guidance”** shall mean the California Supplement to the Federal Program Funding Opportunity Announcement, issued by Cal OES for Fiscal Year 2020
- (m) **“Subgrant”** shall mean funds awarded to the City under this Agreement.
- (n) **“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. Allocation and Spend Plans

1. Allocation.

The 2020 EMPG funds shall be disbursed pursuant to the County's FY 2020 EMPG Grant application for each City. County shall reimburse to City funds that City expends under the 2020 EMPG program for eligible expenditures. The amount for City shall not exceed **\$22,400**, unless additional funds become available under the 2020 EMPG program following the execution of this Agreement. If additional funds are allocated, an amendment to this Agreement shall follow.

City acknowledges and agrees that County shall have no obligation to disburse EMPG funds to City until County and City have fully and finally executed this Agreement.

City acknowledges and agrees that County shall have no obligation to disburse EMPG funds to City unless and until the State of California has approved \$518,214 in FY 2020 EMPG funding.

2. Spend Plans

Upon execution of this agreement, City shall provide County with Spend Plans for review by County's Office of Emergency Management ("OEM") Director or designee. All Spend Plans must be approved by County's OEM Director or designee based on projects County has submitted to the State for the 2020 EMPG program. If County's OEM Director does not approve City's Spend Plan, County OEM shall notify City, and City shall have 10 days from the date of the notice to submit a revised Spend Plan to County OEM for approval or risk reallocation of funds. City's Spend Plans are a required part of this MOU.

Article III. Requests for Reimbursement and Reimbursements

1. Required Documentation for Reimbursement

The EMPG 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 EMPG program.

The EMPG is a matching funds grant that requires City to provide a dollar-for-dollar match for any EMPG funds it receives. All invoices/ requests for reimbursement from City must include appropriate documentation such as receipts or payment records as well as other documentation required under Federal or State grant program requirements (see Article III).

(a) Requests for Equipment

City is solely responsible for procuring any equipment under this Agreement in accordance with Federal requirements for procuring grant funded equipment; and, if more restrictive, applicable City procurement policies and requirements.

Prior to purchasing any equipment under this Agreement, when required, City must submit an Environmental and Historic Preservation (EHP) Screening form and receive written approval from FEMA.

The following documentation must be provided along with any 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://sam.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 indicated in the Spend Plan City submits to County, and must be authorized per the web-based Authorized Equipment List published by FEMA and available via: <https://www.fema.gov/authorized-equipment-list>.

(b) Subcontracts

Subcontracts totaling \$25,000 or more require preapproval from the County. If City is allowed to award subcontracts totaling \$25,000 or more, it must report on any such subcontracts and on Highly Compensated Individuals on the Financial Disclosure Form, Exhibit E, within 30 days of the award. The following information must be included in City's 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 subaward. For example, if the subaward is obligated in any date in April 2021, City must report any required compensation information by May 31, 2021.

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 EMPG 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 EMPG allocated funds. All sole source procurements must follow Federal procurement requirements for grants and, if more restrictive, the City's own procurement policies.

(d) Grant Funded Personnel

EMPG grant-funded personnel are any personnel paid at any percentage with EMPG funding. This includes M&A staff funded by EMPG Program funds. All EMPG Program funded personnel shall complete the training requirements in Article IV, Section 2 (c) by December 31, 2021.

Recorded proof of completion, such as all certificates of completion, must be submitted by the City to County (OEM) before any reimbursements to the City will be made. In any case, proof of completion must be provided by December 31, 2021.

Documentation of participation in exercises is also required by the grant and progress towards meeting this requirement must be reported to the grant manager at least quarterly.

Time reporting requirements: To receive payments for personnel costs, City must submit time and payroll documentation that meets Federal Grant, State Grant (Cal OES) and County reporting requirements.

(e) 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 E) if awarded contract exceeds \$25,000

2. Submission of Requests for Reimbursement

- (a) City shall submit reimbursement requests to County's OEM (see Article V.1 below) on a quarterly basis, as detailed in the chart below. 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 March 15, 2021, and any related invoice shall be submitted by March 31, 2021, unless otherwise pre-approved by County's OEM Director or designee, in order to meet 2020 EMPG deadlines. Reimbursement requests shall be due for expenditures during specified periods as follows:

For Expenditures During the Period:	Due Dates for Reimbursement Requests:
July 1, 2020 through December 31, 2020	January 20, 2021
January 1, 2021 through June 30, 2021	July 20, 2021
July 1, 2021 through December 31, 2021	January 20, 2022
January 1, 2022 through March 31, 2022	April 15, 2022

- (b) During the term of this Agreement, County is not obligated to honor any request for reimbursement that is submitted after the due dates for reimbursement requests for expenditures within a given quarter as specified above in Article II, Section 2(a).
- (c) All grant funds not claimed by City via a proper reimbursement request, which includes all required documentation, by April 15, 2022 will be forfeited. County may then determine how to spend those funds in accordance with grant requirements.

Article IV. Use of Funds

1. Master Grant Obligations

- (a) City shall comply with the EMPG Federal Program Guidance, the State Guidance, and the Grant Certifications and Assurances, attached as Exhibit B. City shall require any subgrantee, contractor, or other entity receiving EMPG funds through or from City to execute a copy of the Grant Certifications and Assurances, and shall be responsible for ensuring that subgrantee, contractor, or other entity complies with the Grant Certifications and Assurances.
- (b) City shall ensure its Project Manager attends a grant kickoff meeting with County OEM staff. Additionally, City shall ensure its Project Manager is available to meet with County OEM staff upon request during the period of this agreement to report on progress on each project funded under this Agreement.
- (c) 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; the approved Spend Plans; 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 subgrantee, contractor, or other entity receiving EMPG 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; the approved Spend Plans; and any other conditions imposed by Cal OES or by this Agreement.

- (d) By executing this Agreement, City certifies that it is not debarred, suspended, or otherwise ineligible to receive EMPG funds. In addition, City shall ensure and independently verify that any subgrantee, contractor, or other entity receiving EMPG funds through or from City is not debarred, suspended, or otherwise excluded from participation in the EMPG program. City shall maintain documentary proof of this verification in its files.

2. Scope of Services

- (a) City shall use the funds granted under this Agreement only for the purpose of implementing applicable initiatives under the 2020 EMPG program, as indicated in Exhibit C, Program Narrative. City shall not use the funds granted under this Agreement for any other purpose. County shall not be required to disburse funds to or otherwise pay City for services, 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.

Indirect costs are allowable under the FY20 EMPG grant. Allowability of Indirect costs does not increase the total amount of the State, Operational Area or other sub-recipient (i.e. jurisdictions) grant awards. Claims for indirect costs therefore necessarily decrease the federal funds available to pay for direct project costs. Subawards are based on the direct cost of approved projects. Sub-recipients wishing to claim indirect costs must use an indirect cost rate in compliance with applicable Federal guidance and regulations including 2 C.F.R. § 200.68 and Subpart E.

- (b) All EMPG grant-funded personnel (e.g. an Emergency Preparedness Planner employed by the City under this grant) shall participate in no less than three exercises in a 12-month period. EMPG grant-funded personnel are any personnel paid at any percentage with EMPG funding. This includes contracted personnel, as well as M&A staff funded by EMPG grant funds. There is no specific requirement for level of “participation” in the exercises – i.e., observation and attendance satisfies the objective. The exercises can be of any type (e.g., Drills, Tabletop Exercises, or Functional) within the performance period (see <https://hseep.dhs.gov>). Participation in exercises by grant funded staff must be reported quarterly to ensure adequate progress is being made toward meeting this requirement.
- (c) To ensure the development of a professional emergency management workforce, all EMPG grant-funded personnel shall complete the following 11 training requirements and shall record proof of completion:
- National Incident Management System (NIMS) Training:
 - i. IS 100 Introduction to Incident Command System
 - ii. IS 200 ICS for Single Resources and Initial Action Incident
 - iii. IS 700 National Incident Management System, An Introduction
 - iv. IS 800 National Response Framework, An Introduction
 - FEMA Professional Development Series:
 - v. IS 120.c Introduction to Exercises

- vi. IS 230.d Fundamentals of Emergency Management
- vii. IS 235.c Emergency Planning
- viii. IS 240.b Leadership and Influence
- ix. IS 241.b Decision Making and Problem Solving
- x. IS 242.b Effective Communication
- xi. IS 244.b Developing and Managing Volunteers

The aforementioned courses are all available for free on-line at the following links:
<http://training.fema.gov/IS/NIMS.aspx> & <http://training.fema.gov/emiweb/PDS/>

Note: The “G” course series and classroom-based equivalents can be used as an alternate to satisfy these training requirements. Past completion of the above courses (or qualifying equivalent) may be considered acceptable in meeting this requirement.

Article V. Term and Termination

1. Term of Agreement

This Agreement is effective from July 1, 2020 through June 30, 2022—the FY 2020 EMPG performance period established by the State for the County.

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.

3. 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 EMPG

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 EMPG funding in accordance with EMPG 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 V.1: (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 V.1, 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 V.1 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 V.1 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 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.

County's obligations under this Agreement shall be limited to the aggregate amount of EMPG funds actually disbursed. Notwithstanding any other provision in this Agreement or any other document or communication between County and City relating to this Agreement, in no event shall County be liable for any damages arising out of or in connection with this Agreement, the EMPG funds, City'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:

Toni Charlop, Emergency Services Coordinator
Office of Emergency Services
Milpitas Fire Department
777 S. Main St
Milpitas, CA 95035

To County:

Ivan Williams
EMPG Grant 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. City 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: City 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, City 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 City 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: City 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, 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 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 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 City of San Jose’s Office of Equality of Assurance.
- (e) Prior Judgment, Decisions or Orders against City: By signing this Agreement, City 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 City violated an applicable wage and hour law or pay equity law. City 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, City receives a Final Judgment rendered against it for violation of an applicable wage and hour Law or pay equity Law, then City shall promptly satisfy and comply with any such Final Judgment. City 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. City 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 City's records, City 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, City 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 City's normal business hours upon no less than 10 business days' advance notice.
- (h) Pay Equity Notification: City 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 City 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 City'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 City until full satisfaction of a Final Judgment concerning violation of an applicable wage and hour Law or pay equity Law.
 - 3. Offer City an opportunity to cure the breach.
- (j) Subcontractors: City 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

City 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 City 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, City 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 the City 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 reduced fat (either 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, Venue

This Agreement has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California. Proper venue for legal action regarding this Agreement shall be in the County of Santa Clara.

6. Assignment

No assignment of this Agreement or of the rights and obligations hereunder shall be valid without the prior written consent of the other party.

7. Entire Agreement

This Agreement and its Appendices (if any) constitutes the final, complete and exclusive statement of the terms of the agreement between the parties. It incorporates and supersedes all the agreements, covenants and understandings between the parties concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this Agreement. No prior or contemporaneous agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

8. Amendments

This Agreement may only be amended by a written instrument signed by the Parties.

9. Counterparts

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.

10. Contract Execution

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, 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.

11. 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.

12. 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 shall be in writing and shall apply to the specific instance expressly stated.

13. Conflicts of Interest

City shall comply, and require its subcontractors to comply, with all applicable (i) requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code section 1090 et. seq., the California Political Reform Act (California Government Code section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 et. seq.). Failure to do so constitutes a material breach of this Agreement and is grounds for immediate termination of this Agreement by the County.

In accepting this Agreement, City covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of this Agreement. City further covenants that, in the performance of this Agreement, it will not employ any contractor or person having such an interest. City, including but not limited to contractor’s employees and subcontractors, may be subject to the disclosure and disqualification provisions of the California Political Reform Act of 1974 (the “Act”), that (1) requires such persons to disclose economic interests that may foreseeably be materially affected by the work performed under this Agreement, and (2) prohibits such persons from making or participating in making decisions that will foreseeably financially affect such interests.

If the disclosure provisions of the Political Reform Act are applicable to any individual providing service under this Agreement, City shall, upon execution of this Agreement, provide the County with the names, description of individual duties to be performed, and email addresses of all individuals, including but not limited to City’s employees, agents and subcontractors, that could be substantively involved in “making a governmental decision” or “serving in a staff capacity and in that capacity participating in making governmental decisions or performing duties that would be performed by an individual in a designated position,” (2 CCR 18701(a)(2)), as part of City’s service to the County under this Agreement. City shall immediately notify the County of the names and email addresses of any additional individuals later assigned to provide such service to the County under this Agreement in such a capacity. City shall immediately notify the County of the names of individuals working in such a capacity who, during the course of the Agreement, end their service to the County.

If the disclosure provisions of the Political Reform Act are applicable to any individual providing service under this Agreement, City shall ensure that all such individuals identified pursuant to this section understand that they are subject to the Act and shall conform to all requirements of the Act and other laws and regulations listed in subsection (A) including, as required, filing of Statements of Economic Interests within 30 days of commencing service pursuant to this Agreement, annually by April 1, and within 30 days of their termination of service pursuant to this Agreement.

14. Contracting Principles

All entities that contract with the County to provide services where the contract value is \$100,000 or more per budget unit per fiscal year and/or as otherwise directed by the Board, shall be fiscally responsible entities and shall treat their employees fairly. To ensure compliance with these contracting principles, the City and all contractors shall: (1) comply with all applicable federal, state and local rules, regulations and laws; (2) maintain financial records, and make those records available upon request; (3) provide to the County copies of any financial audits that have been completed during the term of the contract; (4) upon the County's request, provide the County reasonable access, through representatives of the City, to facilities, financial and employee records that are related to the purpose of the contract, except where prohibited by federal or state laws, regulations or rules.

15. California Public Records Act

County and City are public agencies subject to the disclosure requirements of the California Public Records Act ("CPRA"). If either County's or City's proprietary information is contained in documents or information submitted to the other party, and the submitting party claims that such information falls within one or more CPRA exemptions, the submitting party must clearly mark such information "CONFIDENTIAL AND PROPRIETARY," and identify the specific lines containing the information. In the event of a request for such information, the receiving party will make best efforts to provide notice to the submitting party prior to such disclosure. If the submitting party contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Clara County before the receiving party is required to respond to the CPRA request. If the submitting party fails to obtain such remedy within the time the receiving party is required to respond to the CPRA request, the receiving party may disclose the requested information.

16. Third Party Beneficiaries

This agreement does not, and is not intended to, confer any rights or remedies upon any person or entity other than the parties.

17. Certified Resolution of Signature Authority

Upon request of County, City 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 City.

Signed:

COUNTY OF SANTA CLARA

CITY OF MILPITAS

By _____
Garry Herceg
Deputy County Executive

Date

By _____

City Manager or designee

Date

Approved as to Form and Legality:

Approved as to Form:

Kavita Narayan
Assistant County Counsel

Date

City Attorney

Date

Enclosures

- | | |
|-----------|--|
| Exhibit A | Santa Clara County EMPG Notification of Subrecipient Subaward Approval |
| Exhibit B | Grant Certifications and Assurances |
| Exhibit C | Project Narratives |
| Exhibit D | Functional Timesheet Template |

EXHIBIT A

GAVIN NEWSOM
GOVERNOR

MARK S. GHILARDUCCI
DIRECTOR



October 19, 2020

Garry Herceg
Deputy County Executive
Santa Clara County
70 West Hedding St. 11th Floor
San Jose, CA 95110

SUBJECT: NOTIFICATION OF SUBRECIPIENT SUBAWARD APPROVAL

Fiscal Year (FY) 2020 Emergency Management Performance Grant
Program (EMPG)
Subaward #2020-0006, Cal OES ID#085-00000
Subaward Performance Period: July 1, 2020, to June 30, 2022

Dear Mr. Herceg:

We are pleased to announce the approval of your FY 2020 EMPG subaward in the amount of \$518,214. Once the completed application is received and approved, you may request reimbursement of eligible subaward expenditures using the California Governor's Office of Emergency Services (Cal OES) Financial Management Forms Workbook. Failure to provide documentation in a timely manner could result in a financial hold, pursuant to Title 2, Code of Federal Regulations (CFR), Sections 200.338(a) and 200.207(b)(1)-(2).

This subaward is subject to requirements in 2 CFR, Part 200, including the Notice of Funding Opportunity (NOFO), the Preparedness Grants Manual, the California Supplement to the NOFO, and all applicable federal, state, and local requirements. All activities funded with this subaward must be completed within the subaward performance period.

Subrecipients must obtain additional written approval from Cal OES **prior** to incurring costs involving activities such as aviation, watercraft, allowability requests, noncompetitive procurement, and projects requiring Environmental Planning and Historic Preservation review.



3650 SCHRIEVER AVENUE, MATHER, CA 95655
www.CalOES.ca.gov

You are required to prepare and submit the Biannual Strategy Implementation Report to Cal OES via the Federal Emergency Management Agency's Grants Reporting Tool (GRT) semi-annually for the duration of the subaward performance period or until all activities are completed and the subaward is formally closed. Failure to submit required reports could result in subaward reduction, suspension, or termination. Throughout the subaward cycle, milestones set in the GRT will be used as indicators of project feasibility, performance, and grant management capacity. This information may also be used to assess proposals in future grant opportunities.

Your dated signature is required on this letter. Please sign and return the original to your Cal OES Program Representative within 20 calendar days upon receipt and keep a copy for your records. For further assistance, please contact your Cal OES Program Representative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark S. Ghilarducci', with a long horizontal flourish extending to the right.

MARK S. GHILARDUCCI
Director

Garry Herceg
Santa Clara County

Date

EXHIBIT B



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.



Standard Assurances

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:



Standard Assurances

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;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (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;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (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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For Cal OES Federal Non-Disaster Grant Programs

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;



Standard Assurances

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- (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.

EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) – 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.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

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.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

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: _____



Federal Funding Accounting and Transparency Act (FFATA) Financial Disclosure

Public Law (PL) 109-282 Federal Funding Accountability and Transparency Act of 2006, as amended by Section 6202(a) of the Government Funding Transparency Act of 2008 (PL 110-252), which is outlined in the Federal Emergency Management Agency, Grant Programs Directorate Information Bulletin No. 350.

As defined by the Office of Management Budget, the following are subject to FFATA reporting requirements:

1. All new federal awards of \$25,000 or more as of October 1, 2010.
NOTE: Cal OES reports on this requirement in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS).
2. The Total Compensation and Names of the top five executive, if the Subrecipient in the preceding year received:
 - a. 80 percent or more of its annual gross revenues in Federal Awards; **and**
 - b. \$25,000,000 or more in annual gross revenues from Federal awards; **and**
 - c. The public does not have access to information about the compensation of the senior executives of the entity.

Subrecipients are required to provide the Executive compensation information in the below chart, if applicable.

Executive Name	Title	Annual Salary	Annual Dollar Value of Benefits	Total Compensation

☐ Not subject to the Executive Compensation requirement of the FFATA Financial Disclosure.



Federal Funding Accounting and Transparency Act (FFATA) Financial Disclosure

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: _____



Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. 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.
2. 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 of Lobbying Activities,' in accordance with its instructions.
3. 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.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Certification Regarding Lobbying

The Subrecipient, as identified below, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Subrecipient: _____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

EXHIBIT C

2020 EMPG Project Proposal Request Form / Template



I. Background Information

I	A.	Requestor Contact Information	
	Agency	Santa Clara County Office of Emergency Management	
	Name	Ivan Williams	
	Position/Title	OAC Liaison/Senior Management Analyst	
	Phone	408-808-7835	
	Mobile Number		
	Agency Address	Office of Emergency Management 55 West Younger Avenue, Suite 450 San Jose, CA 95110	
	Email		
I	B.	Project Name	
EOC Computers & Technology			
		TOTAL PROJECT COST (Insert the total from Funding section)	\$100,000 (scalable)
I	C.	Project Type Use the checkbox to indicate corresponding project	
		☐ This project is a new Project.	
		☒ This project is part of an ongoing Project.	
		☐ This project is for sustainment of a previously funded Project.	

II. ALIGNMENT WITH NATIONAL PREPAREDNESS GOALS by Core Capability and Mission Area

I	D. Solution Areas				
	☐ Planning	☐ Organization	☒ Equipment	☐ Training	☐ Exercises
	↓	↓	↓	↓	↓
Choose ONLY one Sub Area (Sub Category) for Mission Areas above					
	☐ Community Outreach	☐ Staffing	☒ Information Technology	☐ Staff Expenses	☐ Design/Develop
	☐ Conference	☐ Day to Day Activities/ /operations that support emergency management	☐ Cyber Security Enhancement Equipment	☐ Course Development	☐ Conduct / Attend / Evaluate
	☐ Develop and Enhance Plans, Protocols and Systems		☐ Interoperable Communications Equipment ☐ Other Authorized Equipment	☐ Course Delivery and Evaluation	☐ Supplies / Materials / Production Costs
				☐ Staff Expenses ☐ Certification / Recertification of instructors	

I E. Core Capability and Specific Measures/Metrics				
Identify which of the 11 Emergency Management Core Capabilities (or other Core Capability) this project addresses as well as the specific measures and metrics it is expected to improve or sustain.				
☒ Planning	☒ Public Information & Warning	☒ Operational Coordination	☐ Long-Term Vulnerability Reduction	☐ Risk and Disaster Resilience Assessment
☒ Situational Assessment	☐ Community Resilience	☐ Threats and Hazard Identification	☐ Logistics and Supply Chain	☐ Mass Care Services
☐ Economic Recovery	☐ Other (please specify) _____			
Please identify each specific measure/metric this project is expected to improve /sustain:				
1. Measure/Metric: Operational Coordination —Jurisdiction (County, Cities and Town) EOCs have information technology and communications equipment that is standardized and interoperable for information sharing with: local governments including special districts in the Op Area, County and city agency DOCs in the Op Area, Incident Command Systems in incorporated or unincorporated areas either directly or through DOCs in the Op Area, Volunteer and private agencies in the Op Area, Operational Area Mutual Aid Coordinators, CalOES Regional EOC and Regional Mutual Aid Coordinators.				
2. Measure/Metric: Situational Assessment —100% of Jurisdiction (County, City and Town) DOCs and EOCs have information technology equipment and software that is standardized/interoperable and can facilitate and maintain situational awareness across the Operational Area.				
3. Measure/Metric: Planning —Jurisdictions (County, Cities and Towns) have up-to-date computers and current and specific software tools to help its homeland security and emergency management planners effectively track, update, and manage its EOP.				
4. Measure/Metric: Public Information & Warning —Jurisdictions (County, Cities and Towns) can deliver an initial public warning to up to 50,000 people within 30 minutes following the discovery of the hazard causing the warning to be issued.				

I F. Project Description/Justification	
Briefly describe exactly what the project entails (including any equipment purchases or contracting that will be necessary for the project). Please also describe how the project is expected to impact (improve/sustain) the Core Capability(ies) and specific measures/metrics identified above.	
This project enables Operational Area emergency managers to fully leverage data communication capabilities and sharing of critical information in their EOCs. Computers support response and mitigation during emergencies and disasters via common operating picture and resource management web based programs such as Web EOC, HSIN, COPLink, Mutualink, etc. as well as by supporting situational awareness. Eligibility of Operational Area jurisdictions for this funding is based on the following criteria: <u>Equipment criteria—Laptops/Computers</u> - Funding is primarily for replacement of existing EOC laptops that are at least 4 years old. - Written justification must be provided if funding is requested for additional laptop capacity (i.e. non-replacement laptops) in the City/Town EOC. This written justification must identify the specific EOC needs the additional laptop(s) would provide for as well as specifically how the laptop will be used in the EOC during an activation. These requests will be evaluated and approved on an individual basis. - Funding is limited to a maximum of \$1,700 per computing device (including all peripherals, tax and shipping).	

- Grant funds cannot be used to purchase warranties, maintenance/service agreements, or software that aren't bundled/included with the laptop.
- Any computing device purchased under this project must be capable of running WebEOC—e.g. able to connect to the city/town network and run the necessary browser or other software to access WebEOC.

Equipment Criteria—

Projectors/Screens/Monitors/Displays/Printers/Laminators/Switches

- Each piece of equipment under this category must be fully described including both equipment quantities and specifications (e.g. 2 50" displays), where in the EOC it will be mounted/ located (e.g. North wall) and how it will be used (e.g. to provide situational awareness, WebEOC status boards, etc.).
- Mounted equipment will require State and Federal Environmental and Historic Preservation (EHP) approval prior to purchase of equipment. Forms must be submitted as soon as possible after grant award.
- Cost estimates, including actual bids/pricing information for the equipment must be provided to the grant manager for review and approval. The overall EOC technology project budget may require prioritization of individual jurisdiction's specific technology projects.

City/Town Criteria

- The City/Town must email their intent to use EMPG funding for computing devices—along with the number and type (e.g. laptop) of devices and any required justifications—by June 30, 2019.
- Each City/Town must enter into an MOU with the County for the computers by January 31, 2020.
- Each City/Town must procure any approved computers under an existing competitive contract OR obtain bids in accordance with local (City/Town) and Federal procurement rules (whichever is more restrictive).

Each City/Town must procure any approved computers / equipment and submit all invoices to the County Office of Emergency Management by September 30, 2021.

I	G.	Does this project require a sole source?		
		☐ Yes	If "Yes", please explain	☒ No N/A

I	H.	Installation Does this project require installation, new construction or renovation, retrofitting, or modification of existing structures?
		☒ Yes, If "Yes", please: ☐ No
		1. Provide an explanation AND 2. Attach a completed Environmental and Historic Preservation screening form (EHP) available from http://www.fema.gov/media-library/assets/documents/90195
		Specific jurisdiction equipment may be mounted and require an EHP. Completed EHP forms will be required once a specific project that requires installation is selected.

FUNDING

III	A.	Proposed funding amount Provide the proposed funding amount to be obligated from this Project towards Planning and Equipment elements. (Please check the appropriate box(es) on the left side for all that apply). Also, for each funding area selected, provide a brief narrative below describing the items or services being funded.														
		<table border="1"> <thead> <tr> <th>ELEMENT</th> <th>PROPOSED FUNDING</th> </tr> </thead> <tbody> <tr> <td>☐ Planning</td> <td>\$</td> </tr> <tr> <td>☒ Equipment</td> <td>\$100,000</td> </tr> <tr> <td>☐ Management & Administration</td> <td>\$</td> </tr> <tr> <td>☐ Training</td> <td>\$</td> </tr> <tr> <td>☐ Exercise</td> <td>\$</td> </tr> <tr> <td>TOTAL PROJECT COSTS</td> <td>\$</td> </tr> </tbody> </table>	ELEMENT	PROPOSED FUNDING	☐ Planning	\$	☒ Equipment	\$100,000	☐ Management & Administration	\$	☐ Training	\$	☐ Exercise	\$	TOTAL PROJECT COSTS	\$
ELEMENT	PROPOSED FUNDING															
☐ Planning	\$															
☒ Equipment	\$100,000															
☐ Management & Administration	\$															
☐ Training	\$															
☐ Exercise	\$															
TOTAL PROJECT COSTS	\$															

Description of Expenditures That Will Be Used for Project Grant Match
Emergency Management Personnel Expenditures via Functional Timesheets and Burdened Labor Rate.

AEL #	Equipment Use this link to locate and provide the Authorized Equipment number needed for equipment approval https://www.fema.gov/media-library/assets/documents/101566
☒ 04HW-01-INHW 04MD-03-DISP 04MD-02-PROJ	Information Technology
☐	Cyber Security Enhancement Equipment
☐	Interoperable Communications Equipment
☐	Detection Equipment
☐	CBRNE Reference Materials
☐	CBRNE Incident Response Vehicle
☐	Physical Security Enhancement Equipment
☐	Power Equipment
☐	CBRNE Logistical Support Equipment
☐	Other Authorized Equipment: Contact grants manager prior to selected this sub-category

III	B.	Other Source(s) of funding
		List other source(s) of funding that is being requested or utilized for this project (check the appropriate box(es) on the left side)
	ELEMENT	PROPOSED FUNDING
☐	UASI	\$
☐	SHSGP	\$
☐	General Funds	\$
☐	Other Grant Funds	\$
	TOTAL OTHER FUNDING	\$0

Other Funds:
Explain how any other funds, such as general funds, UASI, etc., will be used to assist in implementation of this project.
N/A

III. PROJECT MANAGEMENT AND IMPLEMENTATION

IV	A.	Milestones Identify up to 5 additional milestones, with start and end dates, which will be achieved within the performance period under the 2020 EMPG. No start date should begin before July 1, 2020 and no end date should end after March 31, 2022. These dates are subject to change based on notification of application approval. No equipment may be purchased, contracts started or project costs incurred until notified by Grant Administrator that funds may be spent. If unsure of exact dates, use Quarter timeframes Include key steps in the procurement process—i.e. RFP issuance, Contract execution, PR issuance, delivery, etc.	
MILESTONE NUMBER	MILESTONE NAME/DESCRIPTION (1,000 CHARACTER LIMIT)	START DATE (MM/DD/YYYY)OR Q1, Q2, Q3, Q4	END DATE (MM/DD/YYYY)OR Q1, Q2, Q3, Q4
1	MOU between City/Town and County in Place	As early as July 1, 2020	March 31, 2021
2	Functional Timesheet Collection and Submission to Grant Manager for Project Grant Match	July 1, 2020	March 31, 2022
3	Environmental Historic Preservation (EHP) FEMA Review Completed (If applicable)	As early as August 1, 2020	December 31, 2020
4	City/ Town Performance Period	As early as July 1, 2020	No later than March 31, 2022
5	City/Town Service Agreement for Contracted Services / Purchase Requisition Issued	As early as January 1, 2021	No later than May 31, 2021
6	City/Town Procurement of Project Equipment (once grant award is made and MOU is signed)	As early as January 1, 2021	No later than June 30, 2021
7	Installation and testing of Project Equipment	As early as January 1, 2021	No later than July 31, 2021
8	City/Town submits invoice to County for reimbursement	As early as January 1, 2021	No later than September 30, 2021
9			
10			
IV	B.	Project Outcomes	

		Describe the outcomes and benefits that will be achieved as a result of this project. The outcomes should address specific core capability measures/metrics.
		EOC laptops and EOC equipment will increase the ability for first responders and emergency managers to effectively collect and provide information and data throughout the operational area and region. In addition they enhance local emergency managers' abilities to respond to and mitigate the emergency or disaster. Laptops must meet minimum standard requirements to support WebEOC, HSIN, COPLink, and WebLink as well as other websites and software that may be needed in a disaster. A laminator with the capacity to create large sized documents and maps provides staff with the ability to quickly create operational maps and charts when a hazard occurs. Maps and charts of relevant information, such as the location of the city's power lines, can be made in advance and prepared so that in an emergent situation they can be quickly accessed and used. Staff will can affix the laminated documents to walls for easy viewing and updating by ops center personnel. Enhanced technology in EOCs create more efficient and effective Emergency Operations Center. The equipment will be interoperable with existing communications systems, enabling live updates during hazard events. Situational awareness will be available to all EOC personnel at all times, with multiple screens in various strategic locations around the room projecting and sharing updated information for events throughout the City/Town as well as the region. Updated technology facilitates the exchange of real time data with outside agencies and provides timely communication and notification to the public when a hazard occurs.
IV	C.	Project Deliverables
		Describe the specific deliverables that will be produced as a result of this project.
		EOC laptops for jurisdictions within the Operational Area capable of supporting and displaying WebEOC, HSIN, COPLink, and WebLink as well as the other work of an Emergency Operations Center during a disaster. EOC displays (projector, monitor, wall maps, etc.) will be upgraded to facilitate better situational awareness and to communicate a common operating picture within the EOC as well as facilitate interoperable communication with the public and outside agencies.

EXHIBIT D

LABOR DISTRIBUTION TIME SHEET	Week Ending		First and Last Name		City/County Participating										
	2/7/21		Sample Name		SCC OEM										
WBS # 107-G107EM20															
PROJECTS	HOURS WORKED BY DAY														
	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	TOTAL
	1/25/21	1/26/21	1/27/21	1/28/21	1/29/21	1/30/21	1/31/21	2/1/21	2/2/21	2/3/21	2/4/21	2/5/21	2/6/21	2/7/21	HOURS
- EMPG Grant Administration															
- OAC Liaison															
- CSTI Training															
- EOC Computers/Equipment															
- ReadySCC App															
- Preparedness Materials and Outreach															
- CADRE Community Preparedness															
- Disaster Sheltering for Companion Animals															
- Disaster Cost Recovery Training															
- Joint City and Op Area Safety and Damage Assessment Plan															
- Emergency Management PLANNING Activities															
- Emergency Management TRAINING Administration, Development and Delivery Activities															
- Emergency Management EXERCISE Activities															
- Public Risk Communication Officer/PIO Activities															
- Other Federal Grant Hours															
Total Work Hours (Max = 8 a day)															
Employee Signature								Supervisor's Signature							

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one: ☒ Budget Appropriation ☐ Budget Transfer	269-3558	\$22,400	269-8404922	\$22,400

Authorize the City Manager to execute the 2020 Emergency Management Performance Grant (EMPG) Memorandum of Understanding with the County of Santa Clara to accept and appropriate funds in the amount of \$22,400 to the Milpitas Fire Department, Office of Emergency Services for the purchase of Computers and Technology for the Emergency Operations Center.

Background:

Santa Clara County has received EPMG funding from State Office of Emergency Services. Annually the Santa Clara County Operational Area Signatories vote to decide how the funding should be spent. The Milpitas Office of Emergency Services has been awarded \$22,400 to be spent on computers and technology for the Emergency Operations Center (EOC). Milpitas OES is looking to purchase laptops to augment the equipment currently staffed in the EOC. Milpitas currently has 12 laptops in the EOC, however the room capacity of the EOC can host up to approximately 30 staff working in the room. The additional laptops will provide the opportunity for City staff to respond more efficiently in a disaster. These grant funds come at a particularly poignant time, as the assessment of the City's EOC by the Witt O'Brien study documented the need for additional laptop computers.

Analysis:

The EMPG grant will cover the purchase of new EOC laptops.

Policy Alternative:

Alternative 1: Do not accept the grant funding.

Pros: None

Cons: City to fund the additional equipment for the Emergency Operations Center.

Reason not recommended: Rejection of this recommendation will cost money to the City for staff training.

Fiscal Impact:

The awarded grant of \$22,400 will be appropriated for the purchase of new EOC laptops. Please see attached for the budget change form.

California Environmental Quality Act:

Not Applicable

Recommendations:

Authorize the City Manager to execute the 2020 Emergency Management Performance Grant (EMPG) Memorandum of Understanding with the County of Santa Clara to accept and appropriate funds in the amount of \$22,400 to the Milpitas Fire Department, Office of Emergency Services for the purchase of Computers and Technology for the Emergency Operations Center.

Attachments:

1. 2020 EMPG Agreement

☐ Check if City Council Approval required.**Meeting Date:** March 16, 2021

Requested by:	Department Head: Brian Sherrard	Date: March 02, 2021
Reviewed by:	Finance Director: Walter C. Rossmann	Date: March 02, 2021
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

Form 30-222 (Rev. 1/92)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve a Letter to Santa Clara Valley Transportation Authority Expressing the City of Milpitas' Support for a 2016 Measure B 10-year Funding Program that Provides Fairness in Transportation Funding Countywide
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	3/16/2021
Staff Contact:	Steve Chan, 408-586-3324
Recommendation:	Approve a letter to Santa Clara Valley Transportation Authority expressing the City of Milpitas' support for a 2016 Measure B 10-year funding program that provides fairness in transportation funding countywide

Background:

In November 2016, Santa Clara County voters approved the 2016 Measure B Program, a 30-year, half-cent countywide sales tax to fund projects to improve transit, highways, expressways, and active transportation (bicycles, pedestrians, and complete streets) within the County. The primary goals of 2016 Measure B are to provide meaningful congestion relief throughout the County and improve road pavement conditions.

Over the next 30 years, 2016 Measure B is anticipated to generate a total of \$6.3 billion for various transportation related improvements in nine program categories. The nine program categories of transportation projects authorized in 2016 Measure B are:

- Local Streets and Roads;
- Bicycle and Pedestrian;
- Caltrain Grade Separation;
- Caltrain Capacity Improvements;
- Highway Interchanges;
- County Expressways;
- State Route 85 Corridor;
- Transit Operations; and,
- BART Phase II.

The Santa Clara Valley Transportation Authority (VTA) is currently developing a 2016 Measure B 10-year project funding program for Fiscal Year 2022 through 2031, which includes principles, budgets, and project selection criteria for the allocation of Measure B tax revenue. VTA's initial baseline funding program developed last Fall prioritized funding and delivery of the BART Phase II project at the expense of the remaining eight programs. This baseline funding plan would significantly reduce the funding and progress on many program areas that are important to Milpitas such as transit operations and street improvements in favor of the BART Phase II program. Many local agencies within the County informed VTA that their proposed baseline scenario does not meet the original intent of 2016 Measure B and the proposed funding scenario does not fairly serve the transportation needs of the entire County and local agencies.

In January 2021 VTA staff presented a revised 2016 Measure B 10-year program funding program to their Board. The revised funding strategy proportionately invests in all nine program categories as defined in Measure B. This revised strategy includes:

- Allocating an annual percentage of tax revenues to countywide road maintenance;
- Capping tax revenue allotment to each program category to align with the intent of Measure B;
- Using financing tools, such as bonds to advance projects that require cashflow beyond program tax revenue allotment.

VTA's revised funding scenario now allows for a more equitable distribution of 2016 Measure B tax revenue between the nine program categories and the revised funding scenario meets the original intent of the 2016 Measure B initiative. VTA staff intends to further develop their revised 10-year Measure B funding program and present to their Board for approval later this summer.

Analysis:

The City of Milpitas utilizes 2016 Measure B revenues to augment City funding required for our transportation related Capital Projects including maintenance of this important infrastructure. Measure B funding helps the City improve mobility, traffic congestion, and roadway safety, so it is imperative that VTA's proposed Measure B funding program equitably allocates funds to all nine program categories to meet the transportation needs throughout the county.

To encourage VTA's development of this important funding program and to acknowledge the program is moving in the right direction, staff recommends the approval of a letter (**Attachment 1**) from Mayor Tran to the VTA Board President, Glen Hendrick expressing support for a 2016 Measure B 10-year funding program that provides fairness in transportation funding countywide.

Policy Alternatives:

Alternative:

Do not approve a letter to VTA in support of a 2016 Measure B 10-year funding program that provides fairness in transportation funding countywide.

Cons: Risk of loss of Measure B tax revenue to the City.

Reason not recommended:

Loss of 2016 Measure B fund to the City may delay implementation of various city transportation related capital improvement projects.

Fiscal Impact:

Loss of 2016 Measure B fund to the City may delay implementation of various city transportation related capital improvement projects.

California Environmental Quality Act:

None

Recommendation:

Approve a letter to Santa Clara Valley Transportation Authority expressing the City of Milpitas' support for a 2016 Measure B 10-year funding program that provides fairness in transportation funding countywide

Attachment:

Attachment 1: Proposed Letter



CITY OF MILPITAS
OFFICE OF MAYOR RICH TRAN

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3059, www.ci.milpitas.ca.gov

March 16, 2021

Hon. Glen Hendricks, Board President
Board of Directors
Valley Transportation Authority (VTA)
3331 N. First Street San Jose, CA 95134

Re: 2016 MEASURE B 10-YEAR EXPENDITURE PROGRAM

Dear Chairperson Hendricks and Members of the VTA Board of Directors:

On behalf of City of Milpitas, I am writing to express support for a 2016 Measure B 10-Year expenditure program that meets countywide transportation needs and provides fairness in funding countywide.

In January 2021 VTA Board of Director Workshop, VTA staff presented 2016 Measure B expenditure principles for the next 10 years. The City is pleased to see an equitable approach for the 10-year expenditure outlook that fairly funds all nine program categories instead of prioritizing funding to BART Phase II program at the detriment to the other programs as initially presented in fall 2020 expenditure base scenario. The City would like to thank the VTA staff who have worked diligently on ensuring these funds are allocated in an expedited manner to make meaningful progress for all nine program categories.

The City strongly urges the VTA to continue to proceed with great care to ensure the trust of the electorate that passed Measure B to fairly invest in all program categories during the next 10-year period. A balanced expenditure approach ensures the entire county benefits as promised in the 2016 ballot measure and respects the will of the voters in approving the measure.

Thank you for your consideration.

Sincerely,

Rich Tran
Mayor

C: Milpitas City Council
Steve McHarris, City Manager
Ashwini Kantak, Assistant City Manager
Steve Erickson, City Engineer/Director of Engineering



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept a Grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Approve a related Budget Amendment
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	3/16/2021
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Accept a grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Appropriate the funds to the Recreation and Community Services Operating Budget

Background:

The City of Milpitas submitted a grant proposal for the County of Santa Clara Public Health Department (SCCPDH) Healthy Cities Program - Tobacco Free Communities. On February 13, 2020, staff received notification of the funding for the grant. Due to COVID-19, both County and City staff resources were shifted to urgent pandemic response. The County staff have been working with cities to realign grant program timelines and scopes of work within the grant awards from the County of Santa Clara which have been extended to 2021.

The overall goal of the grant is to educate youth, parents and the general community on the dangers of tobacco use, and to prevent youth use of flavored tobacco and vaping products in the City of Milpitas. The objectives include: reducing the number of tobacco retailers in the community, educating youth on the dangers of tobacco products and vaping devices, educating youth on methods used to advertise flavored tobacco products and e-cigarette and vaping devices, and educating parents and “trusted adults” to recognize signs of youth tobacco use and effectively communicate with youth about the dangers.

The City of Milpitas will be entering into a Service Agreement with the County of Santa Clara to implement strategies to prevent youth use of flavored tobacco and vaping products in the City. The term of the agreement is through September 30, 2021. The City of Milpitas as the contractor will implement those strategies with a grant budget of an amount not to exceed \$37,560 which covers staff costs as well as marketing and outreach collateral materials. The detailed scope of work for this grant is laid out in the grant contract “Attachment A: Scope of Work.”

Analysis:

Flavored tobacco and vaping products are known to attract youth. Those who begin using tobacco products at an early age are susceptible to addiction to tobacco and associated health risks.

By providing targeted education materials and training to both Milpitas youth and the adults in their lives, the Recreation and Community Services Department seeks to encourage young people to make healthy decisions regarding tobacco and prevent future health costs to the community.

This program aligns with the City Council's goal of Community Wellness.

Fiscal Impact:

The cost to implement the proposed anti-tobacco program in the amount of \$37,560, which is mostly personnel, printing and advertising expenses, is entirely offset by the grant.

Recommendation:

Accept a grant from the County of Santa Clara in the amount of \$37,560 to implement strategies to prevent use of tobacco and authorize the City Manager to Execute the Service Agreement with the County of Santa Clara and Appropriate the funds to the Recreation and Community Services Operating Budget.

Attachment:

Healthy Cities Service Agreement
Budget Change Form



**COUNTY OF SANTA CLARA
SERVICE AGREEMENT**

SECTION I: GENERAL INFORMATION

Contractor Name: (As Displayed in SAP)	City of Milpitas		
Purchase Order Number:			
Agency/Department Name:	Public Health Department	Department Number:	0410
Brief Description of Services	Contractor will implement strategies to prevent youth use of flavored tobacco and vaping products in the City of Milpitas.		

Maximum Financial Obligation

The maximum amount payable to this Contractor under this agreement shall not exceed:	\$37,560
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Term of Agreement

Start Date: upon execution	End Date: 9/30/2021
Note: When left blank, start date will be the date executed by Authorized County Representative.	

For County Use Only

	Account Assignment	Plant Number	General Ledger (Expense Code)	Cost Center (Dept. Code)	Amount	WBS (Capital Project Code)	Internal Order ("PCA" code - optional)
Line 1	H	0410	5255500	2919	\$30,000	FY21	
Line 2	H	0410	5255500	2919	\$7,560	FY22	
Line 3	Select						
Line 4	Select						
Line 5	Select						



**COUNTY OF SANTA CLARA
SERVICE AGREEMENT**

SECTION II: PARTIES TO AGREEMENT

Legal notices and invoices pertaining to this Agreement shall be sent to the appropriate contact person listed below, except as otherwise specifically provided for herein. Notices shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows. Notice shall be deemed effective on the date that the notice is personally delivered or, if mailed, three (3) days after deposit in the mail. Either party may designate a different person and/or address for the receipt of notices by sending written notice to the other party, which shall not require an amendment to this Agreement.

CONTRACTOR

Contractor Name: (As Displayed in SAP)	City of Milpitas				
Contact Person:	Renee Lorentzen				
Street Address*:	457 E. Calaveras Blvd.				
City*:	Milpitas	State:	CA	Zip:	95035
Telephone Number*:	408-586-3409				
Email Address*:	rlorentzen@ci.milpitas.ca.gov				
SCC Vendor Number: (As Assigned in SAP)					

*To be completed for Independent Contractors Only – DO NOT COMPLETE FOR DEPENDENT CONTRACTORS

COUNTY OF SANTA CLARA

Agency/Department:	Public Health Department				
Program Manager/Contract Monitor Name:	Nicole Coxe				
Street Address:	1775 Story Road				
City:	San Jose	State:	CA	Zip:	95122
Telephone Number:	408-817-6844				
Fiscal Contact: (Accounts Payable Contact)	Mindy Mai				
Contract Preparer:	Yulissa Chan				



COUNTY OF SANTA CLARA SERVICE AGREEMENT

SECTION III: CONTRACT AUTHORIZATION

It is agreed between County and Contractor that Contractor will, for the compensation described in this Agreement, perform the work described in Section V in accordance with all terms and conditions of this Agreement including all exhibits and attachments. In addition, County and Contractor assert that the tax withholding status and benefit documentation (Section IV) accurately reflect the anticipated working relationship between County and Contractor. Further, Independent Contractors shall comply with the County's insurance and indemnification requirements. Contractor certifies that any applicable insurance waiver information (Section VII, B) is true and correct. This Agreement may be executed in one or more counterparts, each of which will be considered an original, but all of which together will constitute one and the same instrument.

SIGNATURES

Contract is not valid until signed by Contractor, County Counsel and County's Authorized Representative.

County Agency/Department Manager:		Date:	
County Agency/Department Fiscal Officer:		Date:	
County Counsel Approval as to Form and Legality		Date:	
<i>(Signature required on <u>all</u> contracts before execution by Contractor and County Authorized Representative)</i>			
Contractor:		Date:	
County Authorized Representative:		Date:	
<i>(Procurement Department; President, Board of Supervisors; or Delegated Authority)</i>			
Office of the County Executive:		Date:	
<i>(Signature required when Board approved contract by a delegation of authority)</i>			
Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.	Attest: Megan Doyle Clerk of the Board of Supervisors <i>(Signature required when Board approved contract)</i>	Date:	

Christopher Diaz Date
City of Milpitas, City Attorney

Renee Lorentzen Date
City of Milpitas,
Director of Recreation and Community Services

Walter Rossmann Date
City of Milpitas, Finance Director/
Deputy City Manager



COUNTY OF SANTA CLARA SERVICE AGREEMENT

SECTION IV: DETERMINATION OF RELATIONSHIP STATUS

Dependent/Independent status is an important relationship distinction. It determines the contractor's eligibility for Medicare and Social Security, Public Employees' Retirement System benefits, and other benefits and affects how the contractor files tax returns and the contractor's responsibility for various federal and state taxes.

Questionnaire to be Completed by Contracting Department to Determine Relationship Status of Contractor

Supervision: Will the County have the right to tell the contractor how to do the work, when to arrive or leave work, or when to take breaks? Do you have other employees performing similar work with a similar degree of supervision? **If the answer to any of these questions is YES, select YES from the dropdown.**

No

Training: Will the County instruct the contractor on how to do the job or pay for external training?

No

Incomplete Work: Will the Contractor be able to resign or terminate the contract without being held either financially or legally liable for unfinished work?

No

Place of Work/Tools: Will the County provide the Contractor with a place to work at a County location and tools to do the job, i.e. computers, telephones, etc.?

No

Length of Relationship: When the Contractor is hired to complete ongoing departmental duties or functions— **answer YES**. When the contractor is hired to complete a specific project that was not the regular tasks performed by County employees before— **answer NO**.

No

Other Customers: Does the County prevent the Contractor from performing similar services for other customers, either due to the amount of work (full-time), or by contractual provision?

No

Designation as Business Entity: If the Contractor has a business license or business certificate, or is a corporation, nonprofit organization, or school district, select "No" from the dropdown. (This does not pertain to professional licenses or certificates such as a license for a physician or architect.)

Enter below the business license number and the city/entity where issued.

No

Bus. License #:

Issued by:

Payment Schedule: Will payments be made either as an hourly wage or as weekly/monthly salary? If payment is by commission or based on project milestones or deliverables, answer "NO" to this question. Be sure this answer matches the contract payment schedule in Section V.

No

Support Services: Will County employees or other independent contractors provide assistance to this Contractor? Assistance is defined as clerical, technical or professional support.

No

If at least 5 of the above questions were answered "**NO**", Contractor is an **Independent Contractor**.



If 5 or more of the above questions were answered "**YES**", Contractor is a **Dependent Contractor**, where the relationship resembles that of employer/employee. Tax withholding is required, and benefits are provided. Complete and attach the following forms: Employee's Withholding Allowance Certificate—Federal Form W-4, State Withholding, Form DE-4, Determining PERS Eligibility and PERS Member Action Request. Visit www.ceo for more information regarding Dependent Contractors. County insurance requirements do not apply to Dependent Contractors.



Contractor understands and agrees that the tax withholding and benefit status checked above is correct. Any changes to the contractor's tax withholding and benefit status require a new contract. Contractor is responsible for any penalties and liabilities assessed by any taxing authority, based on a change of tax withholding and benefit status.

Contractor's Initials:

**Dept. Fiscal Officer's
Signature:**



COUNTY OF SANTA CLARA
SERVICE AGREEMENT

SECTION V: CONTRACT SPECIFICS

A. SERVICE DESCRIPTION AND EXPECTED OUTCOME (SCOPE OF SERVICE)

Or	☒	See Attachment:	A	incorporated by this reference.
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B. DELIVERABLES, MILESTONES & TIMELINE FOR PERFORMANCE

Or	☒	See Attachment:	A	Incorporated by this reference.
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COUNTY OF SANTA CLARA SERVICE AGREEMENT

C. PERFORMANCE STANDARDS

Or



See Attachment: A

Incorporated by this reference.

D. PAYMENT SCHEDULE

Note: Dependent contractors are not permitted to work in excess of 40 hours per week

Is contractor a Community Based Organization (CBO)?

Yes

☐

No

☐

Or



See Attachment: C

Incorporated by this reference.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

SECTION VI: STANDARD PROVISIONS

Changes to the terms and conditions in this section require approval of County Counsel

A. ENTIRE AGREEMENT

This Agreement and its Appendices (if any) constitutes the final, complete and exclusive statement of the terms of the agreement between the parties. It incorporates and supersedes all the agreements, covenants and understandings between the parties concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this Agreement. No prior or contemporaneous agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

B. AMENDMENTS

This agreement may only be amended by a written instrument signed by the Parties.

C. CONFLICTS OF INTEREST

Contractor shall comply, and require its subcontractors to comply, with all applicable (i) requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code section 1090 et. seq., the California Political Reform Act (California Government Code section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 et. seq.). Failure to do so constitutes a material breach of this Agreement and is grounds for immediate termination of this Agreement by the County.

In accepting this Agreement, Contractor covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of this Agreement. Contractor further covenants that, in the performance of this Agreement, it will not employ any contractor or person having such an interest. Contractor, including but not limited to contractor's employees and subcontractors, may be subject to the disclosure and disqualification provisions of the California Political Reform Act of 1974 (the "Act"), that (1) requires such persons to disclose economic interests that may foreseeably be materially affected by the work performed under this Agreement, and (2) prohibits such persons from making or participating in making decisions that will foreseeably financially affect such interests.

If the disclosure provisions of the Political Reform Act are applicable to any individual providing service under this Agreement, Contractor shall, upon execution of this Agreement, provide the County with the names, description of individual duties to be performed, and email addresses of all individuals, including but not limited to Contractor's employees, agents and subcontractors, who could be substantively involved in "mak[ing] a governmental decision" or "serv[ing] in a staff capacity" and in that capacity participating in making governmental decisions or performing duties that would be performed by an individual in a designated position, (2 CCR 18700.3), as part of Contractor's service to the County under this Agreement. Contractor shall immediately notify the County of the names and email addresses of any additional individuals later assigned to provide such service to the County under this Agreement in such a capacity. Contractor shall immediately notify the County of the names of individuals working in such a capacity who, during the course of the Agreement, end their service to the County.

If the disclosure provisions of the Political Reform Act are applicable to any individual providing service under this Agreement, Contractor shall ensure that all such individuals identified pursuant to this section understand that they are subject to the Act and shall conform to all requirements of the Act and other applicable laws and regulations, including but not limited to those listed in subpart (ii) of the first sentence of this Section VI.C including, as required, filing of Statements of Economic Interests within 30 days of commencing service pursuant to this Agreement, annually by April 1, and within 30 days of their termination of service pursuant to this Agreement.

D. GOVERNING LAW, VENUE

This Agreement has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California. Proper venue for legal action regarding this Agreement shall be in the County of Santa Clara.

E. ASSIGNMENT

No assignment of this Agreement or of the rights and obligations hereunder shall be valid without the prior written consent of the other party.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

F. ASSIGNMENT OF CLAYTON ACT, CARTWRIGHT ACT CLAIMS

Contractor assigns to the County all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the Contractor for sale to the County pursuant to this Agreement.

G. 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 shall be in writing and shall apply to the specific instance expressly stated.

H. COMPLIANCE WITH ALL LAWS, INCLUDING NONDISCRIMINATION, EQUAL OPPORTUNITY, AND WAGE THEFT PREVENTION

- (1) Compliance with All Laws. Contractor 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.
- (2) Compliance with Non-Discrimination and Equal Opportunity Laws: Contractor 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, Contractor 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 Contractor 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.
- (3) Compliance with Wage and Hour Laws: Contractor 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.
- (4) 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 City of San Jose's Office of Equality Assurance.
- (5) Prior Judgments, Decisions or Orders against Contractor: By signing this Agreement, Contractor 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 Contractor violated an applicable wage and hour law or pay equity law. Contractor 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.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

- (6) Violations of Wage and Hour Laws or Pay Equity Laws During Term of Contract: If at any time during the term of this Agreement, Contractor receives a Final Judgment rendered against it for violation of an applicable wage and hour Law or pay equity Law, then Contractor shall promptly satisfy and comply with any such Final Judgment. Contractor 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. Contractor 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.
- (7) Access to Records Concerning Compliance with Pay Equity Laws: In addition to and notwithstanding any other provision of this Agreement concerning access to Contractor's records, Contractor 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, Contractor 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 Subsection H, 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 Contractor's normal business hours upon no less than 10 business days' advance notice.
- (8) Pay Equity Notification: Contractor 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 Contractor 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 Contractor's Employees and Job Applicants.
- (9) Material Breach: Failure to comply with any part of this Subsection H 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:
- (i) Suspend or terminate any or all parts of this Agreement.
 - (ii) Withhold payment to Contractor until full satisfaction of a Final Judgment concerning violation of an applicable wage and hour Law or pay equity Law.
 - (iii) Offer Contractor an opportunity to cure the breach.
- (10) Subcontractors: Contractor shall impose all of the requirements set forth in this Subsection H 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.

I. TERMINATION



Standard Termination Language

The County may, by written notice to Contractor, terminate all or part of this Agreement at any time for the convenience of the County. The notice shall specify the effective date and the scope of the termination. In the event of termination, Contractor shall deliver to County all documents prepared pursuant to the Agreement, whether complete or incomplete. Contractor may retain a copy for its records. Upon receipt of the documents, Contractor shall be compensated based on the completion of services provided, as solely and reasonably determined by County.

-OR-



Alternate Termination Language Attached as Exhibit _____, incorporated by this reference.
(Requires County Counsel Approval)

J. BUDGET CONTINGENCY

This Agreement is contingent upon the appropriation of sufficient funding by the County for the services covered by this Agreement. If funding is reduced or deleted by the County for the services covered by this Agreement, the County has the option to either terminate this Agreement with no liability occurring to the County or to offer an amendment to this Agreement indicating the reduced amount.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

K. COUNTY NO-SMOKING POLICY

Contractor and its employees, agents and subcontractors, shall comply with the 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 the County is the sole occupant, and (3) in all County vehicles.

L. FOOD AND BEVERAGES 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 Contractor 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, Contractor 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 the Contractor 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, provided that sugar and sugar substitutes may be provided as condiments; (3) unsweetened, unflavored, reduced fat (either 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.

M. CONTRACTING PRINCIPLES

All entities that contract with the County to provide services where the contract value is \$100,000 or more per budget unit per fiscal year and/or as otherwise directed by the Board, shall be fiscally responsible entities and shall treat their employees fairly. To ensure compliance with these contracting principles, all contractors shall: (1) comply with all applicable federal, state and local rules, regulations and laws; (2) maintain financial records, and make those records available upon request; (3) provide to the County copies of any financial audits that have been completed during the term of the contract; (4) upon the County's request, provide the County reasonable access, through representatives of the Contractor, to facilities, financial and employee records that are related to the purpose of the contract, except where prohibited by federal or state laws, regulations or rules.

N. CALIFORNIA PUBLIC RECORDS ACT

The County is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Contractor's proprietary information is contained in documents or information submitted to County, and Contractor claims that such information falls within one or more CPRA exemptions, Contractor must clearly mark such information "CONFIDENTIAL AND PROPRIETARY," and identify the specific lines containing the information. In the event of a request for such information, the County will make best efforts to provide notice to Contractor prior to such disclosure. If Contractor contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Clara County before the County is required to respond to the CPRA request. If Contractor fails to obtain such remedy within the time the County is required to respond to the CPRA request, County may disclose the requested information.

Contractor further agrees that it shall defend, indemnify and hold County harmless against any claim, action or litigation (including but not limited to all judgments, costs, fees, and attorney's fees) that may result from denial by County of a CPRA request for information arising from any representation, or any action (or inaction), by the Contractor.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

O. THIRD PARTY BENEFICIARIES

This agreement does not, and is not intended to, confer any rights or remedies upon any person or entity other than the parties.

P. INTELLECTUAL PROPERTY RIGHTS

Ownership: County shall own all right, title and interest in and to the Deliverables. For purposes of this Agreement, the term "Deliverables" shall mean any documentation and deliverables created by Contractor during the performance of services that are identified in this Agreement. Contractor hereby assigns to the County all rights, title and interest in and to any and all intellectual property whether or not patentable or registrable under patent, copyright, trademark or similar statutes, made or conceived or reduced to practice or learned by Contractor, either alone or jointly with others, during the period of Contractor's agreement with the County or result from the use of premises leased, owned or contracted for by the County.

Contractor acknowledges that all original works of authorship which are made by Contractor (either solely or jointly with others) within the scope of this Agreement and which are protectable by copyright are "works made for hire," as that term is defined in the United States Copyright Act (17 U.S.C. Section 101), and shall belong solely to County. Contractor agrees that the County will be the copyright owner in all copyrightable works of every kind and description created or delivered by Contractor, either solely or jointly with others, in connection with any agreement with the County.

Q. INTELLECTUAL PROPERTY INDEMNITY

Contractor represents and warrants for the benefit of the County and its users that, to its knowledge, as of the effective date of this Agreement, Contractor is the exclusive owner of all rights, title and interest in the Deliverables and/or services provided pursuant to this Agreement. Contractor shall defend, indemnify and hold the County harmless against any claim, action or litigation (including but not limited to all judgments, costs, fees, and reasonable attorney's fees) by a third party alleging the Deliverables and/or services provided pursuant to this Agreement infringe upon any intellectual property rights of third parties. This indemnity and duty to defend is in addition to and does not supersede the requirements stated in VII of this agreement.

R. OWNERSHIP RIGHTS TO MATERIALS/RESTRICTIONS ON USE

All materials obtained, developed or prepared by Contractor in the course of performing services hereunder, including but not limited to videotapes, audio recordings, still photographs, ads or brochures, and the derivative works, patent, copyright, trademark, trade secret or other proprietary rights associated therewith (collectively "Deliverables"), shall be the sole and exclusive property of the County. To the extent Contractor owns or claims ownership rights to said Deliverables, Contractor hereby expressly assigns all said rights, title, and interest in and to the Deliverables to the County pursuant to the terms and conditions of this Agreement and at no additional cost. The County has the exclusive royalty-free irrevocable right to duplicate, publish or otherwise use for any purpose, all materials prepared under this Agreement. If Contractor wishes to use the materials prepared hereunder for any purpose including but not limited to promotional, educational or commercial purposes, the Contractor shall obtain prior written authorization from the County, which consent may be withheld by the County in its sole discretion. Contractor acknowledges that all original works of authorship which are made by Contractor (solely or jointly with others) within the scope of this Agreement and which are protectable by copyright are "works made for hire," as that term is defined in the United States Copyright Act (17 U.S.C., Section 101), and shall belong solely to County. Contractor agrees that the County will be the copyright owner in all copyrightable works of every kind and description created or developed by Contractor, solely or jointly with others, in connection with any agreement with the County. If requested to, and at no further expense to the County, Contractor will execute in writing any acknowledgments or assignments of copyright ownership of such copyrightable works as may be appropriate for preservation of the worldwide ownership in the County and its nominees of such copyrights. This section shall apply to the extent not otherwise provided under this agreement.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

S. COUNTY DATA

(1) Definitions: "County Data" shall mean data and information received by Contractor from County. County Data includes any information or data that is transported across a County network, or that resides in a County-owned information system, or on a network or system under the control and management of a contractor for use by County. "County Confidential Information" shall include all material, non-public information (including material, non-public County Data) appearing in any form (including, without limitation, written, oral or displayed), that is disclosed, directly or indirectly, through any means of communication by County, its agents or employees, to Contractor, its agents or employees, or any of its affiliates or representatives.

(2) Contractor shall not acquire any ownership interest in County Data (including County Confidential Information). As between Contractor and County, all County Confidential Information and/or County Data shall remain the property of the County. Contractor shall not, without County's written permission, use or disclose County Data (including County Confidential Information) other than in the performance of its obligations under this Agreement.

(3) Contractor shall be responsible for establishing and maintaining an information security program that is designed to ensure the security and confidentiality of County Data, protect against any anticipated threats or hazards to the security or integrity of County Data, and protect against unauthorized access to or use of County Data that could result in substantial harm or inconvenience to County or any end users. Upon termination or expiration of this Agreement, Contractor shall seek and follow County's direction regarding the proper disposition of County Data.

(4) Contractor shall take appropriate action to address any incident of unauthorized access to County Data, including addressing and/or remedying the issue that resulted in such unauthorized access, and notifying County by phone or in writing within 24 hours of any incident of unauthorized access to County Data, or any other breach in Contractor's security that materially affects County or end users. If the initial notification is by phone, Contractor shall provide a written notice within 5 days of the incident. Contractor shall be responsible for ensuring compliance by its officers, employees, agents, and subcontractors with the confidentiality, privacy, and information security requirements of this Agreement. Should County Confidential Information and/or legally protected County Data be divulged to unauthorized third parties, Contractor shall comply with all applicable federal and state laws and regulations, including but not limited to California Civil Code sections 1798.29 and 1798.82 at Contractor's sole expense. Contractor shall not charge County for any expenses associated with Contractor's compliance with these obligations.

(5) Contractor shall defend, indemnify and hold County harmless against any claim, liability, loss, injury or damage arising out of, or in connection with, the unauthorized use, access, and/or disclosure of information by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County.

T. PAYMENT TERM [NOT APPLICABLE TO COMMUNITY BASED ORGANIZATIONS – Describe payment terms for CBO's in Section V. (D) PAYMENT SCHEDULE]

The parties agree that the payment term shall be the term selected below and payment shall be due in accordance with the selected payment term. For example, if Contractor selects 2.25% 10 Net 45 as the payment term, payment shall be due 10 days from the date the County approves the invoice, instead of 45 days, and the County shall take a discount of 2.25% of the total amount of the invoice. Payment is deemed to have been made on the date the County mails the warrant or initiates the electronic fund transfer.

☐	2.25% 10 Net 45 (provides 35 days of cash acceleration)
☐	2.00% 15 Net 45 (provides 30 days of cash acceleration)
☐	1.75% 20 Net 45 (provides 25 days of cash acceleration)
☐	1.33% 25 Net 45 (provides 20 days of cash acceleration)
☐	1.00% 30 Net 45 (provides 15 days of cash acceleration)
☒	Net 45 (full payment)

Note: Payment term will default to "Net 45 (full payment)", if no other term was selected.

Notwithstanding the option selected above, the parties agree that at any time during the contract term, either party may initiate an early payment discount on an invoice-by-invoice basis utilizing the Dynamic Discounting functionality of the Ariba Network. Contractor must have a registered account on the Ariba Network to utilize this functionality.



COUNTY OF SANTA CLARA SERVICE AGREEMENT

U. CONTRACT EXECUTION

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, 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.

V. LIVING WAGE (IF APPLICABLE)

Unless otherwise exempted or prohibited by law or County policy, where applicable, Contractors that contract with the County to provide Direct Services developed pursuant to a formal Request for Proposals process, as defined in County of Santa Clara Ordinance Code Division B36 ("Division B36") and Board Policy section 5.5.5.5 ("Living Wage Policy"), and their subcontractors, where the contract value is \$100,000 or more ("Direct Services Contract"), must comply with Division B36 and the Living Wage Policy and compensate their employees in accordance with Division B36 and the Living Wage Policy. Compliance and compensation for purposes of this provision includes, but is not limited to, components relating to fair compensation, earned sick leave, paid jury duty, fair workweek, worker retention, fair chance hiring, targeted hiring, local hiring, protection from retaliation, and labor peace. If Contractor and/or a subcontractor violates this provision, the Board of Supervisors or its designee may, at its sole discretion, take responsive actions including, but not limited to, the following:

- (a) Suspend, modify, or terminate the Direct Services Contract.
- (b) Require the Contractor and/or Subcontractor to comply with an appropriate remediation plan developed by the County.
- (c) Waive all or part of Division B36 or the Living Wage Policy.

This provision shall not be construed to limit an employee's rights to bring any legal action for violation of the employee's rights under Division B36 or any other applicable law. Further, this provision does not confer any rights upon any person or entity other than the Board of Supervisors or its designee to bring any action seeking the cancellation or suspension of a County contract. By entering into this contract, Contractor certifies that it is currently complying with Division B36 and the Living Wage Policy with respect to applicable contracts and warrants that it will continue to comply with Division B36 and the Living Wage Policy with respect to applicable contracts.

SECTION VII: INSURANCE/INDEMNIFICATION

Independent Contractors shall comply with the County's insurance and indemnification requirements as indicated below. These requirements do not apply to Dependent Contractors.

A. TYPE OF INSURANCE LANGUAGE

☒	The following standard insurance and indemnification language is attached and incorporated into this agreement:
	Insurance Exhibit Name: EXHIBIT B-2B: INSURANCE REQUIREMENTS FOR STANDARD SERVI
☐	Modification or Waiver Attached (if appropriate)



COUNTY OF SANTA CLARA SERVICE AGREEMENT

B. DETERMINATION OF INSURANCE REQUIREMENTS AND WAIVER DECLARATION

Workers Compensation:

Does the contractor have employees?

Yes

If "YES", then, WORKER'S COMPENSATION/EMPLOYER'S LIABILITY INSURANCE IS REQUIRED.

Owned Auto Insurance:

Will the contractor use any owned autos in the provision of direct services, such as transporting clients in autos or operating autos in performance of the work itself?

No

If "YES", then INSURANCE FOR OWNED AUTOS IS REQUIRED.

Hired Auto Insurance:

Will the contractor use any hired autos in the provision of direct services, such as transporting clients in autos or operating autos in performance of the work itself?

No

If "YES", then INSURANCE FOR HIRED AUTOS IS REQUIRED.

Non-owned Auto Insurance

Will the contractor be using any non-owned autos in the provision of direct services, such as transporting clients in non-owned autos or operating non-owned autos in performance of the work itself?

No

If "YES" then, INSURANCE FOR NON-OWNED AUTOS IS REQUIRED.

When "NO" is checked, this declaration will serve as a waiver for the specified type of insurance.

SECTION VIII: FEDERAL/STATE REQUIRED PROVISIONS

(Examples include Drug-free Workplace Activity, Health Insurance Portability and Accountability Act (HIPAA), Business Associate Language, etc.)

☐**A. Federal Required Language Attached**

Only add special language if services included in the contract require language different from or in addition to that in Section VI.

Exhibit Name:

☐**B. State Required Language Attached**

Only add special language if services included in the contract require language different from or in addition to that in Section VI.

Exhibit Name:

The Exhibits named above are attached and incorporated by this reference.

SECTION IX: ADDITIONAL ATTACHED EXHIBIT(S)

Attachments and exhibits that conflict with County standard provisions or require risk assessment must be approved by County Counsel. Examples of attachments that require County Counsel approval are:

- 1) Contractor's terms and conditions that are different than, or add to the standard provisions' language,
- 2) Any changes to the language in Section VI—Standard Provisions.

Exceptions to County Counsel review include attachments that further explain the Contract Specifics as outlined in Section V, and insurance exhibits.

☒

Exhibit Name (s)

Exhibit A: Modified Standard Provisions

The Exhibits named above are attached and incorporated by this reference.

EXHIBIT A: MODIFIED STANDARD PROVISIONS

The following provisions shall replace the corresponding standard provisions of Section VI: Standard Provisions of the Agreement between County of Santa Clara and City of Milpitas on the prevention of youth use of flavored tobacco and vaping products in the City of Milpitas. All other standard provisions shall remain the same.

N. CALIFORNIA PUBLIC RECORDS ACT

The County and Contractor are public agencies subject to the disclosure requirements of the California Public Records Act (“CPRA”). If County or Contractor’s proprietary information is contained in documents or information submitted to County or Contractor, and County or Contractor claims that such information falls within one or more CPRA exemptions, County or Contractor must clearly mark such information “CONFIDENTIAL AND PROPRIETARY,” and identify the specific lines containing the information. In the event of a request for such information, the County or Contractor will make best efforts to provide notice to the other party prior to such disclosure. If County or Contractor contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Clara County before the other party is required to respond to the CPRA request. If County or Contractor fails to obtain such remedy within the time the other party is required to respond to the CPRA request, County or Contractor may disclose the requested information.

Subsections Q, R, and S of Section VI of the Agreement are hereby stricken from the Agreement.

Attachment A: Scope of Work
Healthy Cities Program – Tobacco-Free Communities
City of Milpitas

A. Introduction

This scope of work centers on the following:

1. Youth, parent, and community education to prevent youth use of flavored tobacco and vaping products in the City of Milpitas.

B. Phases and Task Description

Objectives:

1. Reduce the number of tobacco retailers in the community, grandfathering current retailers.
2. Educate youth on dangers of flavored tobacco products, including menthol cigarettes.
3. Educate youth on methods used to advertise the sale of e-cigarette and vaping devices.
4. Educate parents and “trusted adults” to recognize signs of youth tobacco use and effectively communicate with youth about the dangers.

Objective #1	<u>Overall Goal:</u> Educate youth, parents and the community to prevent youth use of flavored tobacco and vaping products in the City of Milpitas, and reduce tobacco retailers in Milpitas. <u>Objective:</u> Reduce the number of tobacco retailers in the community, grandfathering current retailers.			
Task #1	Task Description	Timeline	Responsible Staff	Key Deliverables
	<i>Gather data and recommend to City Council strategies for reducing Tobacco Retailers</i>			
1.1	Identify tobacco retailers in operation at time of grant award to establish baseline number.	Upon contract execution	Policy Consultant	1.1.1 - Baseline list/map of tobacco retailers in Milpitas at time of grant award.
1.2	Research strategies used elsewhere to reduce overall number of tobacco retailers in a community – including restrictions on proximity to schools and youth gathering places	Upon contract execution	Policy Consultant	1.1.2 – Info memo on strategies used elsewhere to reduce tobacco retailers
1.3	Develop a plan for community outreach to targeted stakeholder groups, including current tobacco retailers in Milpitas, adult smokers in Milpitas, and general business community	January 2021	Policy Consultant and City Staff	1.1.3 – Info memo on plan for community outreach on strategies to reduce the number of tobacco retailers
1.4	Conduct community outreach with targeted stakeholder groups	February 2021	Policy Consultant and City Staff	1.1.4 – Attendance list and comments
1.5	Present recommendations on Strategies for Reducing Tobacco Retailers to City Council	March 2021	Policy Consultant and City Staff	1.1.5 – City Council Agenda Report on Strategies for Reducing Tobacco Retailers
Task #2	Task Description	Timeline	Responsible Staff	Key Deliverables

	<i>Draft policy and, as needed, municipal code items</i>			
2.1	Pending City Council direction, draft policy and/or municipal code ordinance to reduce tobacco retailers in Milpitas	April 2021	Policy Consultant, City Attorney	1.2.1 – City Council Agenda Report
2.2.	Pending City Council direction, draft staff report for second reading on any ordinances.	June 2021	City Staff	1.2.2 – City Council Agenda Report
Task #3	Task Description <i>Implement any policies to reduce tobacco retailers</i>	Timeline	Responsible Staff	Key Deliverables
3.1	Pending City Council direction, draft implementation plan, which includes publicity/outreach efforts to general public, existing tobacco retailers, commercial property owners	July 2021	City Staff	1.3.1. Draft implementation plan.
3.2	Develop and distribute messaging to stakeholders in advance of the policy/ordinance taking effect	July 2021	City Staff	1.3.2.a - Press release 1.3.2.b – Notification to existing tobacco retailers 1.3.2.c – Notification commercial property owners
3.3	Develop and distribute messaging to the public	August 2021	City Staff	1.3.3 a – Website banner and updated information 1.3.3.b – Social Media messaging
Task #4	Task Description	Timeline	Responsible Staff	Key Deliverables
4.1	Comparison to baseline data gathered on tobacco retailers.	August 2021	City Staff	1.4.1 – List and map of tobacco retailers

Objective #2	<u>Overall Goal:</u> Educate youth, parents and the community to prevent youth use of flavored tobacco and vaping produces in the City of Milpitas, and reduce the number of tobacco retailers in Milpitas.			
	<u>Objective:</u> Educate youth on dangers of flavored tobacco products and vaping devices.			
Task #1	Task Description <i>Prepare to educate youth to recognize dangers of flavored tobacco and vaping products</i>	Timeline	Responsible Staff	Key Deliverables
1.1	Research current risks (short- and long-term health consequences, education, socio economic consequences of tobacco use and vaping.)	November 2020	Youth & Teen Coordinator	2.1.1 – Info memo on dangers of tobacco and vaping products.
1.2	Develop teen-targeted electronic and print messages and test with focus group.	January 2021	Marketing Coordinator	2.1.2 – Portfolio of messaging and images.
1.3	Develop messaging schedule, which to the extent possible aligns with tobacco reported messaging in 2.1	January 2021	Marketing Coordinator	2.1.3 – Messaging schedule
Task #2	Task Description <i>Implement print and online campaign to youth regarding tobacco dangers</i>	Timeline	Responsible Staff	Key Deliverables
2.1	Publish social media posts, print materials.	May 2021	Marketing Coordinator	2.2.1 – Confirmation of posts
Task #3	Task Description <i>Implement training activities for youth regarding dangers of flavored tobacco and vaping products.</i>	Timeline	Responsible Staff	Key Deliverables

3.1	Develop at least three training activities for youth on dangers of tobacco (Science experiment, math or statistics project, discussion)	February 2021	Youth and Teen Coordinator	2.1.1.a – Health science 2.1.1.b – Math or statistics project 2.1.1.c – Discussion Activity
3.2	Conduct all training activities with Youth Advisory Commission and solicit feedback. Modify training activities as needed for middle and elementary.	February 2021	Youth and Teen Coordinator	2.3.2 – Evaluations
3.3	Conduct all training activities with one After the Bell group and one LYFE group and solicit feedback. Modify training activities as needed.	April 2021	Youth and Teen Coordinator	2.3.3 - Evaluations
3.4	Conduct training activities with all remaining ATB and LYFE groups.	May 2021	Youth and Teen Coordinator	2.3.4 – Attendance Count
3.5	Conduct open to the public training activities at Teen Center	May 2021	Youth and Teen Coordinator	2.3.5 – Attendance Count

Objective #3	<u>Overall Goal:</u> Educate youth, parents and the community to prevent youth use of flavored tobacco and vaping produces in the City of Milpitas, and reduce the number of tobacco retailers in Milpitas. <u>Objective:</u> Educate youth on methods used to advertise flavored tobacco products and e-cigarette and vaping devices.			
Task #1	Task Description	Timeline	Responsible Staff	Key Deliverables
	<i>Prepare to educate youth to recognize how they are being targeted by tobacco and vaping product producers</i>			
1.1	Gather general information on how tobacco and vaping product producers target teens. Survey Milpitas teens on the prevalence of targeting they have seen here.	February 2021	Youth & Teen Coordinator	3.1.1 – Info memo on how teens in Milpitas are being targeted by tobacco and vaping producers.
1.2	Develop teen-targeted electronic and print messages and test with focus group.	March 2021	Marketing Coordinator	3.1.2 – Portfolio of messaging and images.
1.3	Develop messaging schedule, which to the extent possible aligns with tobacco reported messaging in 1.1	April 2021	Marketing Coordinator	3.1.3 – Messaging schedule
Task #2	Task Description	Timeline	Responsible Staff	Key Deliverables
	<i>Implement print and online campaign to youth regarding tobacco advertising</i>			
2.1	Publish social media posts, print materials.	May 2021	Marketing Coordinator	3.2.1 – Confirmation of posts
Task #3	Task Description	Timeline	Responsible Staff	Key Deliverables
	<i>Implement training activities for youth regarding recognizing tobacco advertising tactics</i>			

3.1	Develop at least three training activities for youth on tobacco advertising tactics (craft, role playing game, discussion)	April 2021	Youth and Teen Coordinator	3.1.1.a – Craft 3.1.1.b – Role Playing Game 3.1.1.c – Discussion Activity
3.2	Conduct all training activities with Youth Advisory Commission and solicit feedback. Modify training activities as needed for middle and elementary.	April 2021	Youth and Teen Coordinator	3.3.2 – Evaluations
3.3	Conduct all training activities with one After the Bell group and one LYFE group and solicit feedback. Modify training activities as needed.	April 2021	Youth and Teen Coordinator	3.3.3 - Evaluations
3.4	Conduct training activities with all remaining ATB and LYFE groups.	May 2021	Youth and Teen Coordinator	3.3.4 – Attendance Count
3.5	Conduct open to the public training activities at Teen Center	May 2021	Youth and Teen Coordinator	3.3.5 – Attendance Count

Objective #4	Overall Goal: Educate youth, parents and the community to prevent youth use of flavored tobacco and vaping products in the City of Milpitas, and reduce the number of tobacco retailers in Milpitas. Objective: Educate parents and “trusted adults” to recognize signs of youth tobacco use and effectively communicate with youth about the dangers.			
Task #1	Task Description	Timeline	Responsible Staff	Key Deliverables
	<i>Prepare to educate parents, “trusted adults” and community on youth tobacco use.</i>			
1.1	Research signs of tobacco use and effective communication with youth regarding tobacco use. Conduct survey on teen tobacco use.	August 2021	Youth & Teen Coordinator	4.1.1. - Info memo on teen tobacco use in Milpitas and best practices for effective communication with youth and teens.
1.2	Develop short, adult-targeted messaging for social media posts, web banners, electronic sign.	August 2021	Marketing Coordinator	4.1.2. - Portfolio of electronic media messaging/images
1.3	Develop more detailed messaging and adult-targeted web page and info graphics.	August 2021	Marketing Coordinator	4.1.3.a - Webpage. 4.1.3.b - Two-sided infographic flyer.
1.4	Develop messaging schedule.	August 2021	Marketing Coordinator	4.1.4 – Messaging schedule
Task #2	Task Description	Timeline	Responsible Staff	Key Deliverables
	<i>Implement print and online campaign to educate parents, “trusted adults” and community on youth tobacco use.</i>			
2.1	Publish social media posts, web banners, electronic sign.	August 2021	Marketing Coordinator	4.1.1 – Confirmation of posts.

2.2	Publish webpage and PDF infographic.	August 2021	Marketing Coordinator	4.2.2 - Distribution plan.
2.3	Share PDF info graphics with Milpitas Unified School District and Milpitas youth organizations.	August 2021	Marketing Coordinator	4.2.3. - Email to MUSD principals and partner organizations.
Task #3	Task Description <i>Implement training events for parents, “trusted adults” and community on youth tobacco use.</i>	Timeline	Responsible Staff	Key Deliverables
3.1	Develop training presentation for adults that can be delivered either remotely or in-person.	March 2021	Supervisor	4.3.1 Draft PowerPoint.
3.2	Conduct training for City staff who work with youth, including afterschool Rec Leaders and/or summer Rec Leaders and solicit feedback from staff. Modify adult training presentation as needed.	June 2021	Youth & Teen Coordinator	4.3.2 Evaluations.
3.3	Conduct training for parents of youth in our programs and solicit feedback from parents. Modify adult training presentation as needed.	July 2021	Youth & Teen Coordinator	4.3.3 Evaluations.
3.4	Offer free training for general community, including contract instructors, sports group leaders, etc., and solicit feedback. Modify adult training as necessary.	August 2021	Youth & Teen Coordinator	4.3.4 Evaluations, and final PowerPoint, to be made available for free for community groups.

C. Position Description Reference

Recreation Supervisor – Will oversee project and project staff, be contact for policy consultant, oversee community meetings related to the project, communicate and work with the City Attorney’s Office, Directly oversees Recreation Youth and Teen Program Coordinator.

Youth and Teen Program Coordinator – Will assist with outreach to community youth and the Youth Advisory Commission (YAC) who is interested in preventing under age use of tobacco products, assist Supervisor in project goals and objectives, community meeting, work with the City Attorney’s office on Ordinance Development, assist YAC with any City Council presentation.

Marketing Coordinator – Will create marketing materials and work with team to distribute deliverables to the community.

Marketing Intern – Will assist with creating marketing deliverables.

City Attorney Office Executive Assistant – Will assist with the creating of Ordinance documents, coordinator City Attorney review, and assist with required City Council meeting(s) documents.

D. Performance Standards

Performance is expected to adhere to the following standards in addition to evaluations completed by the Evaluation contractor:

1. Quality - Deliverables and final products will be as described in the Scope of Work and will be of high quality.
2. Timeliness - Deliverables and final products will be completed as scheduled.
3. Achievement of Project Goals – Project will achieve its goals as described in the Scope of Work.

INSURANCE REQUIREMENTS FOR
STANDARD SERVICE CONTRACTS
BETWEEN \$10,001 AND \$50,000

Indemnity

The Contractor shall indemnify, defend, and hold harmless the County of Santa Clara (hereinafter "County"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County. It is the intent of the parties to this Agreement to provide the broadest possible coverage for the County. The Contractor shall reimburse the County for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor contests its obligation to indemnify, defend and/or hold harmless the County under this Agreement and does not prevail in that contest.

Insurance

Without limiting the Contractor's indemnification of the County, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a certified copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the requesting County department, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by the County. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Insurance Manager.

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified County insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the County of Santa Clara or their designated agent.

D. Insurance Required

1. Commercial General Liability Insurance - for bodily injury (including death) and property damage which provides limits as follows:
 - a. Each occurrence - \$500,000
 - b. General aggregate - \$500,000
 - c. Products/Completed Operations aggregate - \$500,000
 - d. Personal Injury - \$500,000
2. General liability coverage shall include:
 - a. Premises and Operations
 - b. Products/Completed
 - c. Personal Injury liability
 - d. Severability of interest
3. General liability coverage shall include the following endorsement, a copy of which shall be provided to the County:

Additional Insured Endorsement, which shall read:

“County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively, as additional insureds.”

Insurance afforded by the additional insured endorsement shall apply as primary insurance, and other insurance maintained by the County of Santa Clara, its officers, agents, and employees shall be excess only and not contributing with insurance provided under this policy. Public Entities may also be added to the

EXHIBIT B-2B (revised)

additional insured endorsement as applicable and the contractor shall be notified by the contracting department of these requirements.

4. Automobile Liability Insurance

For bodily injury (including death) and property damage which provides total limits of not less than one hundred thousand dollars (\$100,000) combined single limit per occurrence applicable to all owned, non-owned and hired vehicles.

4a. Aircraft/Watercraft Liability Insurance (Required if Contractor or any of its agents or subcontractors will operate aircraft or watercraft in the scope of the Agreement)

For bodily injury (including death) and property damage which provides total limits of not less than one hundred thousand dollars (\$100,000) combined single limit per occurrence applicable to all owned, non-owned and hired aircraft/watercraft.

5. Workers' Compensation and Employer's Liability Insurance

- a. Statutory California Workers' Compensation coverage including broad form all-states coverage.
- b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.

E. Special Provisions

The following provisions shall apply to this Agreement:

- 1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the County or its insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.
- 2. The County acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by the County upon satisfactory evidence of financial capacity. Contractors obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self-insurance retentions.

EXHIBIT B-2B (revised)

3. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.
4. The County reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

F. Fidelity Bonds (Required only if contractor will be receiving advanced funds or payments)

Before receiving compensation under this Agreement, Contractor will furnish County with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Agreement, or authorized to sign or countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the County cited herein. If such bond is canceled or reduced, Contractor will notify County immediately, and County may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Agreement, at the option of County.

Attachment C: Payment Schedule and Budget

Healthy Cities Program – Tobacco-Free Communities City of Milpitas

1. Contractor will prepare a Quarterly Invoice and submit it to:

Joyce Villalobos, Health Program Specialist
County of Santa Clara Public Health Department
1775 Story Rd. Suite 120
San Jose, CA 95122
Email: joyce.villalobos@phd.sccgov.org

DUE: 15 days after the end of the calendar quarter (e.g., January – March invoice due by April 15).

- 1a. Invoice template will be provided after agreement is signed by both departments.
- 1b. Payment will be based on a cost reimbursement methodology.
2. Contractor can submit quarterly invoice with quarterly progress report via email.
3. Payment will be made according to the budget below, attached hereto and incorporated herein by this reference.

Tobacco Free Communities - Budget for Cities

Santa Clara County Healthy Cities Project - Tobacco-Free Communities Program Priorities City of Milpitas

Budget and Justification Worksheet

City Name: City of Milpitas

Step 1- Please indicate type of budget desired:		☒ Option 1 (Reimbursable) - skip Step 2 and continue	☐ Option 2 (In-kind Policy Consultant)- go to Step 2 and stop	☒ Option 3 (Hybrid budget) - go to Step 2 and complete budget	
Step 2- Needs for Options 2 or 3: (check all that apply)	☒ Research	☒ Ordinance Language	☐ Council Reports	☐ Stakeholder Outreach	☒ Implementation Plan and/or Activity

BUDGET CATEGORY				
A. SALARIES (No payment for worker's comp)				
Position/Title	Annual Salary (Full Time Basis)	% of Full Time (FTE) Assigned to TFC	Months Requested	Salary Amount =(Salary x FTE%)/Months
First & Last Name				
Recreation Supervisor				
Rosana Cacao	\$ 114,870.00	5%	12	\$ 5,743
Recreation Program Coordinator				
Anthony Teschera	\$ 88,376	5%	12	\$ 4,418
Marketing Coordinator				
Ruby Pangorang	\$ 87,506	5%	6	\$ 729
Marketing Intern				
Wen Hao Cheng	\$13,986	5%	12	\$ 700
City Attorney Office Executive Secretary	\$ 115,394	2%	3	\$ 1,923
Susan Barrett				
Senior Planner	\$ 152,715	3%	3	\$ 4,581
Rozalyn Thompson				
If hiring a consultant, list Consultant here				
Consultant Name				\$ -
Salary Subtotal:				\$ 18,094

JOB DESCRIPTIONS:
Write a brief job description for each of the positions/titles listed above. The descriptions should correspond to the scope of work/workplan task and goals. It is not necessary to repeat descriptions for duplicated positions except for those positions whose work differs from the others of the same title/position. If hiring a consultant, list the purpose for hiring the consultant and the specific tasks and deliverables they will accomplish - these should align with the scope of work/workplan task and goals.
Position 1 - Recreation Supervisor - Will oversee project and project staff and be contact for policy consultant, oversee community meetings related to the project, communicate and work with the City Attorney's Office, Directly oversees Position 2 which will be tasked with highly engaging the youth community on this project.

Tobacco Free Communities - Budget for Cities

Position 2 - Coordinator of Youth and Teen programs - Will assist with outreach to youth community and the Youth Advisory Commission (YAC) who is interested in preventing underage use of tobacco products, assist Supervisor in project goals and objectives, community meetings, work with the City Attorney's office on Ordinance Development, assist YAC with any City Council presentations			
Position 3 - Marketing Coordinator - Will create marketing materials and work with team to distribute to the community			
Position 4 - Marketing Intern - Will assist with creating marketing deliverables.			
Position 5 - City Attorney Office Executive Assistant - Will assist with the creating of Ordinance documents, coordinate City Attorney review, and assist with required City Council meeting(s) documents			
Position 6 - City Senior Planner - will assist with zoning changes			
Consultant (if applicable) -			

Zoning changes

B. FRINGE BENEFITS				
Example: Fringe benefits are calculated at XX% of	47.85% x 13,513			\$ 6,466
			Fringe Benefits Subtotal:	\$ 6,466

For expense categories C-F, please provide a short narrative of the expense details that makes clear the expense and the purpose in general. In those cases where expenses may be significantly different, you may enter multiple expenses for that category. For example, category E could use separate lines for local mileage, costs to travel to a meeting or conference and the expenses related to hosting a conference or meeting, if applicable. PLEASE REFER TO PROPOSITIONS 56 & 99 ALLOWABLE EXPENSES for assistance in completing these sections.

C.. Operating Expenses [Office Supplies; Printing (external vendor)- smoke-free signage, factsheets, etc.; Postage; Duplicating (internal small jobs)]	
Printed Marketing Materials, i.e. flyers, brochures, door hangers	\$ 10,000
Operating Subtotal: \$ 10,000	

D. Travel/Mileage (no out-of-state travel; TFC trainings OK)	
Travel/Mileage will include...	
Travel/Mileage Subtotal:	\$ -

E. Subcontracts/Consultants	
If a Subcontractor is part of this budget, please complete the second tab of this sheet, labeled "Subcontractor Detail". List here the Subcontractor/Consultant Name and deliverable.	\$ -
	\$ -
Subcontractor/Consultant Subtotal:	\$ -

Tobacco Free Communities - Budget for Cities

F.	Other Costs (Educational Materials- signage, training guides, posters, etc.; Paid Media- ads on tv, radio, newspaper, or billboards, etc.)	
	Social Media Marketing Campaigns	\$ 3,000
	Contracts	\$ 3,000

G.	INDIRECTS/Administrative Overhead	
	INDIRECTS MAY NOT EXCEED 10% OF SALARIES (salary subtotal from above). If indirect are claimed as an expense please indicate the basis for the charge. For example 5% of salaries would be 5% x 131 = 7.	
	Indirect Subtotal:	\$ -

BUDGET TOTAL:		\$ 37,560
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City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one:	100-3576	\$37,560	100-2940	\$24,592
☒ Budget Appropriation			100-1644223	\$9,968
☐ Budget Transfer			100-168-4231	\$3,000

Accept a County of Santa Clara grant in the amount of \$37,560 to implement strategies to prevent use of tobacco and designate City Manager as the Authorized Signer on a Grant Agreement with the County of Santa Clara.

Background:

The City of Milpitas submitted a grant proposal for the County of Santa Clara Public Health Department (SCCPDH) Healthy Cities Project- Tobacco Free Communities Program. On February 13, 2020, staff received notification of the funding for the grant. Due to COVID-19, grant awards from the County of Santa Clara have been extended to 2021.

The overall goal of the grant is to educate youth, parents and the general community on the dangers of tobacco use, and to prevent youth use of flavored tobacco and vaping products in the City of Milpitas. The objectives include reducing the number of tobacco retailers in the community, educate youth on the dangers of tobacco products and vaping devices, educate youth on methods used to advertise flavored tobacco products and e-cigarette and vaping devices, educate parents and “trusted adults” to recognize signs of youth tobacco use and effectively communicate with youth about the dangers.

The City of Milpitas will be entering into contract with the County of Santa Clara on the terms of the grant and will act as the grant administrator for the term of the grant.

Analysis:

Flavored tobacco and vaping products are known to attract youth. Those who begin using tobacco products at an early age are susceptible to addiction to tobacco and associated health risks.

By providing targeted education materials and training to both Milpitas youth and the adults in their lives, the Recreation and Community Services Department seeks to encourage young people to make healthy decisions regarding tobacco and prevent future health costs to the community.

This program aligns with the City Council’s goal of Community Wellness.

Fiscal Impact:

The cost to implement the proposed anti-tobacco program is \$37,560, mostly in staff time, printing and advertising expenses. The cost is entirely offset by the amount of the grant, so while the size of the budget would increase, there is no impact on the General Fund.

California Environmental Quality Act:

Not Applicable

Recommendations:

Accept a County of Santa Clara grant in the amount of \$37,560 to implement strategies to prevent use of tobacco and designate City Manager as the Authorized Signer on a Grant Agreement with the County of Santa Clara.

Attachments:

1. Healthy Cities Service Agreement
2. Budget Change Form

☐ **Check if City Council Approval required.**

Meeting Date: March 16, 2021

Requested by:	Department Head: Renee Lorentzen	Date: March 16, 2021
Reviewed by:	Finance Director: Lauren Lai	Date: March 16, 2021
Date approved by City Council, if required:		Confirmed by:

FI/24786/V

Form 30-222 (Rev. 1/92)



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept Commissioner Resignation
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	3/16/2021
Staff Contact:	Wendy Wood, 408-586-3001
Recommendation:	Accept commissioner resignation and confirm noticing of the unscheduled vacancy.

Background:

In accordance with the City of Milpitas Commission By-Laws, any member or alternate member of a Commission who is no longer available to serve, must submit a resignation in writing by sending a written communication to the Mayor and the City Clerk, per adopted City Council Resolution No. 7702. The written resignation must then be accepted and confirmed by City Council via action on the consent calendar at a regularly scheduled City Council meeting. George Yue Liu submitted a letter of resignation from the Energy and Environmental Sustainability Commission on February 28, 2021.

Analysis:

By state law, a Notice of an Unscheduled Vacancy must be posted by the City Clerk to advertise the vacant Commission seat. Final appointment to the board, commission, or committee for the Unscheduled Vacancy shall not be made by the legislative body for at least ten working days after the posting of the notice in the Clerk's office. The notice of the Unscheduled Vacancy for the Energy and Environmental Sustainability Commission was posted on March 4, 2021, in accordance with California Government Code 54974 (a).

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

Accept the resignation of George Yue Liu from the Energy and Environmental Sustainability Commission; and confirm noticing of the unscheduled vacancy.

Attachments:

1. Email from Commissioner George Yue Liu

Wendy Wood

Subject: FW: Resignation from Energy and Environmental Sustainability Commission

From: Yue Liu

Sent: Sunday, February 28, 2021 7:17 AM

To: Elaine Marshall <emarshall@ci.milpitas.ca.gov>; Mary Lavelle <mlavelle@ci.milpitas.ca.gov>

Subject: Resignation from Energy and Environmental Sustainability Commission

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Elaine,

Due to some personal factors, I have decided to resign from Energy and Environmental Sustainability commission.

It has been a pleasure to work with you all. Thanks for the good work keeping the community engaged and best luck to you all.

Best Regards
George Yue Liu.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Presentation on the Parks and Recreation Master Plan Updates, Recreation and Community Service Fee Assessment and Development of Cost Recovery Policy and Adopt a Resolution Approving Cost Recovery Policy for Recreation and Community Service Department, Project No. 5115
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	3/16/2021
Staff Contact:	Steve Erickson, 408-586-3301 Renee Lorentzen, 408-586-3409
Recommendation:	1. Receive a presentation on the Parks and Recreations Master Plan Update, Recreation and Community Services Fee Assessment and Development of Cost Recovery Policy 2. Adopt a Resolution Approving Cost Recovery Policy for Recreation and Community Service Department

Background:

Project Number 5115, Parks and Recreation Master Plan Update (Master Plan Update) is included in the approved 2020-2025 Capital Improvement Program. The Project provides for an update to the City's existing 2008 Parks Master Plan which entails an analysis current conditions of City parks and provides recommendations for improvement. The Plan update additionally includes an analysis of fees and cost recovery options for Recreation and Community Services' classes, facility and park rentals, and programs offered throughout the City's 36 parks and 6 community facilities.

During the October 20, 2020 Council Meeting, Gates & Associates (Gates) and Matrix Consulting Group (Matrix) provided an update on the parks and recreation fee assessment and development of cost recovery policy. The Council directed staff to bring this item back with additional information and details on the historical cost recovery data of selected programs.

Analysis:

The objective for the discussion on March 16, 2020 is to seek Council of the following items:

- Establishment of cost recovery targets for recreation and community service department programs
- Proposal to structure fees based on total costs instead of just direct costs
- Recommendation to group programs into three categories with different cost recovery targets
- Recommendation to achieve an average of a 40% total cost recovery for recreation programs and services.
- Finally, adoption of a resolution approving cost recovery policy for recreation and community service department (**Attachment 1**)

Staff has reviewed the historical cost recovery level for selected City programs including, but not limited to, swim lesson, adult sports league, and senior center programs/classes; evaluated class/ program revenues and expenditures related to the Recreation and Community Services Department; reviewed details as to which category each specific program shall fall into; and completed preliminary assessment of historical cost recovery data for several programs in each proposed category.

Park Master Plan Update

Extra effort has been made the past few months to expand outreach to the community due to the pandemic and related shelter-in-place orders. City staff and Gates have attended eleven City Commission Meetings to present project information and progress and to seek feedback from the Commissions. Based on information obtained from the Commission meetings and data received from both round 1 and round 2 surveys, Gates is preparing the administrative draft of the Updated Parks Master Plan document that will include an assessment of existing park conditions, park master plan goals, recommendations for improvement, and action plans for the next 5 to 20 years including maintenance operation schedules, list of recommended improvements, cost estimates for potential park improvement projects, and a list of potential funding opportunities. The draft document is anticipated to be presented to the City Council for consideration in Summer 2021.

Parks and Recreation Program Funding

The City's General Fund and Park Fund are the primary two sources of funding for the improvement and renovation of City park facilities. These two funding sources are not adequate to provide funding required for a minimum level of park improvement. The recent voter approved sales tax Measure F is anticipated to generate \$6.2M annually which can be used to help fund park improvements and recreation programs, however additional funding sources are still required. For example, \$44.2M in funding is anticipated to be required for the renovation of 13 parks over the next 5 years.

Recreation and Community Services programs and the Milpitas Assistance Program, formerly known as MAP are funded through the General Fund. The Milpitas Assistance Program supports low income families and individuals needing financial assistance to participate in Recreation and Community Services' and programs offered by the City. The current level of funding programmed for the Milpitas Assistance Program is \$27,000.

Benchmarking

Matrix Consulting Group completed an assessment of City recreation programs, fees, and existing cost recovery percentages, and compared with comparative Bay Area municipalities (**Attachments 2 & 3**). Communities utilized as comparatives include Fremont, Mountain View, Cupertino, and San Jose. Matrix determined that Milpitas recreation services/programs and fees charged are generally in alignment with these other agencies, however, it is recommended the City update its policy on cost recovery targets which are indicated in the City's Municipal Code. Most communities have a formal cost recovery policy for recreation programs including Fremont, Mountain View, Palo Alto and San Jose. Some communities implemented a direct cost recovery while other use total cost recovery fee structure.

Historical Cost Recovery

Analysis of current cost recovery for recreation programs and services indicates the City is averaging over the last three years at 48.6% recovery rate for direct costs and a 29.5% for recovery rate for total costs; however, half of fiscal year 2019-20 year was impacted by COVID-19, thusly reducing that percentage. City indirect costs are approximately 65% of the direct costs and these include the cost for utilities and maintenance related to the facilities and outdoor spaces in which the services are provided to the community (Sports Center, Senior Center, Higuera Adobe, Cardoza Park, etc.).

Proposed Cost Recovery Policy

Overall, the consultant is recommending the City to establish a cost recovery policy, which the City currently does not have, for recreation and community service department programs. Per historical data, the City has achieved an average of 29.5% total cost recovery over the last three years. To better offset use of the General Fund with increased revenue, Matrix recommends the City achieve an average 40% total cost recovery including both direct and indirect costs.

It is also recommended that cost recovery target categories are established for different programs and services offered. Recreation programs that have high personal or individual benefit would have higher cost recovery

targets than those that are mainly a public benefit. Having varied cost recovery targets based upon the type of program allows the City to provide programs beneficial to the community without focusing on the cost of the program and better assist the underserved population.

Three program categories are recommended according to the level of personal/individual benefit and each with a different cost recovery goal. Recreation programs and services are recommended to be classified using the following Category definition to assist in meeting the cost recovery target:

Category A Programs/Services: Recreation Programs/services that have high personal/individual benefit would have no or limited City subsidy. This category would include programs that are principally of personal/individual benefit with little to no public benefit and may include high-demand programs. Examples of programs in this category include adult sports leagues, private/semi-private lessons (non-therapeutic/adaptive), advanced level classes/programs, tournaments, facility/park rentals, and trips. Programs/services in this category would have targeted initially for 80% to 100% cost recovery with a long-term goal of 100% cost recovery overall

Category B Programs/Services: Recreation Programs/services that provide both personal/individual and some community benefit. This category would include program/services such as: childcare, special events (limited capacity), swim lessons (beginning), youth fitness/sports, workshops, and educational enrichment classes (i.e. Public Speaking, Coding). Programs/services in this category would have targeted initially for 35% to 50% cost recovery with a long-term goal of 50% cost recovery overall

Category C Programs/Services: Recreation Programs/services that provide limited personal/individual benefit and have high public benefit or address specific policy goals adopted by the City. This category would have the highest level of City subsidy and include senior programs, social service programs/classes, community wide events, therapeutic/adaptive programs/classes/services, arts enrichment, teens' social and skill development programs. Programs/services in this category would have targeted initially for 10% to 20% cost recovery with a long-term goal of 20% cost recovery overall

Staff conducted a review of 2018-19 total cost recovery levels for several City programs and compared them to the recommended three proposed cost recovery categories (A, B, & C) along with targeted cost recovery rates. The table below represents a cross section of the programs reviewed and is not a comprehensive assessment of all programs offered, therefore final cost recovery percentages are still to be determined but are anticipated to be close to those shown below:

Proposed Category (Targeted Recovery Rate)	Example Programs	2018-2019 Cost Recovery Level (based on full cost recovery)
A (100%)	Private Swim Lessons Swim Camp Swim Club – Developmental Swim Club - Junior Adult Sports Leagues	27.2%
B (50%)	After the Bell Day Camps Jr. Warriors Basketball Camp Extended Care Swim Lessons Sports Center Membership Sports Center – Drop In Recreational Swim	40.0%
C (20%)	Senior Center Programs/Classes Senior Center Membership	8.0%

Each individual program/service that is under the same category does not necessarily have to achieve the same cost recovery target that is being recommended. The goal is to achieve the recommended target for each specific category collectively. For instance, If the collective target for Category A falls between 80-100%, cost recovery of programs within this category may be higher or lower than the target so long as the average cost recovery level is between 80%-100%.

It is envisioned that if fees are increased in certain program areas, MAP funds would continue to help subsidize those enrollment fees for families or individuals that otherwise could not afford or would find it difficult to participate in City Recreation and Community Service Programs due to their cost. In addition to fee offsets, the MAP program provides the setup of payment plans, so any fee balance that is the responsibility of customers can be broken into several lower payments over time. The Milpitas Recreation and Community Services Department will continue to ensure affordability of recreation activities through scholarships, certain free youth activities, time-limited price promotions, and by continuing to cultivate volunteers and partnerships.

Next Steps

Based on Council direction on the cost recovery policy, staff will evaluate current fees and develop a plan to achieve the cost recovery targets. The plan could include a combination of strategies including phasing in fee increases, creating more cost-effective delivery models, and developing a different program mix based on community needs. Any changes to fee schedules will be brought forward for Council consideration as part of the annual budget process.

Fiscal Impact:

There's no fiscal impact with the adoption of the policy. Any proposed fee changes consistent with this policy will be brought forward to Council as part of the annual budget process.

California Environmental Quality Act:

Not applicable

Recommendation:

Receive a presentation on the Recreation and Community Services Fee Assessment and Development of Cost Recovery Policy and Adopt Resolution Approving Cost Recovery Policy for the Recreation and Community Service Department

Attachments:

1. Resolution and Cost Recovery Policy
2. Cost Recovery Assessment and Policy Development Report.
3. Recreation Fee Assessment Report

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE
COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICE
DEPARTMENT**

WHEREAS, the City of Milpitas's (City's) General Fund and Park Fund are the primary two sources of funding for the improvement and renovation of City park facilities. These two funding sources do not adequately fund the minimum level of park improvements required; and

WHEREAS, the recently voter approved Measure F sales tax is anticipated to generate \$6.2 million annually and can be used to help fund park improvements and

WHEREAS, Recreation and Community Services programs and the Milpitas Assistance Program, formerly known as MAP, are funded through the General Fund. The Milpitas Assistance Program supports low-income families and individuals needing financial assistance to participate in City Recreation and Community Services programs; and

WHEREAS, the Matrix Consulting Group (Matrix) completed an assessment of City recreation programs, fees, and existing cost recovery percentages compared with other Bay Area municipalities. The comparative analysis included Fremont, Mountain View, Redwood City and San Jose. Matrix determined that Milpitas recreation services/programs and fees charged are generally in alignment with these other agencies, but recommended the City update its policy on cost recovery targets; and

WHEREAS, Per MMC section IV-3-4.00, the cost recovery percentages are included in the Master Fee Schedule, which will be updated annually."

WHEREAS, analysis of current cost recovery for recreation programs and services indicates the City averaged a 48.6% direct cost recovery and a 29.5% total cost recovery for the last three years; and

WHEREAS, Matrix recommends the City increase its total cost recovery target from 29.5% to a minimum 40% total cost recovery, including both direct and indirect costs, to increase revenue and offset use of the General Fund; and

WHEREAS, Matrix recommended that the City establish cost recovery target categories for different recreation programs and services offered. Recreation programs that have high personal or individual benefit would have higher cost recovery targets than those that are primarily a public benefit. Having varied cost recovery targets based upon the type of program allows the City to provide programs beneficial to the community and to better assist the underserved population; and

WHEREAS, three program categories with varying cost recovery goals are recommended based on the level of personal/individual benefit provided as follows:

(i) Category A is for programs/services that provide high personal/individual benefit and no or limited City subsidy Programs/services in this category would have a cost recovery goal of 100%; (ii) Category B is for programs/services that provide both personal/individual and some community benefit. Programs/services in this category would have a cost recovery goal of 50%; and (iii) Category C for programs/services that provide limited personal/individual benefit and have high public benefit or address specific policy goals adopted by the City. Programs/services in this category would have a cost recovery goal of 20%.

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 hereby adopts Resolution Approving Cost Recovery Policy for the Recreation and Community Service Department, a copy of which is attached hereto as Exhibit A.

PASSED AND ADOPTED this 16th day of March, 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



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Policy No: Click or tap here to enter text.	COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES DEPARTMENT	Effective Date: Click or tap to enter a date.
Revision No: Click or tap here to enter text.	Policy Administrator: Choose an item.	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.** The purpose of this policy is to establish cost recovery targets for the services provided by the Milpitas Recreation and Community Services Department and to establish a methodology to calculate the cost recovery level moving forward. The establishment of the cost recovery targets will provide direction to staff on the level of funding for services that will be achieved through generated revenues versus those covered from the general fund or other revenue sources. Additionally, adoption of these targets will provide guidance to staff and the City Council when conducting the annual fee review and fee schedule adoption for specific programs and services

2. POLICY

The Recreation and Community Services Department will annually conduct an internal assessment of the level of cost recovery achieved and present this analysis to the City Council as part of the budget discussion regarding fee establishment. Absent specific policy direction from the City Council, fees and charges for services will be established in alignment with the provisions of this policy and the following principles:

- 2.1. Public Interest** – The public has an interest in the availability of a broad range of organized recreation opportunities that encourage healthy lifestyles, ongoing and lifelong learning, a sense of belonging to the community, and which provide exposure to a variety of recreational programs and services.
- 2.2. Balance of benefits** – The benefits of participation in public recreation accrue to both the participant and to the public. The City of Milpitas has determined that it is appropriate that recreation funding is a shared responsibility and should be funded through a mix of both participant fees and public resources.

As a broad overarching principle, fees will generally be established at a high level of cost recovery for programs that provide an entirely personal benefit and at a lower cost recovery for programs that provide a mixed public/personal benefit. Additionally, the City has



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determined that programs for underserved populations or those of limited means, may warrant additional subsidization.

- 2.3. Focus of cost recovery goals** – The mission and goals for public recreation activities and programs apply to all citizens of Milpitas and interests in specific types of programs and activities are determined by individual participants. The greater public interest lies in encouraging participation and reducing barriers to access to public recreation. Therefore, cost of service analysis and cost recovery goals for certain segments of the population where significant barriers to participation may exist will be considered periodically and established at levels that may vary from the typical cost recovery targets. These groups are identified as follows:

- a) **Youth:** in order to invest in the future of our community.
- b) **Low-income residents:** in order to ensure access and mitigate financial barriers to participation.
- c) **Residents with disabilities or seniors:** in order to improve opportunities for inclusion and participation.

Participants in these categories may have program fees and charges reduced when compared to the typical fees and service charges established for all other participants.

To provide a systematic approach to establishing cost recovery targets, all programs shall be classified according to the level of personal benefit received as follows:

- a) Category A Programs/Services (High or full cost recovery activities):**
These programs and services have high personal/individual benefit and should have no or limited subsidy. This category would include programs that are principally of personal benefit with little public benefit and may include high-demand programs.

Examples of programs that typically fall into this category include: competitive sports leagues, individual health and wellness courses (i.e., yoga), private/semi-private lessons, swim camps, organized parties, advanced classes/programs, workshops and clinics, and specialized activities/camps.

- b) Category B Programs/Services (partial cost recovery activities):** These programs provide both individual and community benefits.

This category would include programs/services such as: intermediate programs, sports center, recreational swim, swim lessons, youth tournaments/leagues, social affinity groups, some educational programs (ESL, Math, etc.).



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- c) Category C Programs/Services (limited cost recovery activities):** These programs have limited personal benefit and high public benefit or address specific policy goals adopted by the City.

Examples of programs that would fall into this category would include therapeutic, adaptive, or special recreation programs, community-wide events, arts programs, summer camps, park/facility usage, inclusionary services, etc.).

- 2.4. Cost recovery goals** – Cost recovery goals and targets establish the overall level of subsidy that will be provided by the local government and represent a balancing act between public and personal benefits. Overall, the Recreation and Community Services Department shall target achieving a 40% cost recovery of total costs (inclusive of all direct and indirect costs).

For each tier of programs/services, the cost recovery goals will be established at the following levels:

- a) Category A Programs/Services:** Collectively, these programs and services would be targeted at 100% cost recovery.
- b) Category B Programs/Services:** Collectively, these should be targeted for 50% cost recovery.
- c) Category C Programs / Services:** Collectively, these programs should be targeted at 20% cost recovery.

- 2.5. Cross-subsidization** – Cost recovery goals, as determined by this policy, are intended to be averages across the Department's entire program portfolio. Over- or under-realization of these cost recovery goals by any particular site, program or activity is acceptable and expected. The City's broader goal is to ensure that programming and pricing fit the changing realities of the marketplace, resident needs and desires, maximizing participation, making efficient use of facility capacity, and maintaining a broad array of diverse recreation offerings. Nothing in this policy will authorize the City to adopt a fee or charge for a program or service that violates any applicable law or would render such fee or charge a tax requiring voter approval, including, without limitation, article XIII C, section 1(e) of the California constitution.

- 2.6. Targeted recreation programs** – When the Recreation and Community Services Department provides recreation programs specifically targeted to residents with special



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needs or seniors (or other City Council-identified populations), these programs may have lower cost recovery rates established than general recreation programs. However, to the degree that residents with disabilities, seniors, and new immigrants participate in general recreation programs, they are subject to the same prices as the general population. Subsidy programs may be used for targeted populations, such as youth or low-income citizens, that participate in general programs to offset costs, but the general fees charged for that program or activity will not be modified.

- 2.7. Pricing** – Fees are to be set by Recreation and Community Services staff under the authority of the City Council through the annual review of fees. In setting prices, the Department will balance the goals of program availability and affordability within the constraints of budget allocations, market economics, legal restraints, and cost recovery goal approved herein.
- 2.8. Financial assistance** – In addition to pricing which reflects cost recovery goals for low-income participants, the Recreation and Community Services Department will seek to ensure affordability of Department activities through scholarships, certain free youth activities, time-limited price promotions, and by cultivating sponsorships and other partnerships that can support these programs and activities.
- 2.9. Activities requiring permits** – A permit is required for certain activities in Milpitas parks. When permits for picnics or weddings result in exclusive use of an area, pricing should be set to achieve 80-100% recovery of total costs. When the purpose of a permit is to reserve a limited area for a limited time, such as a small group picnic, then prices should be set to 100% recovery of the direct costs incurred by the Department.
- 2.10. Renting of facilities** – Various facilities are available for use by groups and private parties. Pricing should be set to recover 80-100% of direct costs for rentals during normal open hours. For events during normally closed hours, prices should be set to recover all incremental costs incurred by the Department, including staff, maintenance, and utilities (i.e. – all direct and indirect costs). However, priority groups (i.e. Milpitas-based non-profits) or other groups approved by the City Council may have reasonable use of facilities at discounted rates.
- 2.11. Waivers of Fees and Charges** – Waiving or reducing certain fees and charges for recreation activities, permits, and rentals is within the public interest in order to reduce barriers to participation or optimize utilization of existing facilities.



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The Department shall submit a recommendation for an appropriation during the annual budget process to offset revenues lost by waiving fees and charges. Total fees and charges waived annually shall be constrained within this appropriation. In accordance with established budgetary policies, the Department may request budget adjustments during the fiscal year when circumstances dictate consideration before the next budget cycle.

- 2.12. Updating of goals** – Information about cost recovery levels should be calculated and reported annually. The cost recovery goals should be reviewed and updated at least once every three years.

Whenever the City Council approves a cost recovery goal that is higher than the current level of recovery, whenever practical, fees should be raised incrementally over time for the affected program categories, in accordance with the market, in order to optimize revenue generation with program availability and participation. Whenever the City Council approves a cost recovery goal that is lower than the current level of recovery, the Department shall present a budget decision package during the subsequent annual budget process identifying the additional amount of General Fund discretionary resources necessary to achieve the goal and provide options for program changes or reductions in lieu of additional resources.

- 2.13. Compliance with budget** – Notwithstanding the policy goals for cost recovery outlined in this policy, the Department's primary responsibility in developing programs and services and establishing fees and pricing for recreation programs/services is to operate within the budget set by the City Council. Cost recovery goals are guidelines for program design and pricing, subsidiary to budgetary allocations and economic realities. Furthermore, cost recovery goals are subsidiary to the Department's responsibilities for development of the park system and asset maintenance requirements.

- 2.14. Interagency services** – Services provided to other City departments or other governmental agencies should recover 100% of their full costs.

3. DEFINITIONS

- 3.1. Direct costs** - costs incurred to provide recreation services and programs by the Recreation and Community Services Department. These costs are personnel, materials and supply costs budgeted directly within the annual Recreation and Community Services Department budget.
- 3.2. Total costs** - all costs incurred by the City to provide recreation services and programs by the Recreation and Community Services Department. The costs would include, in addition to the costs in the Recreation and Community Services Department budget, all other costs incurred by the City that are appropriately allocated to the provision of recreation services and programs. Examples of these additional costs would be: cost allocation changes (from the



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annual cost allocation plan) to cover City-administrative costs and expenses incurred by other departments to support the provision of services - such as facility maintenance and set up costs of the Public Works Department directly attributable to recreation programs and services.

4. PROCEDURE

- 4.1. Annually, the Director of the Milpitas Recreation and Community Services Department will develop an assessment of the cost recovery achieved by the Department for the prior year. This assessment will cover both overall departmental cost recovery and the cost recovery for each tier of services established (Categories A, B and C).
- 4.2. Milpitas Recreation and Community Services staff will annually evaluate the mix of programs and services offered, to identify new programs that should be added or dropped in order to maintain a well-balanced services and program portfolio designed to achieve the adopted cost recovery targets.
- 4.3. Annually, staff will evaluate all subsidies and fee discounts provided to youth, low-income, and senior participants and provide a report to the City Council in conjunction with the annual budget process. The report should identify the annual funding needed to maintain adequate participation levels for these populations in the mix of services provided by the Department.
- 4.4. Prior to the annual discussion on fees to be adopted, the Department shall complete the cost recovery analysis and transmit it to the Finance Department for inclusion of the proposed master fee schedule submitted to the City Council for consideration.
- 4.5. Fee recommendations will be developed in accordance with the existing City policy of annual fee review and adoption by the City Council designed to enable the Department to achieve the adopted cost recovery targets.
- 4.6. The City Council will consider, as part of the establishment of fees each year, the adopted cost recovery targets. While policy decisions may be made that result in fees being adopted that do not achieve the targeted cost recovery targets, this should be a conscious decision based upon identified factors and the subsidy impact on the General Fund subsidy should be noted.
- 4.7. Any deviations to the adopted cost recovery targets adopted will be noted annually during the budget process.

Cost Recovery Assessment and Policy Development Report

MILPITAS, CALIFORNIA



March 8, 2021

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1. Overview

The City of Milpitas conducted this engagement to develop a cost recovery policy for the City of Milpitas. This effort follows a review conducted earlier this year that evaluated the fees charged for recreation programs and services against those in place for comparable communities. That effort generally found that the City's fees and charges were generally in alignment with those charged by other comparable public and private providers in the region but also recommended that the City adopt an updated policy on cost recovery for the Recreation and Community Services Department.

The development of a strategic cost recovery policy will provide guidance and a framework that will have several benefits and uses including:

- Providing direction from the City Council to staff on the overall cost recovery that should be achieved by the Department of Recreation and Community Services.
- Encourages staff to routinely and continuously evaluate the programs and services provided to ensure that they can generate sufficient revenues to achieve the cost recovery target.
- Provides a framework that enables staff to evaluate program service offerings to balance the competing needs of revenue generation and serving underserved or special populations of the community.
- Establishes a City policy regarding the appropriate level of general fund support to programs and services of the department.
- Provide guidance to the City Council when considering the establishment of fees by ensuring that cost recovery is a primary focus on fee establishment.

In conducting this study, several analytical efforts were undertaken to develop the information, insights, and data necessary to develop a cost recovery policy suitable for the unique needs of the City of Milpitas. These included:

- Evaluating and assessing the historical cost recovery levels of the City of Milpitas Department of Recreation and Community Services.

- Evaluating class and program revenues, and City expenditures (direct and indirect costs) related to the Department of Recreation and Community Services to ensure the recommended cost recovery targets were reasonable.
- Conducting a comparative survey of regional municipalities to understand the approach they take to cost recovery, the costs included (direct, or direct plus indirect), and the established cost recovery targets.
- Reviewing cost recovery policies and approaches from industry sources (such as professional associations) and/or recognized industry leaders to determine if components were applicable or suitable for the City of Milpitas.
- Drafting a sample Cost Recovery Policy.

The following chapter provides a summary of the analytical tasks conducted and is following in Chapter 3 with a recommended Recreation and Community Services Cost Recovery Policy for the City of Milpitas.

2. Cost Recovery Assessment

This chapter provides a summary of the findings from the analytical efforts undertaken during the engagement specifically related to the comparative survey of local municipalities cost recovery approaches and the current cost recovery levels of the City.

(a) Cost Recovery Overview.

A municipal finance best practice highly recommended for public parks and recreation agencies throughout the country is the development and implementation of a cost recovery plan and policy to be used as a financial guide in developing and evaluating the cost effectiveness of recreation programs. The purpose of a cost recovery policy is to determine the costs of providing programs and to set a level of fees and charges for these programs that is acceptable to the community. In implementing the policy both the direct costs, costs directly attributed to the program, and the indirect costs, such as administrative overhead, are considered in the calculations of program costs.

A cost recovery plan and policy will guide the department in ensuring the consistent application of fees and charges for programs and services offered in individual program units in the department and the recovery of comparable costs based on the predetermined cost recovery percentages applied to each program or program unit. An important component of the cost recovery policy is the determination of the degree to which selected program costs should be covered by those user groups benefiting from the experience balanced with the percentage of cost recovery assigned to programs which provide core services to the broader community and are maintained at minimal or no cost recovery percentage. This decision should be based on policy discussion and deliberation by the City Council in order to provide appropriate direction to staff.

The following exhibit provides a high level overview of the definition, purpose and components of a cost recovery plan and policy. It also describes the benefits of such a plan and the steps required to develop an effective cost recovery plan and policy.

Cost Recovery Plan and Policy	
Definition	A cost recovery policy is defined as a formalized plan that dictates the portion of the direct and indirect cost that will be recovered by the Parks and Recreation and Community Services Department based on revenue collected for the fees and charges assessed by the agency.

Cost Recovery Plan and Policy	
Purpose	The purpose of a cost recovery policy is to determine the full cost of providing a service (direct and/or indirect costs) and to set a level of fees and charges that is acceptable to the community, is able to recover a portion of the full cost and to meet the target cost recovery percentage determined for the specific program grouping.
Components	Direct Costs – the direct cost of providing a service including all costs (personnel, supplies, materials, etc.) associated with the instructor teaching the recreation class or the program leaders monitoring children during afterschool programs. Indirect Costs – the cost of overhead associated with providing administrative support to Recreation and Community Services staff in running the various programs and services provided. This overhead support can be manifested through program overhead, departmental overhead, or City-wide overhead. The City of Milpitas has a comprehensive cost allocation plan developed annually for indirect costs and this is appropriate for use in this case. Not all communities include indirect costs in their cost recovery targets. Participation – the number of participants associated with a specific program or activity. This component is only important for fees and charges that have a “per participant” fee, as the total direct and indirect costs are divided by the number of participants to arrive at the full cost per participant. This is less critical for establishing the cost recovery targets but is extremely critical when developing annual fees for programs. Revenue – the total recoverable revenue associated with a specific grouping of programs or services. This revenue is then used in conjunction with the full cost derived to determine the current cost recovery percentage for the Department.
Benefits	There are many benefits to having an adopted cost recovery policy with defined targets. Some of these include: • Department is aware of the full cost of providing the service and can set the fees with full knowledge of what portion of costs it is recovering. • Fees based on costs can be charged to all users, including resident and non-residents who do not pay general property taxes. • User charges can help gauge the demand for a service. • Develop a formal subsidization policy or formal scholarships based upon the needs of the community and the populations that the community desired to subsidize. Common populations that often have reduced or subsidized rates include: low-income families, seniors, and disabled participants. • Ability to develop fees appropriately for any new programs or activities. • Able to establish the level benefit of a program to the individual and community to set future and current fees appropriately.

Cost Recovery Plan and Policy	
Steps to Develop a Cost Recovery Policy:	• Define the full list of services for which the department is currently and potentially interested in charging fees. • Calculate the full cost of each service, including applying appropriate indirect overhead charges (if the community desires to develop a full-cost recovery approach rather than simply a direct cost approach). • Determine the community goal of each service or program area (or tiers of service) and set a different cost recovery level for that service. • Provide public input on cost recovery approaches. • Develop different fee levels for residents and non-residents and define subsidy levels, if any, for special populations. • Establish a written policy dictating different cost recovery levels for the various types of services provided by the department.

Moving forward, it will be important for the department to increase its data tracking capabilities to make sure each program is identified within the appropriate program classification that it falls within, and to track all costs associated with each service area. At the present time, this data is not available at a level of detail or in an easily reportable format that enables staff to quickly and accurately calculate cost recovery levels.

Developing a formal Cost Recovery Plan and Policy is an important business practice that ensures the development of an appropriate fee structure and recovery at identified percentage levels of the cost for programs, assists in evaluating the cost effectiveness of individual programs and services, and allows for consistent program budgeting.

(b) Historical Cost Recovery for Recreation and Community Services.

Typical recreation functions nationally are achieving cost recovery for recreational programming activities in the range of 40 – 60%. Experience with other Bay Area communities indicates that more communities in this region are typically at the lower end of that range. While nationally there are examples of departments that achieve an overall cost recovery exceeding 80%, and in some cases 100% of costs, this is extremely rare. It is also harder to achieve when a well-balanced portfolio of programs is provided that ensures there are wide program varieties for all populations in the community.

In evaluating a one year allocation of revenues, the following table shows the amount that was achieved by major service category. This information is useful as part of the data that will need to be utilized in the future to evaluate which service areas are high revenue generators and can provide a revenue stream to support non-revenue generators.

Category	Amount	% of Revenue
Youth	\$ 1,333,852	52.6%

Category	Amount	% of Revenue
Camps	\$ 396,617	15.6%
Aquatics	\$ 247,604	9.8%
Facility/Park Rentals	\$ 214,365	8.4%
POS Products	\$ 152,149	6.0%
Pre-K Enrollment	\$ 102,450	4.0%
Adults	\$ 64,088	2.5%
Special Events	\$ 26,792	1.1%
TOTAL	\$ 2,537,917	

In evaluating the historical cost recovery for the City of Milpitas Recreation and Community Services Department over a three year period, the following rates were calculated:

	<u>2017-2018</u>	<u>2018-19</u>	<u>2019-20</u>	<u>3 Year Average</u>	<u>Target</u>
Cost Recovery - Total Cost (Direct and Indirect)	33.48%	30.60%	25.93%	29.46%	40%
Cost Recovery - Direct Costs Only	55.23%	50.49%	42.77%	48.60%	60%

As shown, over the last three years, the department has averaged a 48.6% direct cost recovery and a 29.5% total cost recovery. The last half of FY2019-20 year has obviously been impacted due to COVID. Indirect costs for this department are high – equal to approximately 65% of direct costs. This is directly due to the indirect services (including utilities and maintenance charges) received by the department in the provision of services.

(c) Comparative Survey Findings Related to Cost Recovery.

As previously noted, as part of this engagement, we undertook a comparison of the cost recovery approaches, policies, and methodologies for other regional municipal jurisdictions. The following sections highlight the key findings from that assessment. Most communities have a formal cost recovery policy for recreation programs as shown in the following table.

Jurisdiction	Formal Policy
Cupertino	No policy at all
Dublin	In progress of developing
Fremont	Formal policy (reserve fund)
Mountain View	Formal (recreation), informal (golf / performing arts)
Palo Alto	Formal
San Jose	Formal (annual CR targets adopted)
Redwood City	No policy

Of the seven surveyed communities, only three communities - Redwood City, Cupertino and Dublin - have no policy in place at the present time. However, Dublin is in the process of developing one. The communities were asked about their target cost recovery levels and the methodology they utilized in developing the costs (full cost recovery or direct costs only). Full cost recovery means all direct and indirect costs (including City-wide overhead through a cost allocation methodology) are included.

Jurisdiction	Target	Type of Cost Recovery
Cupertino	40%	Full cost recovery
Dublin	65% target overall (varies by program)	All direct and some indirect costs included
Fremont	66% (this year). They have achieved up to 74% in prior years.	Full cost recovery
Mountain View	Level 1 0-50%, Level 2 50-100%, Level 3 80-122%, varies by program	Direct costs only
Palo Alto	Varies based on grouping: Low – up to 30% Medium – 30 – 70% High – 70 – 100%	Direct costs only
San Jose	40%	Full cost recovery

As shown, for those communities with a cost recovery target, they varied on whether it was based on direct costs or total costs. Three indicated they utilized a full-cost recovery approach and three indicated principally only direct costs were included.

The ranges of cost recovery established as policy also varied significantly. These ranged from 40% to 65% as the targeted cost recovery levels. Mountain View and Palo Alto have cost recovery targets established by program type categories. Other than Fremont, most of the high cost recovery targets are for communities which only attribute direct costs. Those that track cost recovery based on total costs typically had lower targets, other than Fremont, closer to the 40% level (Cupertino and San Jose).

We are recommending that the City develop a cost recovery target based upon full-costs to ensure that all applicable costs are considered in the future when decisions are made regarding program fees, service charges and evaluating potential programs that could enhance revenue generation. When only direct costs are considered, the full view of the impact is not fully realized.

(d) Comparative Survey Findings Related to Subsidy Programs.

We also inquired with the comparable communities about the presence of subsidy programs to offset fees or provide scholarships to residents who otherwise would not be able to avail themselves of the recreational programs and services provided by the City. Similar to the City of Milpitas, the majority of entities have some type of program in place.

Jurisdiction	Subsidy
Cupertino	Yes (Fee waiver assistance), partnership with West Valley Community Services
Dublin	Yes (Fee assistance program)
Fremont	Yes, scholarship programs for kids to take programs and sponsorship program, water park tickets for low income families. most people just donate in general and sometime businesses do to. drive in movies ticket \$5 to scholarship, concert in the park series done by business donations
Mountain View	Yes, program is called FAP
Palo Alto	Yes for Low Income or Disabled Residents
San Jose	Yes
Redwood City	Yes, Milpitas Assistance Program (MAP) and payment plans

The City of Milpitas should continue to provide a scholarship and subsidy program for recreational programs and the annual costs of this service should be reviewed annually at budget time. While typically funded by general funds, many communities are exploring options for grant funding and corporate sponsorships of these programs to minimize the impact to the general fund and enhance cost recovery abilities.

(e) Cost Recovery Targets

In addition to have a single overall departmental cost recovery target, we are also recommending that the department establish cost recovery targets based upon the type of programs offered. Those programs that have high personal benefit would have higher cost recovery targets than those that are mainly public benefit. Having varied cost recovery targets based upon the type of program, also allows the City to provide programs beneficial to the community without only focusing on the cost of the program but also factoring in the community benefit or the benefit to underserved populations.

In developing the recommended cost recovery policy, we have recommended three category of programs as follows:

- a) **Category A Programs/Services (total cost recovery programs):** These programs and services have high personal / individual benefit and should have no or limited subsidy. Targeted initial cost recovery of 80% to 100% with a long-term goal of achieving 100%.

This category would include programs that are principally of personal benefit with little to no public benefit and may include high-demand programs. Examples of programs that typically fall into this category include: park/facility usage, competitive sports, tournaments and adult sport leagues, individual health and wellness courses (i.e. – yoga), private / semi-private lessons, swim camps, organized parties, advanced classes/programs, workshops and clinics, and specialized activities/camps.

- b) **Category B Programs/Services (partial cost recovery programs):** These programs provide both individual and community benefits. These should be targeted initially for 35% to 50% cost recovery with a long-term goal of 50% cost recovery overall.

This category would include programs / services such as: intermediate programs, sports center memberships, recreational swim, swim lessons, youth sports leagues, social affinity groups, summer camps, and some educational programs (ESL, Math, etc.).

- c) **Category C Programs / Services (limited cost recovery programs):** These programs have limited personal benefit and high public benefit or address specific policy goals adopted by the City. Initial cost recovery target of 10% to 20% with a long-term goal of 20%.

This category would include programs / services such as: senior programs, therapeutic, adaptive, or special recreation programs, community wide events, arts programs, social service programs, teen programs/services, inclusionary services, etc.).

Utilizing these three categories for evaluating cost recovery at a more refined level than the overall departmental level, will enable the department to prioritize programs that based purely on financial considerations may not be determined financially viable. It also ensures that the mix of programs offered are diverse and focused on all populations served not just those with financial means or programs where there is high levels of interest and demand. These three categories have been incorporated into the draft policy presented in the following chapter.

(f) Historical Cost Recovery for Specific Recreation Programs and Services.

While the last year has not been a normal year for recreation programming and evaluating cost recovery based upon data from this year is not appropriate. However, the

Department of Recreation and Community Services conducted an in-depth review of cost recovery in 2019 (for 2018 data) that provides valuable context when discussing and evaluating the appropriateness of specific cost recovery targets.

The following table summarizes key findings from that analysis and shows how the current cost recovery level compares to the proposed cost recovery level for major program areas. While most are within the cost recovery level, some are not.

Proposed Category (Targeted Recovery Rate)	Example Programs	Cost Recovery Level (based on full cost recovery)
A (100%)	Private Swim Lessons Swim Camp Swim Club – Developmental Swim Club - Junior Adult Sports Leagues	27.2%
B (50%)	After the Bell Day Camps Jr. Warriors Basketball Camp Extended Care Swim Lessons Sports Center Membership Sports Center – Drop In Recreational Swim	40.0%
C (20%)	Senior Center Programs/Classes Senior Center Membership	8.0%

While it would be preferable to utilize data from the last year of operations, given the pandemic and a significant reduction in revenue from cancelled classes, this is not possible. However, this data is recent enough to be useful in evaluating historical cost recovery levels in selected service areas and for comparison to recommended cost recovery targets. As shown, the greatest deviation from the targeted cost recovery is in the Category A programs.



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Policy No: Click or tap here to enter text.	COST RECOVERY POLICY FOR THE RECREATION AND COMMUNITY SERVICES DEPARTMENT	Effective Date: Click or tap to enter a date.
Revision No: Click or tap here to enter text.	Policy Administrator: Choose an item.	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.** The purpose of this policy is to establish cost recovery targets for the services provided by the Milpitas Recreation and Community Services Department and to establish a methodology to calculate the cost recovery level moving forward. The establishment of the cost recovery targets will provide direction to staff on the level of funding for services that will be achieved through generated revenues versus those covered from the general fund or other revenue sources. Additionally, adoption of these targets will provide guidance to staff and the City Council when conducting the annual fee review and fee schedule adoption for specific programs and services

2. POLICY

The Recreation and Community Services Department will annually conduct an internal assessment of the level of cost recovery achieved and present this analysis to the City Council as part of the budget discussion regarding fee establishment. Absent specific policy direction from the City Council, fees and charges for services will be established in alignment with the provisions of this policy and the following principles:

- 2.1. Public Interest** – The public has an interest in the availability of a broad range of organized recreation opportunities that encourage healthy lifestyles, ongoing and lifelong learning, a sense of belonging to the community, and which provide exposure to a variety of recreational programs and services.
- 2.2. Balance of benefits** – The benefits of participation in public recreation accrue to both the participant and to the public. The City of Milpitas has determined that it is appropriate that recreation funding is a shared responsibility and should be funded through a mix of both participant fees and public resources.

As a broad overarching principle, fees will generally be established at a high level of cost recovery for programs that provide an entirely personal benefit and at a lower cost recovery for programs that provide a mixed public/personal benefit. Additionally, the City has



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determined that programs for underserved populations or those of limited means, may warrant additional subsidization.

- 2.3. Focus of cost recovery goals** – The mission and goals for public recreation activities and programs apply to all citizens of Milpitas and interests in specific types of programs and activities are determined by individual participants. The greater public interest lies in encouraging participation and reducing barriers to access to public recreation. Therefore, cost of service analysis and cost recovery goals for certain segments of the population where significant barriers to participation may exist will be considered periodically and established at levels that may vary from the typical cost recovery targets. These groups are identified as follows:

- a) **Youth:** in order to invest in the future of our community.
- b) **Low-income residents:** in order to ensure access and mitigate financial barriers to participation.
- c) **Residents with disabilities or seniors:** in order to improve opportunities for inclusion and participation.

Participants in these categories may have program fees and charges reduced when compared to the typical fees and service charges established for all other participants.

To provide a systematic approach to establishing cost recovery targets, all programs shall be classified according to the level of personal benefit received as follows:

- a) Category A Programs/Services (High or full cost recovery activities):**
These programs and services have high personal/individual benefit and should have no or limited subsidy. This category would include programs that are principally of personal benefit with little public benefit and may include high-demand programs.

Examples of programs that typically fall into this category include: competitive sports leagues, individual health and wellness courses (i.e., yoga), private/semi-private lessons, swim camps, organized parties, advanced classes/programs, workshops and clinics, and specialized activities/camps.

- b) Category B Programs/Services (partial cost recovery activities):** These programs provide both individual and community benefits.

This category would include programs/services such as: intermediate programs, sports center, recreational swim, swim lessons, youth tournaments/leagues, social affinity groups, some educational programs (ESL, Math, etc.).



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- c) Category C Programs/Services (limited cost recovery activities):** These programs have limited personal benefit and high public benefit or address specific policy goals adopted by the City.

Examples of programs that would fall into this category would include therapeutic, adaptive, or special recreation programs, community-wide events, arts programs, summer camps, park/facility usage, inclusionary services, etc.).

- 2.4. Cost recovery goals** – Cost recovery goals and targets establish the overall level of subsidy that will be provided by the local government and represent a balancing act between public and personal benefits. Overall, the Recreation and Community Services Department shall target achieving a 40% cost recovery of total costs (inclusive of all direct and indirect costs).

For each tier of programs/services, the cost recovery goals will be established at the following levels:

- a) Category A Programs/Services:** Collectively, these programs and services would be targeted at 100% cost recovery.
- b) Category B Programs/Services:** Collectively, these should be targeted for 50% cost recovery.
- c) Category C Programs / Services:** Collectively, these programs should be targeted at 20% cost recovery.

- 2.5. Cross-subsidization** – Cost recovery goals, as determined by this policy, are intended to be averages across the Department's entire program portfolio. Over- or under-realization of these cost recovery goals by any particular site, program or activity is acceptable and expected. The City's broader goal is to ensure that programming and pricing fit the changing realities of the marketplace, resident needs and desires, maximizing participation, making efficient use of facility capacity, and maintaining a broad array of diverse recreation offerings. Nothing in this policy will authorize the City to adopt a fee or charge for a program or service that violates any applicable law or would render such fee or charge a tax requiring voter approval, including, without limitation, article XIII C, section 1(e) of the California constitution.

- 2.6. Targeted recreation programs** – When the Recreation and Community Services Department provides recreation programs specifically targeted to residents with special



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needs or seniors (or other City Council-identified populations), these programs may have lower cost recovery rates established than general recreation programs. However, to the degree that residents with disabilities, seniors, and new immigrants participate in general recreation programs, they are subject to the same prices as the general population. Subsidy programs may be used for targeted populations, such as youth or low-income citizens, that participate in general programs to offset costs, but the general fees charged for that program or activity will not be modified.

- 2.7. Pricing** – Fees are to be set by Recreation and Community Services staff under the authority of the City Council through the annual review of fees. In setting prices, the Department will balance the goals of program availability and affordability within the constraints of budget allocations, market economics, legal restraints, and cost recovery goal approved herein.
- 2.8. Financial assistance** – In addition to pricing which reflects cost recovery goals for low-income participants, the Recreation and Community Services Department will seek to ensure affordability of Department activities through scholarships, certain free youth activities, time-limited price promotions, and by cultivating sponsorships and other partnerships that can support these programs and activities.
- 2.9. Activities requiring permits** – A permit is required for certain activities in Milpitas parks. When permits for picnics or weddings result in exclusive use of an area, pricing should be set to achieve 80-100% recovery of total costs. When the purpose of a permit is to reserve a limited area for a limited time, such as a small group picnic, then prices should be set to 100% recovery of the direct costs incurred by the Department.
- 2.10. Renting of facilities** – Various facilities are available for use by groups and private parties. Pricing should be set to recover 80-100% of direct costs for rentals during normal open hours. For events during normally closed hours, prices should be set to recover all incremental costs incurred by the Department, including staff, maintenance, and utilities (i.e. – all direct and indirect costs). However, priority groups (i.e. Milpitas-based non-profits) or other groups approved by the City Council may have reasonable use of facilities at discounted rates.
- 2.11. Waivers of Fees and Charges** – Waiving or reducing certain fees and charges for recreation activities, permits, and rentals is within the public interest in order to reduce barriers to participation or optimize utilization of existing facilities.



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The Department shall submit a recommendation for an appropriation during the annual budget process to offset revenues lost by waiving fees and charges. Total fees and charges waived annually shall be constrained within this appropriation. In accordance with established budgetary policies, the Department may request budget adjustments during the fiscal year when circumstances dictate consideration before the next budget cycle.

- 2.12. Updating of goals** – Information about cost recovery levels should be calculated and reported annually. The cost recovery goals should be reviewed and updated at least once every three years.

Whenever the City Council approves a cost recovery goal that is higher than the current level of recovery, whenever practical, fees should be raised incrementally over time for the affected program categories, in accordance with the market, in order to optimize revenue generation with program availability and participation. Whenever the City Council approves a cost recovery goal that is lower than the current level of recovery, the Department shall present a budget decision package during the subsequent annual budget process identifying the additional amount of General Fund discretionary resources necessary to achieve the goal and provide options for program changes or reductions in lieu of additional resources.

- 2.13. Compliance with budget** – Notwithstanding the policy goals for cost recovery outlined in this policy, the Department's primary responsibility in developing programs and services and establishing fees and pricing for recreation programs/services is to operate within the budget set by the City Council. Cost recovery goals are guidelines for program design and pricing, subsidiary to budgetary allocations and economic realities. Furthermore, cost recovery goals are subsidiary to the Department's responsibilities for development of the park system and asset maintenance requirements.

- 2.14. Interagency services** – Services provided to other City departments or other governmental agencies should recover 100% of their full costs.

3. DEFINITIONS

- 3.1. Direct costs** - costs incurred to provide recreation services and programs by the Recreation and Community Services Department. These costs are personnel, materials and supply costs budgeted directly within the annual Recreation and Community Services Department budget.
- 3.2. Total costs** - all costs incurred by the City to provide recreation services and programs by the Recreation and Community Services Department. The costs would include, in addition to the costs in the Recreation and Community Services Department budget, all other costs incurred by the City that are appropriately allocated to the provision of recreation services and programs. Examples of these additional costs would be: cost allocation changes (from the



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annual cost allocation plan) to cover City-administrative costs and expenses incurred by other departments to support the provision of services - such as facility maintenance and set up costs of the Public Works Department directly attributable to recreation programs and services.

4. PROCEDURE

- 4.1. Annually, the Director of the Milpitas Recreation and Community Services Department will develop an assessment of the cost recovery achieved by the Department for the prior year. This assessment will cover both overall departmental cost recovery and the cost recovery for each tier of services established (Categories A, B and C).
- 4.2. Milpitas Recreation and Community Services staff will annually evaluate the mix of programs and services offered, to identify new programs that should be added or dropped in order to maintain a well-balanced services and program portfolio designed to achieve the adopted cost recovery targets.
- 4.3. Annually, staff will evaluate all subsidies and fee discounts provided to youth, low-income, and senior participants and provide a report to the City Council in conjunction with the annual budget process. The report should identify the annual funding needed to maintain adequate participation levels for these populations in the mix of services provided by the Department.
- 4.4. Prior to the annual discussion on fees to be adopted, the Department shall complete the cost recovery analysis and transmit it to the Finance Department for inclusion of the proposed master fee schedule submitted to the City Council for consideration.
- 4.5. Fee recommendations will be developed in accordance with the existing City policy of annual fee review and adoption by the City Council designed to enable the Department to achieve the adopted cost recovery targets.
- 4.6. The City Council will consider, as part of the establishment of fees each year, the adopted cost recovery targets. While policy decisions may be made that result in fees being adopted that do not achieve the targeted cost recovery targets, this should be a conscious decision based upon identified factors and the subsidy impact on the General Fund subsidy should be noted.
- 4.7. Any deviations to the adopted cost recovery targets adopted will be noted annually during the budget process.

Recreation Fee Assessment

MILPITAS, CALIFORNIA



March 11, 2020

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1. Overview

The City of Milpitas, as part of the Parks Master Planning effort, is evaluating the fee structure of Recreation Fees currently charged by the City to support Recreation programming activities. This draft report summarizes observations and recommendations related to the fees charged by the City for various recreation programming activities. At the present time, recreation programming is limited by the existing facilities and programming spaces available to the City for use in providing programming and other recreational activities. The comprehensive parks and recreation master planning effort will likely identify new facilities and park efforts that may be pursued and implemented in the coming years and these will provide additional opportunities to expand the recreational and programming sessions to the community.

The City of Milpitas Recreation and Community Services Department offers a wide variety of program in the following areas: Senior Services, Youth Programs, Special Events, Performing Arts, General Classes, Aquatics and Sports & Fitness. In general, it provides a holistic approach to courses and attempts to meet the diverse and unique needs of the city's residents.

KEY FINDINGS:

The key findings from the fee assessment include:

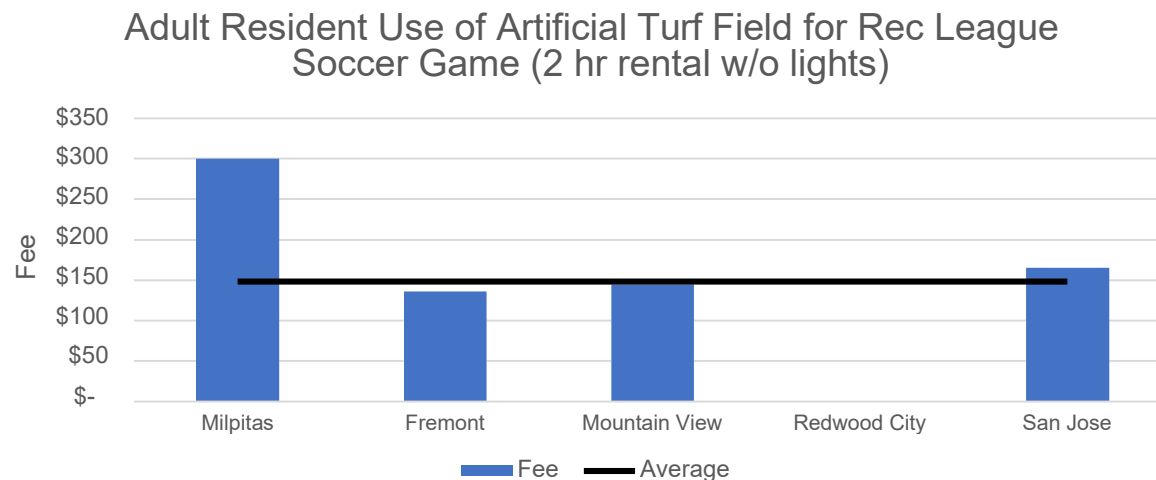
- A need to adopt a new cost recovery target for overall Department recovery with specific targets for sub-categories if desired.
- Fee adjustments should be made to bring select fees in the City of Milpitas in line with the identified market rates charges by comparable communities.
- Where market data is not available, the City should implement at least a cost of living adjustment over current rates to cover internal cost increases (personnel, contractual, utility and other costs) to prevent costs recovery from being impacted by these annual increases.
- Continue to explore the expansion of recreational programs based upon community input and successful programs provided by other comparable communities' recreation programs.

The City should seek to selectively increase those fees where they are below market in the coming year, implement annual escalators for future years, and conduct a more comprehensive fee assessment that links fees to actual costs of providing service in the future.

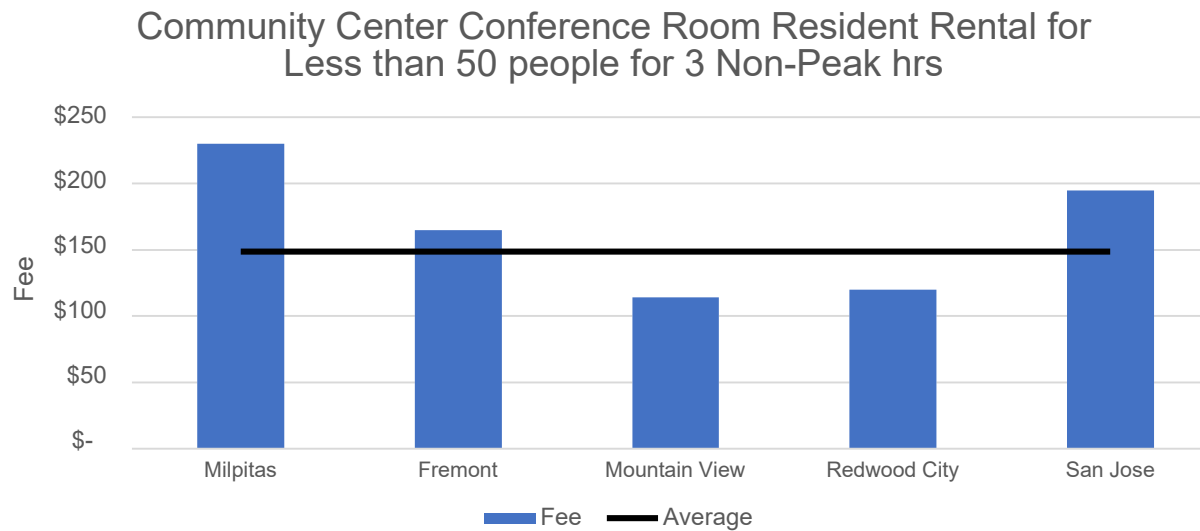
2. Comparative Assessment of Course / Program Fees

The following tables and graphs compare the City of Milpitas fees for selected programs and services (defined as those generally offered by multiple comparable agencies) to those charged by the comparative agencies. Where applicable, the fees are compared on both a per course and per hour basis to “equalize” programs (since many programs and classes had different number of classes or length of classes).

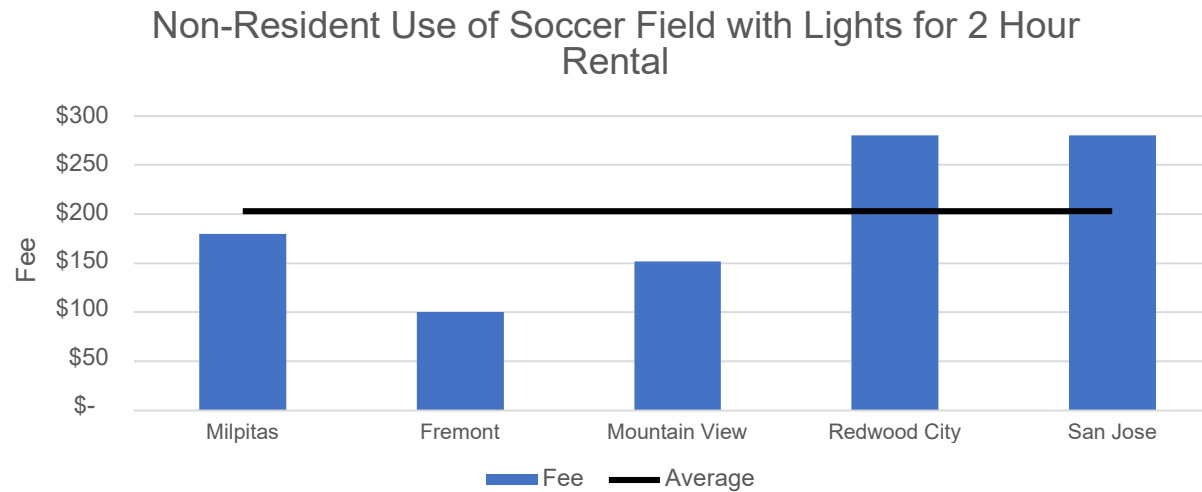
Adult Resident Use of Artificial Turf Field for Rec League Soccer Game (2 hr rental w/o lights)	Fee	Average	Notes	
Milpitas	\$ 300	\$ 148		
Fremont	\$ 136	\$ 148	\$136 for 2 hrs min fee	
Mountain View	\$ 144	\$ 148	Hourly	
Redwood City		\$ 148	n/a	
San Jose	\$ 165	\$ 148	App fee plus hourly	



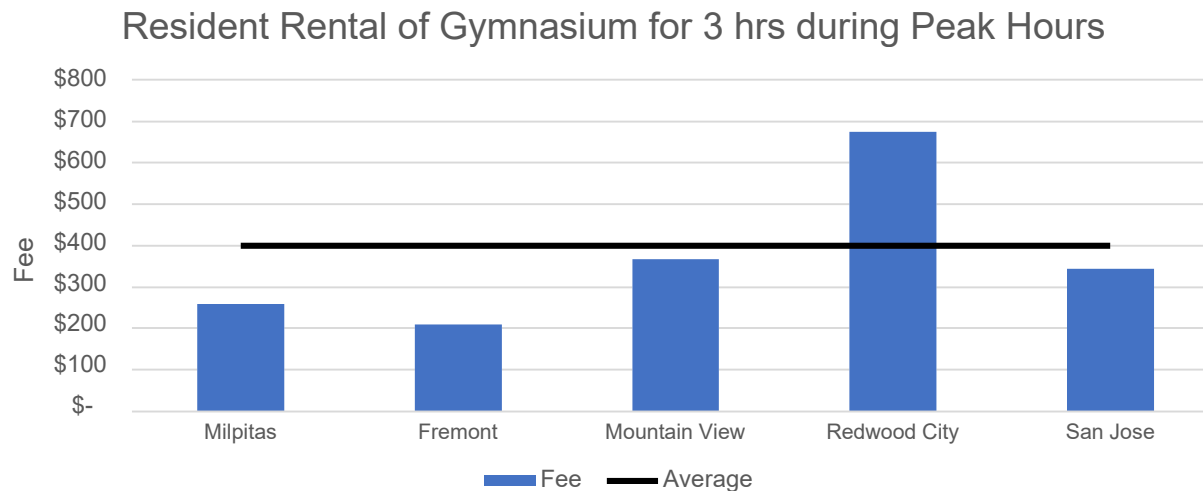
Community Center Conference Room Resident Rental for Less than 50 people for 3 non-peak hrs	Fee	Average	Notes	
Milpitas	\$ 230	\$ 149	app fee plus hourly	
Fremont	\$ 165	\$ 149	small meeting room - hourly	
Mountain View	\$ 114	\$ 149	hourly not including deposit	
Redwood City	\$ 120	\$ 149	hourly not including deposit	
San Jose	\$ 195	\$ 149	app fee plus hourly	



Non-Resident Use of Soccer Field with Lights for 2 Hour Rental	Fee	Average	Notes		
Milpitas	\$ 180	\$ 203	app fee plus hourly		
Fremont	\$ 100	\$ 203	hourly		
Mountain View	\$ 152	\$ 203	hourly		
Redwood City	\$ 280	\$ 203	hourly for field and lights		
San Jose	\$ 280	\$ 203	app fee plus hourly for field and lights		



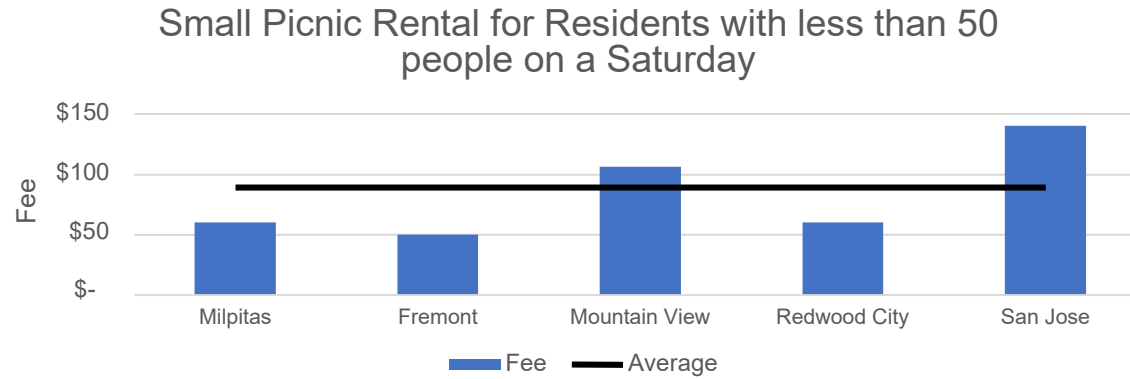
Resident Rental of Gymnasium for 3 hrs during Peak Hours	Fee	Average	Notes		
Milpitas	\$ 260	\$ 399	App fee plus hourly		
Fremont	\$ 210	\$ 399	Hourly		
Mountain View	\$ 367	\$ 399	hourly+app fee		
Redwood City	\$ 675	\$ 399	Full gym hourly not including deposit		
San Jose	\$ 345	\$ 399	App fee plus hourly		



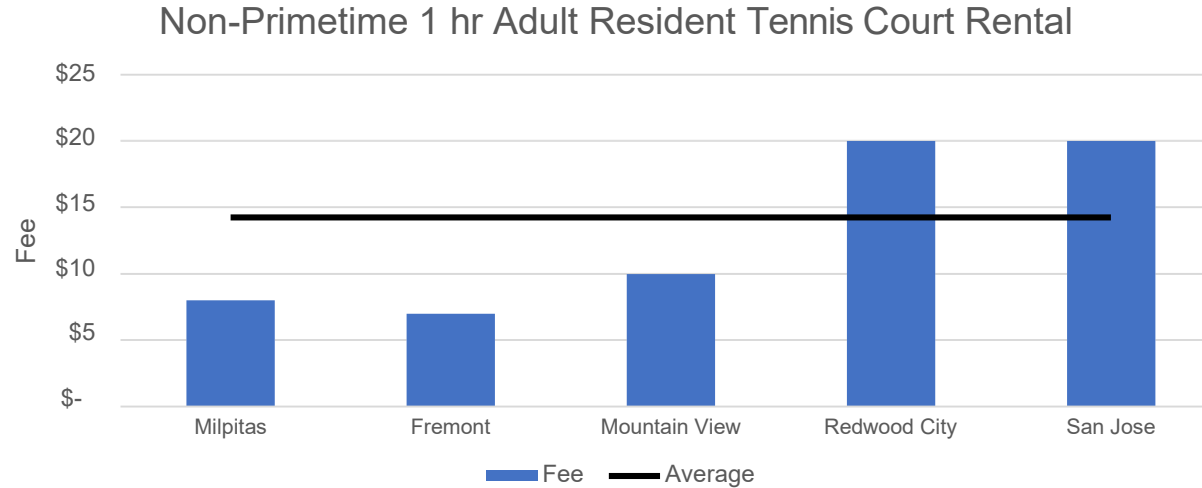
Local Comparatives:

School District – gym rental. Main gym is \$103 per hour (\$309 for three hours) or \$1,648 per day. Small gym is \$82.50 per hour (\$247.50 for three hours) or \$1,320 per day. These rates support the comparative with other municipalities that the City should increase the hourly rate for gymnasium rentals.

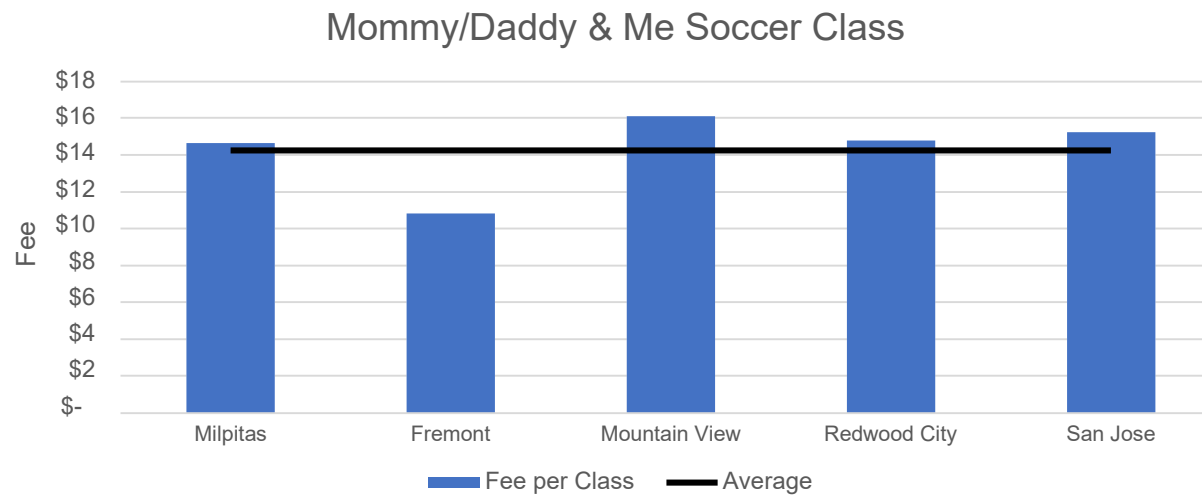
Small Picnic Rental for Residents with less than 50 people on a Saturday	Fee	Average	Notes	
Milpitas	\$ 60	\$ 89	Daily rate	
Fremont	\$ 50	\$ 89	Rate for 2 tables, not-sheltered	
Mountain View	\$ 106	\$ 89	Capacity of 50	
Redwood City	\$ 60	\$ 89	rate for 3 tables	
San Jose	\$ 140	\$ 89	Daily weekend rate	



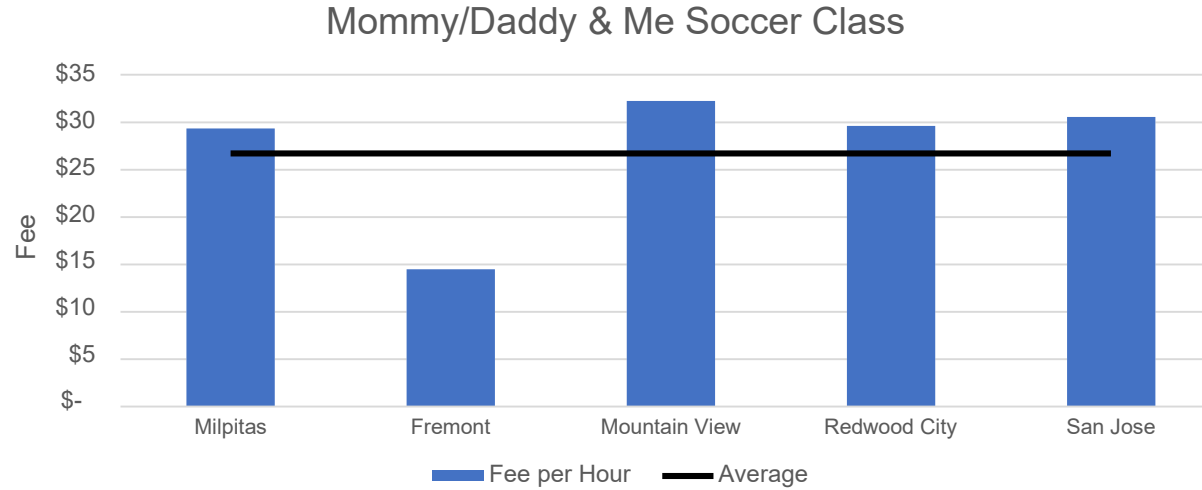
Non-Primetime 1 hr Adult Resident Tennis Court Rental	Fee	Average	Notes		
Milpitas	\$ 8	\$ 14	Only for court use		
Fremont	\$ 7	\$ 14	Only for court use		
Mountain View	\$ 10	\$ 14	Court Use without light		
Redwood City	\$ 20	\$ 14	Only for court use		
San Jose	\$ 20	\$ 14	Only for court use		



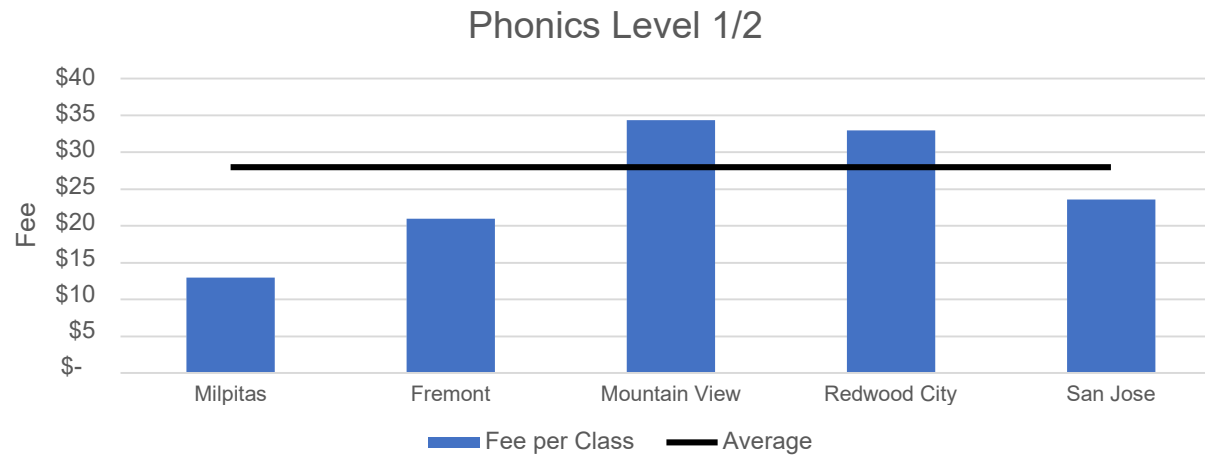
Mommy/Daddy & Me Soccer Class	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 15	\$ 14	0.50	6.00	\$ 88
Fremont	\$ 11	\$ 14	0.75	6.00	\$ 65
Mountain View	\$ 16	\$ 14	0.50	8.00	\$ 129
Redwood City	\$ 15	\$ 14	0.50	5.00	\$ 74
San Jose	\$ 15	\$ 14	0.50	8.00	\$ 122



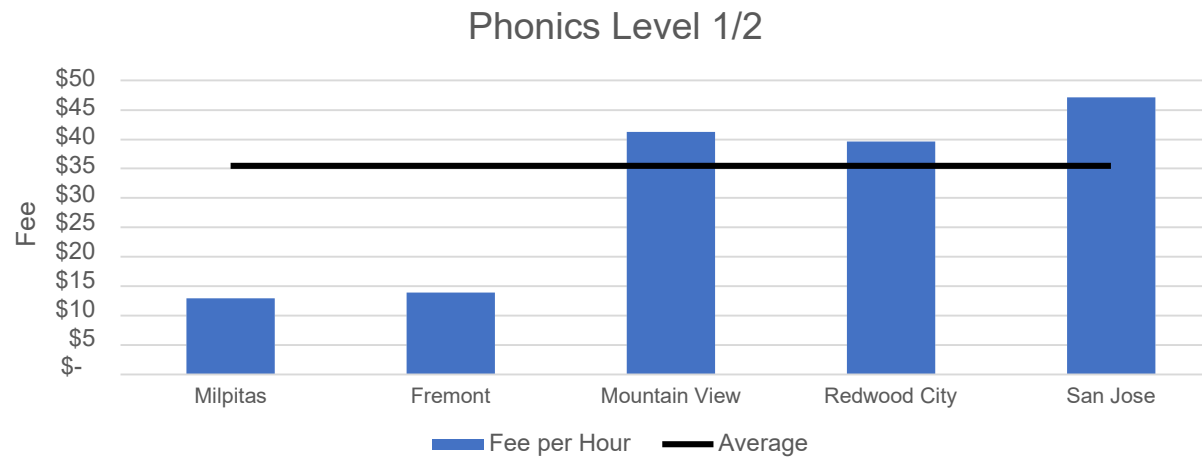
Mommy/Daddy & Me Soccer Class	Fee per Hour	Average
Milpitas	\$ 29	\$ 27
Fremont	\$ 14	\$ 27
Mountain View	\$ 32	\$ 27
Redwood City	\$ 30	\$ 27
San Jose	\$ 31	\$ 27



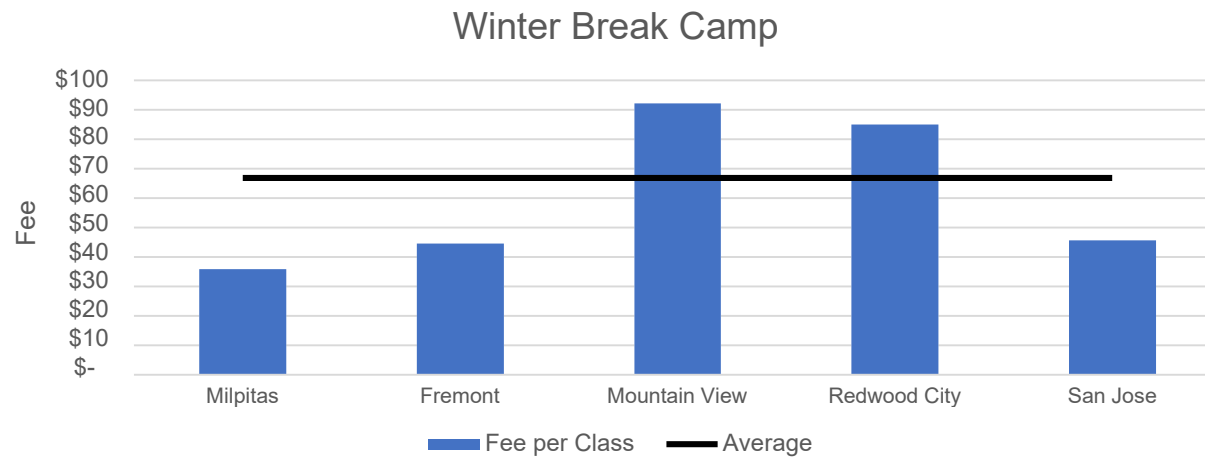
Phonics Level 1/2	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 13	\$ 28	1.00	10.00	\$ 130
Fremont	\$ 21	\$ 28	1.50	9.00	\$ 189
Mountain View	\$ 34	\$ 28	0.83	6.00	\$ 206
Redwood City	\$ 33	\$ 28	0.83	6.00	\$ 198
San Jose	\$ 24	\$ 28	0.50	7.00	\$ 165



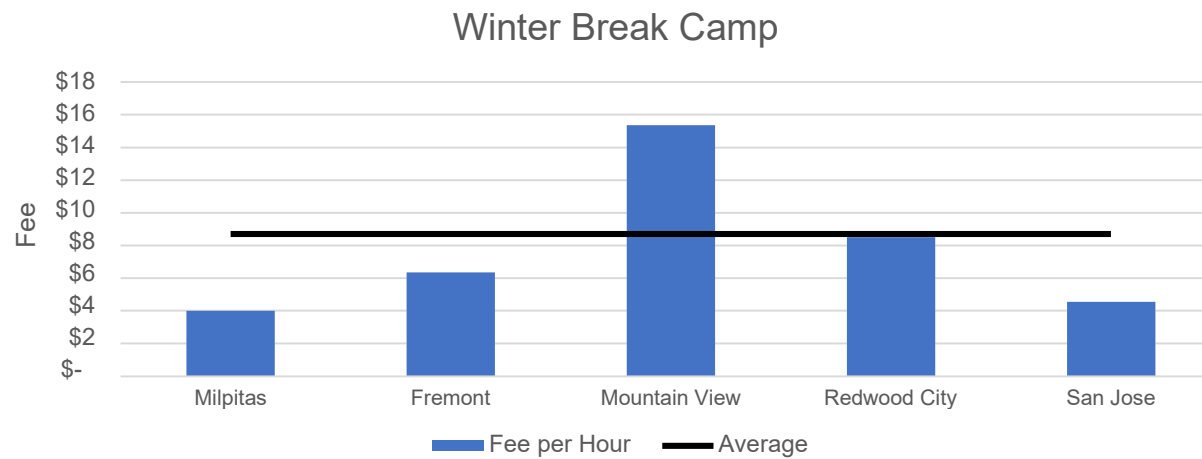
Phonics Level 1/2	Fee per Hour	Average
Milpitas	\$ 13	\$ 35
Fremont	\$ 14	\$ 35
Mountain View	\$ 41	\$ 35
Redwood City	\$ 40	\$ 35
San Jose	\$ 47	\$ 35



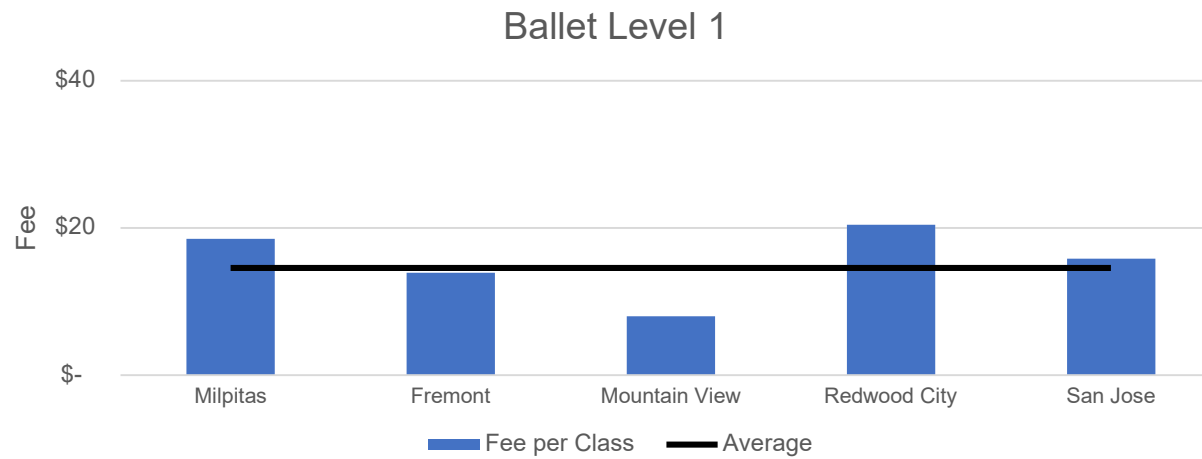
Winter Break Camp	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 36	\$ 67	9.00	3.00	\$ 108
Fremont	\$ 45	\$ 67	7.00	2.00	\$ 89
Mountain View	\$ 92	\$ 67	6.00	4.00	\$ 369
Redwood City	\$ 85	\$ 67	10.00	5.00	\$ 425
San Jose	\$ 46	\$ 67	10.00	4.00	\$ 183



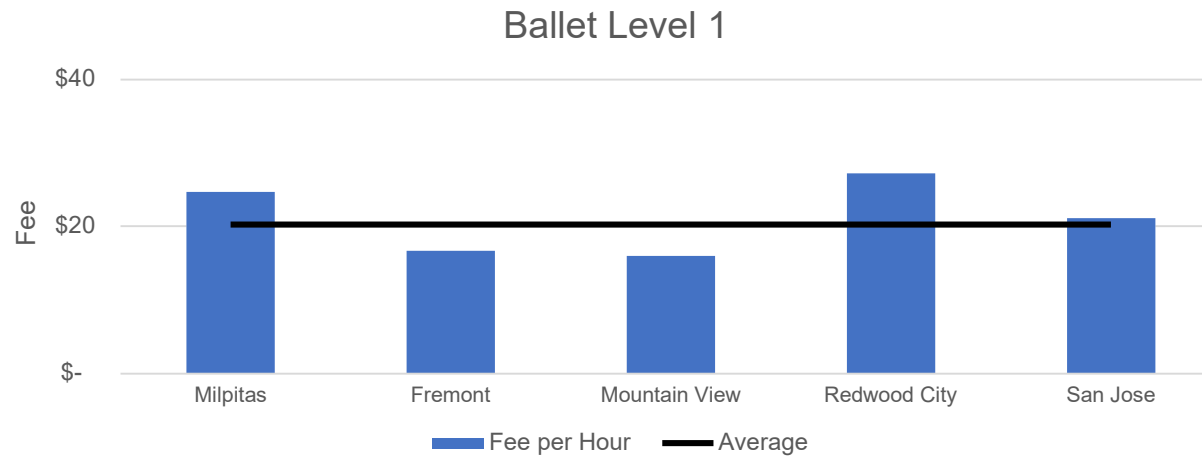
Winter Break Camp	Fee per Hour	Average
Milpitas	\$ 4	\$ 9
Fremont	\$ 6	\$ 9
Mountain View	\$ 15	\$ 9
Redwood City	\$ 9	\$ 9
San Jose	\$ 5	\$ 9



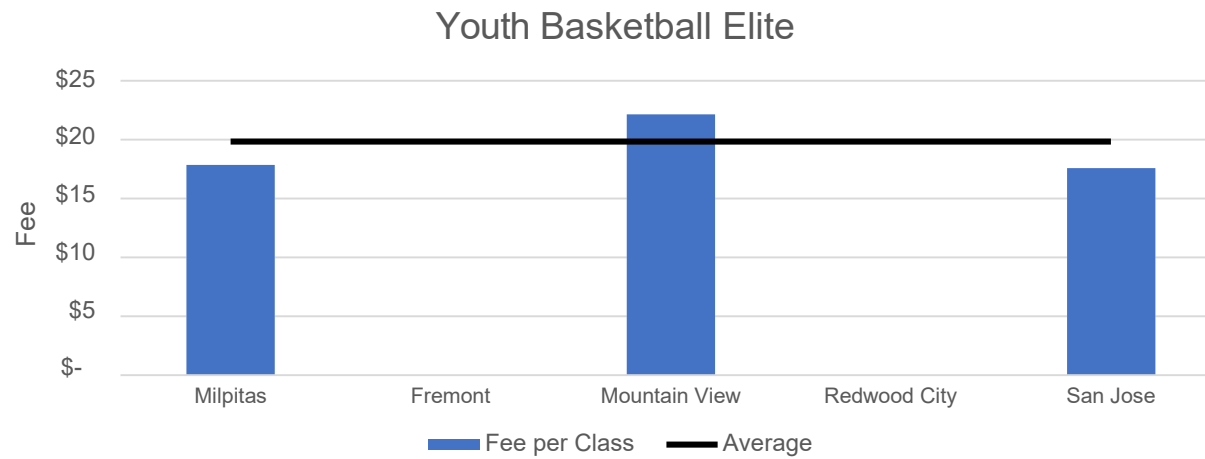
Ballet Level 1	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 15	0.75	7.00	\$ 130
Fremont	\$ 14	\$ 15	0.83	9.00	\$ 125
Mountain View	\$ 8	\$ 15	0.50	8.00	\$ 64
Redwood City	\$ 20	\$ 15	0.75	11.00	\$ 225
San Jose	\$ 16	\$ 15	0.75	8.00	\$ 127



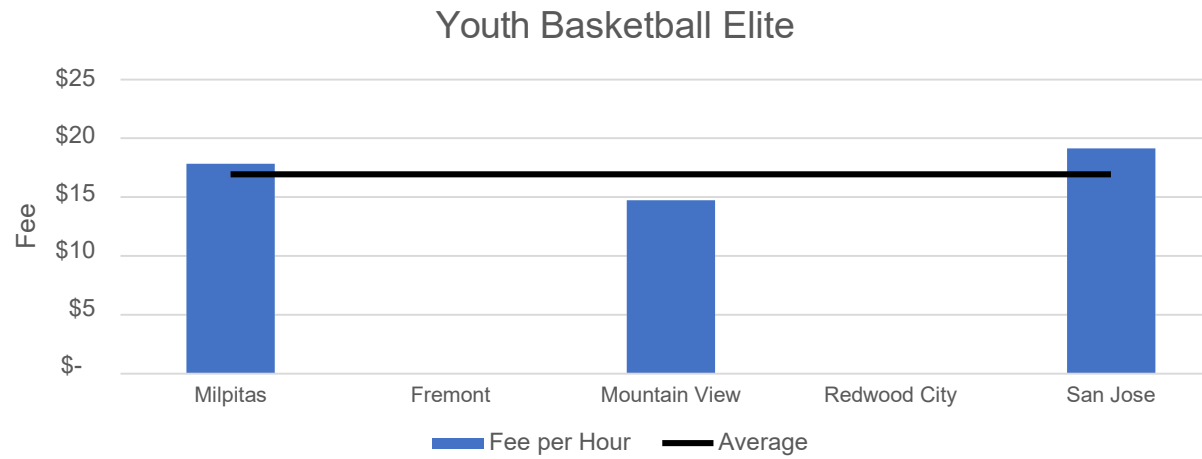
Ballet Level 1	Fee per Hour	Average
Milpitas	\$ 25	\$ 20
Fremont	\$ 17	\$ 20
Mountain View	\$ 16	\$ 20
Redwood City	\$ 27	\$ 20
San Jose	\$ 21	\$ 20



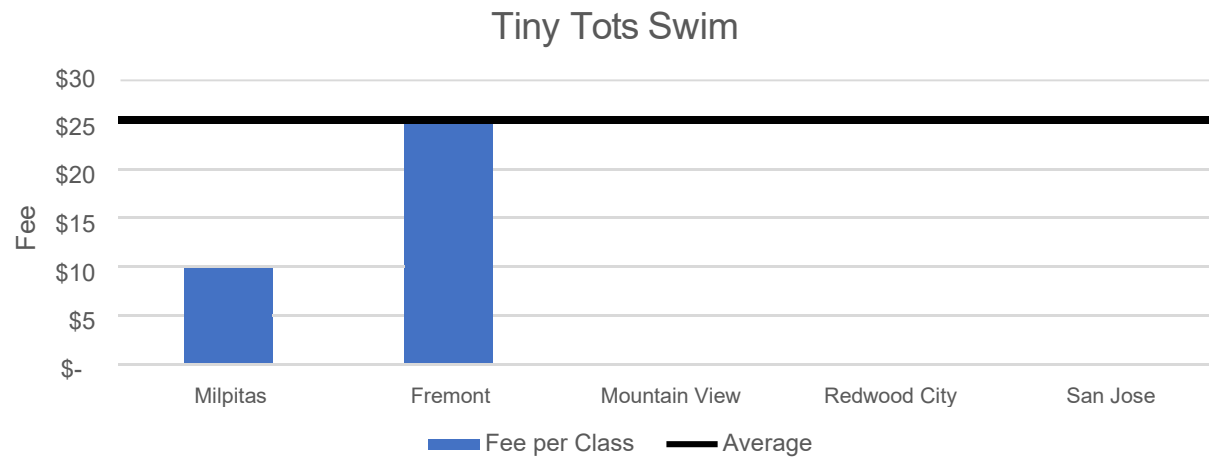
Youth Basketball Elite	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 18	\$ 20	1.00	7.00	\$ 125
Fremont		\$ 20	n/a		
Mountain View	\$ 22	\$ 20	1.50	9.00	\$ 199
Redwood City		\$ 20	n/a		
San Jose	\$ 18	\$ 20	0.92	9.00	\$ 158



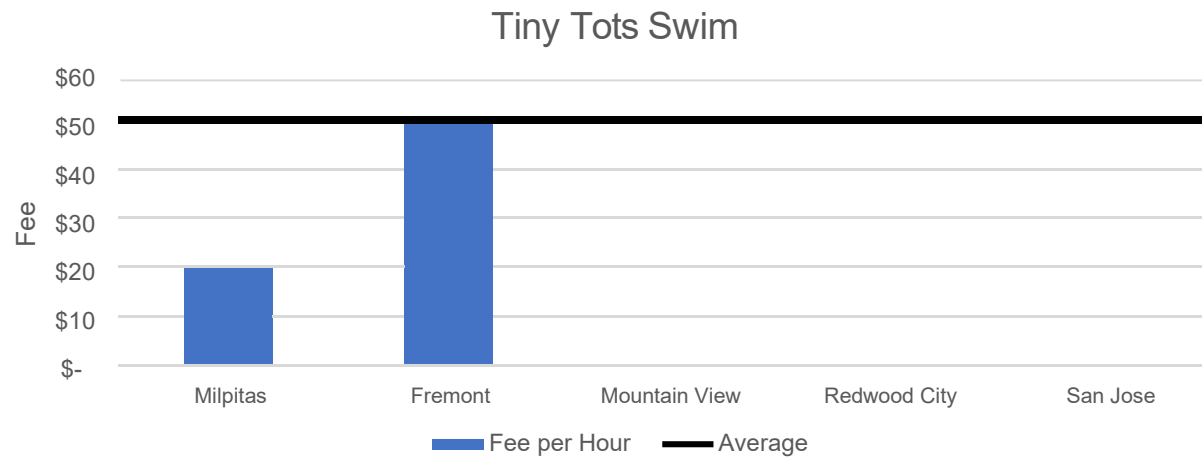
Youth Basketball Elite	Fee per Hour	Average
Milpitas	\$ 18	\$ 17
Fremont		\$ 17
Mountain View	\$ 15	\$ 17
Redwood City		\$ 17
San Jose	\$ 19	\$ 17



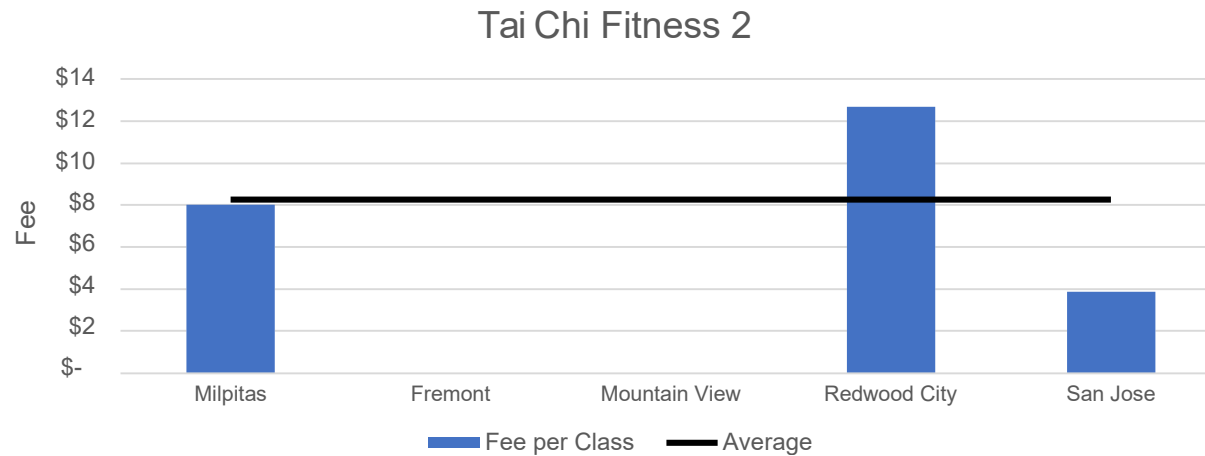
Tiny Tots Swim	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 10	\$ 25	0.50	4.00	\$ 38
Fremont	\$ 25	\$ 25	0.50	10.00	\$ 250
Mountain View		\$ 25	n/a		
Redwood City		\$ 25	n/a		
San Jose		\$ 25	n/a		



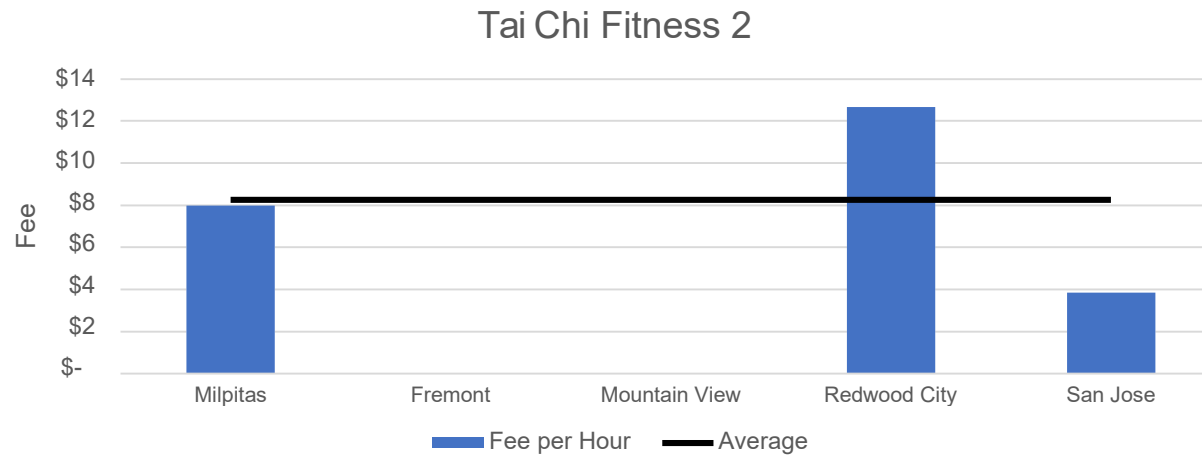
Tiny Tots Swim	Fee per Hour	Average
Milpitas	\$ 19	\$ 50
Fremont	\$ 50	\$ 50
Mountain View		\$ 50
Redwood City		\$ 50
San Jose		\$ 50



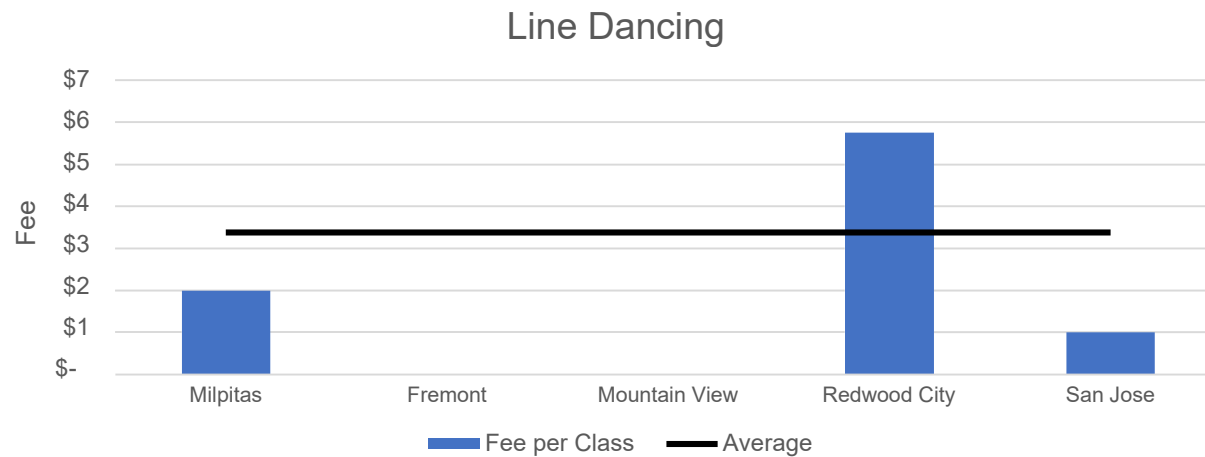
Tai Chi Fitness 2	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 8	\$ 8	1.00	22.00	\$ 176
Fremont		\$ 8	n/a		
Mountain View		\$ 8	n/a		
Redwood City	\$ 13	\$ 8	1.00	9.00	\$ 114
San Jose	\$ 4	\$ 8	1.00	7.00	\$ 27



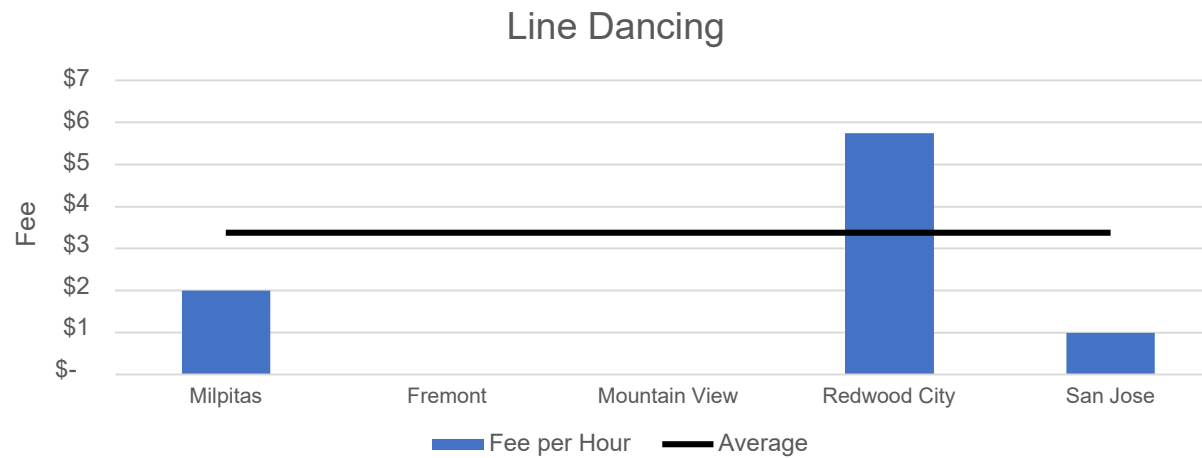
Tai Chi Fitness 2	Fee per Hour	Average
Milpitas	\$ 8	\$ 8
Fremont		\$ 8
Mountain View		\$ 8
Redwood City	\$ 13	\$ 8
San Jose	\$ 4	\$ 8



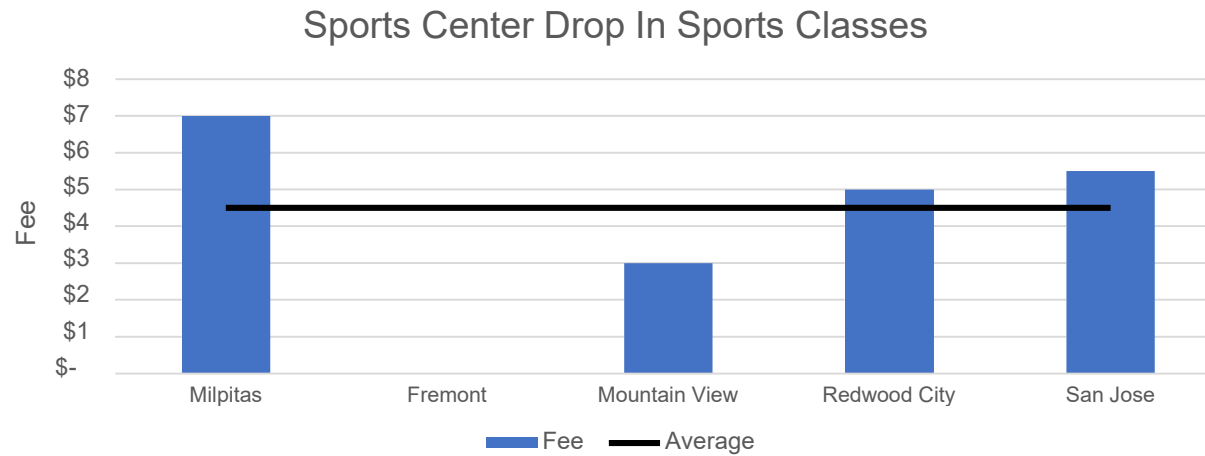
Line Dancing	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 2	\$ 3	1.00	8.00	\$ 16
Fremont		\$ 3	n/a		
Mountain View		\$ 3	n/a		
Redwood City	\$ 6	\$ 3	1.00	8.00	\$ 46
San Jose	\$ 1	\$ 3	1.00	8.00	\$ 8



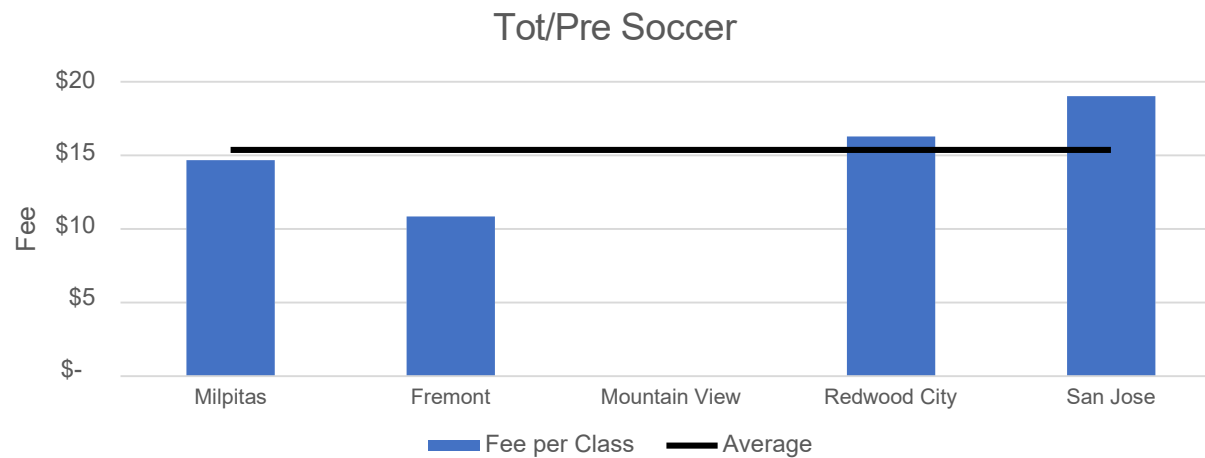
Line Dancing	Fee per Hour	Average
Milpitas	\$ 2	\$ 3
Fremont		\$ 3
Mountain View		\$ 3
Redwood City	\$ 6	\$ 3
San Jose	\$ 1	\$ 3



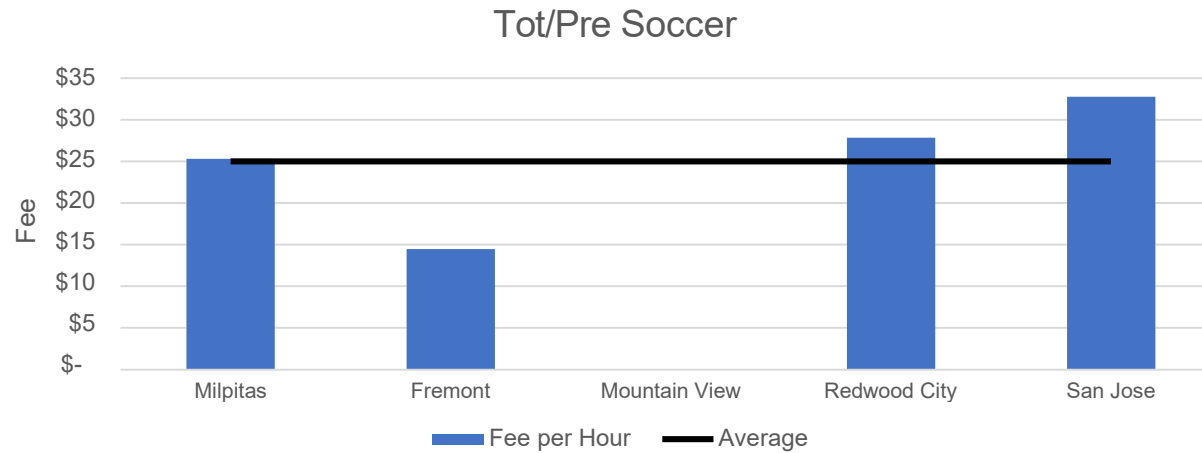
Sports Center Drop in Sports Class	Fee	Average			
Milpitas	\$ 7	\$ 4.5			
Fremont		\$ 4.5	n/a		
Mountain View	\$ 3	\$ 4.5			
Redwood City	\$ 5	\$ 4.5	adult		
San Jose	\$ 5.5	\$ 4.5			



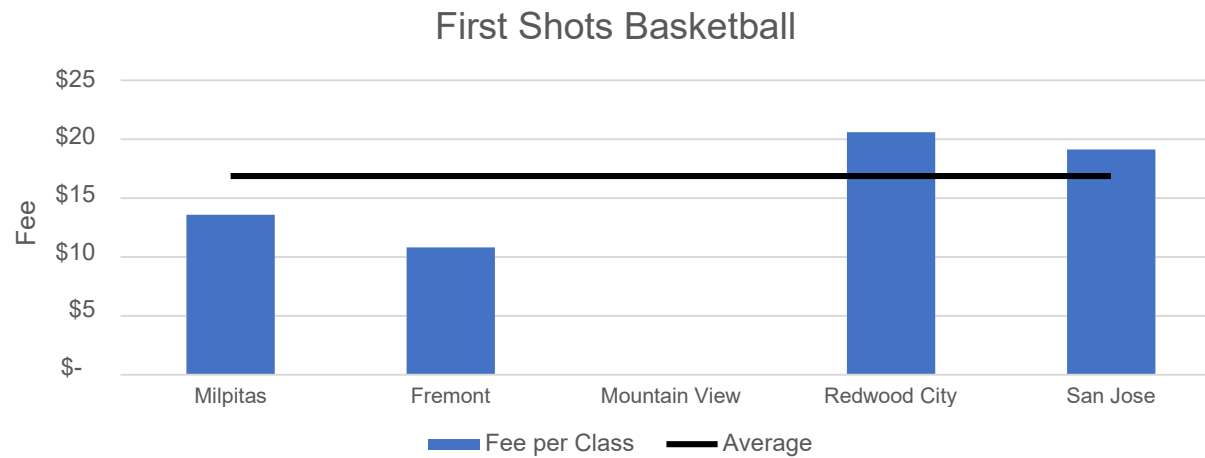
Tot/Pre Soccer	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 15	\$ 15	0.58	6.00	\$ 88
Fremont	\$ 11	\$ 15	0.75	6.00	\$ 65
Mountain View		\$ 15	-	-	\$ -
Redwood City	\$ 16	\$ 15	0.58	8.00	\$ 130
San Jose	\$ 19	\$ 15	0.58	5.00	\$ 95



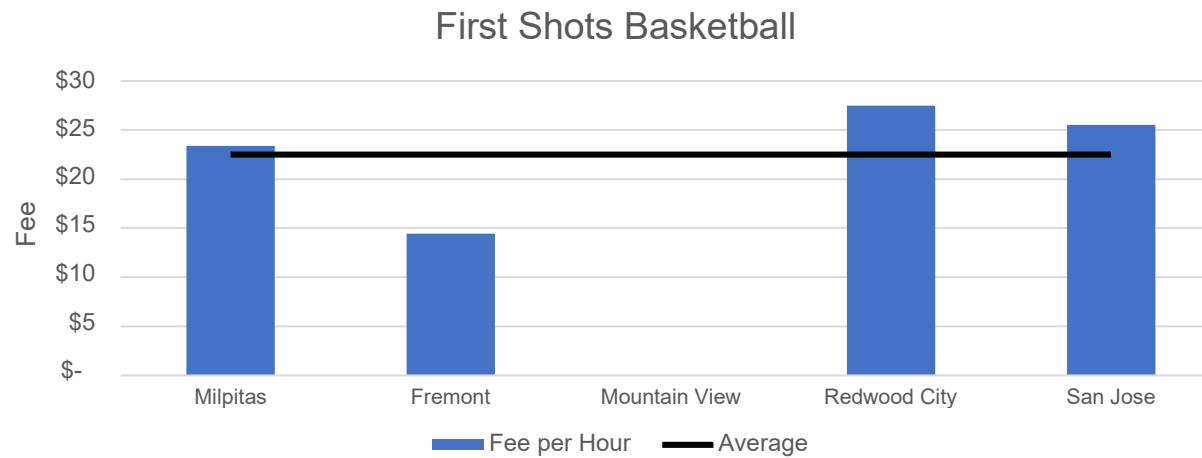
Tot/Pre Soccer	Fee per Hour	Average
Milpitas	\$ 25	\$ 25
Fremont	\$ 14	\$ 25
Mountain View		\$ 25
Redwood City	\$ 28	\$ 25
San Jose	\$ 33	\$ 25



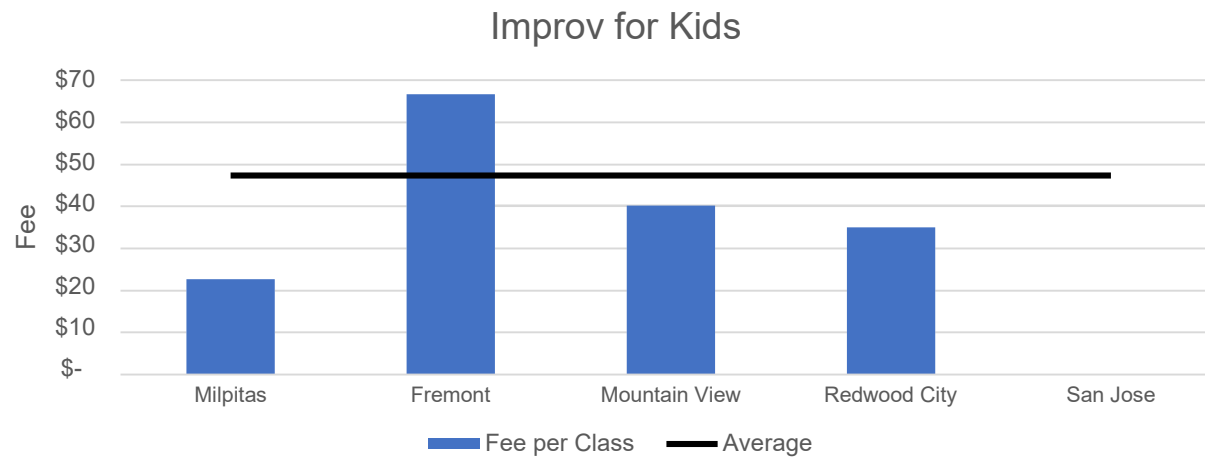
First Shots Basketball	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 14	\$ 17	0.58	7.00	\$ 95
Fremont	\$ 11	\$ 17	0.75	6.00	\$ 65
Mountain View		\$ 17	-	-	\$ -
Redwood City	\$ 21	\$ 17	0.75	10.00	\$ 206
San Jose	\$ 19	\$ 17	0.75	6.00	\$ 115



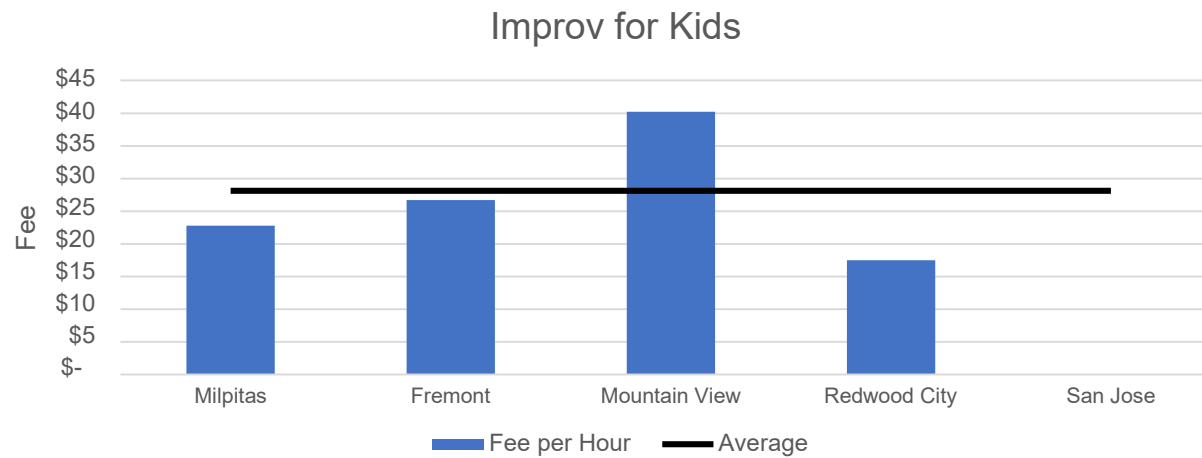
First Shots Basketball	Fee per Hour	Average
Milpitas	\$ 23	\$ 22
Fremont	\$ 14	\$ 22
Mountain View		\$ 22
Redwood City	\$ 27	\$ 22
San Jose	\$ 26	\$ 22



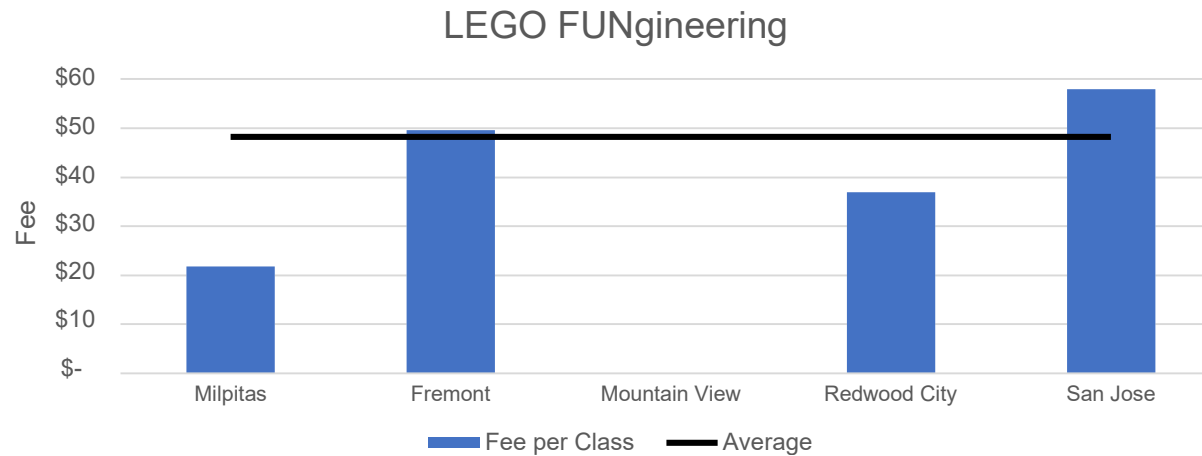
Improv for Kids	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 23	\$ 47	1.00	7.00	\$ 159
Fremont	\$ 67	\$ 47	2.50	3.00	\$ 200
Mountain View	\$ 40	\$ 47	1.00	5.00	\$ 201
Redwood City	\$ 35	\$ 47	2.00	6.00	\$ 210
San Jose		\$ 47	-	-	\$ -



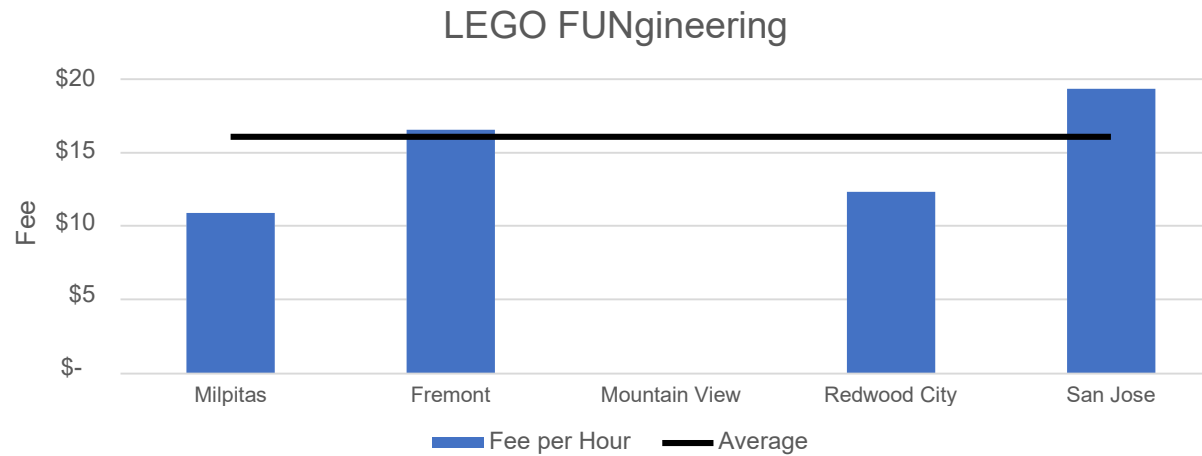
Improv for Kids	Fee per Hour	Average
Milpitas	\$ 23	\$ 28
Fremont	\$ 27	\$ 28
Mountain View	\$ 40	\$ 28
Redwood City	\$ 18	\$ 28
San Jose		\$ 28



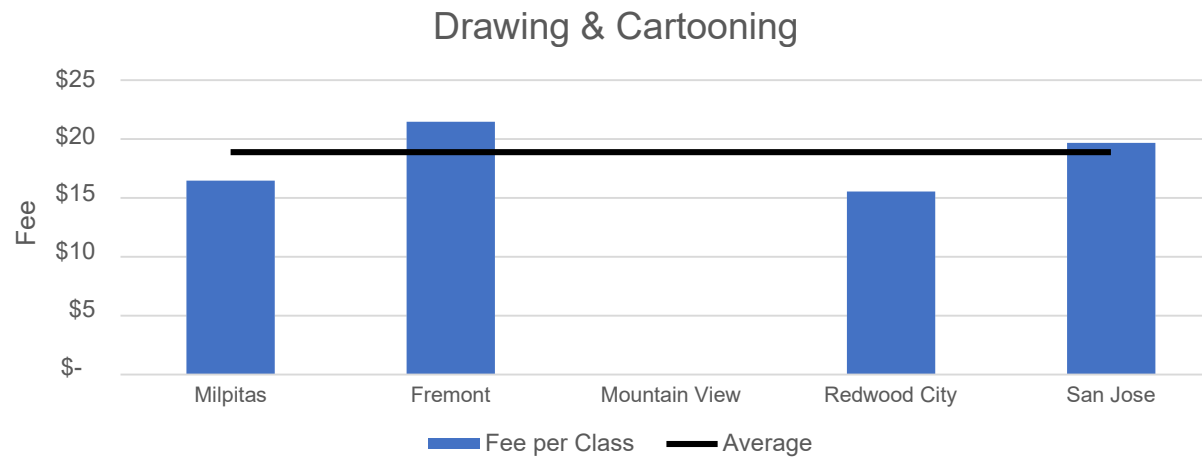
LEGO FUNgineering	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 22	\$ 48	2.00	5.00	\$ 109
Fremont	\$ 50	\$ 48	3.00	3.00	\$ 149
Mountain View		\$ 48	-	-	\$ -
Redwood City	\$ 37	\$ 48	3.00	5.00	\$ 185
San Jose	\$ 58	\$ 48	3.00	1.00	\$ 58



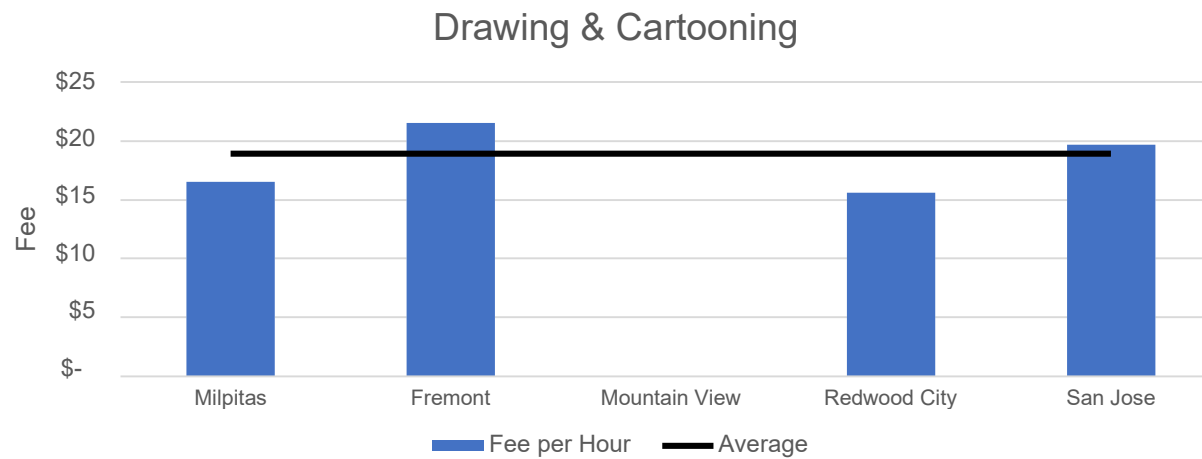
LEGO FUNgineering	Fee per Hour	Average
Milpitas	\$ 11	\$ 16
Fremont	\$ 17	\$ 16
Mountain View		\$ 16
Redwood City	\$ 12	\$ 16
San Jose	\$ 19	\$ 16



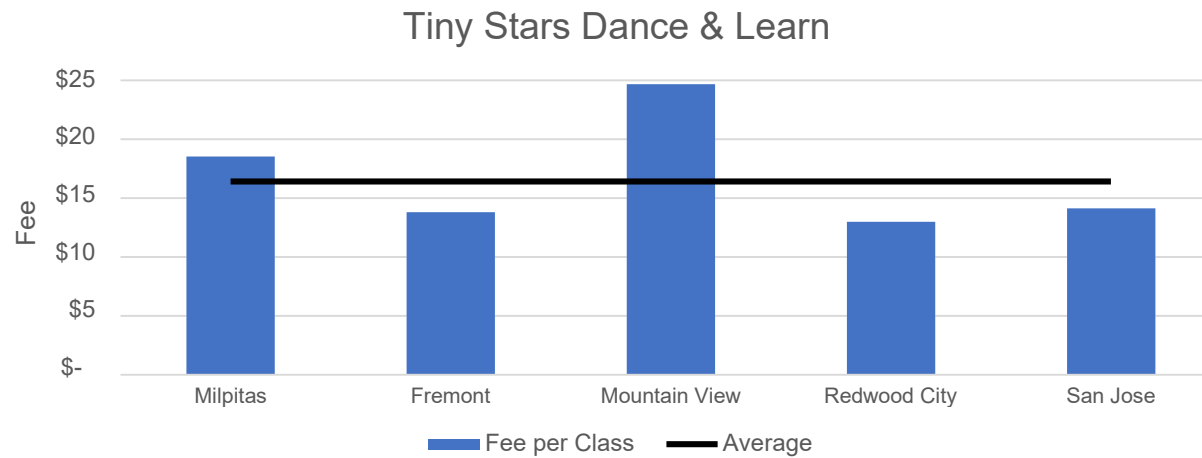
Drawing & Cartooning	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 17	\$ 19	1.00	6.00	\$ 99
Fremont	\$ 22	\$ 19	1.00	6.00	\$ 129
Mountain View		\$ 19	-	-	\$ -
Redwood City	\$ 16	\$ 19	1.00	11.00	\$ 171
San Jose	\$ 20	\$ 19	1.00	6.00	\$ 118



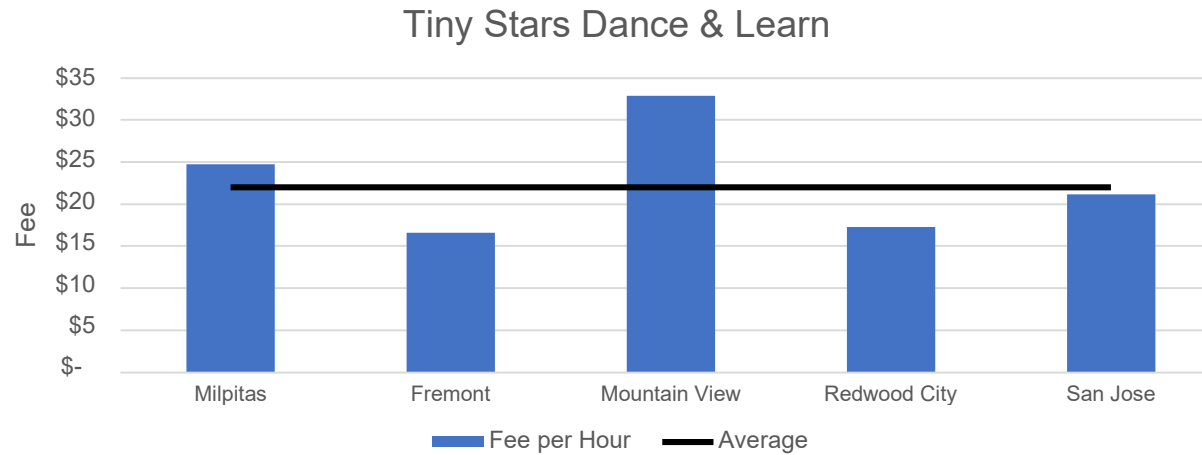
Drawing & Cartooning	Fee per Hour	Average
Milpitas	\$ 17	\$ 19
Fremont	\$ 22	\$ 19
Mountain View		\$ 19
Redwood City	\$ 16	\$ 19
San Jose	\$ 20	\$ 19



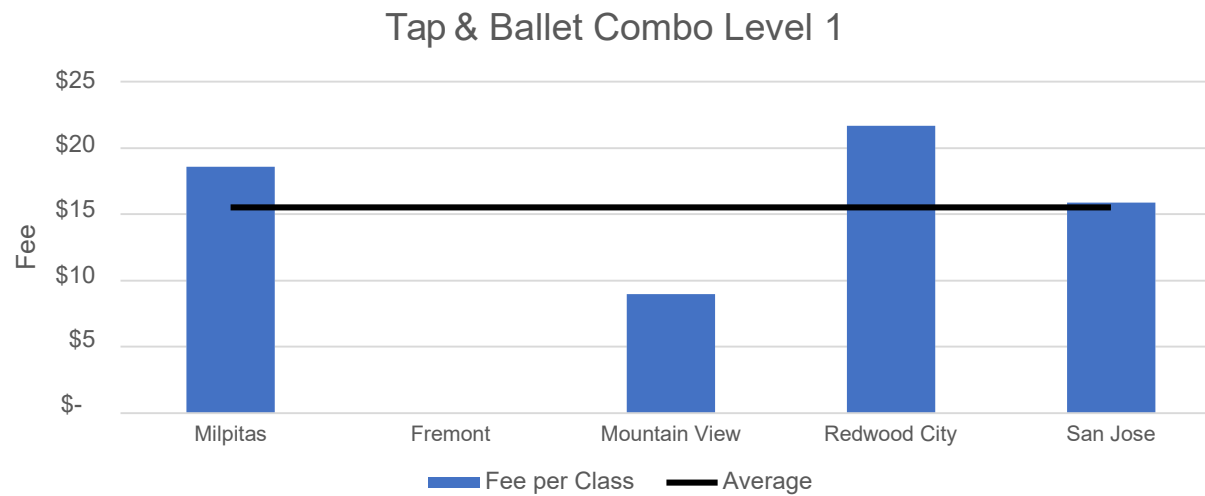
Tiny Stars Dance & Learn	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 16	0.75	7.00	\$ 130
Fremont	\$ 14	\$ 16	0.83	5.00	\$ 69
Mountain View	\$ 25	\$ 16	0.75	10.00	\$ 247
Redwood City	\$ 13	\$ 16	0.75	6.00	\$ 78
San Jose	\$ 14	\$ 16	0.67	8.00	\$ 113



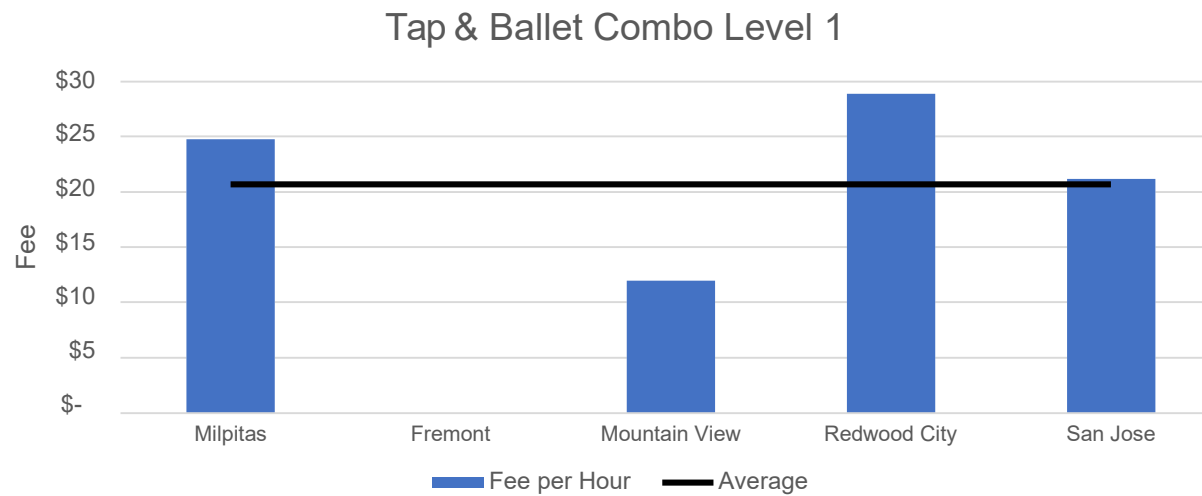
Tiny Stars Dance & Learn	Fee per Hour	Average
Milpitas	\$ 25	\$ 22
Fremont	\$ 17	\$ 22
Mountain View	\$ 33	\$ 22
Redwood City	\$ 17	\$ 22
San Jose	\$ 21	\$ 22



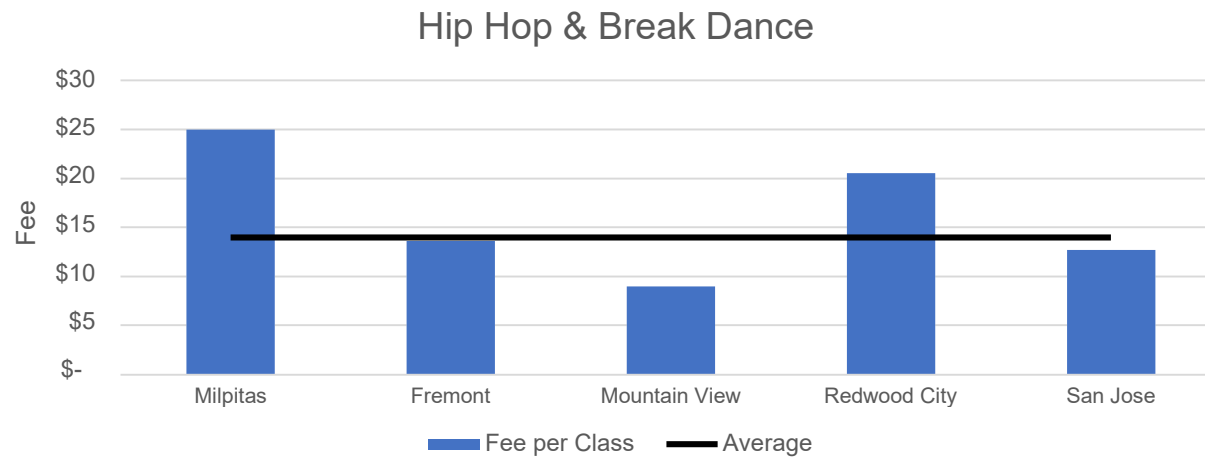
Tap & Ballet Combo Level 1	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 16	0.75	7.00	\$ 130
Fremont		\$ 16	-	-	\$ -
Mountain View	\$ 9	\$ 16	0.75	8.00	\$ 72
Redwood City	\$ 22	\$ 16	0.75	9.00	\$ 195
San Jose	\$ 16	\$ 16	0.75	8.00	\$ 127



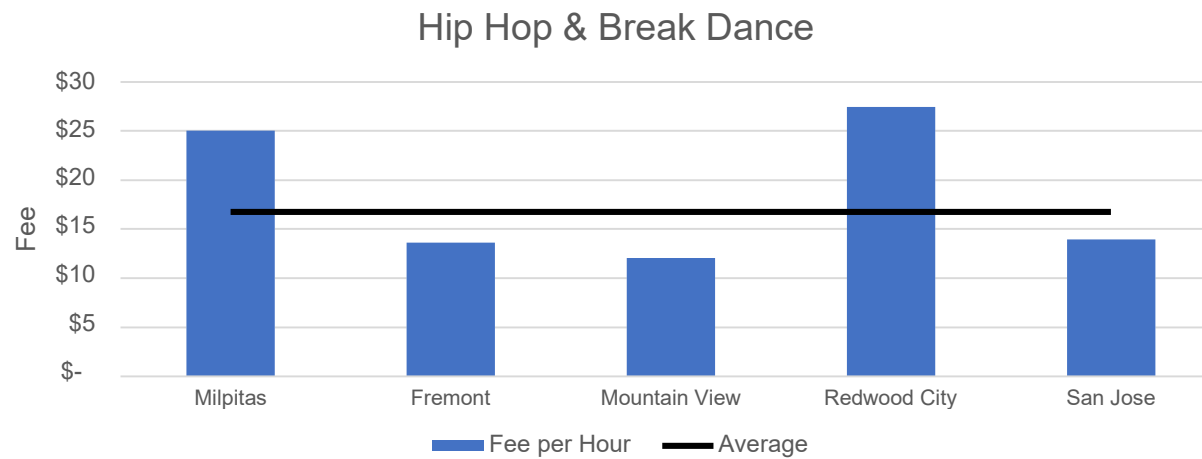
Tap & Ballet Combo Level 1	Fee per Hour	Average
Milpitas	\$ 25	\$ 21
Fremont		\$ 21
Mountain View	\$ 12	\$ 21
Redwood City	\$ 29	\$ 21
San Jose	\$ 21	\$ 21



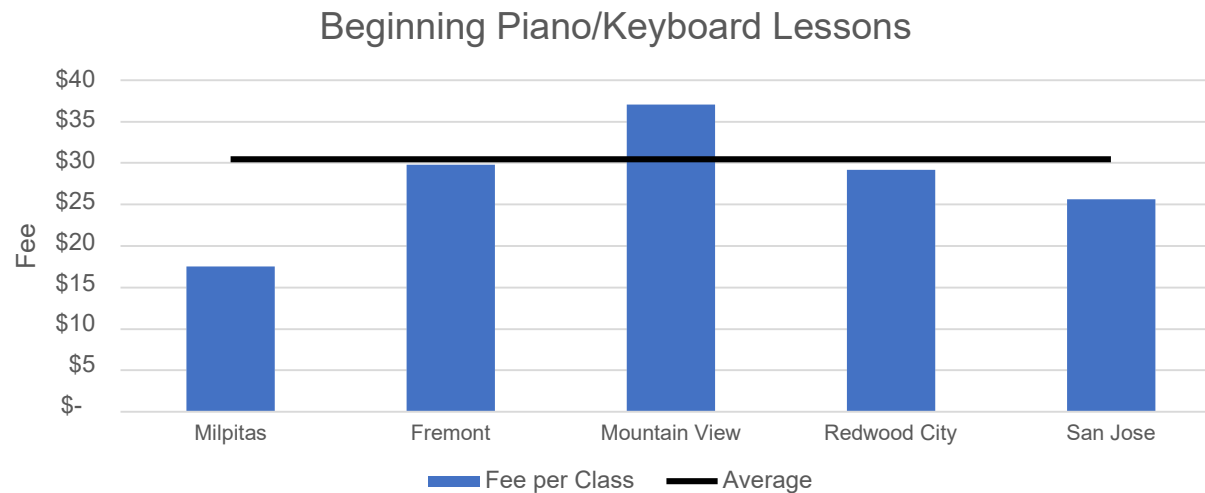
Hip Hop & Break Dance	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 25	\$ 14	1.00	8.00	\$ 200
Fremont	\$ 14	\$ 14	1.00	8.00	\$ 109
Mountain View	\$ 9	\$ 14	0.75	8.00	\$ 72
Redwood City	\$ 21	\$ 14	0.75	9.00	\$ 185
San Jose	\$ 13	\$ 14	0.92	8.00	\$ 102



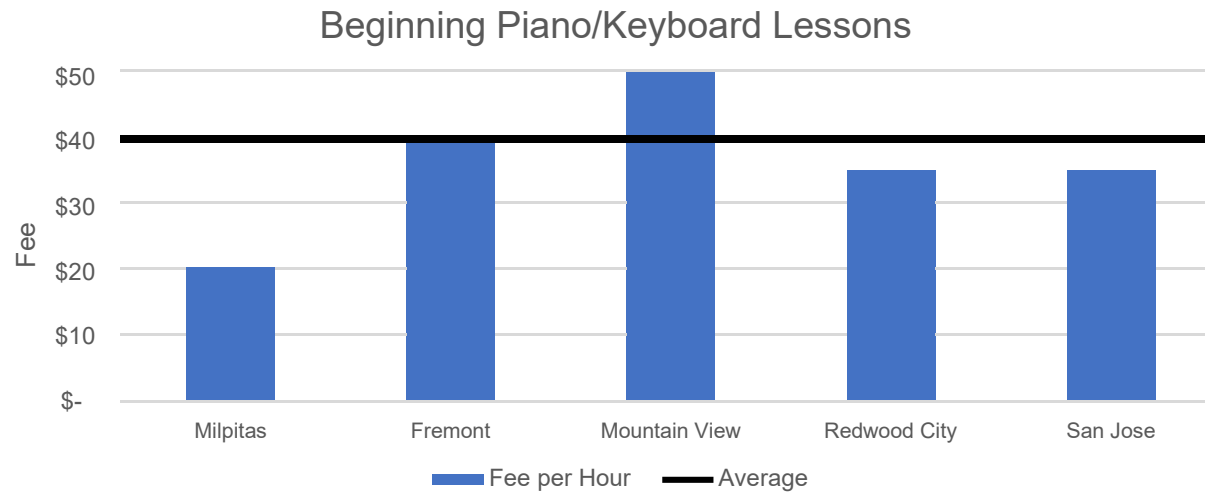
Hip Hop & Break Dance	Fee per Hour	Average
Milpitas	\$ 25	\$ 17
Fremont	\$ 14	\$ 17
Mountain View	\$ 12	\$ 17
Redwood City	\$ 27	\$ 17
San Jose	\$ 14	\$ 17



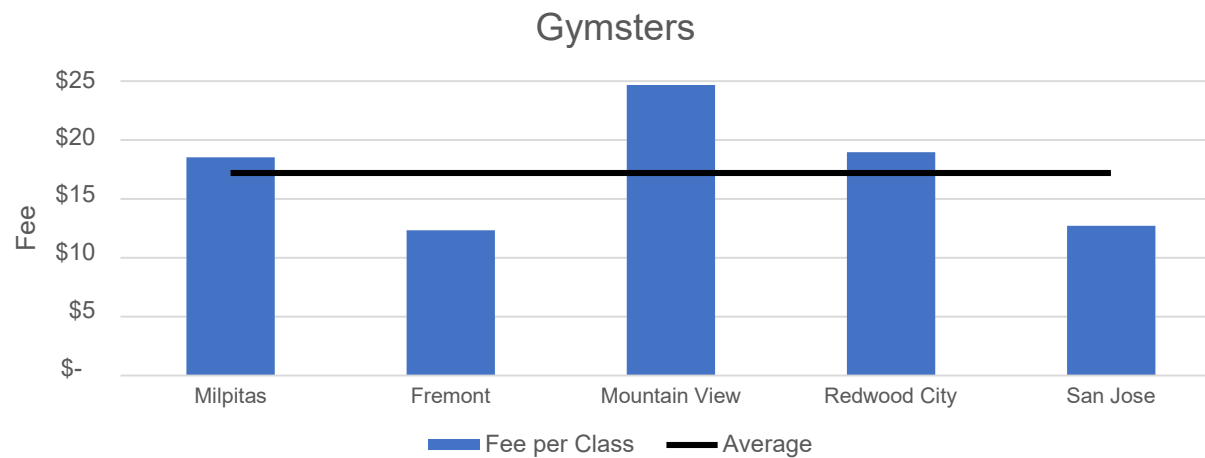
Beginning Piano/Keyboard Lessons	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 18	\$ 30	0.83	12.00	\$ 210
Fremont	\$ 30	\$ 30	0.75	6.00	\$ 179
Mountain View	\$ 37	\$ 30	0.75	10.00	\$ 371
Redwood City	\$ 29	\$ 30	0.83	9.00	\$ 263
San Jose	\$ 26	\$ 30	0.75	6.00	\$ 154



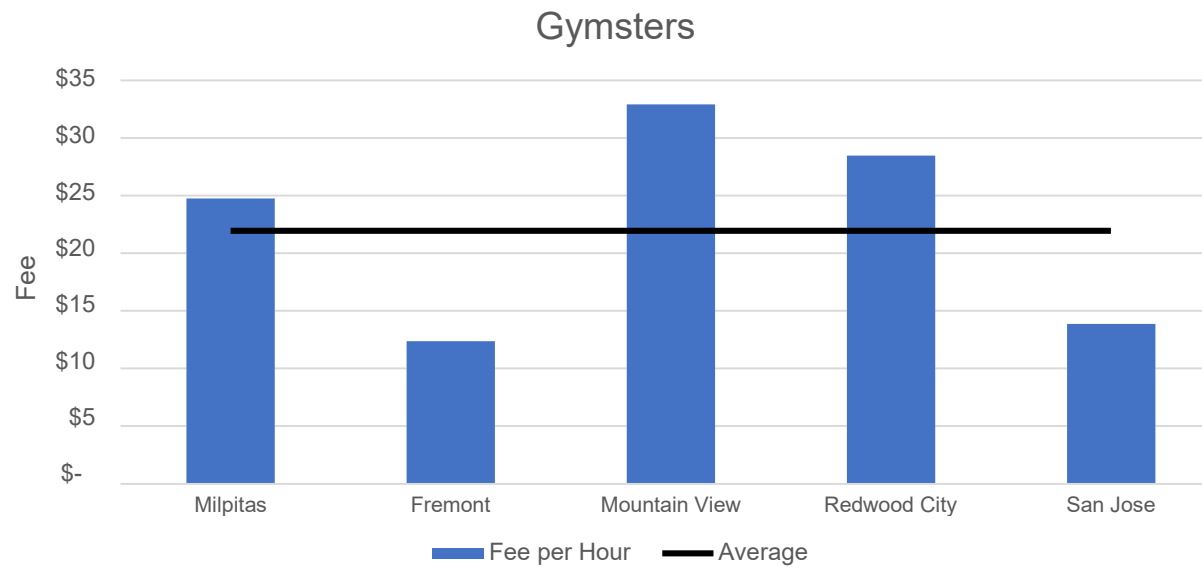
Beginning Piano/Keyboard Lessons	Fee per Hour	Average
Milpitas	\$ 21	\$ 40
Fremont	\$ 40	\$ 40
Mountain View	\$ 49	\$ 40
Redwood City	\$ 35	\$ 40
San Jose	\$ 34	\$ 40



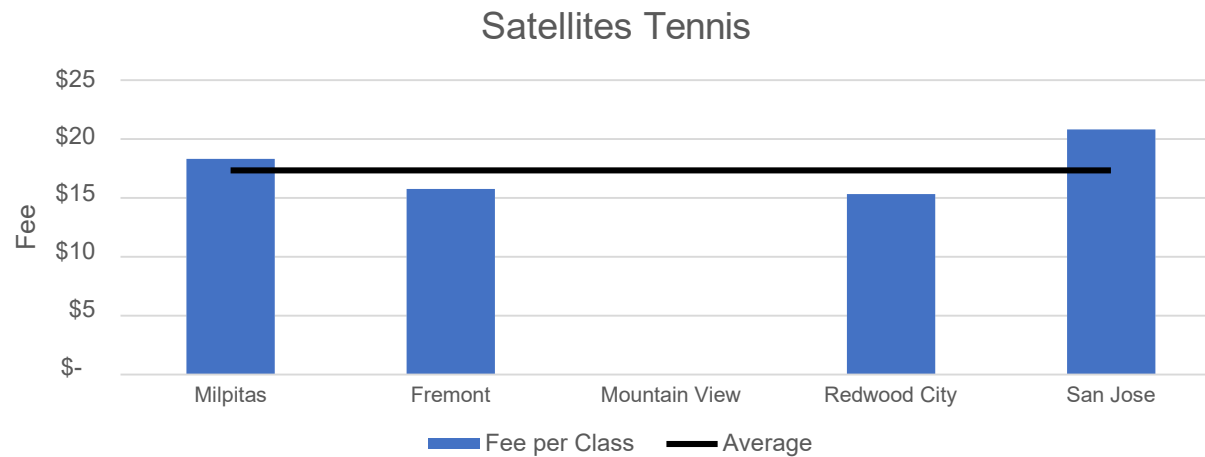
Gymsters	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 19	\$ 17	0.75	7.00	\$ 130
Fremont	\$ 12	\$ 17	1.00	8.00	\$ 99
Mountain View	\$ 25	\$ 17	0.75	10.00	\$ 247
Redwood City	\$ 19	\$ 17	0.67	6.00	\$ 114
San Jose	\$ 13	\$ 17	0.92	8.00	\$ 102



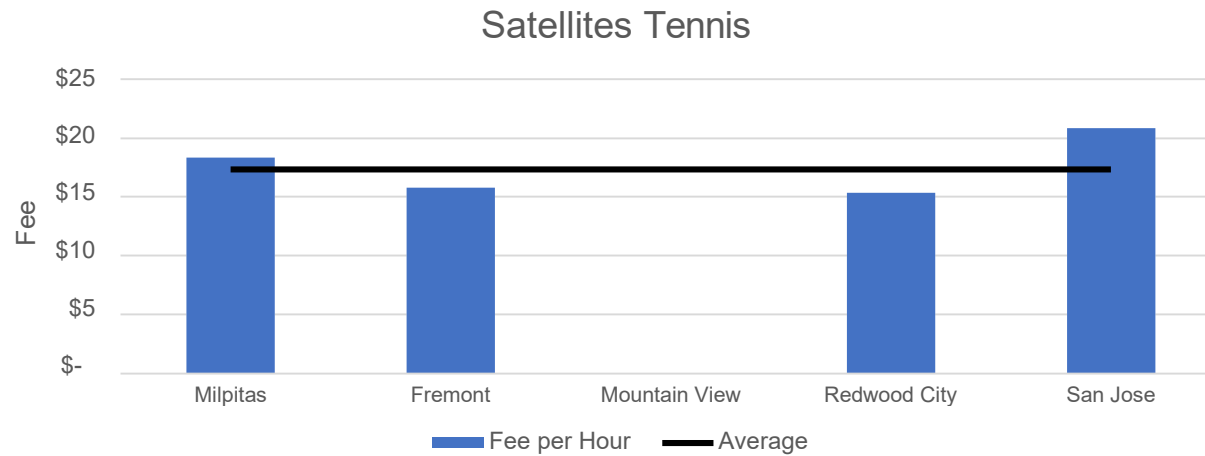
Gymsters	Fee per Hour	Average
Milpitas	\$ 25	\$ 22
Fremont	\$ 12	\$ 22
Mountain View	\$ 33	\$ 22
Redwood City	\$ 29	\$ 22
San Jose	\$ 14	\$ 22



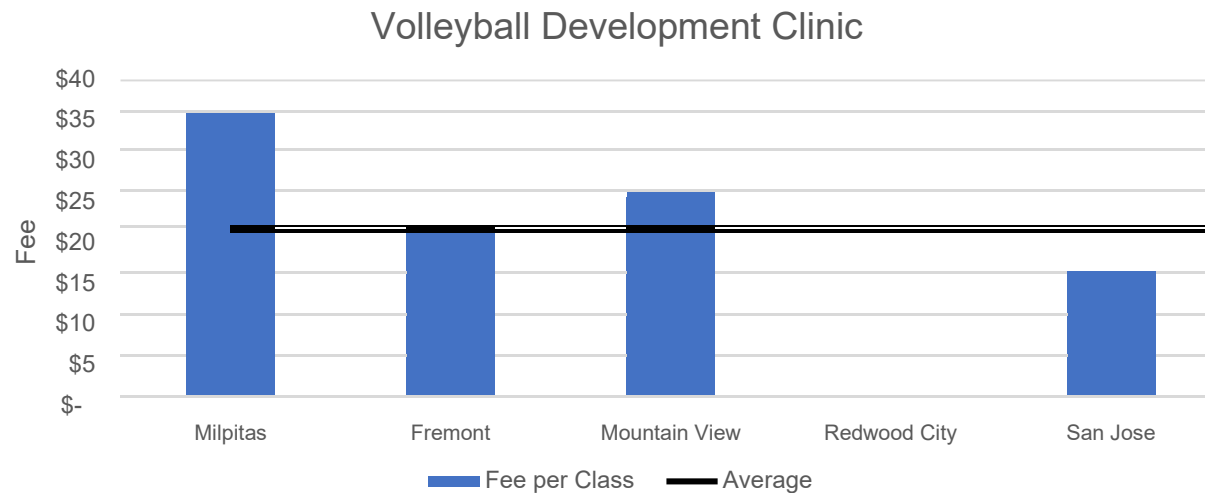
Satellites Tennis	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 18	\$ 17	1.00	6.00	\$ 110
Fremont	\$ 16	\$ 17	1.00	5.00	\$ 79
Mountain View		\$ 17	-	-	\$ -
Redwood City	\$ 15	\$ 17	1.00	6.00	\$ 92
San Jose	\$ 21	\$ 17	1.00	6.00	\$ 125



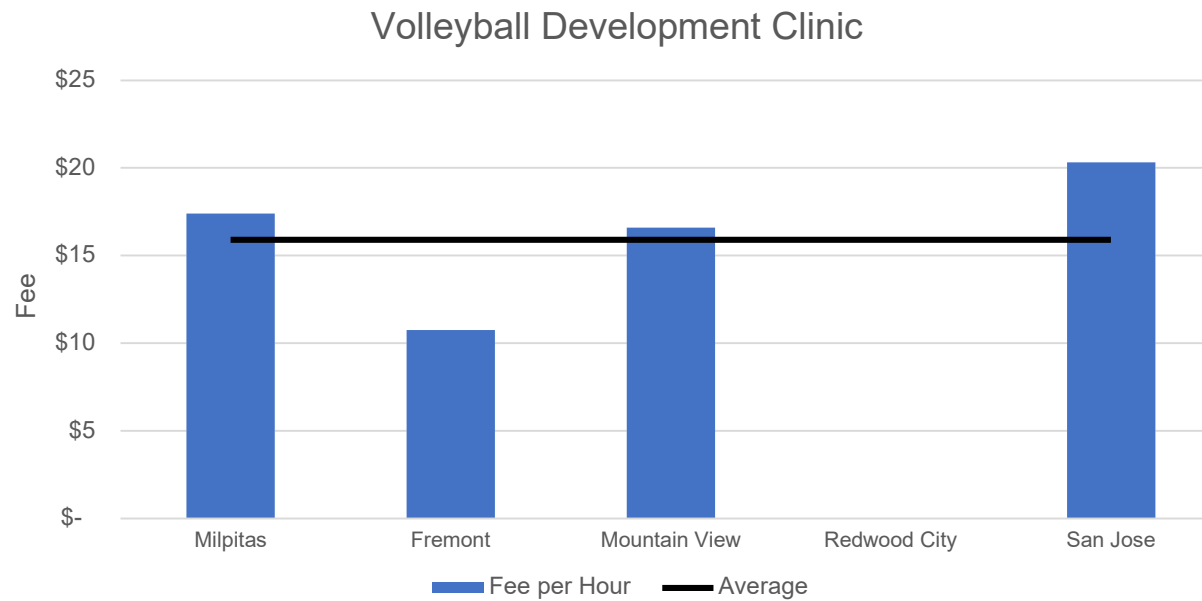
Satellites Tennis	Fee per Hour	Average
Milpitas	\$ 18	\$ 17
Fremont	\$ 16	\$ 17
Mountain View		\$ 17
Redwood City	\$ 15	\$ 17
San Jose	\$ 21	\$ 17



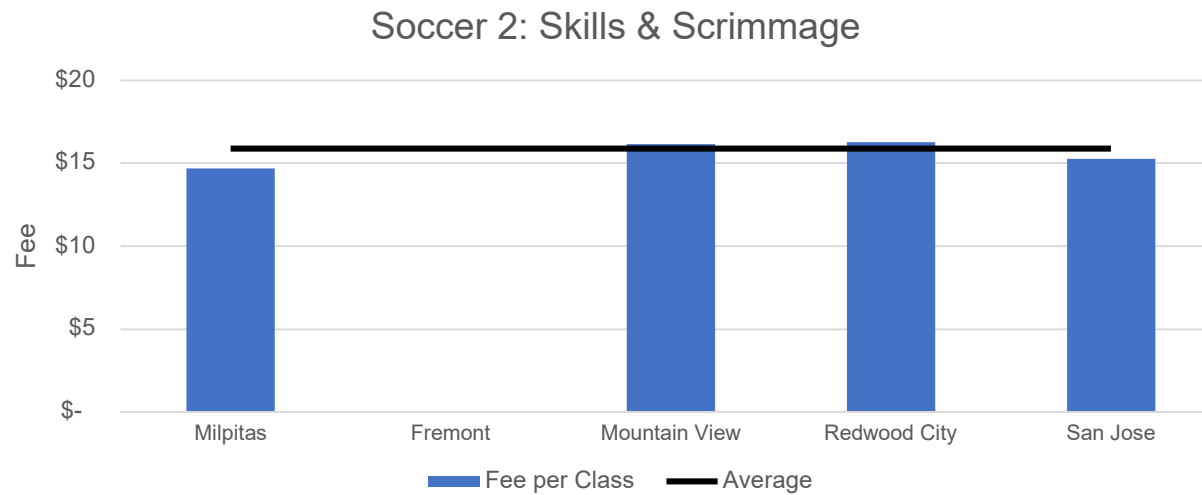
Volleyball Development Clinic	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 35	\$ 21	2.00	6.00	\$ 209
Fremont	\$ 22	\$ 21	2.00	6.00	\$ 129
Mountain View	\$ 25	\$ 21	1.50	8.00	\$ 199
Redwood City		\$ 21	-	-	\$ -
San Jose	\$ 15	\$ 21	0.75	8.00	\$ 122



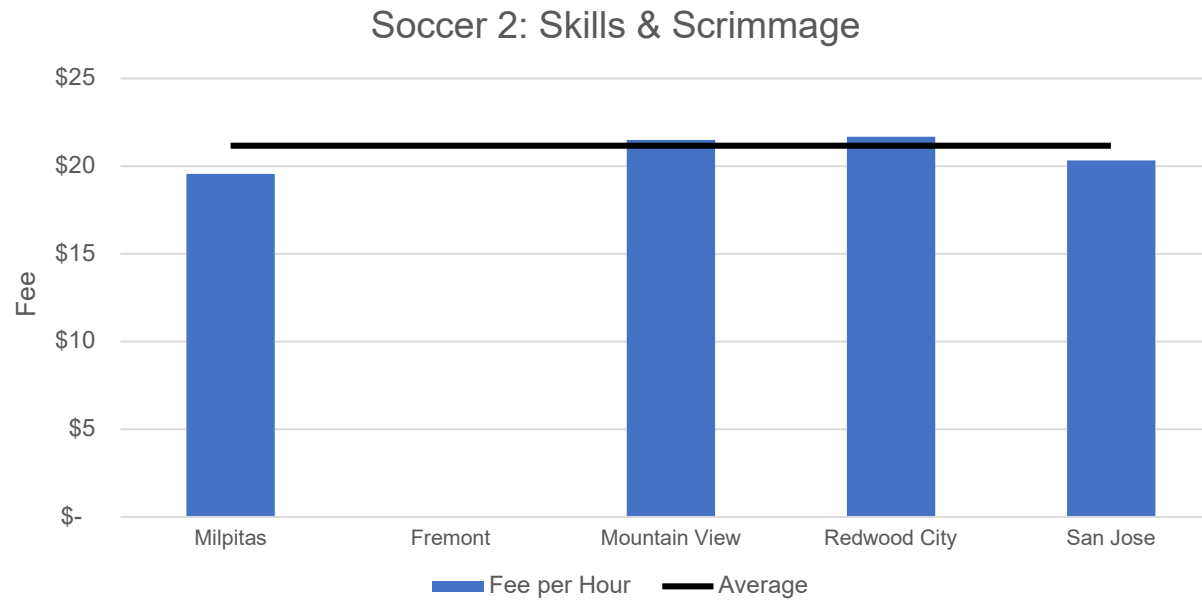
Volleyball Development Clinic	Fee per Hour	Average
Milpitas	\$ 17	\$ 16
Fremont	\$ 11	\$ 16
Mountain View	\$ 17	\$ 16
Redwood City		\$ 16
San Jose	\$ 20	\$ 16



Soccer 2: Skills & Scrimmage	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 15	\$ 16	0.75	6.00	\$ 88
Fremont		\$ 16	-	-	\$ -
Mountain View	\$ 16	\$ 16	0.75	8.00	\$ 129
Redwood City	\$ 16	\$ 16	0.75	8.00	\$ 130
San Jose	\$ 15	\$ 16	0.75	8.00	\$ 122

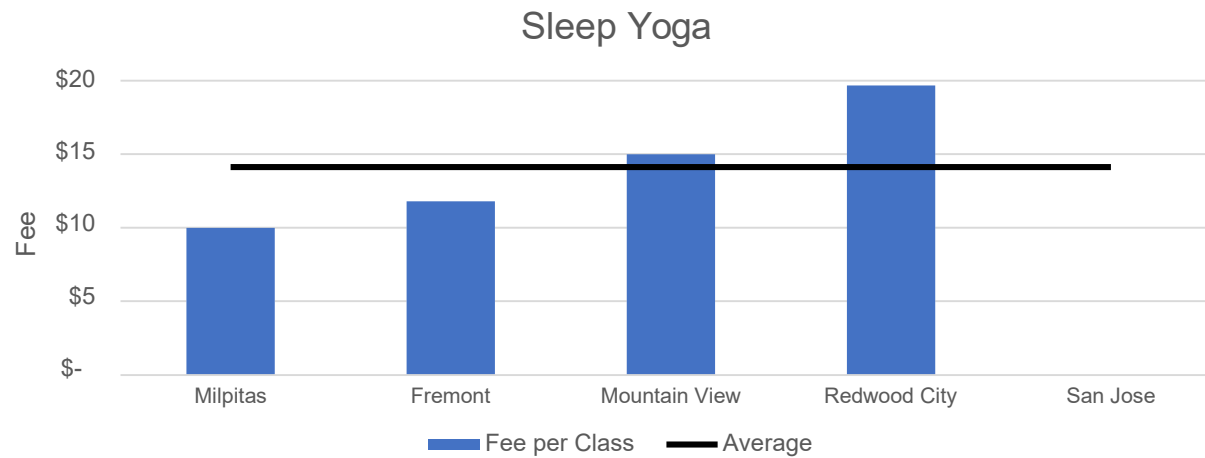


Soccer 2: Skills & Scrimmage	Fee per Hour	Average
Milpitas	\$ 20	\$ 21
Fremont		\$ 21
Mountain View	\$ 22	\$ 21
Redwood City	\$ 22	\$ 21
San Jose	\$ 20	\$ 21

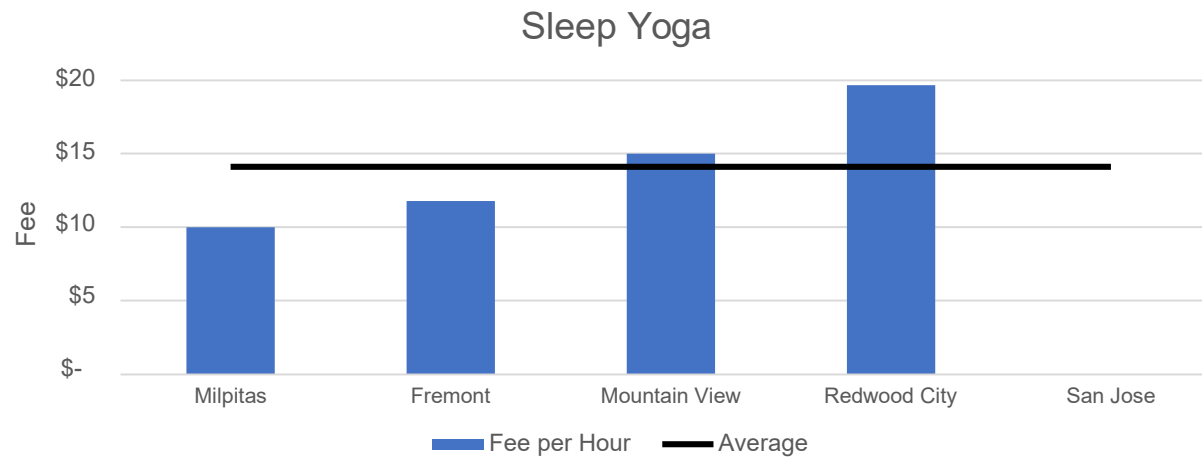


Sleep Yoga	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 10	\$ 14	1.00	4.00	\$ 40
Fremont	\$ 12	\$ 14	1.00	5.00	\$ 59
Mountain View	\$ 15	\$ 14	1.00	10.00	\$ 150
Redwood City	\$ 20	\$ 14	1.00	9.00	\$ 177
San Jose		\$ 14	-	-	\$ -

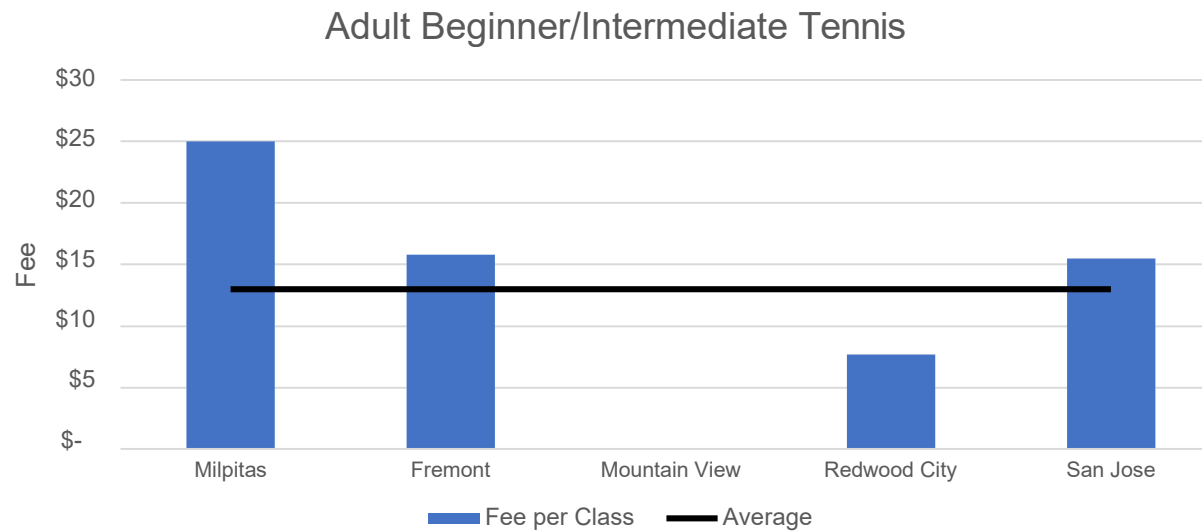
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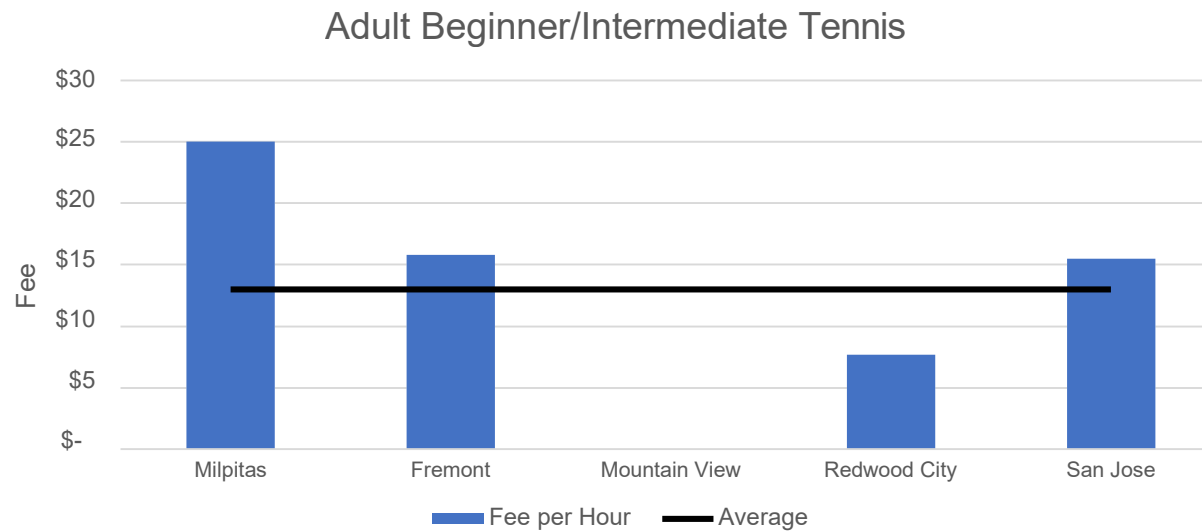
Sleep Yoga	Fee per Hour	Average
Milpitas	\$ 10	\$ 14
Fremont	\$ 12	\$ 14
Mountain View	\$ 15	\$ 14
Redwood City	\$ 20	\$ 14
San Jose		\$ 14



Adult Beginner/Intermediate Tennis	Fee per Class	Average	Length of Class	# of Classes	Cost per Session
Milpitas	\$ 25	\$ 13	1.00	8.00	\$ 200
Fremont	\$ 16	\$ 13	1.00	5.00	\$ 79
Mountain View		\$ 13	-	-	\$ -
Redwood City	\$ 8	\$ 13	1.00	6.00	\$ 46
San Jose	\$ 16	\$ 13	1.00	8.00	\$ 124



Adult Beginner/Intermediate Tennis	Fee per Hour	Average
Milpitas	\$ 25	\$ 13
Fremont	\$ 16	\$ 13
Mountain View		\$ 13
Redwood City	\$ 8	\$ 13
San Jose	\$ 16	\$ 13



The market assessment conducted was utilized in the following chapter for identifying specific market adjustments to programs.

Local Market Fee Comparison:

In addition to comparing fees to other communities, a small sample of programs and services were compared to local providers within the City of Milpitas to conduct a “reasonableness” test against costs for similar programs conducted by the private sector. While it is difficult to develop a completely equitable comparison between the City’s services and those of other providers due to differences in facilities and gym offerings, this information provides at least an approach to gauging whether or not fees are aligning with market conditions. In general, this analysis supports the conclusion that the City is charging appropriate fees for programs but may have some capacity to increase rental rates for meeting and banquet facilities if desired.

The specific programs and services were identified in consultation with city staff and then outreach conducted to the providers to ascertain the costs they were charging for the similar services. The results are shown in the following table.

Banquet Halls and Meeting Rooms:

- **India Community Center:** \$3,500 per day weekdays and \$8,000 per day weekends - includes 10 hours per day with set up, tables, chairs, and linens included. Anything else is extra.
- **Spring Valley Golf Course:** Indoor facility for 165 people. Patio seating for a total of 300 guests. Room rental fee of \$500 which is waived if total cost is over \$7,500. Required minimum \$4,300 in food and beverage, not including service charge of 17% or applicable taxes.
- **School District:** 76 person community meeting room at Mattos Elementary School is \$95 per hour or \$1,520 per day.
- **Summit Pointe Golf Club:** 150 person inside and 50 outside banquet room/patio. Includes full banquet staff, buffet menu, set up/clean up, tables and chairs, coffee, water, and tea. 4 hour minimum. 15-59 people \$800. 60-119 people \$1,200. 120-200 people \$1,800. \$200 per hour after initial 4. \$100 cleaning fee.

Gym Membership:

- **India Community Center:** \$10 initiation. \$45/monthly or \$449 annually. Family \$69 monthly or \$699 annually. Student \$29 or \$299. Senior \$15-25 month or \$160-\$249 annually (basic or full access membership difference).
- **YMCA of Silicon Valley:** Adult join \$90/Monthly \$73. Senior 90/66. Youth 45/37. Family (max) 165/161.
- **Fitness 19 Milpitas:** Monthly rates from \$10-30 depending on access to features. 1-year commitment required.
- **Milpitas Star Aquatics and Fitness:** \$40 annual maintenance fee. Gym \$50 sign up and \$20 monthly (first person, \$15 second person and \$10 each third+). Gym and pool membership is \$50 sign up and \$40 monthly. \$30 second person and 3rd+ each \$20 per month. 25 yard heated 7 lane pool for laps. 20 yard heated shallow pool for family swim.
- **City of Milpitas:** Sports Center Unlimited Membership of \$60/monthly or \$480/year with reduced rates for seniors of \$235/year.

While services and offerings between these facilities are not entirely consistent, the cost comparison does indicate that the City is in line with the rates being charged by other local service providers.

When considering additional programs or expanded programming, the following local market information may be useful in ensuring that the rates charged by the City are in alignment with fees in the local market.

Yoga:

- **Bikram Yoga:** Intro \$69/mo. Auto pay \$99/mo. 1 month \$140. 3 month. \$375. 6 months \$650. 1 year / \$1200.
- **Worlds Yoga:** \$25 initiation. Yearly - \$79/mo. 6 months \$89/mo. 3 months \$99/mo. Drop in \$20. Class package 5 = \$75. 10=\$130. 20=\$240. 30=\$330.

Programming/events/tutoring:

- **Christ Community Church** – programs offered and costs. ESL \$50/year and free child care kids 0-9. Classes held about 28 days per month.
- **Kuman Math:** Reading and Math programs. \$140 per month, per program. Each class is 20-30 minutes long and classes are held 2x each week. \$50 initial registration fee.
- **The Tutoring Center** – \$279, 1 child, 2 sessions per week. \$359 3 sessions per week.
- **PEL Learning Center, Inc.** 1 x registration \$50-\$100 (not sure why the range). Private tutoring \$35-\$40/hr. After school “homework help” \$100-\$150/month.
- **Science Nature Labs at Pump it up Milpitas** –science classes for kids aged 9-12. \$30/day.
- **KidzToPros:** Introducing to “Python Programming”. Grades 6-8. June 15-19 from 9 am – 3 pm. \$595. Computer programming skills held at Curtner Elementary School.
- **KidzToPros:** Digital Arts Camp. Grades 6-8. June 29 – July 3. 9 am – 3 pm. \$595. Students learn how to use a graphics tablet with a digital pen, transforming their creative ideas with digital effects held at Curtner Elementary School.

3. Cost Recovery Overview and Program Offering Assessment

This chapter provides a high level assessment of cost recovery and a more detailed assessment of program offerings between the City of Milpitas and the comparative entities regarding programs provided.

1 Recreation and Community Services Cost Recovery

In FY 2019-20, the Recreation and Community Services Department (Recreation) has an adopted budget of almost \$6.5 million. This year's adopted budget represents a 12% increase from FY 2018-19 (\$5.7 million), and a 44% increase when compared to FY 2016-17 actual expenditures (\$4.5 million). A summary of expenditures of the last three fiscal years is presented in the following table.

Recreation Expenditures by Fiscal Year

Expenditures	FY 2017-18 Actual	FY 2018-19 Budget	FY 2019-20 Adopted
Personnel	\$3,198,223	\$4,184,394	\$4,954,145
Supplies/Services	\$1,278,654	\$1,564,149	\$1,507,593
Capital Outlay	\$20,000	\$0	\$1,489
Total	\$4,496,877	\$5,748,543	\$6,463,227
Annual Change	-	28%	12%

Source: City of Milpitas 2019-20 Budget & Financial Plan, page 238

Annual revenues by department are not presented in the City's budget book, but Recreation and Finance staff were able to provide high level summaries for the department's revenues, which are comprised primarily of recreation fees and rent and concession revenues. Overall, revenues increased about 4% over the last two years, as shown in the following table.

Recreation Revenues by Fiscal Year

Revenues	FY 2017-18 Actual	FY 2018-19 Actual	Change
Rent & Concession	\$238,529	\$183,380	-23%
Recreation Fees	\$2,252,234	\$2,413,833	7%
Total Revenue	\$2,490,763	\$2,597,213	4%

Source: City of Milpitas Finance Department

When expenditures and revenues are compared over the last two years, Recreation recovered 55% of its costs in FY 2017-18 and about 45% of its costs in FY 2018-19. The decrease in cost recovery correlates with the fact that expenditures increased by 28% between those two years, while revenues only increased by 4%. Annual cost recovery estimates are presented in the following table.

Recreation Cost Recovery by Fiscal Year

Finances	FY 2017-18	FY 2018-19
Expenditures	\$4,496,877	\$5,748,543
Revenues	\$2,490,763	\$2,597,213
Cost Recovery	55%	45%

Source: MCG calculations based on Finance Department data and the annual budget.

The City is developing a data source, through better tracking of costs through the use of work orders, that will enable a more detailed and refined cost recovery assessment in the future that includes all costs associated with the provision of programs and rentals beyond only the costs of the Recreation and Community Services Department. Public Works provides significant support to the Recreation and Community Services Department including the following:

- Athletic field maintenance is approximately \$74,052 per month or \$888,624 annually.
- Facilities support for setups in PD Comm Room, City Hall Committee Room, Council Chambers and Adobe is about 50 hours per week (assuming 30 minutes for setup and 30 minutes for breakdown). Estimated fully loaded hourly rate for FY20-21 for a MCII is \$67.10 and for a MCIII is \$78.15.
 - Facilities setups/breakdowns at Senior Ctr, Community Ctr and Sports Ctr are generally performed by Recreation's Building Attendant staff.
 - Sal Cracolice Building is closed, but upon its eventual reopening, PW staff will be responsible for setups/breakdowns.
- Pool maintenance is approximately 40 hours per week at MSC (20 for EMWIII and 20 for MWII). Estimated fully loaded hourly rate for FY20-21 for EMWIII is approximately \$91.64 and for MWII is approximately \$65.23. This would equate to costs of approximately \$3,137.40/week or \$163,145 annually.

These readily identifiable Public Work costs demonstrate that total expenses are in excess of a million additional dollars only for those known costs. Including those costs into the cost recovery calculation would result in a city-wide cost recovery level of approximately 38% for FY2018-19.

(1) Detailed Program Financials

Recreation staff were able to provide a detailed breakout of rental revenues as well as program fees for FY 2018-19 which aligned within a minor margin of the revenue data provided by the Finance Department. However, expenditures are not tracked by specific program or function within the Recreation Department to calculate cost recovery at a more granular level at this time.

(2) Cost Recovery Target.

Typical recreation functions nationally are achieving cost recovery for recreational programming activities in the range of 40 – 60%. Experience with other Bay Area communities indicates that more communities in this region are typically at the lower end of that range for direct costs only. In comparison, the City of Milpitas is achieving a reasonable level of cost recovery at the level of analysis that could be conducted with available data. This level of overall recovery is in alignment with both national best practices and exceeds the levels typically being achieved by other Bay Area communities. However, the rate of cost recovery will drop when all internal service costs (overhead per the cost allocation plan and direct Public Works services).

Notwithstanding this level of performance, the City of Milpitas should adopt a formal cost recovery target for recreational programs. This is important as a guiding policy document so that staff has a target to focus on when developing program offerings and setting program fees. Based on historical levels achieved, it would be appropriate for an initial cost recovery target to be set between 45% and 55%. It will be important that the City and Department develop the appropriate reporting mechanisms that enable the easy monitoring and calculation of the cost recovery rates moving forward so that it can be tracked on an on-going basis and utilized by management in making decisions regarding both service offerings and individual fees.

Recommendation: The City of Milpitas should adopt a formal cost recovery target for Recreational Program.

2 Evaluation of Programs Offered

A comprehensive assessment was made of the programs offered by the City of Milpitas' Department of Recreation and Community Services against those offered by comparative municipalities. For the purposes of the fee and program offering assessment, the following communities were utilized as comparatives: Fremont, Mountain View, Redwood City and San Jose.

The following table shows a summary of the most frequently offered classes that other communities provide that are not currently provided by the City of Milpitas. This listing

shows only those programs where two or more of the comparable entities provide the class. A detailed listing is provided in Appendix C that shows the entire comparison and highlights classes that only one other entity offered.

This information is useful, as one tool, to evaluate new potential courses or programs that the City of Milpitas should consider in the future.

RECREATION CLASSES (From Fall & Winter 2019 Activity Guide)	Fremont	Mountain View	Redwood City	San Jose
Chess Beginner (ages 5-13)	\$99 1 day/wk 1 hr class 7 classes	Not Offered	\$231 1 day/wk 1.33 hr class 9 classes	Not Offered
Chess Advanced (ages 5-13)	\$99 1 day/wk 1 hr class 7 classes	Not Offered		Not Offered
Math Olympiad (ages 6-8, 9-11)	\$449 1 day/wk 2.25 hr class 9 classes	Not Offered	\$180 1 day/wk 1 hr class 4 classes	Not Offered
Children's Little Theater (ages 4-6)	\$189 1 day/wk 1 hr class 9 classes	\$170 Res/\$213 1 day/wk .75 hr class 5 classes	\$330 1 day/wk 1.5 hr class 8 classes	Not Offered
Young Rembrandts: FUNdamental Drawing (ages 4-6)	\$129 1 day/wk 1 hr class 6 classes	Not Offered	Not Offered	\$118 1 day/wk 1 hr class 6 classes
Adult Ballet (ages 16+)	\$139 1 day/wk 1 hr class 10 classes	Not Offered	\$199 1 day/wk 1 hr class 11 classes	Not Offered
Adult Beginning Tap (ages 16+)	\$139 1 day/wk 1 hr class 10 classes	Not Offered	\$78 1 day/wk 1 hr class 6 classes	Not Offered
Zumba Dance Fusion (ages 18+)	\$69 1 day/wk .67 hr class 6 classes	Not Offered	\$126 1 day/wk 1 hr class 10 classes	\$43 Res/\$47 NR 1 day/wk 1 hr class 6 classes
Beginner Belly Dancing (ages 18+)	Not Offered	\$198 Res/\$248 NR 1 day/wk 1 hr class 12 classes	\$62 1 day/wk 1 hr class 7 classes	Not Offered
Karate for Kids (ages 7-12)	\$109 1 day/wk .5 hr class 10 classes	\$135 Res/\$169 NR .83 hr class 7 classes	98 2 days/wk .92 hr class 7 classes	Not Offered

RECREATION CLASSES (From Fall & Winter 2019 Activity Guide)	Fremont	Mountain View	Redwood City	San Jose
Tae Kwon Do (ages 5-19)	Not Offered	\$125 Res/\$157 NR 2 days/wk 1.5 hr class 24 classes	\$162 2 days/wk 1 hr class 12 classes	Not Offered
Guitar (ages 6-16)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 13 classes	Not Offered	\$154 +\$10 material fee 1 day/wk .75 hr class 6 classes
Adult Guitar (ages 17+)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 12 classes	Not Offered	\$110 Res/\$114 NR 1 day/wk .75 hr class 7 classes
Ukulele for Fun! (ages 4+)	\$175 1 day/wk .75 hr class 6 classes	Not Offered	\$25 1 day/wk 2 hr class 1 class	\$154 +\$10 material fee 1 day/wk .75 hr class 6 classes
Violin Study (ages 4+)	\$175 1 day/wk .83 hr class 6 classes	\$396 Res/\$496 NR 1 day/wk .83 hr class 12 classes	Not Offered	Not Offered
Skateboarding Lessons - Beginning Level (ages 6-12)	\$169 1 day/wk .75 hr class 4 classes	Not Offered	\$131 1 day/wk 1 hr class 5 classes	\$171 Res/\$175 NR 1 day/wk 2.5 hr class 6 classes
Skateboarding Lessons - Intermediate Level (ages 6-12)	\$169 1 day/wk .75 hr class 4 classes	Not Offered		
Tennis: Red Ball (ages 5-6, 7-8)	\$79 1 day/wk 1 hr class 5 classes	Not Offered	\$92 1 day/wk .67 hr class 6 classes	\$125 1 day/wk 1 hr class 6 class
Tennis: Orange Ball (ages 9-10)	\$79 1 day/wk 1 hr class 5 classes	Not Offered		\$125 1 day/wk 1 hr class 6 class
Tennis: Fremont Tennis Academy (ages 11-17)	\$79 1 day/wk 1 hr class 5 classes	Not Offered		Not Offered
Tennis: Adults beginner (ages 18+)	\$75 1 day/wk 1 hr class 5 classes	Not Offered		Not Offered

RECREATION CLASSES (From Fall & Winter 2019 Activity Guide)	Fremont	Mountain View	Redwood City	San Jose
Tennis: Adults Intermediate (ages 18+)	\$75 1 day/wk 1 hr class 5 classes	Not Offered		Not Offered

There are multiple opportunities, based on demand for classes seen in other communities, to explore the addition of additional programs within the City of Milpitas' portfolio of classes. Additional opportunities are likely to be identified as part of the larger Parks Master planning process once information becomes available from the community input phase and the project teams have developed recommended park and facility improvements.

Recommendation: Continue to explore the expansion of recreational programs based upon community input and successful programs provided by other comparable communities' recreation programs.

2 Recommended Fee Adjustments

Based upon the comparative assessment, it is recommended that fees for comparable recreation programs be adjusted to match the average of the comparative assessment unless there is specific information available that warrants maintaining a rate below market rate. At the present time the project team is not aware of any specific data that would warrant charging a below market rate. The detailed program assessment is included in Appendix B. For programs where market adjustments are not required, the City of Milpitas should consider implementing fee increases to cover cost of living increases to ensure that annual internal cost increases (personnel, contractual, utilities, etc.) do not impact the cost recovery of the department.

Based upon the market assessment, the following table summarizes the types of market adjustments that are warranted based upon the comparative assessment. Where no change is recommended for market adjustment, the City may still consider a small cost of living adjustment to account for increased operating costs year over year attributable to internal cost increases.

Program	Adjustment
Sleep Yoga	Increase from \$10/class to \$14 / class
Phonics Level 1/2	Increase from \$13/class to \$25 / class
Soccer 2: Skills and Scrimmage	Increase from \$15/class to \$16 / class
Drawing & Cartooning	Increase from \$17/class to \$19/class
Beginning Piano/Keyboard Lessons	Increase from \$18/class to \$30/class
Non-Resident Use of Soccer Field with Lights for 2 hour rental	Increase from \$180 to \$200

Program	Adjustment
Line Dancing	Increase from \$2/class to \$3/class
Lego FUNGineering	Increase from \$22/class to \$40/class
Improv for Kids	Increase from \$23/class to \$40/class
Resident use of gymnasium for 3 hours – peak hours	Increase from \$260 to \$400
Winter Break Camp	Increase from \$4 / hour to \$9 /hour
Small picnic rental for Residents (<50, Saturday)	Increase from \$60 to \$90
Non-primetime 1 hour Adult Resident Tennis Court Rental	Increase from \$8 to \$15
Mommy/Daddy & Me Soccer Class	No change
Ballet Level 1	No change
Youth Basketball Elite	No change
Tai Chi Fitness 2	No change
Sports Center Drop in Sports Class	No change
Tot/Pre Soccer	No change
First Shots Basketball	No change
Tiny Stars Dance & Learn	No change
Tap & Ballet Combo Level 1	No change
Hip Hop & Break Dance	No change
Gymsters	No change
Satellites Tennis	No change
Volleyball Development Clinic	No change
Adult Beg/Int Tennis	No change
Adult Use, Artificial Turf (2 hour rental)	No change
Community Center Conference Room	No change

The assessment showed that of the programs reviewed, 55% warranted no change in fees based solely upon market competitiveness. The remaining 45% had market adjustments recommended with some being very minor but some being significantly below the market rate. At a minimum, a cost of living adjustment should be applied to each program to address internal cost increases year over year.

Recommendation: The City of Milpitas should adjust program fees by at least a cost of living adjustment to address internal cost increases associated with providing services with additional market adjustments made, as outlined and identified, to bring program costs into alignment with the market rates and to ensure cost recovery is not impacted.

Appendix A – Milpitas Recreation Fee Schedule

The following table outlines the current fee structure adopted by the City of Milpitas.

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Adult Recreation	Adult Enrichment Fees	Sports League (full season)	\$500 per team + \$10 per non-resident player per season	\$500 per team + \$10 per non-resident player per season
Adult Recreation	Adult Enrichment Fees	Garden Plots (Residents Only)	\$60/per year	\$60/per year
Aquatics	Miscellaneous	Recreational Swim	\$2	\$2 - \$5 per person
Aquatics	Swimming	Swimming Lessons Group	\$75 - \$85 residents	\$75 - \$85 residents
Aquatics	Swimming	Swimming Lessons Group	\$950 - \$105 non-residents	\$950 - \$105 non-residents
Aquatics	Swimming	Semi-Private/Private Swimming Lessons	\$38 residents – per half hour lesson	\$38 residents – per half hour lesson
Aquatics	Swimming	Semi-Private/Private Swimming Lessons	\$58 non-resident - per half hour lesson	\$58 non-resident - per half hour lesson
Aquatics	Swimming	Parent-Tot Drop-in swim pass – 5 visits	\$15 plus \$20 non-resident fee if applicable	\$15 plus \$20 non-resident fee if applicable
Aquatics	Swimming	Monthly Swim Club Fee Development Group	Resident- \$68-\$88/month	Resident- \$68-\$88/month
Aquatics	Swimming	Monthly Swim Club Fee Development Group	Non-resident- \$108-\$128/month	Non-resident- \$108-\$128/month
Aquatics	Swimming	Monthly Swim Club Juniors/Intermediate	Resident- \$78-\$98/month	Resident- \$78-\$98/month
Aquatics	Swimming	Monthly Swim Club Juniors/Intermediate	Non-resident- \$118-\$138/month	Non-resident- \$118-\$138/month
Aquatics	Swimming	Monthly Swim Club-Senior	Resident- \$88-\$108/month	Resident- \$88-\$108/month
Aquatics	Swimming	Monthly Swim Club-Senior	Non-resident- \$128-\$148/month	Non-resident- \$128-\$148/month
Classes			Instructor: hrs. * hourly rate	Instructor: hrs. * hourly rate
Membership	Senior Enrichment Fees(50+ years of age)	Senior Center Membership	\$12/year resident	\$12/year resident
Membership	Senior Enrichment Fees(50+ years of age)	Senior Center Membership	\$30/year non-resident	\$30/year non-resident
Membership	Sports Center Membership	Fitness Passes- Per Visit Packages	5 visits: \$20	5 visits: \$25
Membership	Sports Center Membership	Fitness Passes- Per Visit Packages	10 visits: \$40	10 visits: \$50
Membership	Sports Center Membership	Fitness Passes- Per Visit Packages	15 visits: \$60	15 visits: \$75
Membership	Sports Center Membership	Fitness Passes- Per Visit Packages	20 visits: \$80	20 visits: \$100
Membership	Sports Center Membership	Fitness Passes Senior (50+)- Per Visit Packages	5 visits: \$10	5 visits: \$15

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Membership	Sports Center Membership	Fitness Passes Senior (50+)- Per Visit Packages	10 visits: \$20	10 visits: \$30
Membership	Sports Center Membership	Fitness Passes Senior (50+)- Per Visit Packages	15 visits: \$30	15 visits: \$45
Membership	Sports Center Membership	Fitness Passes Senior (50+)- Per Visit Packages	20 visits: \$40	20 visits: \$60
Membership	Sports Center Membership	Drop-In Fee	\$7/visit	\$7-\$12 per visit
Membership	Sports Center Membership	Sports Center Unlimited Packages	Monthly: \$50	Monthly: \$60
Membership	Sports Center Membership	Sports Center Unlimited Packages	3 Months: \$150	3 Months: \$180
Membership	Sports Center Membership	Sports Center Unlimited Packages	6 Months: \$250	6 Months: \$280
Membership	Sports Center Membership	Sports Center Unlimited Packages	12 Months: \$450	12 Months: \$480
Membership	Sports Center Membership	Sports Center Unlimited Packages - Senior (50+)	Monthly: \$25	Monthly: \$35
Membership	Sports Center Membership	Sports Center Unlimited Packages - Senior (50+)	3 Months: \$75	3 Months: \$85
Membership	Sports Center Membership	Sports Center Unlimited Packages - Senior (50+)	6 Months: \$125	6 Months: \$135
Membership	Sports Center Membership	Sports Center Unlimited Packages - Senior (50+)	12 Months: \$225	12 Months: \$235
Membership	Sports Center Membership	Annual Non-Resident Fee	\$50/year	\$50-\$100 per year
Misc.	Department General Fees	General Internal Class Program Fees	new	Staff time + Materials
Misc.	Department General Fees	Membership Card replacement fee	\$5	\$5
Misc.	Department General Fees	Transaction Fee	\$1 - \$3 per receipt	\$1 - \$3 per receipt
Misc.	Department General Fees	Trips	Actual cost to City + Trip Admission Fee	Actual cost to City + Trip Admission Fee
Misc.	Department General Fees	General Non-Resident Fees	\$20/person/class / month program or trip.	\$20- \$30/person/class / month program or trip.
Rentals	Artificial Turf Field	Deposit (Football/Soccer)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Artificial Turf Field	Deposit (Football/Soccer)	Priority IV & V- \$1,000	Priority IV & V- \$1,000
Rentals	Artificial Turf Field	Deposit (Soccer/Volleyball)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Artificial Turf Field	Deposit (Soccer/Volleyball)	Priority IV & V- \$750	Priority IV & V- \$750
Rentals	Artificial Turf Field	Artificial Turf Football/Soccer w/o lights	Priority II & III- N/A	Priority II & III- N/A
Rentals	Artificial Turf Field	Artificial Turf Football/Soccer w/o lights	Priority IV- \$150/hr	Priority IV- \$150/hr
Rentals	Artificial Turf Field	Artificial Turf Football/Soccer w/o lights	Priority V- \$300/hr	Priority V- \$300/hr

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Artificial Turf Field	Artificial Turf Football/Soccer w/ lights	Priority II & III- N/A	Priority II & III- N/A
Rentals	Artificial Turf Field	Artificial Turf Football/Soccer w/ lights	Priority IV- \$160/hr	Priority IV- \$160/hr
Rentals	Artificial Turf Field	Artificial Turf Football/Soccer w/ lights	Priority V- \$320/hr	Priority V- \$320/hr
Rentals	Artificial Turf Field	Artificial Turf Volleyball/Soccer w/o lights	Priority II & III- N/A	Priority II & III- N/A
Rentals	Artificial Turf Field	Artificial Turf Volleyball/Soccer w/o lights	Priority IV- \$100/hr	Priority IV- \$100/hr
Rentals	Artificial Turf Field	Artificial Turf Volleyball/Soccer w/o lights	Priority V- \$200/hr	Priority V- \$200/hr
Rentals	Artificial Turf Field	Artificial Turf Volleyball/Soccer w/ lights	Priority II & III- N/A	Priority II & III- N/A
Rentals	Artificial Turf Field	Artificial Turf Volleyball/Soccer w/ lights	Priority IV- \$110/hr	Priority IV- \$110.00/hr
Rentals	Artificial Turf Field	Artificial Turf Volleyball/Soccer w/ lights	Priority V- \$220/hr	Priority V- \$220/hr
Rentals	Artificial Turf Field	Tournament: Field w/o lights (Football)	new	Priority II & III- N/A
Rentals	Artificial Turf Field	Tournament: Field w/o lights (Football)	new	Priority IV- \$210/hr
Rentals	Artificial Turf Field	Tournament: Field w/o lights (Football)	new	Priority V- \$315/hr
Rentals	Artificial Turf Field	Tournament: Field w/ lights (Football)	new	Priority II & III- N/A
Rentals	Artificial Turf Field	Tournament: Field w/ lights (Football)	new	Priority IV- \$220/hr
Rentals	Artificial Turf Field	Tournament: Field w/ lights (Football)	new	Priority V- \$330/hr
Rentals	Artificial Turf Field	Tournament: Field w/o lights (Small)	new	Priority II & III- N/A
Rentals	Artificial Turf Field	Tournament: Field w/o lights (Small)	new	Priority IV- \$160/hr
Rentals	Artificial Turf Field	Tournament: Field w/o lights (Small)	new	Priority V- \$240/hr
Rentals	Artificial Turf Field	Tournament: Field w/ lights (Small)	new	Priority II & III- N/A
Rentals	Artificial Turf Field	Tournament: Field w/ lights (Small)	new	Priority IV- \$170/hr
Rentals	Artificial Turf Field	Tournament: Field w/ lights (Small)	new	Priority V- 255/hr
Rentals	Community Center Rentals	Application Fee (non-refundable)	\$20	\$20 - \$30
Rentals	Community Center Rentals	Rental Deposits: Auditorium	\$750	\$500
Rentals	Community Center Rentals	Auditorium (3 hr. minimum)	Priority II- No Fee	Priority II- No Fee
Rentals	Community Center Rentals	Auditorium (3 hr. minimum)	Priority III- \$100/hr	Priority III- \$100/hr
Rentals	Community Center Rentals	Auditorium (3 hr. minimum)	Priority IV- \$200/hr	Priority IV- \$200/hr
Rentals	Community Center Rentals	Auditorium (3 hr. minimum)	Priority V- \$260/hr	Priority V- \$260/hr

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Community Center Rentals	Conference Room (2 hr. minimum)	Priority II- No Fee	Priority II- No Fee
Rentals	Community Center Rentals	Conference Room (2 hr. minimum)	Priority III- \$35/hr	Priority III- \$35/hr
Rentals	Community Center Rentals	Conference Room (2 hr. minimum)	Priority IV- \$70/hr	Priority IV- \$70/hr
Rentals	Community Center Rentals	Conference Room (2 hr. minimum)	Priority V- \$130/hr	Priority V- \$130/hr
Rentals	Community Center Rentals	Dance Studio. Craft Classroom (2 hr. minimum)	Priority II- No Fee	Priority II- No Fee
Rentals	Community Center Rentals	Dance Studio. Craft Classroom (2 hr. minimum)	Priority III- \$20/hr	Priority III- \$20/hr
Rentals	Community Center Rentals	Dance Studio. Craft Classroom (2 hr. minimum)	Priority IV- \$40/hr	Priority IV- \$40/hr
Rentals	Community Center Rentals	Dance Studio. Craft Classroom (2 hr. minimum)	Priority V- \$100/hr	Priority V- \$100/hr
Rentals	Community Center Rentals	Facility Attendant Fees	Priority II, III, IV- \$30/hr	Priority II, III, IV- \$30/hr
Rentals	Community Center Rentals	Facility Attendant Fees	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Community Center Rentals	Piano	Priority III, IV- \$20/day	Priority III, IV- \$20/day
Rentals	Community Center Rentals	Piano	Priority V- \$80/day	Priority V- \$80/day
Rentals	Community Center Rentals	Auditorium Screen Deposit	\$250	\$250
Rentals	Community Center Rentals	Auditorium Sound System (includes staff time)	\$50/hr.	\$50/hr.
Rentals	Field Rentals	Application Fee (non-refundable) ²	\$20	\$20 - \$30
Rentals	Field Rentals	Cricket Pitch	new	Priority II & III- N/A
Rentals	Field Rentals	Cricket Pitch	new	Priority IV- \$30/hr
Rentals	Field Rentals	Cricket Pitch	new	Priority V- \$60/hr
Rentals	Field Rentals	Rental Deposits	Priority II & III- N/A	Priority II & III- N/A
Rentals	Field Rentals	Rental Deposits	Priority IV & V- \$750	Priority IV & V- \$750
Rentals	Field Rentals	Soccer Field w/o lights (2hr. Minimum) (grass)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Field Rentals	Soccer Field w/o lights (2hr. Minimum) (grass)	Priority IV- \$30/hr	Priority IV- \$30/hr
Rentals	Field Rentals	Soccer Field w/o lights (2hr. Minimum) (grass)	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Field Rentals	Soccer Field w/ lights (2hr. Minimum) (grass)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Field Rentals	Soccer Field w/ lights (2hr. Minimum) (grass)	Priority II & IV- \$40/hr	Priority II & IV- \$40/hr
Rentals	Field Rentals	Soccer Field w/ lights (2hr. Minimum) (grass)	Priority V- \$80/hr	Priority V- \$80/hr
Rentals	Field Rentals	Softball/ Baseball Field w/o lights (2hr minimum)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Field Rentals	Softball/ Baseball Field w/o lights (2hr minimum)	Priority IV- \$20/hr	Priority IV- \$20/hr

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Field Rentals	Softball/ Baseball Field w/o lights (2hr minimum)	Priority V- \$40/hr	Priority V- \$40/hr
Rentals	Field Rentals	Softball/ Baseball Field w/ lights (2hr minimum)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Field Rentals	Softball/ Baseball Field w/ lights (2hr minimum)	Priority IV- \$30/hr	Priority IV- \$30/hr
Rentals	Field Rentals	Softball/ Baseball Field w/ lights (2hr minimum)	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Field Rentals	Tournaments: Field w/o lights	new	Priority II & III- N/A
Rentals	Field Rentals	Tournaments: Field w/o lights	new	Priority IV- \$60/hr
Rentals	Field Rentals	Tournaments: Field w/o lights	new	Priority V- \$120/hr
Rentals	Field Rentals	Tournaments: Field w/ lights	new	Priority II & III- N/A
Rentals	Field Rentals	Tournaments: Field w/ lights	new	Priority II & IV- \$80/hr
Rentals	Field Rentals	Tournaments: Field w/ lights	new	Priority V- \$160/hr
Rentals	Gym, Fields, Courts & Pool Rentals	Application Fee (non- refundable)	\$20	\$20 - \$30
Rentals	Gym, Fields, Courts & Pool Rentals	Rental Deposit	Priority II & III- N/A	Priority II & III- N/A
Rentals	Gym, Fields, Courts & Pool Rentals	Rental Deposit	Priority IV & V- \$750	Priority IV & V- \$750
Rentals	Gym, Fields, Courts & Pool Rentals	Large Gymnasium (3 hr. minimum)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Gym, Fields, Courts & Pool Rentals	Large Gymnasium (3 hr. minimum)	Priority IV - \$80	Priority IV - \$80
Rentals	Gym, Fields, Courts & Pool Rentals	Large Gymnasium (3 hr. minimum)	Priority V- \$160	Priority V- \$160
Rentals	Gym, Fields, Courts & Pool Rentals	Tournaments: Large Gymnasium (3 hr. Minimum)	new	Priority II & III- N/A
Rentals	Gym, Fields, Courts & Pool Rentals	Tournaments: Large Gymnasium (3 hr. Minimum)	new	Priority IV- \$140
Rentals	Gym, Fields, Courts & Pool Rentals	Tournaments: Large Gymnasium (3 hr. Minimum)	new	Priority V- \$220
Rentals	Gym, Fields, Courts & Pool Rentals	Training Pool (2hr. minimum)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Gym, Fields, Courts & Pool Rentals	Training Pool (2hr. minimum)	Priority IV- \$50/hr + 2 guards	Priority IV- \$50/hr + 2 guards
Rentals	Gym, Fields, Courts & Pool Rentals	Training Pool (2hr. minimum)	Priority V- \$100/hr + 2 guards	Priority V- \$100/hr + 2 guards
Rentals	Gym, Fields, Courts & Pool Rentals	Yard Pool (2 hr. minimum)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Gym, Fields, Courts & Pool Rentals	Yard Pool (2 hr. minimum)	Priority IV- \$60/hr + 2 guards	Priority IV- \$60/hr + 2 guards
Rentals	Gym, Fields, Courts & Pool Rentals	Yard Pool (2 hr. minimum)	Priority V- \$120/hr + 2 guards	Priority V- \$120/hr + 2 guards
Rentals	Gym, Fields, Courts & Pool Rentals	Meter Pool (2 hr. minimum)	Priority II & III- N/A	Priority II & III- N/A

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Gym, Fields, Courts & Pool Rentals	Meter Pool (2 hr. minimum)	Priority IV- \$70/hr + 2 guards	Priority IV- \$70/hr + 2 guards
Rentals	Gym, Fields, Courts & Pool Rentals	Meter Pool (2 hr. minimum)	Priority V- \$140/hr + 2 guards	Priority V- \$140/hr + 2 guards
Rentals	Gym, Fields, Courts & Pool Rentals	Facility Attendant/Scorekeepe r (per attendant)2	Priority II & IV- \$30/hr	Priority II & IV- \$30/hr
Rentals	Gym, Fields, Courts & Pool Rentals	Facility Attendant/Scorekeepe r (per attendant)2	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Gym, Fields, Courts & Pool Rentals	Lifeguard Fees (per Lifeguard)2	Priority II & IV- \$15/hr	Priority II & IV- \$15/hr
Rentals	Gym, Fields, Courts & Pool Rentals	Lifeguard Fees (per Lifeguard)2	Priority V- \$30/hr	Priority V- \$30/hr
Rentals	Higuera Adobe	Application Fee (non- refundable)1	\$20	\$20 - \$30
Rentals	Higuera Adobe	Rental Deposit1	\$750	\$750
Rentals	Higuera Adobe	Auditorium	Priority II- No Fee	Priority II- No Fee
Rentals	Higuera Adobe	Auditorium	Priority III- \$50/hr	Priority III- \$50/hr
Rentals	Higuera Adobe	Auditorium	Priority IV- \$100/hr	Priority IV- \$100/hr
Rentals	Higuera Adobe	Auditorium	Priority V- \$160/hr	Priority V- \$160/hr
Rentals	Higuera Adobe	Facility Attendant Fees (per attendant)	Priority II, III, & IV- \$30/hr	Priority II, III, & IV- \$30/hr
Rentals	Higuera Adobe	Facility Attendant Fees (per attendant)	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Mobile Stage Rental	Rental (Actual Cost of towing plus hours of staff time each way for 2 staff) (within City of Milpitas city limits, minimum 4 hours of use)	Priority V- N/A	Priority V- N/A
Rentals	Mobile Stage Rental	Deposit	Priority II & IV- \$1,000	All Priorities- \$1,000
Rentals	Mobile Stage Rental	Deposit	Priority III & V - N/A	Priority III & V - N/A
Rentals	Mobile Stage Rental	Rental	Priority II, III, IV- Actual cost of towing, \$400/day plus 2 hours of staff time each way or 2 staff	All Priorities - \$1250 - \$2500/per day
Rentals	Mobile Stage Rental	Light Package	new	\$100 - \$1000per rental based on needs and packages
Rentals	Mobile Stage Rental	Light Mixer	new	\$100 - \$400 per rental based on needs and days
Rentals	Mobile Stage Rental	Light Tech	new	\$30 - \$100 per hour based on cost of tech
Rentals	Mobile Stage Rental	Stage Extensions/Stage Risers	new	\$100 - \$500 per rental based on needs and packages

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Mobile Stage Rental	Staff Fee	new	\$30 - \$100 per hour based on needs, actual costs of staff used in rental, time for load in/out and transportation
Rentals	Mobile Stage Rental	Sound Package	new	\$100 - \$2500 per rental based on needs and packages
Rentals	Mobile Stage Rental	Sound Tech	new	\$30 - \$100 per hour based on cost of tech
Rentals	Mobile Stage Rental	Audio Mixer	new	\$100 - \$400 per rental based on needs and Days
Rentals	Mobile Stage Rental	Mileage	new	\$0.30 - \$2.00 per mile outside city limits based on current gas prices
Rentals	Mobile Stage Rental	ADA Ramp	new	\$250
Rentals	Mobile Stage Rental	Truss Roof Cover/ Banner Support	new	\$100 - \$400 per rental based on needs and packages
Rentals	Picnic Area Rentals	Application Fee (non-refundable)	\$20	\$20 - \$30
Rentals	Picnic Area Rentals	Rental Deposit: Large Picnic Area	\$250	\$250
Rentals	Picnic Area Rentals	Small Parks with Restrooms (50 or less capacity) ¹	Priority III & IV- \$80/day/area	Priority III & IV- \$80/day/area
Rentals	Picnic Area Rentals	Small Parks with Restrooms (50 or less capacity) ¹	Priority V- \$140/day/area	Priority V- \$140/day/area
Rentals	Picnic Area Rentals	Small Parks without Restrooms (50 or less capacity) ¹	Priority III & IV- \$60/day/area	Priority III & IV- \$60/day/area
Rentals	Picnic Area Rentals	Small Parks without Restrooms (50 or less capacity) ¹	Priority V- \$120/day/area	Priority V- \$120/day/area
Rentals	Picnic Area Rentals	Medium Parks - 50 to 100 or less capacity ¹	Priority III & IV- \$140/day/area	Priority III & IV- \$140/day/area
Rentals	Picnic Area Rentals	Medium Parks - 50 to 100 or less capacity ¹	Priority V- \$200/day/area	Priority V- \$200/day/area
Rentals	Picnic Area Rentals	Large Parks- More than 100+ capacity ¹	Priority III & IV- \$320/day/area	Priority III & IV- \$320/day/area
Rentals	Picnic Area Rentals	Large Parks- More than 100+ capacity ¹	Priority V- \$380.00/day/area	Priority V- \$380.00/day/area
Rentals	Sal Cracolice Facility Rental	Application Fee (non-refundable)	\$20	\$20 - \$30
Rentals	Sal Cracolice Facility Rental	Rental Deposits*	\$750	\$750
Rentals	Sal Cracolice Facility Rental	Auditorium w/kitchenette (3hr. Minimum)	Priority II- No Fee	Priority II- No Fee
Rentals	Sal Cracolice Facility Rental	Auditorium w/kitchenette (3hr. Minimum)	Priority III- \$80/hr.	Priority III- \$80/hr.

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Sal Cracolice Facility Rental	Auditorium w/kitchenette (3hr. Minimum)	Priority IV- \$160/hr.	Priority IV- \$160/hr.
Rentals	Sal Cracolice Facility Rental	Auditorium w/kitchenette (3hr. Minimum)	Priority V- \$220/hr.	Priority V- \$220/hr.
Rentals	Sal Cracolice Facility Rental	Facility Attendant Fees (per attendant)	Priority II, III, & IV- \$30/hr.	Priority II, III, & IV- \$30/hr.
Rentals	Sal Cracolice Facility Rental	Facility Attendant Fees (per attendant)	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Sal Cracolice Facility Rental	Amphitheatre	Priority II, III, & IV- \$120/day	Priority II, III, & IV- \$120/day
Rentals	Sal Cracolice Facility Rental	Amphitheatre	Priority V- \$180/day	Priority V- \$180/day
Rentals	Sal Cracolice Facility Rental	Meeting Room	Priority II- No Fee	Priority II- No Fee
Rentals	Sal Cracolice Facility Rental	Meeting Room	Priority III- \$45/hr	Priority III- \$45/hr
Rentals	Sal Cracolice Facility Rental	Meeting Room	Priority IV- \$90/hr	Priority IV- \$90/hr
Rentals	Sal Cracolice Facility Rental	Meeting Room	Priority V- \$150/hr	Priority V- \$150/hr
Rentals	Senior Center Rentals	Application Fee (non-refundable)	\$20	\$20 - \$30
Rentals	Senior Center Rentals	Rental Deposits: Auditorium1	\$750	\$750
Rentals	Senior Center Rentals	Rental Deposits: Classrooms	Priority II- No Fee	Priority II- No Fee
Rentals	Senior Center Rentals	Rental Deposits: Classrooms	Priority III- \$75/hr	Priority III- \$75/hr
Rentals	Senior Center Rentals	Rental Deposits: Classrooms	Priority IV- \$150/hr	Priority IV- \$150/hr
Rentals	Senior Center Rentals	Rental Deposits: Classrooms	Priority V- \$240/hr	Priority V- \$240/hr
Rentals	Senior Center Rentals	Community Room Auditorium (3hr. Minimum)	Priority II- No Fee	Priority II- No Fee
Rentals	Senior Center Rentals	Community Room Auditorium (3hr. Minimum)	Priority III- \$90/hr	Priority III- \$90/hr
Rentals	Senior Center Rentals	Community Room Auditorium (3hr. Minimum)	Priority IV- \$180/hr	Priority IV- \$180/hr
Rentals	Senior Center Rentals	Community Room Auditorium (3hr. Minimum)	Priority V- \$240/hr	Priority V- \$240/hr
Rentals	Senior Center Rentals	Classroom 140 and 141 (Full)	Priority II- No Fee	Priority II- No Fee
Rentals	Senior Center Rentals	Classroom 140 and 141 (Full)	Priority III- \$45/hr	Priority III- \$45/hr
Rentals	Senior Center Rentals	Classroom 140 and 141 (Full)	Priority IV- \$90/hr	Priority IV- \$90/hr
Rentals	Senior Center Rentals	Classroom 140 and 141 (Full)	Priority V- \$150/hr	Priority V- \$150/hr
Rentals	Senior Center Rentals	Classroom 140 and 141 (Half)	Priority II- No Fee	Priority II- No Fee
Rentals	Senior Center Rentals	Classroom 140 and 141 (Half)	Priority III- \$25/hr	Priority III- \$25/hr
Rentals	Senior Center Rentals	Classroom 140 and 141 (Half)	Priority IV- \$50/hr	Priority IV- \$50/hr
Rentals	Senior Center Rentals	Classroom 140 and 141 (Half)	Priority V- \$110/hr	Priority V- \$110/hr
Rentals	Senior Center Rentals	Facility Attendant Fees (per attendant)	Priority II, III, & IV- \$30/hr	Priority II, III, & IV- \$30/hr

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Rentals	Senior Center Rentals	Facility Attendant Fees (per attendant)	Priority V- \$60/hr	Priority V- \$60/hr
Rentals	Senior Center Rentals	Dance Studio	Priority II- No Fee	Priority II- No Fee
Rentals	Senior Center Rentals	Dance Studio	Priority III- \$20/hr	Priority III- \$20/hr
Rentals	Senior Center Rentals	Dance Studio	Priority IV- \$40/hr	Priority IV- \$40/hr
Rentals	Senior Center Rentals	Dance Studio	Priority V- \$100/hr	Priority V- \$100/hr
Rentals	Senior Enrichment Fees(50+ years of age)	Garden Plots (Residents Only)	\$15/year	\$15/year
Rentals	Tennis Court Rentals	Deposit1	\$250	\$250
Rentals	Tennis Court Rentals	Tennis Courts w/o lights (per court)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Tennis Court Rentals	Tennis Courts w/o lights (per court)	Priority IV - \$8/hr.	Priority IV - \$8/hr.
Rentals	Tennis Court Rentals	Tennis Courts w/o lights (per court)	Priority V- \$10/hr	Priority V- \$10/hr
Rentals	Tennis Court Rentals	Tennis Courts w/ lights (per court)	Priority II & III- N/A	Priority II & III- N/A
Rentals	Tennis Court Rentals	Tennis Courts w/ lights (per court)	Priority IV- \$10/hr	Priority IV- \$10/hr
Rentals	Tennis Court Rentals	Tennis Courts w/ lights (per court)	Priority V- \$12/hr	Priority V- \$12/hr
Rentals	Tennis Court Rentals	Tournament: Tennis Courts w/o lights	new	Priority II & III- N/A
Rentals	Tennis Court Rentals	Tournament: Tennis Courts w/o lights	new	Priority IV- \$26/hr
Rentals	Tennis Court Rentals	Tournament: Tennis Courts w/o lights	new	Priority V- \$52/hr
Rentals	Tennis Court Rentals	Tournament: Tennis Courts w/ lights	new	Priority II & III- N/A
Rentals	Tennis Court Rentals	Tournament: Tennis Courts w/ lights	new	Priority IV- \$30/hr
Rentals	Tennis Court Rentals	Tournament: Tennis Courts w/ lights	new	Priority V- \$60/hr
Rentals		Rental Deposits: All other rooms1	\$200	\$200
Sales	Department General Fees	Recreation Services Merchandise	Actual cost to City + appropriate market % mark-up	Actual cost to City + appropriate market % mark-up
Seniors	Department General Fees	Milpitas Resident Senior Citizen Discount (50 years+)	25% off any non-senior center based class	25% off any non-senior center based class
Seniors	Senior Enrichment Fees(50+ years of age)	Senior Center Programs-Classes	\$2 - \$5/hour per hr. of instruction	\$2 - \$5/hour per hr. of instruction
Seniors	Senior Enrichment Fees(50+ years of age)	Senior Center Citizen Trip Admin Fee	\$5- 10/avity (depending upon trip costs)	\$5 - 10/activity (depending upon trip costs)
Seniors	Senior Enrichment Fees(50+ years of age)	Misc. Senior Center staff-run Programs/Events (e.g., Holiday Dinner, Tea Parties, Cooking Classes, Dances, Misc. Activities)	\$0.00 - \$15	\$0.00 - \$15
Seniors	Senior Enrichment Fees(50+ years of age)	Senior Center Program/Class Non-Resident Fee	\$10/class	\$10/class

Fee Type	Department Subcategory	Description	2018-19 (Current) Fee	2019-20 Proposed Fee
Seniors	Senior Enrichment Fees(50+ years of age)	Senior Center Fitness Room	\$1.50/visit	\$1.50/visit
Special Events	Special Event Fees	Special Event Entrance Fee	\$0.00 - \$50	\$0.00 - \$50
Special Events	Special Event Fees	Special Events Activity Fee	\$0.00 - \$15	\$0.00 - \$15
Special Events	Special Event Fees	Special Event Vendor Fees	\$30-\$275 per space OR 5% - 20% net sales	\$100-\$500 per space OR 5% - 20% net sales
Special Events	Special Event Fees	Special Event Non-Profit Vendor Fees	\$30 - \$125 per space OR 0% - 10% net sales	\$0.00 - \$250 per space OR 0% - 10% net sales
Youth	Youth Enrichment Fees	Youth Sports User Fee (Outdoor)	\$10/per player per season	\$10/per player per season
Youth	Youth Enrichment Fees	Youth Sport User Fee (Indoor)	\$20/per player per season	\$20/per player per season
Youth	Youth Enrichment Fees	Junior Warriors Basketball League	new	\$129 - \$160/per player per season
Youth	Youth Enrichment Fees	After School Program	\$8- \$12/day for residents	\$8- \$12/day for residents
Youth	Youth Enrichment Fees	After School Program	\$8 - \$12/day for non-residents with additional \$20/year	\$8 - \$12/day for non-residents with additional \$20/year
Youth	Youth Enrichment Fees	Late fee for After-School/Day Camp Programs	\$10/10 minutes – 1st offense & 2nd offense \$25/10 minutes – after 3rd offense	\$10/10 minutes – 1st offense & 2nd offense \$25/10 minutes – after 3rd offense
Youth	Youth Enrichment Fees	Day Camp (Regular Day) – Staff Run	\$175 - \$195/week	\$175 - \$195/week
Youth	Youth Enrichment Fees	Trip Week Day Camp	new	\$299 - \$350/week
Youth	Youth Enrichment Fees	Extended Care Day Camp	\$40.00/week	\$40 week
Rentals	Special Event Venue/Open Space	Application Fee (non-refundable)	New	\$30/application
Rentals	Special Event Venue/Open Space		New	\$1000/day
Rentals	Special Event Venue/Open Space		New	Priority II & III - \$990 day
Rentals	Special Event Venue/Open Space		New	Priority IV - \$1,980/day
Rentals	Special Event Venue/Open Space		New	Priority V - \$2,970/day
Rentals	Special Event Venue/Open Space		New	\$30/hour

Appendix B – Comparative Assessment of Program Offerings

The following table shows a comparative assessment of the other comparative communities and indicates whether or not they offer the same course, or a similar program, to that provided by the City of Milpitas. Programs highlighted in green are ones where three or more of the comparative entities offered a similar program. These common programs were utilized in the detailed fee comparison to understand how the programming fees for the City of Milpitas compared to the comparable communities.

Comparative Assessment of Recreation Programs

<u>Classes offered</u>	Milpitas	Fremont	Mountain View	Redwood City	San Jose
<u>Parent & Me:</u>					
Music Together (ages 0-4)		X		X	
Music Together Family Favorites (ages 0-4)		X			
Dramatic Art Class (ages 1.5-3)					
Mommy/Daddy & Me Soccer (ages 2-3.5)		X		X	X
Parent & Me Basketball (ages 2-3.5)		X			
Parent & Me Tennis (ages 4+)					
Little Ranchers (ages 2-5)				X	
<u>Pre-K Enrichment:</u>					
Little Stars Learning Academy 1 (ages 3-4)		X			X
Little Stars Learning Academy 2 (ages 4-5)		X			X
Phonics Level 1 (ages 4-5)		X			
Phonics Level 2 (ages 5-6)					
Tot/Pre Soccer (ages 3.5-5)		X		X	X
Little Artist (ages 3.5-5)					X
First Shots Basketball (ages 3.5-5)		X		X	X
<u>Camps:</u>					
Winter Breaks Camps (ages 5-12)					
Penguins (ages 5-6)					
Polar Bears (ages 7-12)					
Extended Care (ages 5-12)		X			
Camp Connector (ages 5-12)					
Presidents Week Camp (ages 5-12)					

<u>Classes offered</u>					
	Milpitas	Fremont	Mountain View	Redwood City	San Jose
Camp Washington (ages 5-6)					
Camp Lincoln (ages 7-12)					
Extended Care (ages 5-12)		X			
Camp Connector (ages 5-12)					
Thanksgiving Horse Camp (ages 7+)					
Christmas Holiday Horse Camp (ages 7+)				X	
New Year's Basketball Camp (ages 7-13)					
Holiday Break Basketball Camp (ages 7-13)			X		
<u>Youth:</u>					
Clay Sculpture (ages 5-12)		X			
3D Pen Doodling (ages 6-12)					
Multi Media Arts (ages 5-12)					X
Improv for Kids (ages 6-12)		X	X	X	
Advanced English: Persuasive Writer (ages 6-11)		X			
Advanced English: Creative Writer (ages 6-11)		X			
Public Speaking: Informative Speech (ages 6-11)		X			X
Public Speaking: Impromptu (ages 6-11)		X			
Public Speaking & Advanced English (ages 6-11)		X			
FREE Open House (ages 6-11)					
LEGO FUNgineering (ages 4-9)		X		X	X
LEGO EV3 Robotics (ages 7-13)			X		
Food Explorers Club (ages 8-13)					
Create - Cook - Learn with Juniors Chef Stars (ages 6-12)		X		X	
Cartoon Anime (ages 7-13)					X
Drawing and Cartooning (ages 6-11)		X		X	X
Mobile App Development (ages 9-13)					
<u>Youth: Programming</u>					
Scratch Coding (ages 7-12)					
Junior Programmers (ages 6-8)					
My First Code with Python (Beginner Python Programming, ages 9-13)					
Fun Art with Scratch (ages 7-10)					
Computer Coding: Python for Kids: Part 1 (ages 10-15)					
Computer Coding: Python for Kids: Part 2 (ages 10-15)					
Computer Coding: Web Design: JavaScript (ages 10-15)					

<u>Classes offered</u>					
	Milpitas	Fremont	Mountain View	Redwood City	San Jose
Computer Coding: Web Design: HTML/CSS (ages 10-15)					
<u>Youth: Dance and Music</u>					
Tiny Stars Dance and Learn (ages 2.5-4)		X	X	X	X
Ballet Level 1 (ages 4-7)		X			X
Tap and Ballet Combo Level 1 (ages 3-5)			X	X	X
Hip Hop & Break Dance (ages 6-13)		X	X	X	X
Beginning Piano/Keyboard Lessons (ages 6-10)		X	X	X	X
<u>Junior Warriors Basketball League:</u>					
Grades 1st - 2nd					
Grades 3rd - 4th					
Grades 5th - 6th					
<u>Youth: Sports</u>					
Small Basketball Games (ages 5-7)		X			
Basketball Skills and Scrimmage (ages 8-14)			X		X
Brain Sport: Double Wicket Cricket (ages 5-12)					
Hoop Group Basketball Club (ages 7-13)			X		X
Beginner/Advanced Beginner Tennis (ages 6-10)				X	X
Peewee Tennis (ages 4-6)		X		X	
Floor Gym (ages 7-12)		X	X		
Gymsters (ages 3.5-6)		X	X	X	X
Quick Start Slams Tennis (ages 4-6)		X			
Satellites Tennis (ages 8-10)		X		X	X
Junior Star Tennis (ages 10-18)		X			X
USTA Tournament Training Program (TTP, ages 10-18)					
Volleyball Development Clinic (ages 7-13)		X	X		X
Futsal (ages 3.5-12)			X		X
Soccer 1: Techniques & Teamwork (ages 5-6)			X	X	X
Soccer 2: Skill & Scrimmages (ages 7-10)			X	X	X
Capoeira (ages 5-12)					
Shotokan Karate (ages 5+)		X	X		
Horseback Riding Lessons (ages 8+)				X	
Horseback Trail Rides (ages 8+)				X	
Saddle Club (ages 7+)				X	
<u>Teens:</u>					
SAT Prep -Reading & Writing (ages 13+)		X			
SAT Prep - Math (ages 13+)		X			
Food Explorers Club (ages 14-18)		X		X	
Art for Teens (ages 13-18)					
Taiko (ages 15+)					
Youth Basketball Elite (ages 15-18)					
Improv for Teens (ages 13-18)					

<u>Classes offered</u>					
	Milpitas	Fremont	Mountain View	Redwood City	San Jose
Online Driver Education Course (ages 15+)					
Bolly Beats Teens (ages 13-18)		X			
CPR/AED/First Aid Training (ages 9+)					
Web Design (ages 11-17)					
Game Design with Python (ages 11-17)					
Bootstrap - Data Science (ages 14-17)					
Bootstrap - Algebra (ages 11-17)					
Introduction to Photoshop (ages 13+)					
Beginning Digital Photography (ages 13+)		X			
Intermediate Digital Photography (ages 13+)		X			
<u>Aquatics:</u>					
Tiny Tots Swim (ages 3-5)		X			
Beginner Swim (ages 6-14)		X			
Adult Swim (ages 15+)		X	X		
<u>Adult Classes:</u>					
Tai Chi for Fitness 2 (ages 18+)					
Tai Chi for Fitness - Modified (ages 18+)					
Sleep Yoga (ages 18+)		X	X	X	
Taiko (ages 15+)					
Capoeira (ages 13-50)					
Enjoy Singing (ages 18+)					
Bolly Beats Adults (ages 18+)		X	X		
Adult Basic Tennis (ages 18+)		X		X	X
Adult Beginner/Intermediate Tennis (ages 18+)		X		X	X
Ikebana Flower Arrangement (ages 18+)					
CPR/AED/First Aid Training (ages 18+)					
Portrait Photography Basics (ages 18+)		X			
Night Scene Photography (ages 18+)					
<u>Adults 50+ Classes:</u>					
Chinese Brush Painting (age 50+)					X
Spring Chickens Exercise (ages 50+)					
AARP Smart Driver (ages 50+)					X
Senior Oil Painting (ages 50+)					
Line Dance (ages 50+)					X

In addition to evaluating which programs offered by Milpitas were provided by other communities, an assessment was also undertaken to identify programs that other communities are offering that are not currently provided by the City of Milpitas. This assessment is summarized in the following table. Those programs where multiple entities provide the course and which may be suitable for the City of Milpitas to consider implementing fees in the future are highlighted in green for ease of identification.

Classes Not Offered by Milpitas:	Fremont	Mountain View	Redwood City	San Jose
<u>Academic Enrichment Camps:</u>				
Essay Writing: Focus and Accuracy (ages 8-11)	X			
<u>Mad Science:</u>				
Energy, Forces, & Flight (ages 6-11)	X			
Earth, Wind & Inspire (ages 6-11)	X			
Essay Writing: Student Publication (ages 8-11)	X			
Public Speaking: Student Leadership (ages 8-11)	X			
Camp Max Holiday Fun! (ages 5-8, 9-12) (building stuff)	X			
Winter Skate Camp (ages 7-13)	X			
<u>Mad Science:</u>				
Movin' and Groovin' (ages 6-11) (non-renewable resources for power)	X			
<u>Torres Chess & Music Academy:</u>				
Chess Beginner (ages 5-13)	X		X	
Chess Advanced (ages 5-13)	X		X	
Warm Springs After School Care and Homework (ages 5-12)	X			
<u>Communication Academy:</u>				
Advanced English & Public Speaking (ages 11-14)	X			
Math Olympiad & Public Speaking (ages 9-11)	X			
Public Speaking & Math Olympiad (ages 6-8)	X			
<u>Art:</u>				
<u>Ceramics:</u>				
Beginner's Pottery (ages 7-15)	X			
Advanced Pottery (ages 8-15)	X			
Ceramics for Adults (ages 15+)	X			
<u>Cooking:</u>				
ChocolatBella: Decadent Desserts Workshop (ages 15+)	X			
<u>Dancing:</u>				
Adult Ballet (ages 16+)	X		X	
Adult Beginning Tap (ages 16+)	X		X	
Adult Advanced Tap (ages 16+)	X			
Adult Tap for Seniors (ages 55+)	X			
Hula, Hawaiian Style (ages 16+)	X			

Classes Not Offered by Milpitas:	Fremont	Mountain View	Redwood City	San Jose
<u>Zumba:</u>				
Zumba Dance Fusion (ages 18+)	X		X	X
Zumba Sweat (ages 16+)	X			
Belly Dancing		X	X	
<u>Martial Arts:</u>				
Beginning Aikido for Kids (ages 6-12)	X			
KENDO - "The Way of the Sword" (ages 7+)	X			
Tiny Tigers (ages 5-7)	X			
Krav Maga for Kids (ages 8-13)	X			
Krav Maga / Self Defense Training (ages 18-50)	X			
Tae Kwon Do (ages 5-19)		X	X	
<u>Music:</u>				
Guitar (ages 6-16)	X	X		X
Adult Guitar (ages 17+)	X	X		X
Violin Study (ages 4+)	X	X		
Group Guitar Beginners (ages 7-13)	X			
Group Violin Class (ages 6-10)	X			
<u>Badminton:</u>				
Beginner Level (ages 5-8)	X			
Level I (ages 8+)	X			
Level II (ages 8+)	X			
Level III (ages 11+)	X			
Badminton for Adults (ages 18+)	X			
<u>Golf:</u>				
Introduction to Golf (ages 18+)	X			
Junior Academy (ages 7-17)	X			
<u>Skating:</u>				
Skate Clinics (ages 6-12)	X			
Skateboarding Lessons - Beginning Level (ages 6-12)	X		X	X
Skateboarding Lessons - Intermediate Level (ages 6-12)	X			X
<u>Tennis:</u>				
Red Ball (ages 5-6, 7-8)	X		X	X
Orange Ball (ages 9-10)	X		X	X
Fremont Tennis Academy (ages 11-17)	X		X	
Adults beginner (ages 18+)	X		X	
Adults Intermediate (ages 18+)	X		X	
Ice Skating (ages 15+)		X	X	



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Federal Coronavirus Relief Funds Spending Plan Considerations
Category:	Leadership and Support Services
Meeting Date:	3/16/2021
Staff Contact:	Walter C. Rossmann, 408-586-3012
Recommendation:	Provide direction to staff on Federal Coronavirus Relief Funds Spending Plan Considerations.

Background:

Over a year ago, due to the rampant spread of the Coronavirus, public health officials ordered a lockdown, which had an enormous impact on the local, State and national economy as well as our City finances. Since the first lockdown in March 2020 and as projected for the remainder of the fiscal year as of end of January, the City's incremental annual reduction in revenue from the prior year over a two-year period has been nearly \$16 million, while costs increased.

To address the ever increasing revenue shortfall and balance the budget, the City Council took several actions during the last 12 months including reduction of ongoing personnel and non-personnel costs (e.g.: approved side letters with four out the six employee groups, as applicable, to forego wage increases scheduled for calendar year 2021; reduced 13.75 vacant positions), deferral of 20 infrastructure projects generating savings in the amount of \$5.7 million, use of reserves and placing a ¼ cent sales tax measure, Measure F, on the ballot for the November 3, 2020 election. Measure F was overwhelmingly approved by the voters, which offset some of the ongoing revenue shortfall caused by the pandemic. The table below summarizes the ongoing budget strategies implemented so far totaling \$19 million, which positively offset the loss in revenue, but were not sufficient due to rising ongoing expenditures. Currently, the General Fund is still projected to have a \$3 million shortfall discussed in more detail below. Additionally, during the last 12 months, the Council approved the use of one-time funds such as use of reserves (\$12.6 million) and the deferral of capital projects, which allowed for the reversal of a \$4 million General Fund contribution to the General Government Capital Improvement Fund.

Strategy	Description	Annual Amount
Personnel Cost Reductions	Pension Costs and Retiree Medical cost budgeting, FY 2020-21 Mid-Year ongoing position reductions, temp. salary reductions, and funding shifts	\$8.4 million
Non-Personnel Expenditures Reductions	FY 2020-21 Adopted Budget and FY 2021-22 Base Budget; Transfer to Storm Drain Fund Suspension	2.0 million
Major Revenues	¼ Cent Sales Tax Measure	6.2 million
No Wage Increases	MPOA, IAFF, MidCon and Unrepresented	2.4 million
Ongoing Budget Strategies Implemented		\$19.0 million
Infrastructure Projects Deferral	20 projects as part of the 2021-2025 Capital Improvement Program	\$5.7 million
Use of Reserves	FY 2019-20 Amended Budget and FY 2020-21 Adopted Budget	\$12.6 million
One-Time Budget Strategies Implemented		\$18.3 million

On January 26, staff projected a \$7.5 million General Fund shortfall for FY 2021-22. On February 16, the City Council rebalanced the current year budget, which included defunding of 13.75 positions, reduction of temporary personnel costs, and establishing a FY 2021-22 Future Deficit Reserve in the amount of \$1.45 million. These actions reduced the FY 2021-22 shortfall to approximately \$3 million.

In summary, only through the guidance of the City Council, the overwhelming support of the community to approve Measure F and the willingness of four employee groups to forego 2021 wage increases, the City is on track to recover fiscally with minimal service level impacts to our community.

Analysis:

On Thursday March 11, President Biden signed into law the American Rescue Plan, a \$1.9 trillion stimulus package, to counteract the economic impacts of the pandemic. The bill, which was approved by the House and the Senate, contains a \$350 billion allocation for state and local government aid. Of that amount, the local portion of the funding is approximately \$130 billion, equally divided between cities and counties. For cities, \$45.5 billion of the \$65 billion will be allocated to metropolitan cities (pop. over 50,000), such as the City of Milpitas, utilizing a modified CDBG (Community Development Block Grant) formula. Based on this formula, the National League of City and the Government Finance Officer Association estimate an allocation of \$16.8 million to the City of Milpitas.

Payments to local governments will be made in two tranches - first half 60 days after enactment, second half one year later. Eligible uses of the funding include:

- Revenue replacement for the provision of government services to the extent the reduction in revenue due the COVID-19 public health emergency relative to revenues collected in the most recent fiscal year prior to the emergency,
- Premium pay for essential workers
- Assistance to small businesses, households, and hard-hit industries, and economic recovery,
- Investments in water, sewer and broadband infrastructure.

The bill contains two restrictions on eligible uses. Funds cannot be used to directly or indirectly offset tax reductions or delay a tax or a tax increase and funds cannot be deposited into any pension fund.

Once President Biden signs the bill and prior to disbursement of the first tranche, the Treasury Department is expected to provide more defined guidance regarding the use of the funds. Since the City can expect receiving approx. \$8 million by mid-May, just after the City Manager is scheduled to issue the FY 2021-22 Proposed Budget, staff is seeking policy guidance from the Council regarding potential uses of these one-time funds for potential incorporation in the City Manager's Proposed Budget. Any use of the Coronavirus Relief Funds recommended will be clearly outlined in the budget submitted to the Council.

Based on the eligible uses of the funding and the fiscal decisions the City, the community and most employee groups made to ensure the City weathered the economic impact brought about by the pandemic while minimizing service level impacts, and to improve service delivery to our residents, staff recommends the following policy framework for use of the one-time Coronavirus Relief Funds for Council consideration:

1. Align services including internal support services to anticipated demand
2. Support re-building our local economy with a focus on small businesses
3. Provide City assistance to low-income programs
4. Invest in infrastructure projects deferred during the pandemic
5. Retain and attract a talented workforce
6. Invest in technology systems to improve organizational productivity and efficiency
7. Replenish reserves to maintain fiscal stability

Fiscal Impact:

Not applicable

California Environmental Quality Act:

Not applicable.

Recommendation:

Provide direction to staff on Federal Coronavirus Relief Funds Spending Plan Considerations.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget.
Category:	Leadership and Support Services
Meeting Date:	3/16/2021
Staff Contacts:	Ashwini Kantak, Assistant City Manager, 408-586-3053 Walter C. Rossmann, Deputy City Manager, 408-586-3012
<u>Recommendation:</u>	Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget.

Background:

On January 26, 2021 the City Council kicked off the annual budget process with the preliminary budget study session. At the study session, staff presented the Preliminary FY 2022-31 Ten-Year General Fund Financial Forecast. The Forecast projected a \$7.5 million shortfall for FY 2021-22. Subsequent Mid-Year budget actions on February 16 have reduced this shortfall to \$3 million, however this reduction was achieved in part by the defunding of 14 positions. A further reduction in positions is anticipated as part of the budget balancing process for FY 2021-2022 budget. This reduction in staffing will impact service delivery across the organization and result in reduced capacity to respond to Council Agenda item requests received during recent City Council meetings. Thus, it was important for staff to discuss prioritization of these requests.

On February 2, 2021, the City Council discussed Council Agenda item requests recently referred by Council consensus. The agenda item requests were categorized by topic, and identified the requester, date of request, responsible department(s), City Council priority area(s) and item status. The items were grouped into four categories differentiated by level of effort and status of the request as outlined below:

- **Group 1** – Items not yet initiated; would require more than four hours of staff time; and potentially require additional funding or resources.
- **Group 2** – Items not yet initiated but would require less than 4 hours of staff work
- **Group 3** – Items currently underway and/or already included in workplan
- **Group 4** – Items completed or withdrawn

Council discussion was focused on a total of 19 items in Group 1. Of the 19 items, Council identified nine items to be brought back for Council consideration in March, with additional information about required resources and costs.

Analysis:

Staff has prepared information for each of the nine items (Attachment A) such as lead and supporting departments, estimated resources and funding to complete the work, any additional staffing or funding needed, description of work effort, any actions taken to date, clarification or direction sought from Council, and other additional considerations including impacts on other workplan items.

The table below summarizes the most pertinent factors to advance these workplan items including the impact on other workplan items and funding needs for the current or the next fiscal year. Of the nine workplan items

four do not require additional resources and the work can be absorbed by existing staff given staff's current understanding of the scope of work. The remaining five workplan items have budgetary implications for FY 2021-22 and thereafter such as one-time or ongoing funding for the items or potential revenue loss. For FY 2021-22, staff anticipates that the one-time cost amounts to \$425,000, the ongoing cost to \$145,000 and \$90,000 in revenue loss. With the expected offset of FEMA reimbursable expenditures in the amount of \$300,000, the net impact to the General Fund is up to \$360,000 for FY 2021-22 and \$70,000 for FY 2022-23.

As noted in the last column of the table below, staff seeks input on the workplan items to confirm or clarify the scope. Council's direction to proceed with any of the workplan items is crucial to prioritize staff work, inform the development of the FY 2021-2022 budget and set expectations for completion of major staff work items across the organization.

Table 1

No.	Item	Additional Resources and/ or Funding Needed	Impact on other Workplan Items	Council Direction Needed
1.	Beautify Milpitas	None, additional workload can be handled by existing staff	Minimal, based on proposed staffing levels; however, impacts to other workplan items could change based on scope and additional direction from Council	Confirm scope, clarify prior request for a Task Force
2.	Consider Removing Affordable Housing In-Lieu Fee	None, additional workload can be handled by existing staff	Minimal impact, however, impacts to other workplan items could change based on scope and additional direction from Council	Provide direction on whether staff should explore other options to discourage rental and ownership developers from requesting to pay in-lieu fees
3.	COVID-19 Testing and Vaccine Distribution Plan	Part time staff may need to be hired as support staff; no additional funding needed but will require fronting of costs from the Unanticipated Expenditures Reserve (Estimated \$300,000 in costs are eligible for reimbursement by FEMA)	Will require overtime to cover operational needs	Confirm direction to proceed with a mobile vaccination clinic when supply is available
4.	Economic Development Corporation (EDC)	Additional 1 FTE in the amount of approximately \$145,000 and up to \$20,000 in City Attorney costs	Minimal impact, with the hiring of additional staff	Confirm desired role of EDC and funding for staffing
5.	Main Street Revitalization and Impact Fees	\$65,000 for Property Based Improvement District (PBID)	TBD, based on additional direction	Confirm scope, receive direction on PBID
6.	Mayor and Councilmember Term Limits	\$70,000 for ballot measure; \$40,000 for polling costs (if desired)	Minimal impact	Nature of change to current terms and term limits that the Council wishes to explore.
7.	Speed hump policy review	None, additional workload can be handled by existing staff	TBD, based on additional direction	Confirm completion of referral with follow up action from Transportation Subcommittee
8.	Unpermitted ADU Legalization Program	Approximately \$90,000 in potential lost fee revenue	Unknown as it will depend on demand and other development activity	Confirm scope of pilot program
9.	Vaping ban	None, additional workload can be handled by existing staff	None	Confirm scope of work

Fiscal Impact:

Five of the nine workplan items have budgetary implications for FY 2021-22 and thereafter such as one-time or ongoing funding for the items or potential revenue loss. For FY 2021-22, staff anticipates that the one-time cost amounts to \$425,000, the ongoing cost to \$145,000 and \$90,000 in revenue loss. With the expected offset of FEMA reimbursable expenditures in the amount of \$300,000, the net impact to the General Fund is up to \$360,000 for FY 2021-22 and \$70,000 for FY 2022-23.

California Environmental Quality Act:

Not applicable

Recommendation:

Receive scope and resources information for Council requested workplan items identified at the February 2, 2021 City Council meeting and provide direction to staff on specific items to be incorporated into the development of FY 2021-2022 budget.

Attachment:

Attachment A – scope and funding information about Council requested workplan items

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Estimated Resources and Costs	Additional Resources and Funding Needed	Potential Funding Sources	Department/ Office	Council Priority Area(s)	Notes
1	Beautify Milpitas (2 requests)	Montano, Chua	\$10,500 (supplies), \$25,000 in ongoing staffing costs	None	N/A	CMO, PW, Rec. & Comm. Services		Minimal impact on workload unless additional scope direction received from Council
2	Consider Removing Affordable Housing In-Lieu Fee	Chua	\$15,000 in staff and City Attorney time	None	N/A	Building Safety & Housing, CAO		Minimal impact on workload unless additional scope direction received from Council
3	COVID-19 Testing and Vaccine Distribution Plan	Phan	\$300,000	\$300,000	FEMA	CMO, Fire		Will require fronting of funding from Unanticipated Expenditure Reserve, assumes 100% of the costs will be reimbursed by FEMA
4	Economic Development Corporation (EDC)	Montano	1 FTE, estimated costs of \$145,000; up to \$20,000 in City Attorney costs	1 FTE, estimated costs of \$145,000; up to \$20,000 for City Attorney costs	General Fund	CMO, Econ. Dev.		Council direction needed on funding, desired programs and initiatives, and potential partners
5	Main Street Revitalization and Impact Fees	Montano	Specific Plan already funded in CIP, \$65,000 for Property Based Improvement District	\$65,000	General Fund	CMO, Planning, Engineering, Finance		The additional funding and resources is for PBID work only, the other work is already planned for.
6	Mayor and Councilmember Term Limits	Montano	\$70,000 for ballot measure, \$40,000 for polling (if desired)	\$70-\$110,000	General Fund	CMO, CAO		Council direction needed on specific changes to current terms and term limits that the Council wishes to explore.
7	Speed bump policy review	Tran	N/A	None	N/A	Engineering		Minimal impact on workload unless additional scope direction received from Council
8	Unpermitted ADU Legalization Program	Chua	\$191,000 - \$221,000 in staff costs and fee waivers	None but estimated \$90,000 in potential lost revenue	N/A	Building Safety & Housing, Planning		Impact on workload will depend on demand and other development activity
9	Vaping ban	Montano	\$24,000 (Phase I) and \$75,000 (Phase II) in staffing and consultant costs	None	General Fund	Planning, Rec. & Comm. Services, CAO		Additional \$35,000 in staff time can be absorbed by existing staff

City Council Referral
(requires more than 4 hours of staff time)

Item No. 1

Topic:		Requested by:	
Beautify Milpitas		Vice Mayor Montano/ Councilmember Chua	
Lead Department/Office		Supporting Department(s)/Office(s)	
Public Works		City Manager's Office/ Recreation and Community Services	
Council Priority Areas	Estimated Completion Date	Funding Needed	
 	Ongoing (starting FY 2021-22 Q1)	None	
Description of Required Work Effort			
In June 2020, Council provided direction to staff to provide information on existing beautification and volunteer opportunities available through the City and at the August 18, 2020 City Council meeting, Council held a discussion on the establishment of a volunteer program for the City to address weeds, litter, and graffiti abatement utilizing minimal staffing, with the City providing the supplies needed for the volunteer efforts. Council directed staff to bring back a program, with minimal staffing, for Council consideration, after the COVID-19 pandemic had ended. This City Council referral would create an ongoing volunteer litter and graffiti abatement program as part of Beautify Milpitas. Staff is not recommending including weed abatement as part of this program at this time due to the types of tools and safety concerns involved with this type of work as described under "Other Considerations" below. While the City has promoted and coordinated annual volunteer litter and creek cleanup events, this program would serve as an ongoing opportunity for community members to gain access to supplies and to volunteer their time towards beautifying Milpitas. This program would be administered through the Public Works Department as it aligns with the departments mission to enhance the quality of life through maintenance of community infrastructure and sustainable management of our environmental resources. Staff has reviewed the City's existing volunteer programs and performed preliminary reviews of beautification and volunteer programs available through other cities in the area, to identify program elements that could be beneficial to the City. Before expanding the program, however, staff will ensure that the City's meet and confer obligations with applicable bargaining unit(s) have been met. To address this Council referral, staff would revamp the City's Adopt-a-Spot or Milpitas Volunteer program not only to include additional opportunity areas for adopting and volunteering at locations beyond the areas currently covered under these existing programs but also to ensure that the program does not expose the City to unnecessary risk and liability. Staff has determined that grant funding from CalRecycle's Bottle Bill Program, which was secured through the City's Solid waste Program, could be used for the purchase of the initial supplies needed for the litter abatement portion of the program. Additional funding estimated not to exceed \$10,500 would be needed to purchase graffiti removal supplies, such			

City Council Referral
(requires more than 4 hours of staff time)

Item No. 1

as graffiti solvent, rags, safety glasses, and sponges. Estimated cost for existing staff to coordinate volunteers, distribute supplies, and dispose of debris collected by the volunteers could be up to \$25,000 per year.

Status Update as of Feb. 19, 2021

Using CalRecycle grant funding, the City recently purchased supplies for litter pick-up kits (litter pick-up sticks, gloves, trash/recycling bags, Beautify Milpitas tote bags) for volunteers. Graffiti removal supplies items that would be purchased as a result of this referral would be added to these kits.

Council Clarification/Further Direction Requested

Council direction is needed to determine if there is a desire for increased staff level involvement on the proposed litter and graffiti abatement program, beyond the coordination of volunteers, supplies, and disposal of debris. If desired, Council can direct staff to develop a more robust effort to promote Beautify Milpitas including a social media campaign to raise awareness of the program. This level of active program promotion and support could take an estimated 50-100 hours a year through the City's Solid Waste team including student intern time and coordination with support departments. Staff would recommend piloting this for the first year to determine actual workload for this increase staff involvement.

In addition, direction is needed to determine the potential role of a task force to assist with the litter and graffiti abatement program.

Other Considerations

Prior to the City implementing an expanded Adopt-a-Spot or Milpitas Volunteer program, staff will ensure that the City's meet and confer obligations with applicable bargaining units will have been met. Staff resources would be needed to ensure that the appropriate technology is in place for volunteer coordination and a one stop webpage is set up for volunteers to access. Staff resources would also be needed to work with the City Attorney's Office and Risk Management/PLAN JPA to review safety and liability considerations associated with the implementation of this volunteer program, including review of necessary waiver forms in order to protect the volunteers and City.

The proposed program does not include weed abatement at this time due to safety concerns involved with volunteer use of equipment needed for weed abatement and traffic control measures needed to protect volunteers working on street medians and along our roadways. If weed abatement is included as part of this volunteer program, Staff involvement would be needed to train volunteers on the use of weed abatement equipment and to set up and take down traffic control measures needed for volunteers working on City roadways.

City Council Referral
(requires more than 4 hours of staff time)

Topic:		Requested by:	
Consider Removing Affordable Housing In-Lieu Fee		Councilmember Chua	
Lead Department/Office		Supporting Department(s)/Office(s)	
Building Safety & Housing		City Attorney's Office	
Council Priority Areas	Estimated Completion Date	Funding Needed	
	FY 2021-22 Q1	No additional staffing or funding needed	
Description of Required Work Effort			
The referral asks staff to study the removal of the in-lieu fee option for multifamily <u>ownership</u> projects under the Affordable Housing Ordinance (AHO). This referral would not apply to rental projects due to legal considerations. This referral would require approximately 8 additional hours of Attorney review for legal risk and approximately 40-60 additional hours of staff time to gather and summarize stakeholder input, analyze best practices and alternatives including survey responses from Santa Clara cities as well as impact on upcoming projects, respond to stakeholder questions, and prepare staff reports and presentations for the Housing Subcommittee and City Council. Costs for staff and City Attorney time are estimated at \$15,000. Staff is already working on the AHO Administrative Guidelines and minor changes to the ordinance to facilitate implementation. Staff anticipates conducting stakeholder outreach and hosting public meetings in the spring and bringing this to Council in summer 2021. If Council wishes to proceed with this referral, the work could be combined with the above project for efficiency.			
Status Update as of Feb. 19, 2021			
Staff conducted initial research in late 2020 and provided an Information Memorandum to City Council on January 5, 2021. Staff recently conducted a survey and is analyzing results to understand how other cities have structured compliance options for their inclusionary housing policies. Staff is also analyzing upcoming projects to understand how impactful this policy would be over the next several years.			
Council Clarification/Further Direction Requested			
Council may wish to clarify if they are willing to explore other options to discourage rental and ownership developers from requesting to pay in-lieu fees. For example, the City could strengthen the City Council's findings required to approve an in-lieu fee request, making it harder for projects to use that alternative, or Council could ask staff to explore setting in-lieu fees at a higher rate.			

City Council Referral
(requires more than 4 hours of staff time)

Other Considerations

Initial staff research indicates that most cities in Santa Clara County do allow in-lieu fee options, but some cities have made it more difficult for developers to exercise that option, rather than prohibiting in-lieu fees completely. Additional research and a review of case law is needed to determine how much legal risk removing in-lieu fee options could create for the City.

In-lieu fees can provide local jurisdictions with flexibility. Cities use fees collected to fund housing programs and services (for example, the first \$200,000 funding of the Milpitas Rent Relief Program was allocated from affordable housing fees). Local jurisdictions also use in-lieu fees collected to leverage state and federal funding to subsidize and produce deeply affordable units.

City Council Referral
(requires more than 4 hours of staff time)

Item No. 3

Topic:		Requested by:	
COVID-19 Testing and Vaccine Distribution Plan		Councilmember Phan	
Lead Department/Office		Supporting Department(s)/Office(s)	
Fire		City Manager's Office, Finance, Recreation and Community Services	
Council Priority Areas	Estimated Completion Date	Funding Needed	
 	FY 2020-21 Q2	\$300,000, potentially reimbursable by FEMA	
Description of Required Work Effort			
At the January 19, 2021, the City Council asked for an update to City Council regarding the ongoing plans for COVID-19 vaccine distribution including resources that will enhance distribution within City limits for our residents while limiting the impact to operations. In support of the Council referral, the following milestones have been identified, are in progress, and/or were completed: • Revise and finalize the Milpitas Vaccine Distribution Plan. Key issues to be addressed include resource allocation, the adjustments to current operations and fiscal impact. It should be noted that COVID-19 vaccination controls are under the direction of Public Health. A Plan, which supports the countywide efforts, was completed on March 10, 2021. • Support the efforts of the Recreation and Community Services Department with Santa Clara County to identify COVID-19 vaccination location(s) in Milpitas based on the strong working relationship built with the County similar to the ongoing COVID-19 testing site at the Sports Center and Community Center and former Library site. • The Fire Department has reached out to Santa Clara County Public Health to request supporting Public Health mobile vaccine delivery on 3/4/21. Fire is awaiting further communication and collaboration from Public Health.			
Status Update as of March 10, 2021			
Staff completed the Milpitas Vaccine Distribution Plan. It is important to note that the Plan is an organic document as the statewide and countywide distribution of vaccines is still evolving. The Plan, in support of the countywide vaccination effort, builds on the mobile testing unit effort with a focus on providing vaccines to Milpitas' underserved population including residential care facilities, the unhoused, and uninsured populations. Staff proposes to assign one Captain and three Firefighter/Paramedics positions from operations to the mobile vaccination unit. These reassigned positions will have to be backfilled with overtime assignments to ensure minimum staffing levels on apparatus. Current cost estimates for a three month vaccine deployment are estimated at \$300,000, which includes the cost of			

City Council Referral
(requires more than 4 hours of staff time)

overtime to backfill for reassigned personnel, personal protective equipment, and vaccine storage. All these costs are eligible for reimbursement by FEMA.

During the week of March 8, Recreation and Community Services supported a 3 – hour clinic with part-time personnel which facilitated the vaccination of residents eligible to receive the vaccine.

Council Clarification/Further Direction Requested

Staff requests confirmation from the Council to proceed with deploying the mobile vaccination unit including authorization to use the Unexpended Expenditure Reserve to fund the effort estimated at \$300,000.

Other Considerations

Preliminarily, staff informed IAFF Local 1699 about the potential mobilization of the testing unit and the reassignment of four staff members. IAFF supports the effort.

Part time staff may need to be hired by Recreation and Community Services to provide scheduling and intake support. This will be determined by the level of engagement required by Santa Clara County Public Health and the availability of vaccine doses. Therefore, the fiscal impact is not known yet. However, based on the experience during the week of March 8, Recreation and Community Services supported a 3 – hour clinic with part-time personnel at a cost between \$300 and \$350 per day depending on the hourly rate. This does not include the cost for existing responsible for supervision, staffing the hotline to make appointments, logistical support for setting up the site and delivery of vaccines, and outreach to the community. It should also be noted that a large portion of the part-time employees are returning to other work assignments and that any further engagement may result in the need to hire additional personnel.

Although highly successful, the previous COVID-19 mobile testing unit had operational impacts to the Fire Department. Initiatives in Training, Emergency Medical Services, and the Office of Emergency Services (Management) were impacted due to the testing deployment. Further, the personnel impact of extended mobile testing began to create fatigue issues and difficulty in staffing mobile testing services. The updated Milpitas Fire Department vaccination plan is designed to alleviate a majority of these challenges that were observed during testing operations.

City Council Referral
(requires more than 4 hours of staff time)

Item No. 4

Topic:		Requested by:
Economic Development Corporation (EDC)		Vice Mayor Carmen Montano
Lead Department/Office		Supporting Department(s)/Office(s)
Economic Development		City Manager's Office/City Attorney's Office
Council Priority Areas	Estimated Completion Date	Funding Needed
	FY2021-2022 Q3	1 FTE - \$145,000; up to \$20,000 in City Attorney costs
Description of Required Work Effort		
The Economic Development Corporation (EDC) was established in 2011 as a 501-C3 non-profit organization to encourage, facilitate and foster economic development and eliminate blight through public and private partnerships in Milpitas. The EDC was formed to assist the former Redevelopment Agency and for the purpose of performing programs and projects to achieve required charitable purposes as a non-profit corporation. While the EDC still exists, it has not been utilized for many years. This referral seeks to reestablish the EDC to raise funds for economic development and various initiatives that benefit the Milpitas community. 1. A City Council amendment to the EDC Resolutions, Articles of Incorporation and Bylaws may be required depending on the Council's intended purpose with the EDC. The Office of Economic Development will need to work with the City Attorney's Office on any amendments needed; and 2. Restarting the EDC will require the addition of 1 FTE in Economic Development at the cost of \$145,000 and up to \$20,000 in City Attorney costs. The new position will take the lead, and collaborate with various City departments, including but not limited to, the City Manager's Office, City Attorney's Office, Finance, Planning, Building Safety and Housing, Recreation and Community Services, and Public Works. 3. If Council wishes to revive the EDC, staff would also recommend developing a 5-year strategic plan for EDC implementation that illustrates various funding mechanisms for public and charitable purposes, specific projects and initiatives along Main Street and city-wide, and creates a budget for estimated staff time and project delivery. The development of the strategic plan would be assigned to the staff person. However, if the Council wishes to accelerate the development of the plan, it would require additional funding estimated between \$30,000 to \$40,000 above the funding needs currently identified.		
Status Update as of Feb. 16, 2021		
Economic Development and City Attorney's Office staff have reviewed the adopted EDC Resolutions, Articles of Incorporation and Bylaws. Below is a summary of those documents: Resolution No. RA406/8061 - February 15, 2011 The EDC is a non-profit corporation established to contract with the City of Milpitas for services and development projects. The EDC was formed to assist the City and former Redevelopment Agency to eliminate blight, stimulate economic development, create jobs, provide affordable housing, improve		

the public realm, and facilitate public and private development. The EDC can raise funds and solicit grants.

Articles of Incorporation – March 7, 2011

The EDC is a non-profit Public Benefit Corporation established for charitable purposes. The EDC was set to provide redevelopment and development services for the City of Milpitas. Specifically, the EDC was incorporated to achieve the following three actions:

1. Deliver, develop, finance, rehabilitate, own and operate housing affordable to eligible persons and households of low and moderate income. It includes utilizing public and private funding sources to combat blight, stimulate economic development, conduct public infrastructure improvements and expand employment opportunities.
2. Solicit and receive grants, contributions, donations/gifts, and bequests of all types, including but not limited to, funds, securities, properties.
3. Formed for the purpose of performing all things incidental to or appropriate in the achievement of the charitable purposes.

Resolution No. 2011-1 – March 7, 2011

A Resolution of the EDC Adopting Corporate Bylaws and Appointing Officers was approved on March 7, 2011. The Board of Directors adopted Bylaws and appointed corporate officers including City Manager as the President of the Corporation, Finance Director as the Chief Financial Officer, City Clerk as the Secretary and City Attorney as Corporate Counsel.

Exhibit A: Bylaws – March 7, 2011

The Mayor of the City would serve as the Chair of the EDC and the Vice Mayor would serve as the Vice Chair of the EDC.

Staff Outreach on Best Practices

In recent weeks, staff contacted various experts in the field of EDCs to learn about best practices and obtain guidance on developing a successful Milpitas EDC. The organizations include HdL, San Pablo Economic Development Corporation and Gilroy Chamber of Commerce/Economic Development Corporation.

The following represents a summary of the lessons learned.

1. HdL is a leader of auditing, operations, and revenue solutions for public agencies. They provided staff a general overview of EDCs. EDCs are non-profit organizations generally focused on economic growth, business retention/attraction/expansion, business assistance and development, marketing and obtaining funding for various initiatives. EDCs require staff to plan and implement programs and initiatives established by their respective Boards.
2. The San Pablo EDC is unique in that they focus on public and private partnerships, workforce development, business attraction, financial sustainability, diversification and social equity initiatives as well. The San Pablo EDC employs six full-time staff members. The City of San Pablo provides approximately two-thirds of the overall funding for the San Pablo EDC. Funding sources originate from the City of San Pablo, operational grant, sales tax measure and fees in the estimated amount of \$750,000-\$900,000 annually.

City Council Referral
(requires more than 4 hours of staff time)

Item No. 4

3. City of Gilroy - Staff also met with the Gilroy Chamber of Commerce/Gilroy EDC. Currently, the Gilroy Chamber of Commerce is assisting the City of Gilroy in administration of the Gilroy EDC. The City of Gilroy has traditionally funded the EDC at approximately \$200,000 annually, which ended one year ago. Other EDC funding sources include business and community members, and Chamber Board Members. The Gilroy Chamber of Commerce is working toward executing a contract with the City of Gilroy to formally administer the Gilroy EDC program.

Council Clarification/Further Direction Requested

The City Council and former Small Business Assistance Subcommittee Councilmembers have discussed reestablishing the EDC at various public meetings during the pandemic. Discussions have revolved around activating the EDC to raise funds for economic development initiatives and community projects including the following:

- Main Street revitalization to attract businesses and community members to a historic district through events (Art & Wine Festival/Frontier Days), museum and/or performing arts center, aesthetic improvements such as solar tree lights, public art, music, holiday ice rink on the City-owned parking lot, and public infrastructure improvements
- Provide incentives for retail and restaurant business attraction
- Pursue historic preservation grants and CARES Act funding
- Funding for PAL leagues and vouchers for social good initiatives

Staff is seeking input from the Council on the following:

1. What should be the source of funding for staffing the EDC?
2. Would EDC be primarily funded by grants and donations or is Council looking to appropriate City monies?
3. Which economic development and community initiatives would the City Council want to fund through the EDC?
4. Would the City Council like an external entity, such as the Milpitas Chamber of Commerce to play a role in reestablishing the EDC?

Other Considerations

As noted in the Articles of Incorporation, the Milpitas EDC was established for charitable and public purposes, and specifically allows for affordable housing and applying public and private funds to stimulate economic development. The Articles of Incorporation state that the EDC can solicit and receive grants, contributions, donations, etc. which means public and private funds may be directed to the EDC. Therefore, the City can fund the EDC subject to ensuring there is no gift of public funds and would require demonstrating how the funds will be utilized for a public and charitable purpose.

City Council Referral
(requires more than 4 hours of staff time)

Item No. 5

Topic:		Requested by:
Main Street Revitalization and Impact Fees		Vice Mayor Montano
Lead Department/Office		Supporting Department(s)/Office(s)
Planning		City Manager's Office/ Engineering/ Finance/ Economic Development
Council Priority Areas	Estimated Completion Date	Funding Needed
 	June 2022	\$65K for property-based Business Improvement District assessment study
Description of Required Work Effort		
This referral is already included in staff's workplan. The proposed scope and approach for the project are described below and include Gateway Areas, in addition to Main Street. Staff and Catalyze SV will engage the community regarding Main Street revitalization through three "Community Conversations." Each workshop will focus on a different topic related to the future of Main Street: 1) Business Development; 2) Housing and mixed-use development; and 3) Historic Resources. The end project will be a detailed report of ideas/suggestions from the community on these three topic areas. Early April, staff plans to release an RFP for a consultant to assist staff in updating/replacing the Midtown Specific Plan with the new Main St./Gateway Specific Plan (Gateway Plan); in April/May, review proposals and interview the consultant firms; in June, finalize a scope of work and contract with the winning firm; and in July, initiate work on the Gateway Plan (Midtown Update). Staff intends to prepare the Main St./Gateway Plan (Midtown Update) through a four-phase approach: 1. Phase 1 will entail a reconfiguration of boundaries from the old Midtown Plan to the new Gateway Plan and the identification of three focus areas: Main Street, Calaveras Blvd., and Abbott Ave/I-880 Frontage. The southern portion of the Midtown Plan (south of Curtis Ave) will be removed from the planning area and given regular land use designations under the new General Plan. Properties along Abbott Ave. will be added to the planning area. Appropriate designations for Elmwood Jail and the Union Pacific Railroad parking lot will also be considered. 2. Phase 2 will analyze the Main St. focus area as part of the Gateway Specific Plan 3. Phase 3 will analyze the Calaveras Blvd. focus area as part of the Gateway Specific Plan 4. Phase 4 will analyze the Abbott Ave./I-880 focus area as part of the Gateway Specific Plan Phases 2-4 will build upon the initial public outreach and analyze the land use, connectivity, and infrastructure needs of each focus area. A development impact fee (similar to TADIF) will be developed based on the Basic Infrastructure Plan (BIP) for the plan area.		

City Council Referral
(requires more than 4 hours of staff time)

Item No. 5

Status Update as of Feb. 19, 2021

Planning staff is coordinating with Economic Development, Building Safety & Housing, and Recreation and Community Services to develop a plan for the three “Community Conversations.” We have a scope of work and are preparing a contract with Catalyze SV to facilitate these events. We will publicize them in the City’s annual Recreation Guide that will go out to every Milpitas household in April. Target dates will be in April, May, and June. A draft RFP for preparation of the Gateway Plan is ready for circulation in March.

Funds have been identified in the CIP (CIP No. 3437 – Midtown Plan) for this project. The City has also applied for a Priority Development Area (PDA) Grant from ABAG to help cover the costs of preparation of the Gateway Plan, including a Plan Line Study to identify specific street and streetscape improvements.

Council Clarification/Further Direction Requested

Staff is seeking input from Council on proposed scope and timing of the planned work effort as well as direction on whether Council would like staff to pursue a property-based Business Improvement District as part of Main Street vitalization

Other Considerations

Directly related to preparation of the Gateway Plan, Planning staff is now working with a consultant team from Raimi and Associates to develop a set of Objective Design Standards for residential and mixed-use development to comply with the requirements of SB35. Planning staff will also be working with another consultant team to develop a Housing Opportunity overlay within the Zoning Ordinance to identify specific sites within the Gateway Area where this overlay could apply. This will be a significant incentive for new housing and mixed-use development with the potential for office for employment opportunities within the Gateway area as well as other opportunity sites in the Metro Area and across the city (as identified in the General Plan).

If the City Council desires additional Main St. economic vitality and revitalization, the Office of Economic Development is prepared to lead an assessment of a property-based Business Improvement District (BID) in alignment with the Economic Development Strategy to position the geographic area as a community destination for local retail and restaurants and other businesses. BIDs are employed as an economic development tool to fund services such as cleaning streets, providing security, making capital improvements, construction of pedestrian and streetscape enhancements, various public infrastructure improvements, restoring and re-establishing historic districts, and marketing the area. BID revenue comes from a self-imposed assessment on commercial property owners. Funding would be required for a consultant to complete a feasibility analysis and technical support for BID formation.

City Council Referral
(requires more than 4 hours of staff time)

Topic:		Requested by:
Mayor and Councilmember Term Limits		Vice Mayor Montano
Lead Department/Office		Supporting Department(s)/Office(s)
City Manager's Office		City Attorney's Office
Council Priority Areas	Estimated Completion Date	Funding Needed
	November 2022	Ballot Measure (estimated): \$70,000 Polling (if desired): \$40,000
Description of Required Work Effort		
Changing the current term limits must be placed on the ballot at a general election. This would require a staff report, resolution and an ordinance to be prepared for Council to approve placing the measure on the ballot. City staff will also need to prepare an impartial analysis of the measure. If Council desires, City staff will prepare arguments and rebuttals for the measure at an additional cost. A synopsis of the measure needs to be published in the newspaper per government code 12111. Funding in the amount of \$70,000 is currently estimated for a November 2022 ballot measure and will be needed in FY 2022-2023 budget. If Council wishes to gauge public opinion on options prior to placement on the ballot, approximately \$40,000 in funding for polling will be required in FY 2021-2022.		
Status Update as of Mar. 12, 2021		
Staff has conducted preliminary research to develop cost estimates and required work effort. Staff has also collected information about Mayor and Councilmember term limits for other cities in Santa Clara County for Council's reference (Attached).		
Council Clarification/Further Direction Requested		
Staff seeks council direction on the nature of change to current terms and term limits that the Council wishes to explore.		
Other Considerations		
Currently the Mayor is elected at large for a two-year term and Councilmembers are elected for a four-year term. Per the current ordinance Section I-400-1, a person may serve a maximum of three consecutive elective terms as either a City Councilmember or as the Mayor. However, if a Councilmember is elected Mayor or the Mayor is elected Councilmember, that person may serve a combined total of no more than four consecutive elective terms. At any municipal election after the expiration of two years following said consecutive elective terms, such former Councilmember or Mayor may again seek election to City Council or as Mayor. Please see attachment for information on term limits for other Cities in Santa Clara County.		

City	Mayor Elected?	Mayor Term	Mayor's Term Limit	Councilmember Term	Councilmember Term Limits
Campbell	No	Rotates annually	N/A	4 years	2 consecutive terms (eligible to run after two years has elapsed)
Cupertino	No	Rotates annually	N/A	4 years	2 terms
Gilroy	Yes	4 years	None	4 years	None
Los Altos	No	Rotates annually	N/A	4 years	2 consecutive terms
Los Altos Hills	No	Rotates annually	N/A	4 years	2 consecutive terms (eligible to run after two years has elapsed)
Los Gatos	No	Rotates annually	N/A	4 years	2 consecutive terms (eligible to run after 4 years has elapsed)
Milpitas	Yes	2 years	3 terms (eligible to run after 2 years)	4 years	3 consecutive terms (eligible to run after 2 years)
Monte Sereno	No	Rotates annually	N/A	4 years	2 terms
Mountain View	No	Rotates annually	N/A	4 years	2 consecutive terms
Morgan Hill	Yes	2 years	No term limit	4 years	no term limit
Palo Alto	No	Rotates annually	N/A	4 years	2 terms
San Jose	Yes	4 years	2 terms	4 years	2 terms
Saratoga	No	Rotates annually	N/A	4 years	none
Santa Clara	Yes	4 years	2 terms	4 years	2 terms
Sunnyvale	Yes	4 years	2 terms in a 16 year period (no more that 3 terms combined Councilmember and Mayor)	4 years	2 terms in a 16 year period (no more that 3 terms combined Councilmember and Mayor)

City Council Referral
(requires more than 4 hours of staff time)

Item No. 7

Topic:		Requested by:	
Speed Bump Policy Review		Mayor Tran	
Lead Department/Office		Supporting Department(s)/Office(s)	
Engineering		Police Department	
Council Priority Areas	Estimated Completion Date	Funding Needed	
 	FY 2020-21 Q3	N/A	
Description of Required Work Effort			
At a previous Council meeting, the Mayor requested staff provide an update on the City's speed hump policy by March 2021. As requested, Staff presented the City's existing speed hump policy to the Transportation Subcommittee on February 12th, and the meeting was attended by both the Mayor and Vice Mayor. Following the presentation, the Mayor requested staff provide traffic accident history for the last year. Engineering staff is working with the Police Department to obtain this data.			
Status Update as of Feb. 19, 2021			
Staff presented the speed hump policy update to the Mayor and Vice Mayor during the February 12th Transportation Subcommittee meeting. Engineering staff is working with PD to gather the requested traffic accident history.			
Council Clarification/Further Direction Requested			
Staff is seeking confirmation from Council that this referral will be deemed complete once the requested traffic accident history has been provided. If any additional staff work is desired related to this referral, staff is looking for further Council direction.			
Other Considerations			

City Council Referral
(requires more than 4 hours of staff time)

Item No. 8

Topic:		Requested by:
Safe Accessory Dwelling Unit (ADU) Legalization Program		Councilmember Chua
Lead Department/Office		Supporting Department(s)/Office(s)
Building Safety & Housing		Planning
Council Priority Areas	Estimated Completion Date	Funding Needed
 	FY 2020-21 Q4	Potential loss of revenue with waiving of Inspection Investigation Fee for one year (for consideration): \$90,000
Description of Required Work Effort		
The development and administration of a potential program to legalize existing ADUs would be a collaboration between staff from Building Safety & Housing and Planning. If Council wishes to proceed with this program, staff recommends a one-year pilot program to provide residents a timeframe to legalize and make safe illegal accessory dwelling units. This program could assist and encourage residents to legalize and improve safety of an ADU, converted garage, or other rooms or structures that were constructed or converted without obtaining permits. Establishing this type of program will require the development of a comprehensive program outline, detailed program guidelines with step-by-step procedures, safe ADU checklist, permitting and submittal procedures, requirements of building codes, health and safety codes, and state laws, inspection procedures, program flyer, webpage, development of staff assignments for the program, and community outreach through social media, website, and various methods. Staff estimates that this referral will require approximately 180 hours of Building Safety staff time to initiate and implement the program. To operate the program for one year, it is estimated to require approximately 300 – 500 hours of Building Safety staff time. To encourage residents to come forward and participate in the program, staff could also explore the waiving of the Inspection Investigation Fee (for construction without permits). Planning staff will provide input on ADU Code requirements and coordinate with Building Safety & Housing to include information about the Safe ADU Legalization Program in the Development Review Handbook and ADU Toolkit, which are being developed under the SB2 grant to streamline housing production. This information will also be available online as a resource for homeowners. Planning staff effort will require approximately 40 hours of staff time to initiate the program. To operate the program for one year, it is estimated to require approximately 100 hours of Planning staff time. Estimated costs for combined Building Safety and Planning staff time are for \$42,000 for program creation and implementation, and \$59,000 - \$89,000 for one year of program operation. Waiving of the Inspection Investigation Fee is estimated to result in a potential loss		

City Council Referral
(requires more than 4 hours of staff time)

Item No. 8

of revenue in the amount of \$90,000. Total estimated costs in staff time and loss of revenue are \$191,000 to \$221,000. Since the program can be absorbed by existing staff, no additional staffing or funding is required; however, the General Fund is impacted due to the estimated loss in revenue.

Status Update as of Feb. 19, 2021

Building Safety staff has conducted preliminary research in preparation for a potential Safe ADU Legalization Program.

As a related effort, Planning staff is also working with a graphics design consultant to prepare a draft Development Review Handbook and ADU Toolkit. Planning is also preparing to launch an online ADU analysis tool in conjunction with release of the Development Review Handbook and ADU Toolkit.

Staff will present a status update on these efforts to the City Council in April 2021.

Council Clarification/Further Direction Requested

Staff seeks Council direction on whether to proceed with program creation, and if directed to proceed, staff seeks further Council direction on program scope and duration.

Other Considerations

Attached please find an Information Memorandum to Council dated December 15, 2020 for a summary of the projects funded by the SB2 grant including two projects related to ADUs. These projects include the Development Review Handbook and ADU Toolkit as well as the online ADU analysis tool.



MEMORANDUM

Planning Department

DATE: December 15, 2020

TO: Mayor and Council

THROUGH: Steve McHarris, City Manager

FROM: Ned Thomas, Planning Director

SUBJECT: SB 2 Grant-Funded Projects

The Planning Department is working on several grant-funded projects to improve Milpitas' land use and zoning tools and facilitate housing production in support of the State's goal of addressing critical housing needs. An overview of these projects and their alignment with the City's long-range planning and policy efforts is below.

Background

On May 26, 2020, the California Department of Housing and Community Development (HCD) notified staff that the City of Milpitas would receive \$310,000 in grant funding through the State's Planning Grant Program, which is funded by the Building Homes and Jobs Act (SB 2). SB 2 established a \$75 recording fee on real estate documents as a permanent, ongoing source of funding dedicated to affordable housing development. The Planning Grant Program is a one-time component of SB 2 that, among other provisions, provides financial and technical assistance to local governments to prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production.

City Planning staff will use the grant funding to create land use and zoning tools to streamline housing approvals, comply with State legislation, and support the State's goal of addressing critical housing needs. Staff has identified three projects as part of this effort:

1. Development Handbook and Accessory Dwelling Unit (ADU) Toolkit;
2. Web-based ADU Visualization Tool; and
3. Objective Design Standards.

Development Handbook & ADU Toolkit

The Planning Department is preparing a Development Handbook and ADU Toolkit to clarify the City's development review process and ADU regulations and improve customer service and streamline ADU production. In September 2020, the City contracted with Metta Urban Design for consultant services to complete the Development Handbook and ADU Toolkit. Staff anticipates completing the project by Summer 2021.

The Development Handbook will provide a comprehensive and step-by-step explanation of the development review process from beginning to end, including an overview of the roles and responsibilities of all parties involved, the City's various development fees, an in-depth breakdown of the City's Affordable Housing Ordinance, and other relevant topics. The Handbook will be used as an internal operations manual to train new staff and provide elected/appointed officials with a detailed overview of the City's development review process. It will also function as a public-facing guide to inform applicants/developers and Milpitas residents about the same process.

Staff will also work with the consultant to develop an ADU Toolkit to facilitate ADU production and inform, inspire, and guide homeowners through a full-service review process. In July 2020, the City Council adopted an ordinance to amend the City's ADU regulations to comply with new State legislation, which aims to streamline the permitting process of ADUs and facilitate ADU production. The ADU Toolkit will provide user guides and illustrations to simplify the ADU process and requirements to help homeowners navigate these recent changes to State and local ADU regulations.

The Development Handbook and ADU Toolkit will establish clear expectations for City staff, project applicants/developers, and the community to improve customer service, educate the public, and streamline ADU production to help Milpitas respond to the current housing crisis.

Web-based ADU Visualization Tool

Staff is also implementing a visual ADU web tool to complement the ADU Toolkit. While the Toolkit will provide a user guide with illustrations to educate the public regarding the approval process and applicable regulations in a user-friendly format, the web-based ADU visualization tool will allow homeowners to determine where an ADU can be located on their property. In October 2020, the City contracted with a tech-law firm called Symbium to utilize and implement their proprietary software program. Staff anticipates launching Symbium's web-based ADU Visualization Tool in Summer 2021 in conjunction with release of the Development Review Handbook and ADU Toolkit.

Symbium's Web Tool will allow homeowners to visualize where an ADU can be located on their property in real-time based on the size and location of their property and Milpitas' development standards. Homeowners can also design their own ADUs by selecting or customizing pre-approved designs and locating them in compliance with applicable zoning and development standards. The publicly-accessible portal will also enable users to visualize and analyze existing conditions and perform searches and produce parcel reports with a summary of applicable regulations and development constraints (e.g., easements, flood zone boundaries, etc.). Additionally, the tool can generate reports and data on ADU development to provide a resource to City staff.

Along with the ADU Toolkit, Symbium's Web Tool is expected to significantly reduce permit processing times and increase ADU production, which will aid Milpitas in its effort to meet the increasing demand for affordable housing and satisfy its Regional Housing Needs Allocation (RHNA) obligations.

Objective Design Standards

Although there are design guidelines for the Metro and Midtown Specific Plan areas, broader citywide design guidelines currently do not exist. Furthermore, recent state legislation requires design guidelines to be objective and quantifiable for residential projects and mixed-use projects with at least two-thirds of the square footage designated for residential use. Staff will develop the Objective Design Standards to streamline housing approvals and accelerate housing production by providing clarity and certainty in design decisions and to eliminate unnecessarily burdensome review in the permitting process.

The Objective Design Standards will provide clear and implementable design criteria for all new residential and applicable mixed-use developments throughout the City to meet the new state requirements. The Objective Design Standards will also ensure compliance with SB 35, which stipulates that qualifying multi-family residential projects meeting certain criteria may request a streamlined ministerial approval process. In October 2020, following a competitive Request for Qualifications (RFQ) process, the City selected Raimi + Associates to complete the Objective Design Standards. Staff anticipates kicking off the project in early 2021 and completing the Objective Design Standards by early 2022.

Raimi + Associates will analyze relevant plans and development standards, Milpitas' existing development pattern, and best practices. Extensive community engagement, including stakeholder workshops and informal study sessions with the City Council and Planning Commission, will be a key part of the development of the proposed design standards. The Standards will be comprehensive, context-sensitive, and utilize effective visuals to clearly demonstrate the desired architectural outcomes. The Objective Design Standards will enhance community design while recognizing the unique characteristics of neighborhoods and maintaining housing affordability.

Summary

These three grant-funded projects will complement each other and jointly improve Milpitas' land use and zoning tools to comply with State legislation and facilitate housing production. The Development Handbook and ADU Toolkit will clarify and streamline the development review process for ADUs and all development projects. Symbium's web-based ADU Visualization Tool will complement the Toolkit and further facilitate ADU production by making it easier for homeowners to design their own ADUs and comply with applicable development standards. The Objective Design Guidelines will establish clear design criteria to further streamline the development review process for residential and mixed-use projects. Each project will establish clear expectations for all participants in the development review process, improve customer service, educate the public, and help Milpitas respond to the current housing crisis.

Furthermore, these implementation projects support and complement ongoing long-range planning and policy efforts aimed at accommodating growth, which are necessitated by increasing development interest in Milpitas and the upcoming RHNA cycle. Long-range planning and policy efforts include the General Plan Update, Milpitas Metro Specific Plan, upcoming Gateway-Main St. Specific Plan, upcoming Housing Opportunity Zones through the Local Early Action Planning (LEAP) Grant, and Citywide Vehicle Miles Traveled (VMT) Policy. Cumulatively, these efforts will help Milpitas accommodate development in an appropriate and sustainable manner and remain competitive in the Silicon Valley.

Next Steps

Work on the Development Handbook and ADU Toolkit is underway. The project team has finished reviewing existing background documents including the previously unfinished development handbook and is soliciting feedback from internal staff, developers, and decision-makers on the strengths and weaknesses of the current development review process. The project team will continue to work with internal staff and engage stakeholders through the Development Review Committee, Community Development Roundtable, and Planning Commission study sessions.

Following a kick-off meeting in October, the project team for Symbium's web-based ADU Visualization Tool is in the early stages of reviewing and analyzing relevant background documents and resources. Staff is also in the process of executing a contract with Raimi + Associates for the Objective Design Standards. Work on the Objective Design Guidelines is expected to begin in early 2021.

As these projects progress, the Planning Department will continue to coordinate with internal staff, solicit feedback from decision-makers and the community, and provide periodic updates to the City Manager's Office.

City Council Referral

(requires more than 4 hours of staff time)

Topic:		Requested by:
Vaping Ban		Vice Mayor Montano
Lead Department/Office		Supporting Department(s)/Office(s)
Planning		Recreation and Community Services/ City Attorney's Office
Council Priority Areas	Estimated Completion Date	Funding Needed
  	December 2021	None, \$66,000 in staff time can be absorbed by existing staff and \$33,000 of costs is offset by the Phase 2 County grant
Description of Required Work Effort		
This referral is grouped in two phases. Phase 1 consists of the implementation of a comprehensive no-smoking policy for all multi-unit housing and Phase 2 includes the implementation of policies aimed at limiting access to tobacco (and vaping). The City of Milpitas received an in-kind grant from Santa Clara County to provide technical assistance in developing and implementing a comprehensive no-smoking policy for all multi-unit housing. The technical assistance includes the work of a County-paid consultant to analyze data, draft a model policy, and recommend implementation strategies. The Planning Department is coordinating this effort which includes public engagement, policy development, and coordination with the County consultant. Total staff time for this Phase 1 is estimated at 200 hours (approximately \$24,000 in staff time), including meetings, coordination, and policy development. The City also received a monetary grant for roughly \$33,000 to implement policies aimed at limiting access to tobacco (and vaping) as part of the County Health Department's Healthy Cities Program, which the Council is scheduled to accept at the March 16 City Council meeting. This portion of the program (Phase 2) is being coordinated by the Department of Recreation and Community Services as part of their focus on teen programs. The Planning Department will assist with development of a Zoning Ordinance amendment to establish distance separation requirements for tobacco (and vaping) retail stores. Total staff time for Phase 2 is estimated at 400 hours, including meeting, coordination, community outreach, and development draft regulations for presentation to the Planning Commission and City Council. Estimated costs are approximately \$75,000 in staff time, outreach, and program development. \$33,000 of the costs are covered by the County grant and the remaining costs is related to budgeted resources. Milpitas already prohibits smoking and vaping in parks, trails, and outdoor dining areas, but policies are needed to prohibit smoking in multi-unit housing and limit exposure to secondhand smoke and vaping in individual units, common areas, entryways, and service areas in nonresidential developments, and at public events. The second part of this effort will include development of Zoning Ordinance regulations to establish distance separation requirements for tobacco (and vaping) products and to limit access and advertising targeted at teens and young adults.		

City Council Referral
(requires more than 4 hours of staff time)

Item No. 9

- Coordination with SC County Health on grant requirements (grant related to broader topic of discouraging tobacco use, tobacco retail sales, and access to tobacco by Milpitas teens).
- Coordination between Planning and Recreation & Community Services.
- Primary work by Principal Planner in two phases:
 1. Develop a policy to prohibit smoking (and vaping) in multi-family housing projects, including lobbies, service areas, shared open space, public events, and within 25 ft. of all building entrances. The new policy will expand the City's existing ban on smoking (and vaping) in public parks, trails, and common open space areas. Consultant hired by the County will provide a draft policy template and technical advice to staff.
 2. Develop a licensing program for tobacco (and vaping) retail sales and amend the zoning ordinance to add distance separation requirements for tobacco (and vaping) retail sales from schools and other community facilities where teens gather.
- Consider other programs to discourage or prohibit tobacco use (and vaping) by teens.
- Coordination with CAO on state legislation related to non-smoking and vaping bans.

Status Update as of Feb. 19, 2021

Staff from Planning and Recreation Services continue to coordinate efforts. Project information, including an online survey, is available on the City's website: www.ci.milpitas.ca.gov/multiunitnonsmokingpolicy/. Planning staff presented information about the proposed policy to the Milpitas Chamber of Commerce on January 8, 2021 for feedback from local businesses. Staff is waiting for the County-funded consultant to provide a draft policy template which staff will adapt to the needs of Milpitas. The draft policy is scheduled for presentation to the City Council on May 18, 2021. In addition, later this year, the Planning Department and Department of Recreation Services will develop an outreach program to teens and prepare a Zoning Ordinance amendment designed to limit access to tobacco and vaping products by limiting the number of retail establishments in the City.

Council Clarification/Further Direction Requested

Council clarification needed on the overall scope of programs and policies to limit access to tobacco and vaping products in the City.

Other Considerations

See attached Info Memo to Council dated November 25, 2020, and Smoke-free Policy Comparison Table from Santa Clara County jurisdictions. Copy of County grant award letter for collaboration on the Healthy Cities initiative is also attached.

County of Santa Clara

Public Health Department

Public Health Administration
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.5040



February 13, 2020

RE: Funding Announcement to Implement Tobacco Prevention Strategies within Santa Clara County

Dear Renee Lorentzen,

The Santa Clara County Public Health Department (SCCPHD) is pleased to inform you that we have selected your city to receive funding to support implementation of the key areas within the SCCPHD's Healthy Cities Program focused on promoting tobacco-free communities that were identified in your application. This funding is a result of the recent passage of California Proposition 56, the California Healthcare, Research and Prevention Tobacco Act of 2016, which increased the tax on cigarettes and other tobacco products by two dollars.

The contract term is anticipated to begin on May 1, 2020 and will go through June 30, 2021. The contract amount will be finalized once the scope of work and budget negotiations are complete, but we anticipate being able to provide the full amount of \$32,979 that was requested in your application.

We would like to begin negotiations of the scope of work activities via a conference call within the next few weeks. Please provide a list of name(s) and contact information of city representatives to include on the call by Friday, February 21st to Don Tran at don.tran@phd.sccgov.org.

For any additional questions, please contact Don directly.

As essential partners in this work to improve the health of our county residents, we thank you for your continued partnership and are excited to be working with you and the City of Milpitas.

Sincerely,

Nicole Coxe, MPH
Senior Health Care Program Manager, Tobacco-Free Communities
Santa Clara County Public Health Department

1/2020: Tobacco-Free Communities - Policies Across Santa Clara County Jurisdictions

Jurisdiction	Reducing Exposure to Secondhand Smoke							Reducing Youth Access & Exposure to Tobacco Products				
	Parks & Trails	Outdoor Dining Areas	Entryways	Service Areas	Public Events	Multi-Unit Housing	Common Areas of Multi-Unit Housing	Tobacco Retail Permit	Reduce Density of Tobacco Outlets	Limit Sales Near Schools	Flavored Tobacco Restrictions	Limit Sales in Pharmacies
County of Santa Clara	2010	2010	2010	2010		2010	2010	2010	2010	2010	2010	2010
Campbell	2011	2011	2011	2011	2011			2012				
Cupertino	2011	2014	2014					2019	2019	2019	2019	2019
Gilroy								2014		2014		
Los Altos	2011	2018	2018	2018	2018							
Los Altos Hills		n/a*		n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*
Los Gatos	2013	pre-2010	2016	2016	2016	2016	2016	2017	2017	2017	2017	2017
Milpitas	2012	2017										
Monte Sereno	n/a*	n/a*	n/a*	n/a*	n/a*			n/a*	n/a*	n/a*	n/a*	n/a*
Morgan Hill	2012	2012	2012	2012	2012			2014	2019	2019	2019	2019
Mountain View		2012	2012		2012							
Palo Alto	2013	2014	2014	2014	2014	2016	2016	2017	2017	2017	2017	2017
San Jose	pre-2010	2012		2012			2012	2011				
Santa Clara	2019	2019	2019	2019	2019	2019	2019					
Saratoga	pre-2010	2016	2016	2016	2016		2016	2015	2016	2016	2018**	2018
Sunnyvale	2012	2016	2016	2016	2016	2016	2016					

* Not included in denominator of % of county population covered by policy because don't have the specific venues/areas covered by policy (Ex. Monte Sereno & Los Altos Hills do not have any tobacco retailers)

** Includes an exemption for menthol-cigarettes

Rev. 1/20



MEMORANDUM

Planning Department

DATE: November 25, 2020

TO: Mayor and Council

THROUGH: Steve McHarris, City Manager *Steve McHarris*

FROM: Ned Thomas, Planning Director

SUBJECT: Smoke-Free Policies for Multi-Unit Housing Units and Common Areas

Background

In November 2018, the City of Milpitas was selected to receive funding to implement comprehensive smoke-free policies for all multi-unit housing through a recommended strategy in Santa Clara County's Healthy Cities Program. This program promotes policies and practices to increase access to tobacco-free and smoke-free communities; recreation, physical activity, and safe walking and biking opportunities; and healthy food and beverage environments.

On March 3, 2020, the City Council received a report from City staff on reducing exposure to secondhand smoke in multi-unit housing and authorized the City Manager to conduct public outreach, develop policy options to prohibit smoking and exposure to secondhand smoke (including vaping and smoking of tobacco and cannabis products) in multi-unit housing, and prepare an implementation plan for future consideration and adoption.

Expansion of Smoke-Free Policies

City staff initially selected a limited range of policies to address the primary sources of secondhand smoke exposure in individual units and common areas of multi-unit housing. Although the City already prohibits smoking and vaping in parks, trails, and outdoor dining areas, policies are needed to reduce exposure in other public areas with potential for significant exposure. Twelve of the sixteen jurisdictions in Santa Clara County have already prohibited smoking in entryways and service areas of nonresidential developments and at public events. See Santa Clara County Jurisdictions Comparison Table (Attachment 1).

Expanding the areas where smoking is prohibited will reduce secondhand smoke exposure for the most vulnerable populations throughout the City. As such, staff expanded the range of policy options to include smoke-free strategies for entryways and service areas of nonresidential developments and at public events.

Public Engagement

Given the adverse impacts of secondhand smoke exposure and the importance of smoke-free policies to protect Milpitas' most vulnerable populations, community engagement is an important component of this effort. In light of the current pandemic, staff has emphasized connecting with the public through virtual avenues to better understand the community's support for smoke-free policies. A summary of the community outreach efforts and outcomes is provided below.

Online Public Survey

Staff developed an online survey to gather information and feedback from the community for smoke-free strategies in multi-unit housing and other areas within the City and shared a link to the survey on

the City webpage and through social media. The survey was also distributed through postcard notices, which were mailed directly to all multi-unit properties in the City and distributed at the Senior Center and summer camps hosted by the Recreation and Community Services Department. The survey remained open from July 15th to August 31st.

Staff received 125 responses to the survey. Overall, survey participants expressed overwhelming support for smoke-free policies in Milpitas, which supports the results of Santa Clara County's 2013-2014 Behavioral Risk Factor Survey and 2011-2012 Public Opinion Poll. Approximately 96 percent of Santa Clara County apartment residents believe that smokers should not be allowed to smoke wherever they want, and 84 percent said that they would support a no smoking policy at their multi-unit housing complex. Below is a summary of Milpitas' survey results. Attachment 2 (Survey Data Summary) is a detailed report with additional data for each survey question.

Survey Participants

- 84% are Milpitas residents while 16% own or manage a business or multifamily building in Milpitas.
- 95% do not smoke tobacco or cannabis products of any kind.

Secondhand Smoke Exposure

- 64% have noticed secondhand smoke drifting into their home in the past 30 days.
- 55% believe that secondhand smoke drifts into their unit from outside (through windows, doors, vents, etc.).

Smoke-Free Policies

Participants were asked whether they would support prohibiting smoking in the following locations:

Locations	Support
Outdoor dining areas	96%
Within 25 feet of entrances, exits, and windows to buildings where smoking is prohibited	97%
Within 25 feet of service areas (e.g., transit stops or ATMs)	96%
Public parks	87%
Outdoor public events (e.g., farmers' markets and concerns)	93%
Outdoor common areas of multi-family housing (e.g., walkways, courtyards, pool areas, etc.)	89%
Within 25 feet of doors and windows of multifamily housing	89%
Inside all multifamily units (including private balconies and patios)	83%

Furthermore, 42% believe that there are other areas in the City where smoking should be prohibited.

Retail Sales

The City survey also included questions to gauge the community's support for tobacco retail regulations. This feedback will be used by the Recreation and Community Services Department in a separate grant-funded effort to develop policies to regulate tobacco retail businesses. Currently, retail stores can sell tobacco products as an accessory use and smoke shops are allowed in certain commercial zoning districts with a conditional use permit without any required buffers from sensitive

land uses. Furthermore, the City does not provide local tobacco retail regulations to supplement State law or require tobacco retailers to obtain a license prior to operating. As such, participants were asked whether they would support the following tobacco retail regulations.

Regulations	Support
Prohibit the sale of flavored tobacco products (e.g., menthol cigarettes, little cigars, and e-cigarettes in flavors such as fruit, candy, and liquor)	84%
Prevent stores near schools from selling tobacco products (e.g., no new retailers within 1,000 feet of schools)	91%
Limit where stores that sell tobacco can be located within a community (e.g., no new retailers within 500 feet of existing retailers)	83%
Prohibit pharmacies from selling tobacco products	79%
Require store owners to purchase a local license to sell tobacco (license fees would cover enforcement of tobacco laws)	86%

Additional information and studies related to tobacco retail sales will be presented to Council at a later date as part of the Recreation and Community Services Department's separate project.

Open-Ended Responses

Participants were given the opportunity to submit open-ended comments at the end of the survey, and they expressed general support for smoke-free policies in Milpitas and other concerns regarding secondhand smoke. Attachment 2 (Survey Data Summary) provides the specific responses.

Website and Online Public Forum

Staff created a [website](#) for this effort with the policy details, background resources, frequently asked questions (FAQs), and a section for the community to submit comments or questions to staff. Additionally, the project was posted on the [Online Public Forum](#), which is an outreach tool the Planning Department has been using during shelter-in-place to gather public input on significant projects. The Online Public Forum was held open for an entire month to provide the public ample opportunity to learn about the project and provide written comments. Both the project website and Online Public Forum were shared through social media to increase the project's public exposure.

Staff received seven written comments through the project website and Online Public Forum. All but one of the comments expressed support for smoke-free policies in Milpitas and cited the following concerns about secondhand smoke exposure:

- General health hazard;
- Reduced access to fresh air and good air quality;
- Harmful impacts to nonsmokers, particularly young children;
- Absence of existing restrictions on smoking in public areas;
- Ongoing complaints within communities about secondhand smoke with no recourse; and
- Potential for widespread exposure in multifamily properties.

One comment expressed opposition to smoke-free policies in that it would prohibit residents from smoking in their own properties. However, others expressed support to expand smoke-free policies to include single-family residences and potentially implement a citywide ban on smoking. Attachment 3 (Written Public Comments) provides the written comments received from the public.

Next Steps

Staff will consider the results of the community outreach and develop a set of draft policy options for consideration and direction from the Council in early 2021. Following the Council study session and another round of community outreach, staff will then incorporate the feedback received to develop a final set of policy options and an implementation plan for adoption by the Council in Spring 2021.

Attachments:

- A. [Santa Clara County Jurisdictions Comparison Table](#)
- B. [Survey Data Summary](#)
- C. [Written Public Comments](#)

ATTACHMENT A

1/2020: Tobacco-Free Communities - Policies Across Santa Clara County Jurisdictions

Jurisdiction	Reducing Exposure to Secondhand Smoke							Reducing Youth Access & Exposure to Tobacco Products				
	Parks & Trails	Outdoor Dining Areas	Entryways	Service Areas	Public Events	Multi-Unit Housing	Common Areas of Multi-Unit Housing	Tobacco Retail Permit	Reduce Density of Tobacco Outlets	Limit Sales Near Schools	Flavored Tobacco Restrictions	Limit Sales in Pharmacies
County of Santa Clara	2010	2010	2010	2010		2010	2010	2010	2010	2010	2010	2010
Campbell	2011	2011	2011	2011	2011			2012				
Cupertino	2011	2014	2014					2019	2019	2019	2019	2019
Gilroy								2014		2014		
Los Altos	2011	2018	2018	2018	2018							
Los Altos Hills		n/a*		n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*	n/a*
Los Gatos	2013	pre-2010	2016	2016	2016	2016	2016	2017	2017	2017	2017	2017
Milpitas	2012	2017										
Monte Sereno	n/a*	n/a*	n/a*	n/a*	n/a*			n/a*	n/a*	n/a*	n/a*	n/a*
Morgan Hill	2012	2012	2012	2012	2012			2014	2019	2019	2019	2019
Mountain View		2012	2012		2012							
Palo Alto	2013	2014	2014	2014	2014	2016	2016	2017	2017	2017	2017	2017
San Jose	pre-2010	2012		2012			2012	2011				
Santa Clara	2019	2019	2019	2019	2019	2019	2019					
Saratoga	pre-2010	2016	2016	2016	2016		2016	2015	2016	2016	2018**	2018
Sunnyvale	2012	2016	2016	2016	2016	2016	2016					

* Not included in denominator of % of county population covered by policy because don't have the specific venues/areas covered by policy (Ex. Monte Sereno & Los Altos Hills do not have any tobacco retailers)

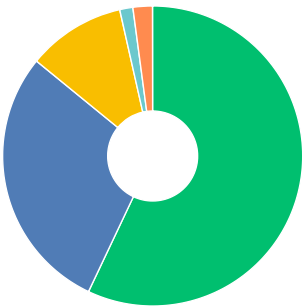
** Includes an exemption for menthol-cigarettes

Rev. 1/20

Showing: 125 of 125 responses

PAGE 1

1. Tell us about yourself. (Check all that apply.)



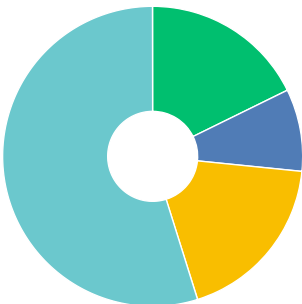
Answered: 124 Skipped: 1

I live in Milpitas in a single-family house.	65.32%	81
I live in Milpitas in an apartment, duplex, condominium or townhouse.	33.06%	41
I work in Milpitas.	12.1%	15
I own or operate a business in Milpitas.	1.61%	2
I own or manage a building with two or more residential units in Milpitas.	2.42%	3

2. What is your zip code?

Responses 124

3. In the past 30 days, have you been exposed to secondhand smoke at your home? (Secondhand smoke is smoke that comes from someone else using a tobacco or marijuana product.)



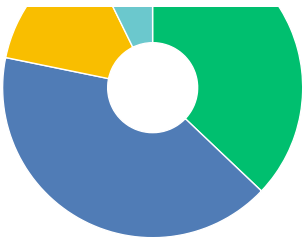
Answered: 124 Skipped: 1

Yes, I have been exposed to tobacco smoke.	17.74%	22
Yes, I have been exposed to marijuana smoke.	8.87%	11
Yes, I have been exposed to both tobacco and marijuana smoke.	18.55%	23
No, I have not been exposed to secondhand smoke.	54.84%	68

4. In the past 30 days, how often have you noticed secondhand smoke (either tobacco or marijuana smoke) drifting into your home?



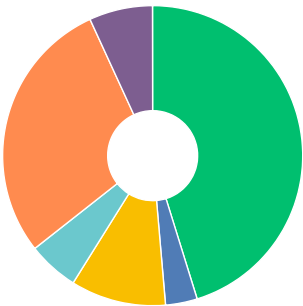
Analyze



Answered: 124 Skipped: 1

Never	37.1%	46
Sometimes	41.13%	51
Often	14.52%	18
Almost always	7.26%	9

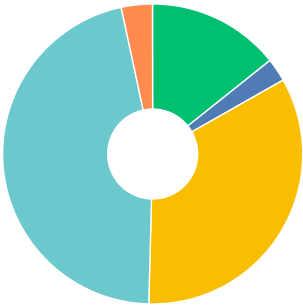
5. Where do you think that secondhand smoke drifted into your unit from? (Check all that apply.)



Answered: 120 Skipped: 5

Outside, through the windows, door, vents, etc.	55%	66
Another unit, through the wall, ceiling floor or ventilation system	4.17%	5
I don't know where it comes from.	12.5%	15
Other	6.67%	8
Not applicable - no secondhand smoke in my residence	35%	42
Other (please specify)		10

6. Does your housing complex have a policy to prohibit smoking inside your apartment, condominium, or townhouse?



Answered: 119 Skipped: 6

←

Analyze

No	33.61%	40
Don't know	46.22%	55
Prefer not to answer	3.36%	4

7. Do you think smoking should be prohibited in the following locations? (Check all that apply.)



Answered: 121 Skipped: 4

Outdoor dining areas where food and beverages are served, such as restaurant and bar patios	95.87%	116
Within 25 feet of entrances, exits, and windows to buildings where smoking is prohibited. This would apply to businesses, offices, grocery stores, restaurants, bars, places of worship, etc.	96.69%	117
Within 25 of "service areas", such as transit stops or ATMs	95.87%	116
Public parks	86.78%	105
Outdoor public events like farmers' markets and concerts	92.56%	112
Outdoor common areas of multi-family housing, such as walkways, courtyards, pool areas, etc. Multi-family housing means housing with two or more attached residences and includes apartments, duplexes, condominiums, and townhouses	89.26%	108
Within 25 feet from doors and windows of multi-family housing	89.26%	108
Inside all units within multi-family housing, including private balconies and patios	83.47%	101

8. Are there any other areas in the City where you think smoking should be prohibited?

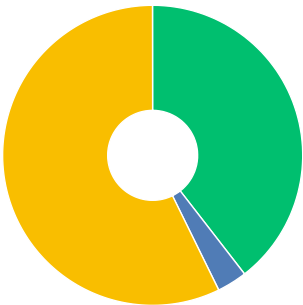


Answered: 123 Skipped: 2

Yes	42.28%	52
No	15.45%	



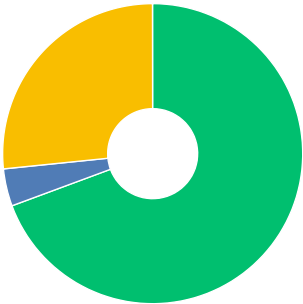
9. Do you think it is easy or difficult for youth under the age of 21 to buy flavored tobacco products in Milpitas? Flavored tobacco products include menthol cigarettes, little cigars, and electronic cigarettes in flavors such as fruit, candy, and liquor.



Answered: 124 Skipped: 1

Easy	39.52%	49
Difficult	3.23%	4
Not sure	57.26%	71

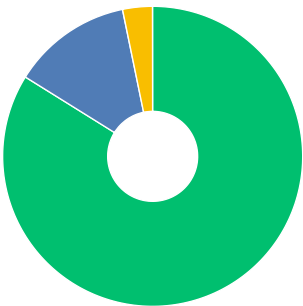
10. Do you think flavored tobacco products are more appealing to youth than unflavored tobacco products?



Answered: 124 Skipped: 1

Yes	69.35%	86
No	4.03%	5
Not sure	26.61%	33

11. Would you support or oppose a law prohibiting the sale of flavored tobacco products in Milpitas? Flavored tobacco products include menthol cigarettes, little cigars, and electronic cigarettes in flavors such as fruit, candy, and liquor.

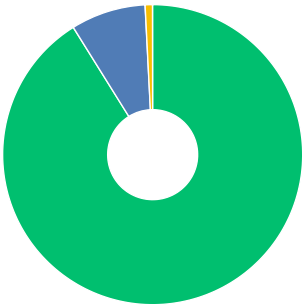


Answered: 124 Skipped: 1

Support	83.87%	104
Oppose	12.9%	16



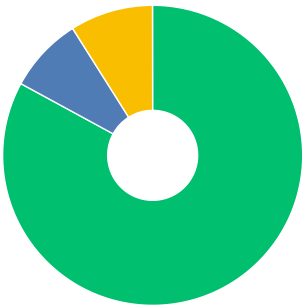
12. Would you support or oppose a law to prevent stores near schools from selling tobacco products, such as no new tobacco retailers within 1,000 feet of schools?



Answered: 124 Skipped: 1

Support	91.13%	113
Oppose	8.06%	10
Not sure	0.81%	1

13. Would you support or oppose a law that limits where stores that sell tobacco can be located within a community, such as no new tobacco retailers within 500 feet from existing tobacco retailers?

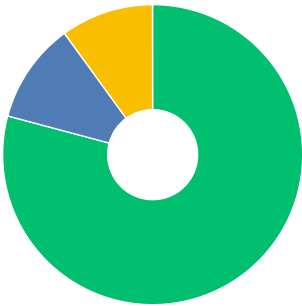


Answered: 123 Skipped: 2

Support	82.93%	102
Oppose	8.13%	10
Not sure	8.94%	11

PAGE 2

14. Would you support or oppose a law that bans pharmacies from selling tobacco products?



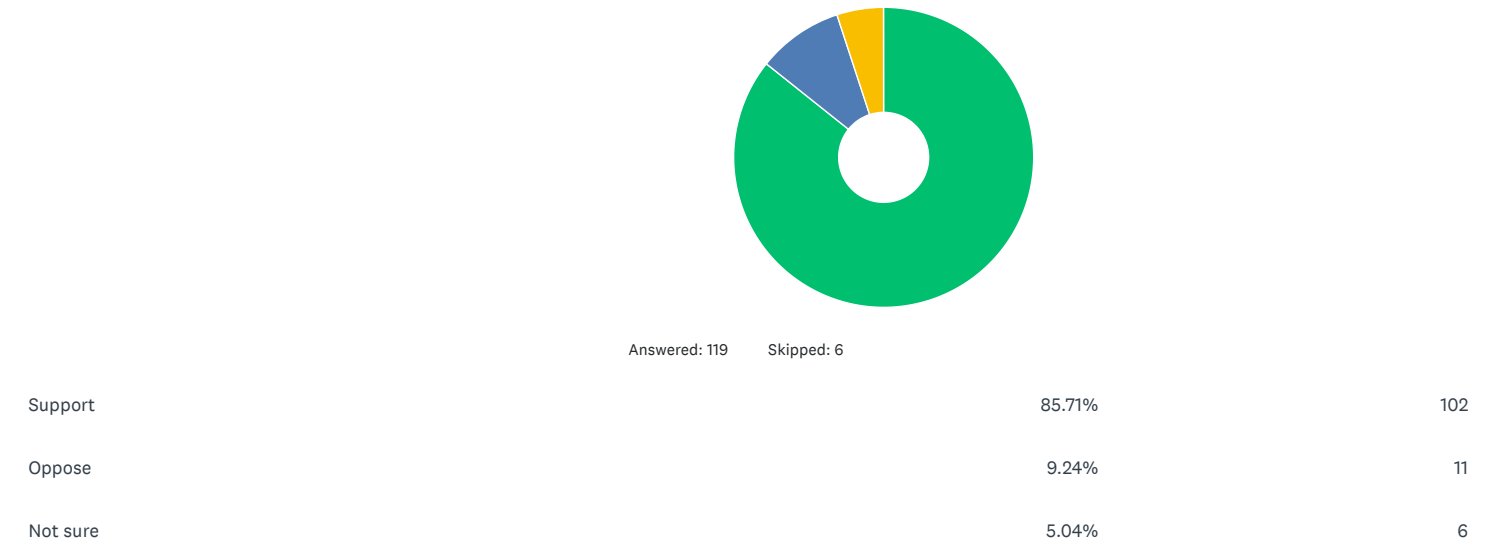
Answered: 120 Skipped: 5

Not sure

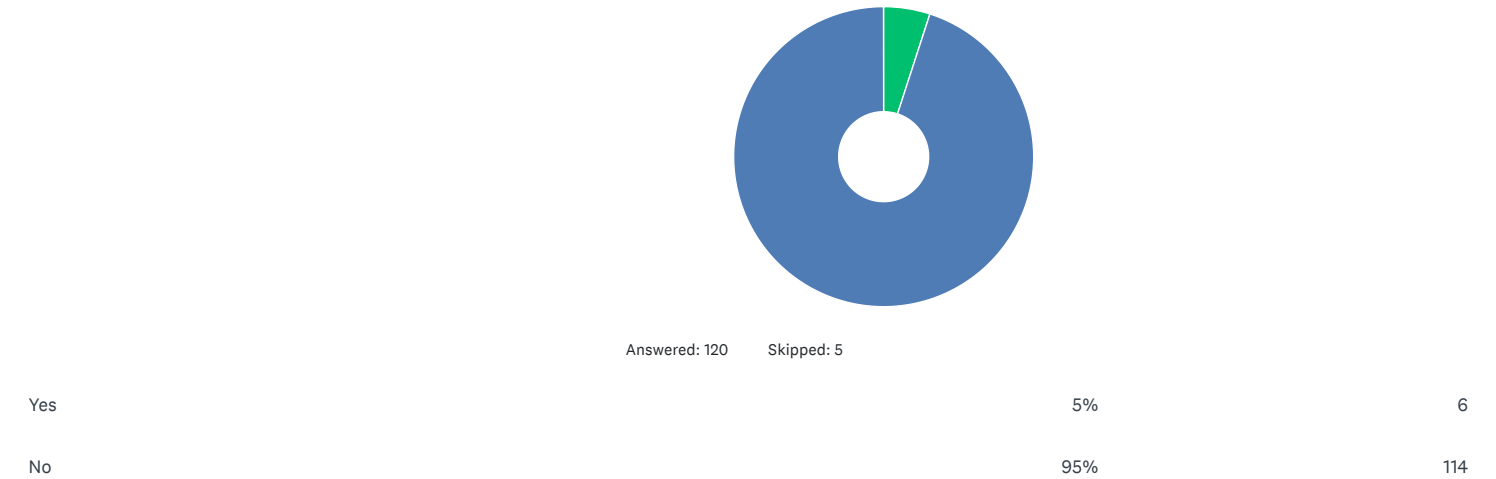
10%

12

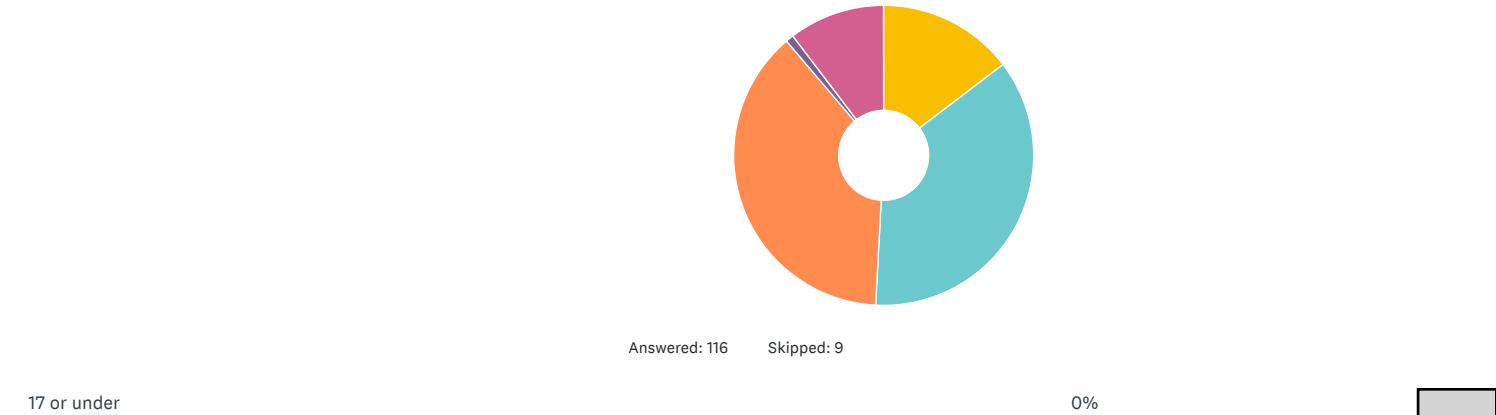
15. Would you support or oppose a law requiring store owners to purchase a local license to sell tobacco? The license fees would cover the cost of checking whether stores follow tobacco laws.



16. Do you smoke cigarettes, e-cigarettes, cigars, or other tobacco or cannabis products?



17. What is your age?

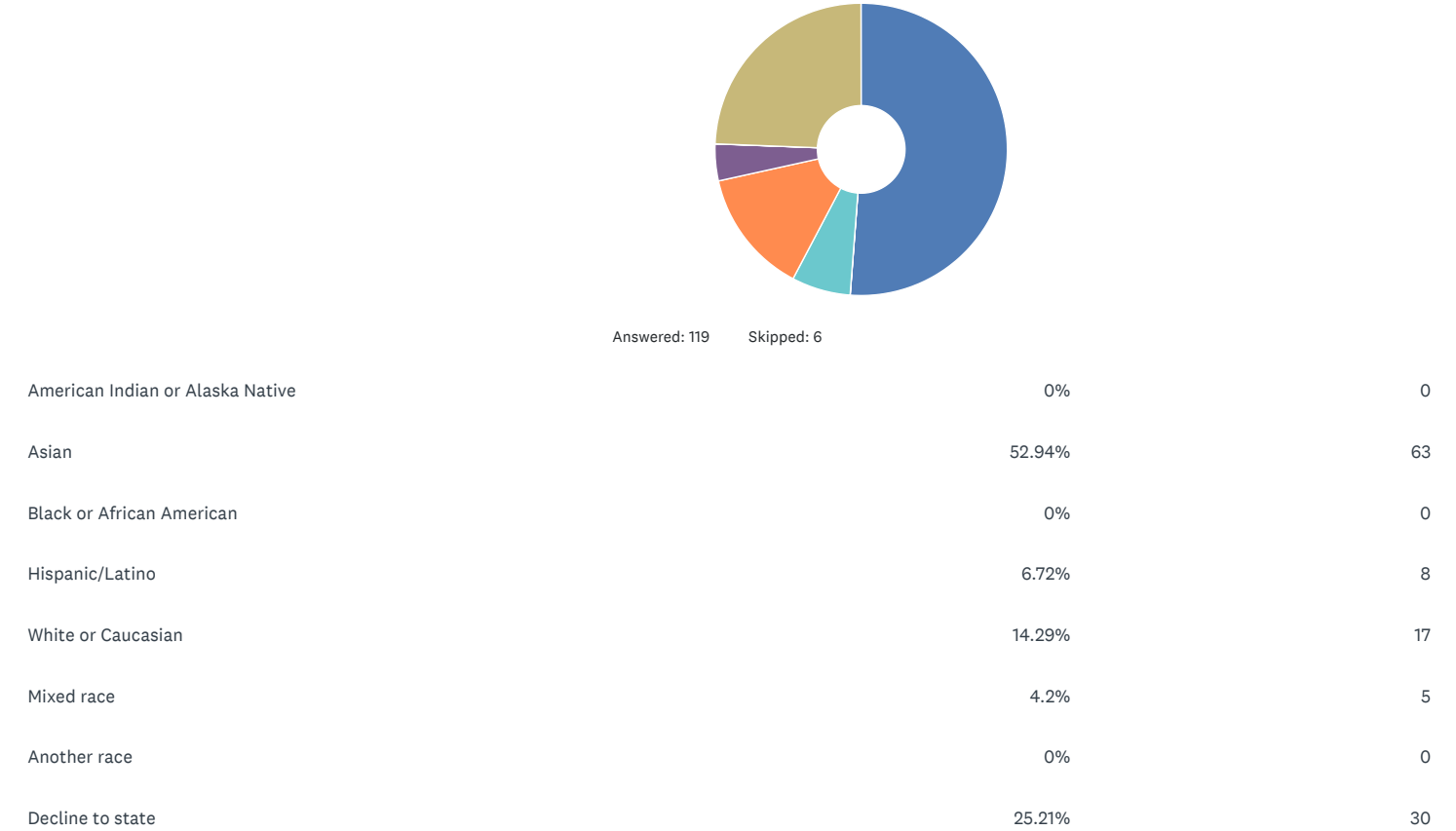


←

Analyze

20-34	14.00%	17
35-44	36.21%	42
45-54	37.93%	44
55-64	0.86%	1
65+	10.34%	12

18. What category best describes your race/ethnicity? (Check all that apply.)



19. Do you have any additional comments?

Responses	30
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Responses

Ban smoking in parking lots within 25 ft of customers cars.

18 days ago

In the public park, is it possible to put sign "No Smoking" specially in the parking area near residential area? We smell the tobacco smoke at lunch and dinner time. Thank you

a month ago

No

a month ago

Teachers, superintendent, school workers, and parents should not smoke of any kind as an example to young generations. They should not support those business for own finance as it tells the young generations that it's ok to smoke.

a month ago

Really troubled with neighbor smoking in their balcony in multi unit community. The smoke comes to our kitchen dining area when we eat food. There are many kids playing around while the person smokes

a month ago

Support policy to make Milpitas a city free from secondhand smoke of tobacco and cannabis products!

a month ago

I smoke CBD products for my ptsd that has no smell or harm on people around me. At least 5 times a day I am hit with the cigarette smoke smell from my neighbor. Sometimes he will be smoking in our walk way and I'll wait for him to move to get out of my car.

a month ago

I don't think people should be able to walk any residential area smoking. For example, if my neighbor (nonsmoker) has a party and their friend wants to smoke, that friend goes outside to smoke often times walking around in front of other houses with kids playing outside. They should not be able to do this, if they want to smoke they can sit in their car with the windows up and enjoy it all for themselves.

a month ago

This the dumbest survey ever, you can live in a single family home and still answer questions about living multi unit complex.



Responses

we should allow Cannabis sales, and make both Cannabis and tobacco be sold ONLY in those stores [like ABC stores in other regions]

a month ago

No weeds smoking that if the odor smelled by others !

a month ago

We don't want any kind of smoke products appear in Milpitas. Neither in store nor on street.

a month ago

Ban the sales of marijuana and flavored tobacco in Milpitas to keep a healthy Milpitas.

a month ago

I oppose any tobacco/marijuana cannabis businesses running in our city. We don't need dirty money to run our Milpitas city. A city with good name will generate good businesses and good home buyers. Bad name attract bad businesses and bad residents. Please stop this endless pushing for cannabis in our Milpitas city. Our job is to protect the city. Don't you agree?

a month ago

I support NO Smoking policy in Milpitas

a month ago

How to protect the residents in single family house from the second hand smoking from neighbors?

a month ago

I request to keep our city clean and free from secondhand smoke (either from tobacco or marijuana products) as Milpitas already badly suffered from the odor of the Landfill !

a month ago

question 17 does not have an answer for anyone between the age of 55-64, the age group I am in.

a month ago



Responses

two or three times a week. This makes me very distressed.
a month ago

No drug in Milpitas!

a month ago

No

a month ago

no

a month ago

Many neighbors smoke in their back yard.

a month ago

Smoking is bad for your health. it increases lung cancer risks...

a month ago

Focus on running the city, the City of Milpitas should not be regulating what type of tobacco adults smoke.

a month ago

Smoking in Schools is already prohibited although no to little enforcement. Bathrooms are a popular area for students to vape and smoke yet Administration is not handling the issue effectively.

a month ago

Ban and enforcement of tobacco use anywhere on a school premises, including parking lots and adjoining 25-ft perimeter.

a month ago

Neighboring multi family units near our street of single family homes and neighbors that smoke outside their homes especially at night are concerning, when during summer months we keep our windows open.



Responses

If restrictions go into place, it will be hard to enforce.

a month ago

With kids under 18 in neighbours should be ban marijuana smoking in surrounding area.

a month ago

Jay Lee

ATTACHMENT C

From: Planning Department
Sent: Monday, November 2, 2020 8:01 AM
To: Jay Lee
Subject: FW: [BULK] Comment for no-smoking policy
Importance: Low

From: Dilnavaz Bamboat [REDACTED]
Sent: Saturday, October 31, 2020 10:04 PM
To: Planning Department <planningdepartment@ci.milpitas.ca.gov>
Cc: abhishek vanamali [REDACTED]
Subject: [BULK] Comment for no-smoking policy
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

We are residents of the SoMont condo community in Milpitas, at the corner of Montague Expy and E. Capitol Ave, and we wish to express our wholehearted support of the City of Milpitas' no-smoking policy in multi-unit buildings, especially residences like condominiums and apartments.

Smoking is widely known to have health consequences for smokers themselves, but what is less acknowledged is the effect it has on unwitting second and third hand smokers, who, for no fault of their own, have to suffer from poor air quality and respiratory issues caused by smoking. Currently, there is no such rule in place in our city, which makes smokers resistant to accommodating their neighbors' health concerns.

In our own community, we have cases of smoking residents not being considerate to the needs of others affected by the smoke. As parents of young children, this concerns us greatly, and we worry for their health and well-being.

Please go ahead and finalize this policy at the earliest, and do share with us how the city plans to handle violations. Our right to clean air should not have to depend on the whims and poor choices of a few.

We are reachable at this email address for any further discussion, and our address is shared below.

Thank you and best wishes,

Dilnavaz Bamboat and Abhishek Vanamali

[REDACTED]

Jay Lee

From: Planning Department
Sent: Monday, November 2, 2020 8:01 AM
To: Jay Lee
Subject: FW: [BULK] Comment for No-Smoking Policy

Importance: Low

Good morning Jay –

This one is for you.

Cheers,
Liz

From: Neha Bhayana [REDACTED]
Sent: Saturday, October 31, 2020 9:34 PM
To: Planning Department <planningdepartment@ci.milpitas.ca.gov>
Subject: [BULK] Comment for No-Smoking Policy
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Please implement **no smoking policy for multi unit residences.**

People in such living conditions should not be allowed to smoke near building, in their patios or other common areas as this is a HUGE HEALTH HAZARD for non-smokers. Consider the following example - someone on level 2 smokes on their patio, directly impacting neighbors sideways and on level 3. It's hard to breathe as the smoke usually travels up and based on the wind can move in any direction.

Thanks,
Neha
Resident in city of Milpitas

Jay Lee

From: Planning Department
Sent: Monday, November 2, 2020 8:02 AM
To: Jay Lee
Subject: FW: [BULK] No-smoking policies comment

Importance: Low

-----Original Message-----

From: Refiny Redzuan [REDACTED]
Sent: Saturday, October 31, 2020 11:05 PM
To: Planning Department <planningdepartment@ci.milpitas.ca.gov>
Subject: [BULK] No-smoking policies comment
Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

We are a family with a young child living in the Somont community located at the corner of Montague Expressway and E Capitol Ave.

We strongly support the City of Milpitas on no-smoking policy in multi-unit buildings. Our community members have experienced the second hand smoker effects in our neighborhood even though they are in their own private patio. The smoking from neighbors has caused unpleasant consequences in our community due to the effect that there is no law to enforce no-smoking rule.

Apartments in other cities have enforced the rule of no smoking in their compound including in the units and we would like this rule to be mandated across other multi-unit buildings in Milpitas as well.

Please help us to stay healthy and have access to the fresh air without worrying about secondhand smoker effect.

Thank you!

Refiny Redzuan

Jay Lee

From: Planning Department
Sent: Friday, October 2, 2020 8:27 AM
To: Jay Lee
Subject: FW: Comment for No-Smoking Policy

From: Perminder Tumber [REDACTED]
Sent: Thursday, October 1, 2020 2:05 PM
To: Planning Department <planningdepartment@ci.milpitas.ca.gov>
Subject: Comment for No-Smoking Policy

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,

I am all for No-smoking policy for all multi-unit housing. I would go further and ask Milpitas to consider a city wide no-smoking policy. It is imperative the city of Milpitas consider the public good and ban smoking wherever possible within the city limits.

Regards,
Perminder Tumber

Sent from [Mail](#) for Windows 10

Jay Lee

From: Planning Department
Sent: Monday, November 2, 2020 8:01 AM
To: Jay Lee
Subject: FW: Comment for No-Smoking Policy

-----Original Message-----

From: Chang Nelson [REDACTED]
Sent: Saturday, October 31, 2020 9:55 PM
To: Planning Department <planningdepartment@ci.milpitas.ca.gov>
Subject: Comment for No-Smoking Policy

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

My vote is no. It would be unfair if I cannot even smoke at my own property.

Sent from my iPhone

Jay Lee

From: Planning Department
Sent: Tuesday, September 29, 2020 1:11 PM
To: Jay Lee
Subject: FW: No Smoking Policy

-----Original Message-----

From: Truong Nguyen [REDACTED]
Sent: Tuesday, September 29, 2020 12:56 PM
To: Planning Department <planningdepartment@ci.milpitas.ca.gov>
Subject: No Smoking Policy

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

I would like no smoking policy.

Sent from my iPhone

Jay Lee

From: Matt Wang [REDACTED]
Sent: Tuesday, November 3, 2020 4:03 PM
To: Jay Lee
Subject: Second hand smoke - Milpitas

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Jay,

Hope you are doing well.

I have a question on second hand smoke and hopefully you are the right contact as I found your information on City of Milpitas website.

I live in a single family house in Milpitas. My two young kids keep complaining about cigarettes smoking coming from my neighbor and we constantly smell the secondhand smoke inside and outside of the house.

I have spoken to the neighbor multiple times on the secondhand smoke but he is reluctant to make any change.

I am very concerned about my family's well beings. Will there be any new policies to limit secondhand exposure and how? Would there be any punitive measures?

Any information is much appreciated.

Best Regards,
Matt

Sent from my iPhone



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee
Category:	Reports of Mayor and Councilmembers
Meeting Date:	3/16/2021
Staff Contact:	Mayor Rich Tran, 408-586-3029
Recommendation:	Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee for 3-year terms to expire in March 2024

Background:

On August 4, 2020 the Milpitas City Council unanimously placed Measure F – the City of Milpitas Public Services Measure – on the November ballot for voter consideration. As part of the November 3rd General Election, voters approved Measure F with 60.36% of ballots cast supporting the local sales tax. The Measure enacted a ¼ cent sales tax for 8 years. Measure F funds will help maintain the City's finances and prevent reductions to vital City public safety, youth, senior and other services.

On October 6, 2020, consistent with Measure F, the City Council adopted a resolution to establish the Measure F Oversight Committee (Committee) subject to voter approval of the measure. The Committee members of the seven-member advisory body with two alternate members may serve on the Committee for up to a maximum of three three-year terms. Members of the Committee are required to be residents of our City and it is preferred they possess areas of expertise and/or are advocates for (1) Business and/or residential community; (2) Municipal or governmental services operations; and/or (3) Municipal finance, taxation, budgeting, and/or accounting.

On January 11, staff launched an outreach campaign to solicit applications from residents to serve on the Committee. The call for applications was prominently displayed on the landing page of the City's website and advertised through the City's social media channels. Additionally, the City Manager contacted commissioners and community leaders asking them to serve on the Committee or referring the opportunity to serve to other qualified candidates. The application period closed on February 8.

Analysis:

Prior to the Council Meeting, Mayor Tran's recommendations for committee and alternate committee members will be attached to this report.

Recommendation:

Per Mayor's Recommendations, Appoint Seven Members and Two Alternate Members to the Measure F Oversight Committee for 3-year terms to expire in March 2024

Attachments:

Bylaw Addendum Measure F Oversight Committee
List of Proposed Committee and Alternate Committee Members

CITY OF MILPITAS
COMMISSION BYLAWS
Addendum: Measure F Oversight Committee

The Measure F Oversight Committee was established by the Milpitas City Council on October 6, 2020 subject to voter approval on November 3, 2020 of Measure F, a ¼ cent Sales Tax Measure with a sunset of the tax in eight years.

Advisory Area

This Committee advises the Council by Committee motion regarding staff recommendations, a report furnished and approved by the Committee, and/or at a City Council meeting:

- Annually, as part of the development of the budget, review the projected revenues and recommended expenditures for the funds generated by Measure F
- Annually, after the end of the Fiscal Year review status of programs and services, funded wholly or partially with proceeds from Measure F
- Receive annual presentations from the City's sales and use tax consultant and the City's independent financial auditor.

Membership

While not required, it is preferred that Members of the Measure F Oversight Committee possess the following areas of expertise and/or are advocates for:

- Business and/or residential community
- Municipal or governmental services operations
- Municipal finance, taxation, budgeting, and/or accounting

Meetings

The Measure F Oversight Committee shall hold quarterly meetings the 3rd Wednesdays of March, June, September, and December at 7:00 PM at the Committee Conference Room in City Hall, or at another designated location.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Recommendations from Mayor Tran for Appointments for City Commissions
Category:	Reports of Mayor and Councilmembers
Meeting Date:	3/16/2021
Staff Contact:	Mayor Tran, 408- 586-3029
Recommendation:	Recommendation: Receive Mayor Tran's recommendations for the City Commissions and approve the recommendations for final appointment by the Mayor.

Background:

The City of Milpitas has 12 Commissions, with the members appointed by the Mayor and confirmed by the City Council, that advise the Milpitas elected officials on a variety of community interest and policy areas. Mayor Tran is making the following recommendations for new appointments to Commissions and removal of two Commissioners.

Arts Commission

1. Newly appoint Sukhpreet Badesh to serve as a commissioner with a term to expire in October 2023.
2. Newly appoint Melissa Tan to serve as a student representative.

Library and Education Advisory Commission

Newly appoint Rekha Pardeshi to serve as alternate 2 with a term to expire in June 2021.

Analysis:

Any resident interested in serving on a City Commission must submit a commission application to the City. Additionally, appointees to the Planning Commission must be registered voters in Milpitas and may not hold any other public office or employment in the government of the City of Milpitas.

The City Clerk's Office confirms each applicant's residency and current voter registration (if applicable). All recommended commissioner appointments have been reviewed and confirmed by the City Clerk's office.

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Veterans Commission, Energy & Environmental Sustainability Commission, and Community Advisory Commission; and approve recommendation of two removals by the Mayor for the Parks, Recreation, and Cultural Resources Commission.

Attachments:

All current applications on file:

- Arts Commission
- Library and Education Advisory Commission

COMMISSION/COMMITTEE APPLYING FOR:

Arts Commission

City Clerk's Office

Name

Sukhpreet Badesha

Address Type

Residence

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**JAN 12 2021
RECEIVED**Occupation**

Registered Behavior Technician

Education: If Youth Advisory Commission applicant, indicate your grade/school:

BS in Biology

College, Professional, Vocational, or other schools attended

University of California Riverside

Major Subject

Biology

Degree

Bachelors in Science

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

Milpitas Singh Sabha

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).**Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

I have been a Milpitas resident for my entire life. I represent both a new generation of great minds and and the voice of the Punjabi community in Milpitas. With my cultural background and determination I am looking to contribute to the diversity that makes our city great!

Date

Jan 11, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

* student
non-voting

COMMISSION APPLYING FOR:

Arts Commission

Name

Melissa H Tan

Address Type

Residence

Address

City

Milpitas

Postal/Zip Code

95035

Mobile Number

E-Mail Address

City Clerk's Office

NOV 10 2020

RECEIVED

Present Employer

None

Business Address (Optional)

None

City

None

Postal / Zip code

None

Occupation

None

Education: If Youth Advisory Commission applicant, indicate your grade/school:

Milpitas High School, 12th

College, Professional, Vocational, or other schools attended

None

Major Subject

None

Degree

None

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization

Tzu Chi

Member

Member/Volunteer

Name of Organization

Second Harvest

Member

Volunteer

Name of Organization

IDOT (Milpitas chapter)

Member

Chapter President

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Branch of Military

None

Officer

None

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

President and founder of heART, a nonprofit dedicated to giving back with art

Discussing extracurricular activities with Commissioner John Agg and MUSD elementary schools.

President of IDOT, a nonprofit dedicated to teaching design and its concepts

Former employee at Paintilicious Art Studio; taught children ages 8-13 different art forms; discontinued due to COVID-19

Took AP Art Studio in 10th grade

6 years of art classes; "graduated" in 9th grade

10 years of piano classes; State and county honors

Piano and music theory tutor

Cello in school orchestra for 4 years

Date

Nov 09, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

A handwritten signature in black ink, appearing to be 'D. Miller', written in a cursive style.

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION/COMMITTEE APPLYING FOR: Library and Education Commission

Name Rekha Pardeshi

Address Type Residence

Address

City Milpitas

Postal/Zip Code 95035

Mobile Number

E-Mail Address

City Clerk's Office
FEB 12 2021
RECEIVED

Present Employer Stratford Schools /Spring Education Group

Other Phone (510) 438-9745

Business Address (Optional) 890 Pomeroy Ave

City Santa Clara

Postal / Zip code 94087

Occupation Curricular Development Lead/ Faculty Trainer/ Teacher

College, Professional, Vocational, or other schools attended Bombay University, De Anza College

Major Subject Hist /English

Degree MA, M.ED, ECE, (RE)

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Fremont Union High School Foundation

Member Served as Vice President/Now as visting Board Member

Name of Organization Western Association of School and Colleges

Member Accrediting Visting Committee Member

Name of Organization Khan Academy

Member Pilot Program

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Application to serve on the Library and Education Commission

Milpitas is growing rapidly, and I would like to have an opportunity to be part of this dynamic growth by contributing back. Milpitas is my home. It is also the place where I own a business, therefore, its growth and well-being are extremely important to me. I am applying for the position to serve on the Library and Education Commission. This is an exciting and unique time in the field of education, and libraries are directly linked to bringing education at all ages to its residents. I have served as an educator since 1987, across three continents, and I have taught students and trained teachers Pre-school to college level. I would very much appreciate the opportunity to serve as a member on the Library and Education Advisory Commission, Milpitas.

The diversity of Bay Area is well reflected in Milpitas. While serving on the commission, I will ensure that this diversity is well reflected and we are inclusive of all. Over the years, I have moved from being in a traditional school to a 21st century school. Digital media has changed how teachers, students, and all concerned shareholders interact and collaborate. As part of my job as an educator, I have piloted and given feedback for numerous programs and curriculums; some traditional and others technology based and geared to the new learning methods. I have been part of several popular pilot programs such as Khan Academy, Newsela, and several others. I believe I will be a good fit for the position, hence, I am taking the initiative of writing this letter to show my interest to serve the City of Milpitas.

In addition to my strong training and experience in a school, I have been fortunate to gather some other experiences in the field of education. I serve as a WASC visiting committee member and visit schools to accredit them. During my visits to other schools, I get to

learn how other organizations and schools' function and bring back that knowledge to my own organizations. Serving initially as a Board Member, and then as a Vice-President for the Fremont Union High School Foundation, my job entailed making decisions on what programs are important to the schools in Cupertino and which programs we should help fund for the District. This was a position where I got to work closely with the Superintendent of the School District and the Principals of all the five high schools in Cupertino, to make decisions that benefit the students and faculty the most. This is a skill set that I can transfer to my position as a serving member on the Library and Education Commission.

Thank you for considering me for the position.

Sincerely,

Rekha Pardeshi

Date

Feb 12, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Rekha Pardeshi

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Name Sreedevi Krishnan Sreepada
Address Type Residence
Address [REDACTED]
City Milpitas
Postal/Zip Code 95035
Mobile Number [REDACTED]
E-Mail Address [REDACTED]

City Clerk's Office
SEP 17 2020
RECEIVED

Present Employer Virtual Power Systems
Business Address (Optional) 691, S.Milpitas Blvd, Suite 113
City Milpitas
Postal / Zip code 95035

Occupation Director, Business Operations
College, Professional, Vocational, or other schools attended University of San Francisco
Major Subject Organization Development
Degree MS

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization Curtner PTA
Member Former President

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

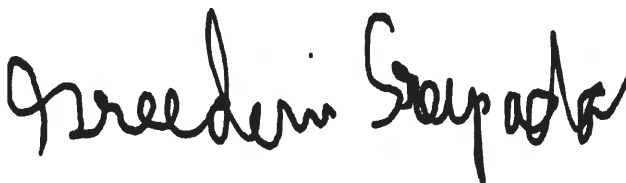
Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

As a former President of Curtner PTA, one arching goal under my leadership was facilitating reading and access to books through our school library through fund raising and volunteer efforts. It is important for every child to be able to read and have access to material. Our Milpitas library is a great source for its residents and it would be a great privilege to serve as a Commissioner in the Library and Education Commission.

Thank you
Devi Sreepada

Date Sep 08, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

COMMISSION/COMMITTEE APPLYING FOR:

Library and Education Commission

Name

Lanhai Su

Address**City**

Milpitas

Postal/Zip Code

95035

Mobile Number**E-Mail Address**

City Clerk's Office
FEB 26 2021
RECEIVED

Present Employer

JIANYI INVESTMENT DEVELOPMENT INC.

Business Address (Optional)

4500 GREAT AMERICAN PKWY

City

SANTA CLARA

Postal / Zip code

94054

Occupation

General Manager

Education: If Youth Advisory Commission applicant, indicate your grade/school:

Master

College, Professional, Vocational, or other schools attended

United States

Major Subject

English/MBA

Degree

Master

List community organizations to which you belong or have belonged (additional information may be attached).**If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).****Date**

Feb 24, 2021

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION/COMMITTEE APPLYING FOR: Library and Education Commission

Name Maria Vargas

Address Type Residence

Address

City Milpitas

Postal/Zip Code 95035

Mobile Number

E-Mail Address

Present Employer retired

Occupation Retired Teacher

Education: If Youth Advisory Commission applicant, indicate your grade/school: MBA

College, Professional, Vocational, or other schools attended Université Paris Dauphine / Oklahoma State University / National Hispanic University

Major Subject Business Administration / Economics / Teaching credential

Degree MBA - BA

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization California Teachers Association

Name of Organization Silicon Valley Latino

Name of Organization Asian Pacific Alliance (APALI)

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I am a former foreign language teacher with 15 years of experience.

I also have a background in business administration at the corporate level.

I believe in education as a tool for self-improvement both socially and economically and would like to contribute to the betterment of the Education Commission for the city of Milpitas, where I am a resident since 2012.

Date Feb 25, 2021

City Clerk's Office

FEB 26 2021

RECEIVED

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Maria Vargas

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

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:
2021					
	Requested that the City provide a second round of small business grants using CDBG funds to help the small business community.	Montano	A	3/2/2021	
	City Manager to provide a monthly progress report on homeless camp assessments, in a format similar to the one presented at the Council meeting	Chua	A	3/2/2021	
	Discussion to memorialize those that have passed due to COVID19 and acknowledge the lives that have been lost in the City of Milpitas	Dominguez	A	3/2/2021	
	Discussion to explore opportunity housing and prohibit single family zoning	Phan	A	2/16/2021	

2021	TOPICS SCHEDULED OR COMPLETED				
	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
	Agendize a discussion on the distribution of vaccines, looking equity and ethnicity and consider drafting a letter to the County	Dominguez	A	2/16/2021	Agendized for discussion on 3/16/2021
	Consider change in Commission structure, on term limits	Tran	A	12/15/2020	Agendized for discussion on 1/5/2021; approved update on 1/19/2021
	Performance Evaluation (Contract) of City Attorney	Tran	A	1/5/2021	2/2/2021 closed session item

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Allocation of \$50,00 Fund toward Hotel Vouchers for Homeless Residents during Cold Winter Months	Chua		2/2/2021	Agendize on 2/16/2021 for discussion; was not approved
	Update on trash problems in homeless camps	Chua	A	1/19/2021	Info memo was sent on 1/24/2021
	BMR Homes sub-lease option during COVID-19	Chua	A	1/19/2021	CAO will send Info Memo in late Feburary/early March
	Vaccine distribution plan - add testing locations and expedite mass vaccine distribution	Phan	A	1/19/2021	Info Memo will be sent to Council in March
	Emergency power resources during COVID-19	Phan	A	1/19/2021	Information will be prepared for Council in April
	PG&E power outage plans for City	Tran	A	1/19/2021	PG&E will provide an update to Council on 3/16/2021
	Discuss impacts fees for Midtown	Montano	CCM	1/5/2021	Info Memo to Council in March
	Update on planning grant for ADU marketing.	Chua	A	1/5/2021	Target date: 4/6/2021
	Establish "ADU Mondays"	Chua	A	1/5/2021	Completed
	Amend Accessory Dwelling Units (ADU) ordinance to address unpermitted ADUs	Chua	A	1/5/2021	Target date: 3/16/2021
	Update "My Milpitas" App for COVID-19 information	Phan	A	1/5/2021	Completed
	Postponement (not waiver) of City business fees towards spring.	Tran	A	1/5/2021	Approved on 2/16/2021
	Expedite process for Measure F Oversight Committee	Chua	A	12/15/2020	Agendized on 2/16/2021; 3/2/2021
	Report from staff on 2nd federal stimulus package - action plan on funds	Chua	A	12/15/2020	Info Memo was sent on 12/23/2020
	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	A	12/15/2020	Info Memo to Council in March
	Amend ordinance to remove affordable housing in-lieu fee	Chua	A	12/15/2020	Agendized on 1/5/21, CC direction to agendize for further meeting
	Plan to put utility fines into a fund to help small businesses in the City	Montano	A	12/15/2020	Discussed on at 2/2 Council meeting
	Consider "Old Town" Main St. revitalization, funding, economic dev., improve area	Montano	A	12/15/2020	Info Memo to Council in March

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Ordinance to ban vaping in the City	Montano	A	12/15/2020	Info Memo to Council in March
	Economic Development Corporation (EDC)	Montano	A	12/15/2020 and 01/05/2021	Info Memo to Council in March
	Form a Homelessness Task Force	Tran	A	12/15/2020	Agendized for discussion on 1/5/2021; CC direction to agendize the formation for further discussion at a future Meeting
	Review City policy on speed bumps	Tran	A	12/15/2020	Subcommittee on 2/12

	TOPICS DEFERRED INDEFINITELY				
	Return of Worker Recall Protection	Dominguez	A	1/19/2021	2/2/2021 deferred indefinitely
	Revise Community Garden Strategy	Dominguez	A	1/5/2021	2/2/2021 deferred indefinitely
	Pollination protection	Dominguez	A	1/5/2021	2/2/2021 deferred indefinitely
	Schedule and host a "Milpitas Business Expo" in late 2021	Chua	A	12/15/2020	2/2/2021 deferred indefinitely
	Propose building height limits in area east of Milpitas Blvd.	Tran	A	12/15/2020	2/2/2021 deferred indefinitely
	Consider satellite consular offices (post Covid)	Montano	A	6/2/2020	2/2/2021 deferred indefinitely

2020	TOPICS SCHEDULED OR COMPLETED				
	Discussion of Minute Man as City's image, when City branding comes back	Phan	A	8/18/2020	Discuss when report on "Branding" is on CC agenda in 2021
	Consider adding state certification NEC for electrical work done in the City (safety)	Dominguez	A	6/30/2020	Unnecessary (staff is cert.)
	Establish a Day Worker Program	Montano	A	6/16/2020	Mayor & Vice Mayor brainstorm in future

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Form a Historical Commission	Montano	A	6/2/2020	Already part of PRCRC. Can discuss with all Commissions on 01-05-2021
	Mayor shall recommend a Milpitas resident to serve on VTA Bike Committee	Dominguez	A	11/17/2020	12/15/20: resident Kristal Caidoy appointed to VTA BPAC
	Vote on County 2020-2025 Plan to end Homelessness	Dominguez	A	11/17/2020	12/1/20 adopted Resolution in support
	Revisit contract provisions of executive staff (CM + CA) best working environment	Phan	A	11/10/2020	Discussed @Closed Session 11/17/2020
	Revisit CC Housing Subcommittee, consider dismantling ; bring items to Council	Dominguez	A	11/10/2020	12/01/20: Did not vote to eliminate Subcommittee
	Discuss a "safety first" or other event in lieu of National Night Out (per CAC)	Phan (Nuñez)	A	10/20/2020	Dec. 15: for 2021 @Public Safety month, new Police Chief
	Emergency request to cap rents on small businesses (tenants) in Milpitas	Dominguez	A	10/6/2020	On 12/01/20. Not supported
	Opportunity to share ideas for US census & on City "sponsored" events	Dominguez	A	9/1/2020	12/01: remove census topic, move events to CC retreat 2021
	Bring back update report & discuss status of playing fields for girls' softball in Milp.	Dominguez	A	10/20/2020	To City/Schools Subcomm. then CC. See C. Montano 10/14 Bobby Sox softball to Econ. Dev. Commission first.
	Consider naming "Milpitas Hills"	Dominguez	A	10/20/2020	Return later to City Council
	Discuss budget reductions in next FY with input from residents, employees	Nuñez	A	10/6/2020	on 10/20/2020, to 11/10, 11/17
	Discuss potential litigation - re: govts' action on Jamboree-Project Homekey	Tran	A	10/6/2020	multiple Closed Sessions - Oct. 2020
	Resolution on financial status of the City, steps to be taken	Nuñez	A	8/18/2020	Resolution adopted 9/01/2020
	Require implicit bias training for City Council, Commissioners & staff	Dominguez	A	6/16/2020	approved 8/18/2020
	Read "Code of Conduct" aloud prior to each City Council meeting	Montano	A	6/2/2020	approved 8/18/2020. City Attorney began this practice 9/01/20
	Discussion/staff report on Beautify Milpitas, graffiti abatement, resources	Montano	A	6/30/2020	8/18/20: Directed to staff develop program requiring min. staff resource & return to CC
	Celebrate Mexican Independence Day annually on September 16	Montano	A	6/2/2020	approved on consent 8/18/2020

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Consider change in term limits for Mayor + Councilmembers	Montano	A	6/16/2020	8/4/2020: Voted 3 -2 to pursue	
	Discussion of campaign finance reform and/or Open Government Ordinance	Phan	A	6/30/2020	withdrawn @8/4/2020 CC meeting	
	Community Workforce Agreement (PLA)	Nuñez	A	2/18/2020	find CIP projects to apply & work w/labor	
	Responsible Construction Ordinance	Phan	A	2/4/2020	8/4/2020: City Atty shall return with	
	List of city charges/costs that could be waived for small businesses	Dominguez	A	6/16/2020	6/30/2020 info memo	
	Emergency item for next agenda: extend tenant eviction protections	Dominguez	A	6/16/2020	withdrawn, covered by other govt	
	Discussion on possible tax measures	Tran, Phan	A	4/21/2020	5/15/2020	
	Support for Laura's Law	Phan	A	2/4/2020	5/19/2020	
	(possible ban on vaping - no) Restrict smoking in multi-unit bldgs - yes	Montano	A	1/7/2020	Ordinance pending. Discussed 3/03/2020 Affirmed 6/02/2020	
	Resolution in support of elimination of	Dominguez	A	1/7/2020	5/19/20 Reso. Adopted	
	Request for Dumpster Days	Tran	A	1/7/2020	(from 2019) 5/12/2020 in FY 2020-21	
	Adopt Resolution similar to County's re: xenophobia, discrimination	Dominguez	A	4/21/2020	5/5/2020	
	Support community distribution of masks	Dominguez	A	4/7/2020	4/21/2020	
	Proclamation and support for face coverings	Montano	A	4/7/2020	4/21/2020. CC directed City Manager to	
	Establish Milpitas coronavirus testing site	Phan	A	4/7/2020	done	
	Consider Community Museum and Park on Main St.	Nuñez, Phan	F	8/20/2019	to Rules 8/23/2019	3/24 and 6/02/2020. Pending
	Discuss having 4th of July parade	Nuñez	A	2/18/2020	not under discussion	
	Parade for MHS Trojans Football	Tran, City Ma	A	1/21/2020	1/28/2020	
	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	A	1/7/2020	1/28/2020, 3/24/2020, 4/14/2020	
	Street/traffic calming update	Nuñez	A	1/7/2020	3/3/2020	
	Report on parking in The Pines	Nuñez	A	1/7/2020	2/18/2020	

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

	Info. on new SB 50 (housing, transit bill)	Phan	A	1/7/2020	by memo to City Council
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2019	TOPICS SCHEDULED OR COMPLETED				To Rules Subcom	
	Establish Railroad quiet zone	Tran, Montan	F	9/17/2019		report from City Engineer on 11/17/2020
	Have "Dumpster Days"	Tran, Montan	F	9/17/2019	9/20/2019	5/12/2020 in FY 2020-21 budget
	Rename portion of Dixon Landing Rd. as Barack	Nuñez, Phan	F	8/20/2019	8/23/2019	deferred indefinitely
	Maintain Dagupan, P.I. as a Sister City	Tran, Montan	F	9/17/2019	9/20/2019	12/17/2019
	Add Green Bike Lanes	Tran, Montan	F	9/17/2019	9/20/2019	done - in CIP
	Rename Augustine Park to include "Sunnyhills"	Tran, Montan	F	9/17/2019	9/20/2019	2/4/2020
	Community Theater, perhaps with MUSD	Nuñez, Phan	F	8/20/2019	8/23/2019	5/14/2020 @CIP Study Session
	policy for Proclamations and Commendations	Nuñez, Phan	F	8/20/2019	8/23/2019	withdrawn 6/02/2020
	policy for Social Media	Nuñez, Phan	F	8/20/2019	8/23/2019	withdrawn 6/02/2020

CCM: City Council Meeting
A: @Announcements
F: on a Form
CM: to/from City Manager

MILPITAS CITY COUNCIL AGENDA PREVIEW LIST

APRIL 6, 2021

CLOSED SESSION

INVOCATION (assigned to Councilmember Dominguez)

PRESENTATION

CONSENT CALENDAR

1. Receive City Council calendar for April 2021 (City Clerk)
2. Approve City Council meeting minutes of March 16, 2021 (City Clerk)
3. Adopt a Resolution to Approve Project Plans and Specifications; and Award a Construction Contract for Alviso Adobe Renovation, Phase 5 – Interior Exhibits, Project No. 5055. (Steve Erickson)
4. Approve and Authorize the City Manager to Execute an Agreement with David J. Powers for CEQA evaluation, clearance, and permitting for the South Milpitas Boulevard Bridge, Project No. 2016, and the Montague Pedestrian Overcrossing at Penitencia Creek, Project No. 2018. (Steve Erickson)

PUBLIC HEARING

5. Open the Public Hearing and Adopt Resolutions to Approve the 2022-2026 Capital Improvement Program for the City of Milpitas (Steve Erickson)

COMMUNITY DEVELOPMENT

6. ADU Update Presentation (info only)
7. Shared Micro-mobility Presentation (info only)

COMMUNITY SERVICES

8. Approve Montague Pedestrian Overcrossing Public Art Selection (Tegan McLane)

LEADERSHIP

9. Pension 115 Trust (Walter C. Rossmann/Lauren Lai)

REPORTS

10. Review list of Future Agenda Items Requested by City Councilmembers (Mayor & CC/City Clerk)

PREVIEW NEXT AGENDA

11. Preview list of items for April 20, 2021 (City Clerk)