



CITY of BRISBANE

Joint City Council, Successor Agency, Housing Authority, and Guadalupe Valley Municipal Improvement District Meeting Agenda

Thursday, June 16, 2022 at 7:30 PM • Virtual Meeting

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and Councilmembers, while allowing for public participation. The public may address the Council using exclusively remote public comment options. The Council may take action on any item listed in the agenda.

PUBLIC MEETING VIDEOS

Members of the public may view the City Council Meeting by logging into the Zoom Webinar listed below. City Council Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, www.youtube.com/brisbaneca, or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>.

TO ADDRESS THE COUNCIL

The City Council Meeting will be an exclusively virtual meeting. The agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom webinar the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an Item.

Email: ipadilla@brisbaneca.org

Text: 628-219-2922

Join Zoom Webinar: zoom.us (please use the latest version: zoom.us/download)
brisbaneca.org/cc-zoom

Webinar ID: 991 9362 8666

Passcode: 123456

Call In Number: 1 (669) 900 9128

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any writings that are received after the agenda has been posted but before 2 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (www.brisbaneca.org/meetings). Any writings that are received after the agenda has been posted but after 2 p.m. of the day of the meeting will be available on the internet at the start of the meeting (www.brisbaneca.org/meetings), at which time the materials will be distributed to the Council.

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

AWARDS AND PRESENTATIONS

- A. Juneteenth Proclamation

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- B. Approve Sierra Point Landscaping and Lighting District Annual Appointments, Preliminary Approval of Engineer's Report and Intention to Order the Levy and Collection of Assessments
 - 1. Approve Resolution "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2022-2023"
 - 2. Approve Resolution "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2022-2023"
 - 3. Approve Resolution, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2022-2023 - Sierra Point Landscaping and Lighting District"
 - 4. Approve Resolution "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2022-2023 - Sierra Point Landscaping and Lighting District"
- C. Approve Co-sponsorship of Friends of the Brisbane Library's Citywide Yard Sale
- D. Adopt Resolution calling a General Municipal Election to be held on Tuesday, November 8, 2022 and adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified election services
- E. Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public

F. Receive Solid Waste Collection Rate Adjustment

(Councilmembers will receive Recology Brisbane's 2022 rate increase of 6.66%.)

G. Approve a Public Art Committee Request for Proposal to Employ a Consultant to Assist the Committee in Finding and Working with an Artist for Art Work Located at the Community Park Located in the Area between San Francisco Avenue and Old County Road Across from the Village Shopping Center

(Councilmembers will approve a budget of up to \$200,000 for an art installation in the Community Park)

H. Adopt a Resolution approving the Memorandum of Understanding between the City and the Brisbane Fire Management for the term of July 1, 2022 to June 30, 2023

CONTINUED PUBLIC HEARING

I. Consider Approval of Use Permit 2022-UP-2; 1000 Sierra Point Parkway; SP-CRO Sierra Point Commercial District; Use Permit application to allow the use of minipigs in medical research and development (R&D) by Bristol-Myers Squibb in the existing, approximately 9,000 square foot vivarium; Ricardo Garcia, applicant; HCP LS Brisbane LLC, owner

(This public hearing item was continued from the City Council Meeting of May 19, 2022 but will not be heard. The Applicant has made a request to continue the public hearing until the City Council Meeting of September 15, 2022)

PUBLIC HEARING

J. Consider Adoption of Resolutions to approve the budget for Fiscal Year 2022/23
1. Adopt Resolution adopting the annual budget for Fiscal Year 2022-2023 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority
2. Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2022-2023 and making appropriations for the amounts budgeted

K. Consider adoption of Resolution adopting a Master Fee Schedule

NEW BUSINESS

L. Consider adoption of Resolution establishing the Appropriation Limit for Fiscal Year 2022-2023

STAFF REPORTS

M. City Manager's Report on upcoming activities

MAYOR/COUNCIL MATTERS

N. Scheduling Interviews for Committee Applications

O. Select Voting delegate for the Cal Cities' Annual Conference General Assembly on Friday, September 9 in Long Beach, CA

P. Countywide Assignments and Subcommittee Reports

Q. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

File Attachments for Item:

B. Approve Sierra Point Landscaping and Lighting District Annual Appointments, Preliminary Approval of Engineer's Report and Intention to Order the Levy and Collection of Assessments

1. Approve Resolution "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2022-2023"
2. Approve Resolution "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2022-2023"
3. Approve Resolution, "A Resolution of Preliminary Approval of Engineer's Report -Fiscal Year 2022-2023 - Sierra Point Landscaping and Lighting District"
4. Approve Resolution "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2022-2023 - Sierra Point Landscaping and Lighting District"



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Karen Kinser, Deputy Director of Public Works

Subject: Sierra Point Landscape and Lighting District Annual Appointments, Preliminary Approval of Engineer's Report and Intention to Order the Levy and Collection of Assessments

Community Goal/Result

Economic Development

Purpose

To begin the process that will ultimately provide a public hearing to consider imposition of annual tax roll charges that fund Sierra Point's Landscape and Lighting Assessment District, which provides for maintenance of the landscaping, irrigation and lighting installed in 1989.

Recommendation

Adopt the following resolutions:

1. Proposed Resolution, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2022-2023."
2. Proposed Resolution, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2022-2023."
3. Proposed Resolution, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2022-2023 - Sierra Point Landscaping and Lighting District"
4. Proposed Resolution, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2022-2023 - Sierra Point Landscaping and Lighting District"

Background

These four resolutions are part of the required annual process for the Sierra Point Landscaping and Lighting District. In order, they appoint an Attorney and an Engineer of Record for the landscaping and lighting district, preliminarily approve the Engineer's Report (which specifies the work to be completed, the cost of the work, and the proportionate share of the costs within the district for the next fiscal year) and indicate intention to order the levy and collection of assessments for said district.

Discussion

The requested actions begin the annual process that provides funding for the operation and maintenance of the Sierra Point Landscaping and Lighting District. At a later meeting, a Public Hearing will be held to confirm and order the Improvements/Assessments.

If the Council chooses to not approve these Resolutions, then the city will most likely not have a mechanism to collect the assessments which fund the operation and maintenance of the landscaping, irrigation and lighting at Sierra Point.

Fiscal Impact

There is no direct fiscal impact as a result of approving the recommended resolutions; all work to be completed in this phase of the process will be completed by existing staff.

Measure of Success

Approval of the Engineer's Report and confirming the assessments will allow for the ongoing maintenance and improvements of the landscaping, lighting and pathways at Sierra Point.

Attachments

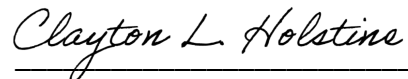
1. Proposed Resolutions (4)
2. Engineer's Report



Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clay Holstine, City Manager

RESOLUTION NO. 2022-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
APPOINTING ATTORNEY FOR THE SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT
FISCAL YEAR 2022-2023**

WHEREAS, the City Council of the City of Brisbane has determined to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in the Sierra Point Landscaping and Lighting District pursuant to the Landscaping and Lighting Act of 1972 for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2022-2023; and

WHEREAS, the public interest and general welfare will be served by appointing and employing an attorney for the preparation and conduct of said proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

Thomas McMorrow, Attorney at Law, or his successor, is hereby appointed and employed to do and perform all legal services required for said proceedings.

Coleen Mackin, Mayor
City of Brisbane

* * * *

I, the undersigned, hereby certify that the foregoing Resolution No. 2022- was adopted at a regular meeting of the City Council of the City of Brisbane on the 16th day of June, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Ingrid Padilla, City Clerk
City of Brisbane

RESOLUTION NO. 2022-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
APPOINTING ENGINEER FOR THE SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT
FISCAL YEAR 2022-2023**

WHEREAS, the City Council of the City of Brisbane has determined to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in the Sierra Point Landscaping and Lighting District, pursuant to the Landscaping and Lighting Act of 1972 for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for fiscal year 2022-2023;

WHEREAS, the public interest and general welfare will be served by appointing and employing an engineer for the preparation and conduct of said proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

Karen A. Kinser, P.E., Deputy Director of Public Works, is hereby appointed and employed as Engineer of Work, employed in order to perform all engineering work necessary in and for said proceedings.

Coleen Mackin, Mayor
City of Brisbane

* * * *

I, the undersigned, hereby certify that the foregoing Resolution No. 2022- was adopted at a regular meeting of the City Council of the City of Brisbane on the 16th day of June, 2022 by the following vote:

AYES:
NOES:
ABSENT:

Ingrid Padilla, City Clerk
City of Brisbane

RESOLUTION NO. 2022-__**RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT
FISCAL YEAR 2022 – 2023****SIERRA POINT LANDSCAPING AND LIGHTING DISTRICT**

RESOLVED, by the City Council of the City of Brisbane, California, that

WHEREAS, the Engineer of Work has prepared and filed with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972;

WHEREAS, under and pursuant to said Act, the report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof should be modified in any respect.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the assessment district or within any zone thereof, contained in said report, be, and they are hereby, preliminarily approved.

2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby, preliminarily approved.

3. That the diagram showing the exterior boundaries of the assessment district referred to and described in said Engineer's Report and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within said district as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, preliminarily approved.

4. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing,

or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.

5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had.

Coleen Mackin, Mayor
City of Brisbane

* * * *

I, the undersigned, hereby certify that the foregoing Resolution No. 2022- was adopted at a regular meeting of the City Council of the City of Brisbane on the 16th day of June, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Ingrid Padilla, City Clerk
City of Brisbane

RESOLUTION NO. 2022-__

**A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION
OF ASSESSMENTS
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
FISCAL YEAR 2022-2023**

SIERRA POINT LANDSCAPING AND LIGHTING DISTRICT

RESOLVED, by the City Council of the City of Brisbane, California, as follows:

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972, the Engineer of Work of said City has prepared and filed with the Clerk of this City the written report, which said submitted report has been preliminarily approved by this Council in accordance with said Act;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. In its opinion the public interest and convenience require and it is the intention of this Council to order the levy and collection of assessments for Fiscal Year 2022-2023 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as Sierra Point Landscaping and Lighting District, the exterior boundaries of which district are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said district.

3. Said Engineer's Report prepared by the Engineer of Work of said City, preliminarily approved by this Council, and on file with the Clerk of this City is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

4. Notice is hereby given that on July 14, 2022, or as soon thereafter as the matter may be heard, at the Brisbane Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane, California, the City Council shall convene and hold a public

meeting to receive public testimony with respect to said assessments, pursuant to Government Code Section 59954.6. The City Clerk is authorized to cause publication of notice of said public meeting pursuant to Government Code 6063 and to mail such notice by first-class mail to the owners of the property to be assessed as shown by the last equalized assessment roll said notice shall contain the information as specified by Government Code Section 54954.6 (C)(2).

5. Notice is hereby given that on July 14, 2022, or as soon thereafter as the matter may be heard, at the Brisbane Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane, California, be and the same are hereby appointed and fixed as the time and place for a hearing by this Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the San Mateo Times, a newspaper published and circulated in San Mateo County, there being no newspaper published in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The office of the City Manager of said City is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein and may be contacted during regular office hours at City Hall, 50 Park Place, Brisbane, California 94005 or by calling (415) 508-2110.

Coleen Mackin, Mayor
City of Brisbane

* * * *

I, the undersigned, hereby certify that the foregoing Resolution No. 2022- was adopted at a regular meeting of the City Council of the City of Brisbane on the 16th day of June, 2022 by the following vote:

AYES:
NOES:
ABSENT:

Ingrid Padilla, City Clerk
City of Brisbane

EXHIBIT “A” to Resolution No. 2022-__

Description of District Purpose

**SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT**

- a) The construction or installation, including the maintenance or servicing, or both, thereof, of public landscaping, including irrigation, trees, shrubs, grass, or other vegetation.
- b) The construction or installation, including the maintenance or servicing, or both, thereof, of public lighting facilities, including standards, poles and electric current or energy.

CITY OF BRISBANE

SIERRA POINT

LANDSCAPING AND LIGHTING DISTRICT

ENGINEER'S REPORT

on the
Levy of an Assessment
for the
2022 - 2023 Fiscal Year

Prepared by

Karen Kinser, P.E.
Deputy Director of Public Works

June 6, 2022

I. BACKGROUND

In 1983, the Brisbane City Council determined to undertake proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled “Landscaping and Lighting Act of 1972”, for the formation of an assessment district for the purpose of constructing, installing, maintaining and servicing the following facilities within said district:

- a) Public landscaping, including trees, shrubs, grass, other vegetation, and irrigation facilities.
- b) Public lighting facilities, including standards, poles, and electric current or energy.

The proposed district was designated the “Sierra Point Landscaping and Lighting District”.

This report was prepared as part of an annually occurring process to detail the assessment charges and district expenses covering the 2022 - 2023 fiscal year.

II. PLANS AND SPECIFICATIONS

The original plans and specifications for this assessment district have been separately bound but are incorporated herein by this reference thereto.

III. ESTIMATE OF COSTS

The costs of this assessment district for the 2022 - 2023 fiscal year are estimated to be as follows:

ZONE 1 & 2 CONSTRUCTION & MAINTENANCE COSTS

		FY 22/23
	Employee costs	100,843
	Supplies and services	410,730
	Administrative costs	122,082
	TOTAL ZONE 1 & 2	\$633,655

Supplies and services includes safety clothing, maintenance of vehicles and equipment, small tools and supplies, landscape and irrigation maintenance including materials, electricity, and water.

Administrative charges are indirect, overhead costs to manage the district.

A detailed breakdown of these costs is available to assesses upon request.

Costs associated with this assessment district for the 2022 - 2023 fiscal year are to be paid as follows:

ZONE 1 & 2 FUNDING SOURCES

		FY 22/23
	Assessment charges	591,719
	Supplement from Reserves	41,936
	TOTAL ZONE 1 & 2	\$633,655

IV. **DIAGRAM**

The assessment diagrams for Zones 1 and 2 are attached hereto and are a part of this report.

V. **ASSESSMENT**

The assessments to be made against the assessable lots and parcels of land within this assessment district are attached hereto and are a part of this report.

Respectfully submitted,

Dated _____

Karen Kinser, P.E.
Deputy Director of Public Works

Filed in the office of the City Clerk of the City of Brisbane, San Mateo County, California, this
_____ day of _____, 2022.

Ingrid Padilla
City Clerk

Filed in the office of the County Controller-Auditor of the County of San Mateo, California, this
_____ day of _____, 2022.

Juan Raigoza
County Controller

ASSESSMENT ROLL

<u>ASSESSMENT NUMBER</u>	<u>ASSESSOR'S PARCEL NUMBER</u>	<u>PARCEL AREA, AC.</u>	<u>ASSESSMENT</u>
<u>ZONE 1</u>			
A 1	007—165—010	4.52	\$25,180
A 2	007—165—020	8.87	49,414
A 3	007—165—110	3.44	19,164
A 4	007—165—050	6.13	34,148
A 5	007—164—020	5.66	31,530
A 6	007—164—010	10.20	56,823
A 7	007—165—130	9.78	54,483
A 8	007—165—140	7.13	39,720
A 9	007—165—150	5.93	33,035
A 10	007—163—030	3.52	19,609
A 11	007—163—040	3.08	17,158
A 12	007—165—120	4.56	25,404
C 1	015—010—530	Note ¹	0
C 2	015—010—560	6.92	38,551
C 3	015—010—570	8.57	47,742
C 4	015—010—580	8.56	47,686
C 5	015—010—610	2.41	13,427
Subtotal Zone 1		99.29	\$553,074

¹ Although previously assessed, this parcel is owned by California State Lands Commission, which is exempt from local assessments.

ZONE 2

B	1	None (placeholder only)		-0-
B	2	005—162—430 (Ptn)	15.2	7,189
B	3	005—162—300	66.5	31,456
B	4	005—162—400 (Ptn)	Note ²	-0-
B	5	005—162—410 (Ptn)	0.2 ³	-0-
B	6	005—162—390	Note ⁴	-0-
B	7	005—162—420 (Ptn)	Note ⁴	-0-
		Subtotal Zone 2	81.7	\$ 38,645
		Total	180.99	\$591,719

METHOD OF ASSESSMENT SPREAD

The amounts to be assessed against the parcels of property to pay the costs and expenses of the work and improvements shall be based on the estimated benefits to be derived by the various properties within the assessment district.

Construction and maintenance costs shall be segregated by zone, and then spread to the parcels within each zone in proportion to the area of the benefited parcels within the zone.

Incidental expenses shall be spread proportional to the area of benefited parcels within the assessment district.

Due to the County Auditor's requirement that individual parcel assessments be rounded to the nearest even cent, the total of said individual assessments may not exactly equal the total estimate of costs.

² This portion of this parcel is private land over which the public has been granted access for use as the street, Tunnel Avenue.

³ No assessment has been imposed for a value less than \$100.

⁴ B6 and B7 are publicly owned portions of Tunnel Avenue.

NAMES AND ADDRESSES OF OWNERS

ASSESSMENT NUMBER	APN NUMBER	ASSESSEE
A-1	007-165-010	BP3 SF4 1000 Marina LLC 4380 La Jolla Village Dr. Suite 230 San Diego, CA 92122
A-2	007-165-020	BP3 SF5 3000 3500 Marina LLC 4380 La Jolla Village Dr. Suite 230 San Diego, CA 92122
A-3	007-165-110	SNH Brisbane Ca LLC 255 Washington St Newton, MA 02458
A-12	007-165-120	PPF OFF 7000 Marina Blvd LP C/O Morgan Stanley Real Estate Advisor 555 California St. 21 st Floor San Francisco, CA 94101
A-4	007-165-050	Grand Sierra Properties, Inc. 150 Executive Park Blvd. #4000 San Francisco, CA 94134
A-5	007-164-020	HCP Life Science REIT, Inc. 1920 Main St, Suite 1200 Irvine, CA 92614
A-6	007-164-010	HCP Life Science REIT, Inc. 1920 Main St, Suite 1200 Irvine, CA 92614
A-7 A-8 A-9	007-165-130 007-165-140 007-165-150	Slough Brisbane LLC 1920 Main St. Suite 1200 Irvine, CA 92614
A-10	007-163-030	Summit Hospitality 114 LLC 12600 Hill Country Blvd., #R-100 Austin, TX 78738
A-11	007-163-040	Bre Sh Brisbane Owner LLC PO Box A-3956 Chicago, IL 60690-3956

B-2 B-3 B-4 B-5	005-162-430 005-162-300 005-162-400 005-162-410	Oyster Point Properties, Inc. 150 Executive Park Blvd. #4200 San Francisco, CA 94134-3332
B-6 B-7	005-162-390 005-162-420	City of Brisbane 50 Park Place Brisbane, CA 94005
C-1	015-010-530	State of California C/O State Lands Commission Attn: Title Unit 100 Howe Ave., Ste. 100 Sacramento, CA 95825
C-2	015-010-560	HCP Life Sciences REIT, Inc. 3000 Meridian Boulevard #200 Franklin, TN 37067
C-3	015-010-570	ARE San Francisco No. 17 LLC C/O Deloitte & Touche Attn: Shanna Lehman PO Box 847 Carlsbad, CA 92018
C-4	015-010-580	Areus Inc. 1125 Trenton Harbourton Rd. Titusville, NJ 08560
C-5	015-010-610	GNS Shoreline LP 500 N Hurstbourne Pkwy Ste 200 Louisville, KY 40222

File Attachments for Item:

C. Approve Co-sponsorship of Friends of the Brisbane Library's Citywide Yard Sale



CITY COUNCIL AGENDA REPORT

Meeting Date: 6/16/2022

From: Sara Nahass, Recreation Coordinator

Subject: Application for Event Co-sponsorship

Community Goal/Result

Community Building

Purpose

Promote cultural and social events that encourage community engagement and provide assistance to local non-profit organizations.

Recommendation

Approve Friends of the Brisbane Library's (FOBL) City-Wide Yard Sale as a co-sponsored event.

Background

The City-Wide Yard Sale is free to everyone to come by and shop flea market style at Brisbane Community Park or to check out the garage/yard sales throughout the City of Brisbane. A map of all the garage/yard sales locations will be distributed. Hosted by the Friends of the Brisbane Library, this annual yard sale is the Friends' biggest fundraiser. Brisbane community members register early to sell on the day of the event, and their registrations fees support the Friend's of Brisbane Library efforts. This event brings community members together in a unique format supporting the repurposing of household supplies/clothing promoting sustainability. It also supports Council's goal of providing aid to non-profit organizations.

Discussion

This year's event is being proposed for July 23, 2022 at the Community Park and along San Francisco Avenue. Event set up would begin at 5:00am and clean up would be complete by 6:00pm.

Fiscal Impact

FOBL is requesting support from the City in the way of promotion and community announcements which has no financial impact. They have requested closure of a portion of San Francisco Avenue for the purpose of the event. Therefore, some staff time from the Public Works crew will be necessary to place public notifications onsite prior and to conduct the closure itself on the day of the event. A permit for doing so will be routed by staff in accordance with the City's policies for traffic encroachment permits.

Measure of Success

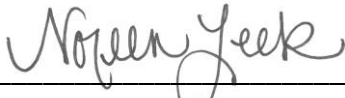
Support from the City results in a successful event by the organization.

Attachments

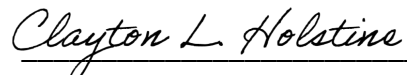
1. Co-sponsorship Application



Sara Nahass, Recreation Coordinator



Noreen Leek, Parks & Recreation Director



Clay Holstine, City Manager

CO-SPONSORSHIP EVENT APPLICATION

CITY OF BRISBANE, 50 Park Place, Brisbane, CA 94005
415 - 508 - 2840

1. ORGANIZATION INFORMATION

Organization: Friends of the Brisbane Library

Contact Person: Dawn David/Wendy Towle

Day Phone: DD:4158233552/WT:4153773247

Evening Phone: _____

Address: 163 Visitacion Avenue

City of Residence: Brisbane, CA

Zip 94005

2. FACILITY

Facility Requested: San Francisco Ave./Community Park

If Mission Blue Center, specify room (s)

Costanos Room (Dance Floor) _____

Buckeye Room (Carpeted Room): _____

Lupine Room (Conference Room): _____

Date and Time Requesting to Enter Facility:

7/23/22 5AM

Date and Time Requesting to Leave Facility:

7/23/22 6PM

3. Event Information

Date: 7/23/22 Day of Week: Saturday # of Co-sponsored events this year 0

Starting Time of Event : 5AM Ending Time of Event: 6PM

_____ Non Profit for Charity _____ For Profit X Fundraiser for Organization Use

X Number attending under 18 years old: 50 18 - 20 years: 50 21+ years: 100

X Requesting Promotional Support

What is purpose of event: City Wide Yard Sale

Will you need special sitting, tables, chairs, risers, etc.? Yes or No (please circle) Please explain if yes. _____

No

Will event require sound equipment? No

Sound Technician? No

Will event require theatrical lighting equipment? No

Lighting Technician? No

Will event require promotional support? X Yes _____ No _____ If Yes, what is requested? Flyers/Maps

5. ALCOHOLIC BEVERAGES*

Will alcoholic beverages be served? Yes ☐ No ☒ Sold? Yes ☐ No ☐

If selling alcohol, your group must obtain an Alcoholic Beverage Permit.

Please attach a copy of the permit.

ABC permits may be obtained from:

The State of California Alcoholic Beverage Control Department
185 Berry Street
San Francisco, CA 94107
415 / 557 - 3660

*Full Liquor Liability: If liquor, beer or wine is available for consumption and money is transacted in any form (i.e. for donation, for a ticket, for a meal, for entry to the event, for the beverage) then full liquor liability premiums are necessary.

6. ADMISSION FEES AND SALES*

Will there be an admission fee or booth fee?: Yes ☒ No ☐ Amount of Fee: \$25

Will there be sales of novelties or goods?: Yes ☒ No ☐

Will there be sales of food?: Yes ☒ No ☐

(If yes, a Permit To Operate is required by the California Health and Safety Code. Applications can be obtained from the Brisbane Parks & Recreation Department 415 / 467-6330)

Does your group have a City of Brisbane License?: Yes ☒ No ☐

* Additional insurance is required for exhibitors, non-food sales concessionaires and food sales concessionaires.

I have read and understand the Policy and Procedures for Event Sponsorship and hereby agree to comply with its content. I understand that failure to observe these regulations or City, State or Federal law will result in cancellation of my event and co-sponsorship status for future events.

Applicant's Signature Dawn David Date 4/22/22

File Attachments for Item:

D. Adopt Resolution calling a General Municipal Election to be held on Tuesday, November 8, 2022 and adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified election services



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Ingrid Padilla, City Clerk

Subject: November 8, 2022 General Municipal Election

COMMUNITY GOAL

Community Building

RECOMMENDATION

Adopt the attached Resolution calling a General Municipal Election to be held on Tuesday, November 8, 2022, adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified elections services, and authorizing the City Manager to enter into a Service Agreement with San Mateo County Officials for election related services.

BACKGROUND

The San Mateo County Elections Division will hold a General Election on November 8, 2022. This election will be an All Mailed Ballot/Vote Center Election under the California Voter's Choice Act. Every registered voter in Brisbane will receive through the mail a Vote by Mail ballot which may be returned by mail (postage prepaid) or dropped off at any Vote Center or Ballot Drop-off Box located throughout the County.

Vote Centers replace traditional polling places and are open for voting during a 29-day period prior to Election Day and on Election Day. Vote Centers provide expanded voter services such as voter registration, multilingual assistance, and disabled access voting options. Brisbane City Hall is scheduled to be a San Mateo County Voter Center and will be open three days prior to Election Day and on Election Day, i.e., November 5, 6, 7, and 8, 2022.

DISCUSSION

The attached resolution calls for election to fill two City Council member terms currently held by Council members Davis and O'Connell, for a term of four years each. Citizens (including current members of the City Council) who are interested in running for City Council may pick up a nomination packet from the City Clerk between July 18 and August 12, 2022. If an incumbent chooses not to or fails to file the nomination paper during the filing period, the filing period will be extended to August 17, 2022. Nomination papers must include 20 to 30 signatures of Brisbane registered voters. There will also be some paperwork to file regarding campaign disclosures and disclosures of economic interests. Although there is no filing fee, there will be a cost to print a candidate's statement in the voter pamphlet which is estimated to be \$300, to be paid after the election. (Candidate's statement are optional.)

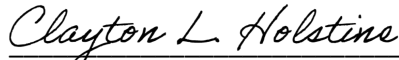
San Mateo County has also requested the City enter into a the attached Services Agreement for election related services. It sets forth with some specificity what services related to the November 2022 election the City will perform and what services the County election officials will perform. It also provides the City will reimburse the County for election related services the County provides. Based on past general municipal election costs, the City has budgeted \$15,000 for this election.

FISCAL IMPACT

The cost to conduct the election is determined by the number of registered voters at the time of the election. The election cost is currently budgeted at \$15,000 which will be included in the City Clerk's 2022/2023 budget.



Ingrid Padilla, City Clerk



Clay Holstine, City Manager

Attachment: 1. Resolution 2022-XX
2. Service Agreement for Election Services

ATTACHMENT 1

DRAFT

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 IN CONJUNCTION WITH A UNIFORM DISTRICT ELECTION AND ADOPTING PROCEDURES PERTAINING TO THE CONDUCT AND ADMINISTRATION OF SUCH ELECTION INCLUDING REQUESTING THE SAN MATEO COUNTY CLERK-RECORDER TO PROVIDE SPECIFIED ELECTION SERVICES

WHEREAS, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, a regular general municipal election shall be held in Brisbane on the 8th day of November, 2022 for the purpose of electing three members of the City Council of Brisbane; and

WHEREAS, the November 8, 2022 election will be conducted as a General Election, i.e., an All-Mailed Ballot/Vote Center Election under the California Voter's Choice Act (Senate Bill 450) by which every registered voter will be receiving a Vote by Mail Ballot through the mail and which ballot may be returned by mail or dropped off at any Vote Center or Ballot Drop-off Box located throughout the county during the 29 day period prior to the Election Day and on Election Day; and

WHEREAS, the City Council adopted Ordinance 620 on June 1, 2017, and the San Mateo County Board of Supervisors approved the changes to comply with state legislation—the California Voter Participation Rights Act (Senate Bill 415)—that requires generally City Council elections be held in conjunction with statewide elections in even numbered years to increase voter participation; and WHEREAS, under Ordinance 620, the electors will elect two members of the City Council of Brisbane for a term of four years; and

WHEREAS, the Elections Code of the State of California authorizes the governing body of any local agency to adopt procedures pertaining to materials prepared by any candidate for a municipal election, including costs thereof;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Brisbane, San Mateo County, California, as follows:

1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there shall be, and there is hereby called and ordered, held in Brisbane, County of San Mateo, State of California, on Tuesday, the 8th day of November, 2022, a regular general municipal election of the qualified electors of Brisbane for the purpose of electing three members of the City Council of Brisbane for a term of four years, which election shall be conducted as a General District Election (an All Mailed Ballot/Vote Center Election) under the California Voter's Choice Act and as authority by San Mateo County.
2. That, pursuant to the Elections Code of the State of California, each candidate for elective office to be voted for at the general municipal election to be held in Brisbane on November 8, 2022 may prepare a candidate's statement on an appropriate form provided by the City Clerk, such statement shall be limited to 400 words, each candidate filing a candidate's statement shall be billed for the services rendered a sum not greater than the actual prorated

costs of printing, handling and translating, and such bill shall be due and payable immediately upon receipt thereof.

3. Said Election shall be held and conducted, the votes thereof canvassed, the returns thereof made, and the results thereof ascertained and determined as herein provided; and in all other particulars not prescribed by this resolution, the Election shall be held and conducted and the votes canvassed as provided in the Elections Code of the State of California.

4. The Board of Supervisors of the County of San Mateo is hereby requested to permit the Registrar of Voters of said County to render services relating to the conduct of said Election to be held within the City of Brisbane on Tuesday, November 8, 2022.

5. The All Mail and Vote Center coordination and officers of election shall be established, designated, and appointed as usual by the Registrar of Voters, San Mateo County, who shall also canvass the returns and prepare and mail a statement of the results thereof, all as provided by the appropriate provisions of the Elections Code of the State of California.

6. All qualified voters residing within the City of Brisbane, upon the date of the Election herein provided for, shall be qualified to vote at said Election and allowed to cast their ballot during the 29-day period prior to Election Day and on Election Day via mail, or at a Vote Center within the County.

7. The Registrar of Voters of San Mateo County shall be responsible for procuring the rosters and all other supplies necessary to properly and lawfully conduct the Election.

8. The Vote Center in Brisbane at City Hall shall be kept open from 9:00 a.m. -5:00 p.m. on November 5th, 6th, and 7th and at 7:00 a.m. on Election Day- November 8th, and shall be kept open until 8:00 p.m., except as to voters in line as provided in the Elections Code.

9. That this City Council shall, and does hereby, accept the usual and customary terms and conditions of the performance of said election services by said Registrar of Voters; and the City Council further agrees to make payments therefor as may be set forth in a billing to the City of Brisbane from the Registrar of Voters prescribing the amount due for costs incurred from the rendering of election services, all as provided by the provisions of the Elections Code of the State of California.

10. Notice of election shall be posted pursuant to Elections Code.

Coleen Mackin
Mayor

I hereby certify that the foregoing Resolution No. 2022-XX was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 16, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Ingrid Padilla
City Clerk

**ATTACHMENT 2
DRAFT
SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES
BETWEEN THE «MUNICIPALITY» AND
SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR-COUNTY CLERK-RECORDER**

This Service Agreement for the Provision of Election Services ("Agreement"), entered into this _____ day of _____, 2022, by and between the «Municipality» (the "Municipality") and San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the "Chief Elections Officer");

WHEREAS, it is necessary and desirable that the Chief Elections Officer be retained for the purpose of conducting an election, described in more detail below, for the Municipality; and

WHEREAS, the Chief Elections Officer has been asked by the Municipality to conduct an election on November 8, 2022 (the "Election").

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE MUNICIPALITY:

- 1) Within the time frame set by statute, the Municipality will request the Board of Supervisors, through the Chief Elections Officer, to conduct an election relating to the Municipality on November 8, 2022 and will request the services of the Chief Elections Officer in relation to the Election.
- 2) The Municipality will publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on and/or the Notice to File Arguments For or Against any measure.
- 3) The Municipality will submit to the Chief Elections Officer the offices to be voted on and the measure ballot questions by 88 days prior to the Election. The Municipality will submit to the Chief Elections Officer the names and ballot destinations of the candidates to appear upon the ballot by 81 days prior to the Election.
- 4) The Municipality will prepare and deliver to the Chief Elections Officer the ballot pamphlet information containing, as applicable, candidate designations and statements, ballot measure(s), tax rate statement(s), impartial analyses, arguments for or against measures and rebuttals thereto.
- 5) The Municipality will review and sign off on the official ballot wording for measures.
- 6) The Municipality will complete any other non-delegable tasks required by law in relation to the Election.
- 7) The Municipality shall maintain records/maps regarding the boundaries of the Municipality and will notify the Chief Elections Officer of any changes/additions to those boundaries by 125 days prior to the Election.

SERVICES TO BE PERFORMED BY CHIEF ELECTIONS OFFICER:

- 1) The Chief Elections Officer will select the sample and official ballot printer(s) and translators.
- 2) The Chief Elections Officer will prepare and deliver all election information to the printers and translators.
- 3) The Chief Elections Officer will determine the appropriate translation and transliteration of all pertinent documents.

- 4) The Chief Elections Officer will issue, receive and process vote by mail ballots.
- 5) The Chief Elections Officer will set up ADA compliant Vote Centers, publish any required notices and conduct the Election.
- 6) The Chief Elections Officer will provide services for any official recount or election contest, if applicable.
- 7) The Chief Elections Officer will conduct all aspects of the Canvass of Votes Cast. Pursuant to Section 10262 of the Elections Code, the Chief Elections Officer will submit a Certificate of Chief Elections Officer to the Municipality's governing body certifying the results of the Election.
- 8) The Chief Elections Officer will conduct other various and miscellaneous election-related activities directly required to conduct the Election itself. To the extent that the Municipality has obligations under law to perform various duties that relate to the Election beyond those directly involved with conducting the Election, those duties remain the responsibility of the Municipality. If the Municipality wishes to have any such duties performed by the Chief Elections Officer, the parties must mutually agree in advance in writing to have the Chief Elections Officer perform such duties. By way of example only, if the Municipality is required to send certain notices or adopt resolutions relating to the Election, those duties remain duties of the Municipality.

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the Election to be held on November 8, 2022, including before and after said Election date.

In the event the Chief Elections Officer is unable to perform services required under this Agreement as a result of employer/employee relation conditions, vendor conditions, the unavailability of Federal, State, or County funds, COVID-19-related limitations, and/or other conditions beyond the control of the Chief Elections Officer, the Chief Elections Officer will be relieved of all obligations under this Agreement. The Chief Elections Officer may terminate this Agreement after giving 72 hours written notice, at which time the Chief Elections Officer will be relieved of all obligations under this Agreement.

This Agreement can be terminated by the Municipality upon 30 days written notice.

COST FOR SERVICES

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including 1) any and all costs incurred during a recount or election contest that are not reimbursed by the voter requesting the recount or filing the contest as specified in the Elections Code and 2) any other costs associated with the Election, such as return postage costs and costs for ensuring voter accessibility, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the Election, including all such services, supplies, and other costs.

The Chief Elections Officer shall send an itemized invoice to the Municipality for all services provided pursuant to this Agreement after the Election is conducted and all related costs are determined. Payment on the full amount of the invoice shall be due and the Municipality shall submit payment to the County of San Mateo within forty-five (45) days of the date of the invoice (the "Due Date"). If the amount is not paid in full within this time, interest shall accrue monthly at a rate of 0.25% per month (equivalent to 3% annually) on the unpaid balance starting at the Due Date. Thereafter, invoices will be sent and shall be payable within thirty (30) days of the date of the invoice, with interest being added each month for any unpaid balance.

MUNICIPALITY

Signature: _____ Date: _____

Print Name: _____

Title: _____

COUNTY

Signature: _____ Date: _____

Print Name: _____

Title: _____

File Attachments for Item:

E. Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Clay Holstine, City Manager

Subject: Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public

COMMUNITY GOAL RESULTS

Safe Community

Ensuring Public Meetings Remain Open to the Public

RECOMMENDATION

Staff recommends that the City Council adopt a resolution declaring the need to continue conducting the meetings of the City Council, Commissions, and Committees remotely due to health and safety concerns.

BACKGROUND

In 2020 and 2021, the Governor signed various Executive Orders that allowed meetings of public agencies to be conducted remotely due to the COVID-19 pandemic and the need to protect the public and governmental officials. In addition, County Health Officers issued Health Orders requiring masks indoors in public places, regardless of vaccination status and that social distancing be observed. As a result, the City has been conducting its public meetings via zoom, thereby ensuring the right of the public to participate in public meetings but keeping the public, City Council, Committees, and Commissions, and City staff safe. There have been no cancelled meetings due to technical or related difficulties arising out of conducting meetings remotely.

Notwithstanding the availability of a vaccine and boosters, and the reduction of COVID related cases in the Bay Area and the State, COVID-19 variants (Delta and Omicron) have continued to spread and infect individuals. To address the need to continue to allow public agencies to conduct meetings remotely, in September 2021, AB 361 was enacted. AB 361 amends the Brown Act to permit local legislative bodies to continue to meet remotely until January 1, 2024 provided:

- The local legislative body is meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- The local legislative body has determined that there is a need to hold public meetings remotely due to imminent risks to the health or safety of attendees

In September, October and November 2021, and in January, February, March, April, May, and earlier in June 2022, the City Council found that the City met the requirements of AB 361, namely, the declared state of emergency proclaimed by the state (as well as one by the City) remained in place; state and local health officials continued to recommend that residents observe social distancing and take other protective measures, including requiring masks to be worn on public transportation and recommending masks be worn in confined spaces open to the public; and the City determined that there was a need to hold public meetings remotely due to imminent risks to the health and safety of attendees. The Council therefore adopted Resolutions directing that the City continue to conduct public meetings normally scheduled for City Hall via Zoom to protect the health and safety of the public.

The Brown Act as amended by AB 361 requires that every 30 days the City Council review its decision not to hold in-person public meetings at City Hall and to specifically determine whether holding remote and/or hybrid public meetings continues to meet the requirements of the Brown Act as amended.

City Council last made the necessary findings on June 2, 2022, but after its meeting on June 16, it will not meet again until July 14. Hence, this item is being placed on the Council's June 16, 2022 agenda for consideration.

DISCUSSION

The state of emergency issued by the Governor remains in place. San Mateo County's Health Officials have provided guidance to prevent the spread of COVID and keep people safe and have incorporated the Center for Disease Control's recommendations in that regard, e.g., social distancing is recommended for indoor public meetings where unvaccinated individuals may be present, especially for those who are at a higher risk of getting very sick from COVID. In addition, persons with health conditions may want to attend City Council meetings but would put themselves at risk of getting very sick if they had to attend in person. Therefore, the requirements to allow public meetings to be conducted remotely continue: there is a declared state of emergency; health officials have imposed measures to prevent the spread of the virus and to promote social distancing; and there continues to be a need to hold public meetings remotely due to imminent risks to the health and safety if Council meetings were not conducted remotely.

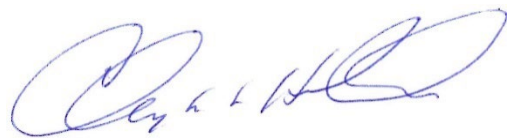
ACTION

Staff recommends that the City Council adopt the attached Resolution making the findings required under AB 361, to require the public meetings of the City Council, Commissions and Committees normally scheduled for City Hall through July 15, 2022 be held remotely or in a hybrid fashion to protect the health and safety of the public.

FISCAL IMPACT

There is no fiscal impact.

Attachment: 1. Resolution 2022-XX



Clay Holstine, City Manager

RESOLUTION NO. 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DECLARING THE NEED FOR THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 19, 2020, the City Council ratified and confirmed the Director of Emergency Service's proclamation of a local emergency which allowed staff to expeditiously respond to the emergency circumstances caused by the pandemic; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council, Committee and Commission meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies to meet remotely; and

WHEREAS, since issuing Executive Order N-08-21, the Delta and Omicron variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, in 2021, in response to the Delta and Omicron variant, the San Mateo County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 into law, amending the Brown Act to permit local legislative bodies, including the City Council, to meet remotely provided it is meeting during a declared state of emergency, state or local officials have imposed or recommended measures to promote social distancing, and the Council believes there is a need to meet remotely to protect against imminent risks to the health and safety of potential public attendees; and

WHEREAS, cases involving COVID 19, including the Delta and Omicron variant continue to exist, the City Council is concerned about and desire to protect the health and safety of individuals who might otherwise attend Council, Committee and Commission meetings;

WHEREAS, the City Council of the City of Brisbane adopted Resolutions in 2021 and in

January, February, March, April, May, and June 2, 2022 declaring the need for the City Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

WHEREAS, the City Council does hereby find that the above described conditions of serious threat to the public health, safety, and welfare continue at this time; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE
RESOLVES AS FOLLOWS:**

1. In compliance with AB 361, the City Council has reviewed and makes the following findings:
 - a. The State, San Mateo County and the City have each proclaimed a state of emergency due to the Coronavirus pandemic;
 - b. San Mateo County has issued a public health order requiring that individuals in many public spaces wear masks and socially distance and recommending that individuals in enclosed public spaces wear masks, but the City cannot maintain social distancing for the public, staff, councilmembers, commissioners, and committee members in its meeting spaces; and
 - c. The City Council has considered these circumstances and concludes that the City Council, City Commissions and City Committees must meet remotely due to imminent risks to the health and safety of attendees if the Council, Commissions or Committees were to meet in City facilities.
2. Based on the foregoing, the City Council declares that to protect the safety and health of the public, City Council, Commissions and Committees, meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361.
3. The City Council will revisit the need to conduct public meetings remotely within 30 days of the adoption of this resolution.

Coleen Mackin, Mayor

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on June 16, 2022.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on June 16, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney



California

LEGISLATIVE INFORMATION

ENROLLED SEPTEMBER 15, 2021

PASSED IN SENATE SEPTEMBER 10, 2021

PASSED IN ASSEMBLY SEPTEMBER 10, 2021

AMENDED IN SENATE SEPTEMBER 03, 2021

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 06, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 06, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 361

Introduced by Assembly Member Robert Rivas

February 01, 2021

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public

seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

DIGEST KEY

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 89305.6 is added to the Education Code, to read:

89305.6.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2.

Section 11133 is added to the Government Code, to read:

11133.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal

Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the

meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section

6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the

opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall

participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section

6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5.

Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6.

It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7.

The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of

subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8.

(a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

File Attachments for Item:

F. Receive Solid Waste Collection Rate Adjustment

(Councilmembers will receive Recology Brisbane's 2022 rate increase of 6.66%.)



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2020

From: Director of Public Works/City Engineer

Subject: Solid Waste Collection Rate Adjustment

Community Goal/Result: Ecological Sustainability

Purpose: To review rate adjustments submitted by one of the city's solid waste franchisees.

Recommendation: Receive Recology Brisbane's 2022 rate increase of 6.66%.

Background

The city has two Franchise Agreements dated November 20, 2014 for the provision of waste collection services, one with South San Francisco Scavenger Company in Solid Waste Collection Zones 1(A&B) and 2, and one with Recology Brisbane in Solid Waste Collection Zone 3. Both agreements have language specifying under what conditions a rate increase may occur.

Discussion

Recology Brisbane did submit a request for rate increase; their proposed rates were reviewed by staff and found to be in accordance with their franchise agreement. Pursuant to each agreement, "... not later than June 30th of the year of the Notice of Intention, the City Council shall act upon the new maximum rates as appropriate, with any new maximum rates to become effective on July 1st of the same year."

With the company completing their calculation per the agreement, there is no discretionary action for the Council to take.

Fiscal Impact


The effective date of the new rates is July 1, 2022.

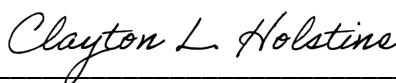
Measure of Success

Compliance with the previously agreed upon terms and conditions for rate adjustments.

Attachments

1. Recology Brisbane's letter of 5/24/22 and redacted rate adjustment language
2. Solid Waste Collection Zone Maps


 Randy Breault, Public Works Director


 Clayton L. Holstine, City Manager



May 24, 2022

BY EMAIL

Clay Holstine
City Manager
City of Brisbane
50 Park Lane
Brisbane, CA 94005

RE: Notice of Intention to Increase Rates & Related Matters

Dear Mr. Holstine:

The purpose of this letter is to notify the City of Brisbane of Recology's intention to increase rates effective July 1, 2022 pursuant to the refuse rate index methodology set forth in the Franchise Agreement between the City and Recology.

RRI Rate Adjustment

Section 6.2 of the Franchise Agreement provides that maximum rates shall be adjusted each July 1 using a refuse rate index consisting of the weighted average of certain index items as specified below. The annual percentage change in each index item and the calculation of the RRI Adjustment Percentage are also set forth below. Accordingly, maximum rates shall be increased by 6.66% effective July 1, 2022 under Section 6.2.

<u>Cost Category</u>	<u>Weighting</u>	<u>Source/Index</u>	<u>Annual % Change in Source/Index</u>	<u>Weighted % Change</u>
Fixed Labor	0.60	As per CBAs	6.00%	3.60%
Variable/Processing Costs	0.25	CPI(U)	4.24%	1.06%
CNG Fuel	0.05	Fuel Index	40.01%	2.00%
RRI Adjustment Percentage:				6.66%

Franchise Fee Payment

Under Section 4.1 of the Franchise Agreement Recology must make an annual franchise fee payment to the City on or before April 30 of each year. The franchise fee is 14% of Recology's gross revenues during the proceeding calendar year from the collection and disposal of solid waste within Zone 3. For calendar year 2021, these revenues amounted to \$93,564.17. The franchise fee is therefore \$13,098.98. We will remit payment before April 30.

Diversion Rate

Section 8.4 of the Franchise Agreement requires Recology to provide the City with an annual written report setting forth Recology's best estimate of the diversion rate for its Zone 3 customers.

We estimate based on volume and type of service, that the diversion rate for our Zone 3 customers was approximately 38% for the calendar year 2021.

Thank you for your consideration. We would be happy to meet with City staff to discuss these matters at your earliest convenience.

Sincerely,

Anthony Crescenti
General Manager
Recology Sunset Scavenger
(415) 330-2911

cc: Randy Breault, Public Works Director, City Engineer
Terry Duong, Recology SF Region Controller

Recology Rate Adjustment from Nov 2014 Franchise Agreement

services within twenty-four (24) hours of notification by City or as soon thereafter as is reasonably practical in light of the circumstances. Emergency services as described herein shall be compensated by City in accordance with Exhibit B. If Recology cannot provide the requested emergency services, City shall have the right to temporarily take possession of Recology's equipment for the purposes of providing emergency services.

The City of Brisbane shall have the option of purchasing CNG for City-owned vehicles that use CNG at the Sunset Scavenger facility located at 501 Tunnel Avenue, at the same cost per gallon that Sunset Scavenger incurs for such CNG (inclusive of fuel, transport, equipment and other associated costs). The City may exercise such option only during the fueling facility's normal operating hours, without interference with Sunset Scavenger's operations, and subject to reasonable limitations based on Sunset Scavenger's operational requirements.

5.19 Permits and Licenses. Recology shall obtain and maintain throughout the term of the franchise all permits, licenses and approvals necessary or required for Recology to perform the work and services described herein. City shall cooperate with Recology in connection with such permits, licenses and approvals, and shall renew all such permits, licenses and approvals issued by City, provided that Recology is not in material breach of this Agreement and provided Recology shall have fulfilled all then existing requirements for the renewal of such permits, licenses and approvals.

6. Rates. Recology shall bill customers for its services under this Agreement at the rates set forth in Exhibit B to this Agreement, as adjusted under Section 4.1 above, Sections 6.2 and 6.3 below and other relevant provisions of this Agreement. All customers shall be billed monthly in arrears. Recology shall be entitled to charge commercially reasonable late charges and/or interest on overdue accounts, and may stop service if an account remains overdue for more than ninety (90) days. Recology shall report to the City the name and address of any customer if it stops service because the customer's account remains overdue for more than ninety (90) days.

6.1 Establishment of Rates. The maximum service rates specified in Exhibit B to this Agreement have been agreed upon by City and Recology and shall take effect on the effective date of the franchise as set forth in Section 3 above. Such maximum service rates shall be subject to review and revision as set forth in Section 4.1 above, Sections 6.2 and 6.3 below and other relevant provisions of this Agreement. Recology shall not charge any amount in excess of the approved rates for services required by or permitted under this Agreement.

6.2 Modification Based on Refuse Rate Index.

- (a) The maximum rates specified under this Agreement shall be adjusted July 1st every year (beginning in 2016) by a percentage amount equal to the RRI Adjustment Percentage, which shall be calculated as follows:

Step 1: For each Source/Index listed in Table 1 below, calculate the annual percentage change in the Source/Index over the most recent 12-month period for which data are available at the time Recology submits the Notice of Intention described in Section 6.2(c) below.

Step 2: For each Cost Category listed in Table 1 below, multiply the Weighting for such Cost Category set forth in Table 1 below by the percentage change in the Source/Index for such Cost Category calculated in Step 1 above.

Step 3: Add the percentages calculated in Step 2 above. The result is the RRI Adjustment Percentage.

For example, if the annual percentage change is 3.0% for CPI(U), 9.0% for the Fuel Index, and 4.0% under the CBAs, then the RRI Adjustment Percentage equals 3.60% (= (.60 x 4.0%) + (.25 x 3.0%) + (.05 x 9.0%)).

Table 1. Refuse Rate Index

<u>Cost Category</u>	<u>Weighting</u>	<u>Source/Index</u>
Fixed Labor	0.60	As per CBAs
Variable/Processing Costs	0.25	CPI(U)
Biodiesel Fuel	0.05	Fuel Index
Total:	0.90	

- (b) For purposes of this Section 6.2:
- (i) “CBAs” means the collective bargaining agreement(s) in effect from time to time applicable to the employees performing collection services under this Agreement. In connection with any adjustment under this Section 6.2, the annual percentage change calculations shall be based on the changes in wage rates required by the CBAs, and Recology shall make available to the City Manager the portions of the CBAs necessary to confirm such changes.
 - (ii) “CPI(U)” means the Consumer Price Index, All Urban Consumers, San Francisco-Oakland-San Jose, Not Seasonally Adjusted, Series ID:

CUURA422SA0, published by the U.S. Department of Labor, Bureau of Labor Statistics.

(iii) “Fuel Index” means the Total G-NGV1 Charge set forth in Schedule G-NGV1, Natural Gas Service for Compression on Customers’ Premises, published by Pacific Gas & Electric Company.

(c) The procedure for rate adjustments under this Section 6.2 shall be as follows:

- (i) Not later than March 31st of each year that is subject to a rate adjustment under this Section 6.2, Recology shall file with City a written Notice of Intention to increase each of the then current rates effective as of July 1st of the same year in accordance with the above-specified formula, if Recology believes such an increase to be called for, or City shall provide to Recology a written Notice of Intention to decrease each of the then current rates effective as of July 1st of the same year in accordance with the above-specified formula, if City believes such a decrease to be called for.
- (ii) Within thirty (30) days of the filing of the Notice of Intention, the City Manager shall review the Notice of Intention with Recology, and either confirm that the proposed rates are within the limit of Section 6.2(a) above or establish by mutual agreement with Recology any necessary changes to the proposed maximum rates to make such confirmation.
- (iii) The City Manager shall immediately inform the City Council in writing of the new maximum rates determined in accordance with this Section 6.2 and, not later than June 30th of the year of the Notice of Intention, the City Council shall act upon the new maximum rates as appropriate, with any new maximum rates to become effective on July 1st of the same year.
- (iv) In the event that CPI(U) or the Fuel Index shall be discontinued or materially modified during the term of the franchise, the parties shall use their best efforts to substitute a replacement index and/or otherwise change Section 6.2(a) above so as to replicate, as nearly as possible, the mutual intention of the parties to rely on the results of the CPI(U) or the Fuel Index as in effect on the date hereof.

6.3 Extraordinary Items. In addition to adjustments under Sections 4.1 and 6.2 above and other relevant provisions of this Agreement, the maximum rates hereunder

shall be subject to increase or decrease to reflect extraordinary increases or decreases in Recology's costs of providing services hereunder, such as landfill or disposal costs, costs mandated by governmental action or judicial decisions or otherwise required in order to comply with applicable law, franchise fees and similar items. Increases or decreases in maximum rates pursuant to this Section 6.3 shall take effect so as to eliminate, to the maximum extent possible, Recology's loss or gain of profit resulting from the extraordinary increase or decrease in costs from the date(s) such increase or decrease first occurred.

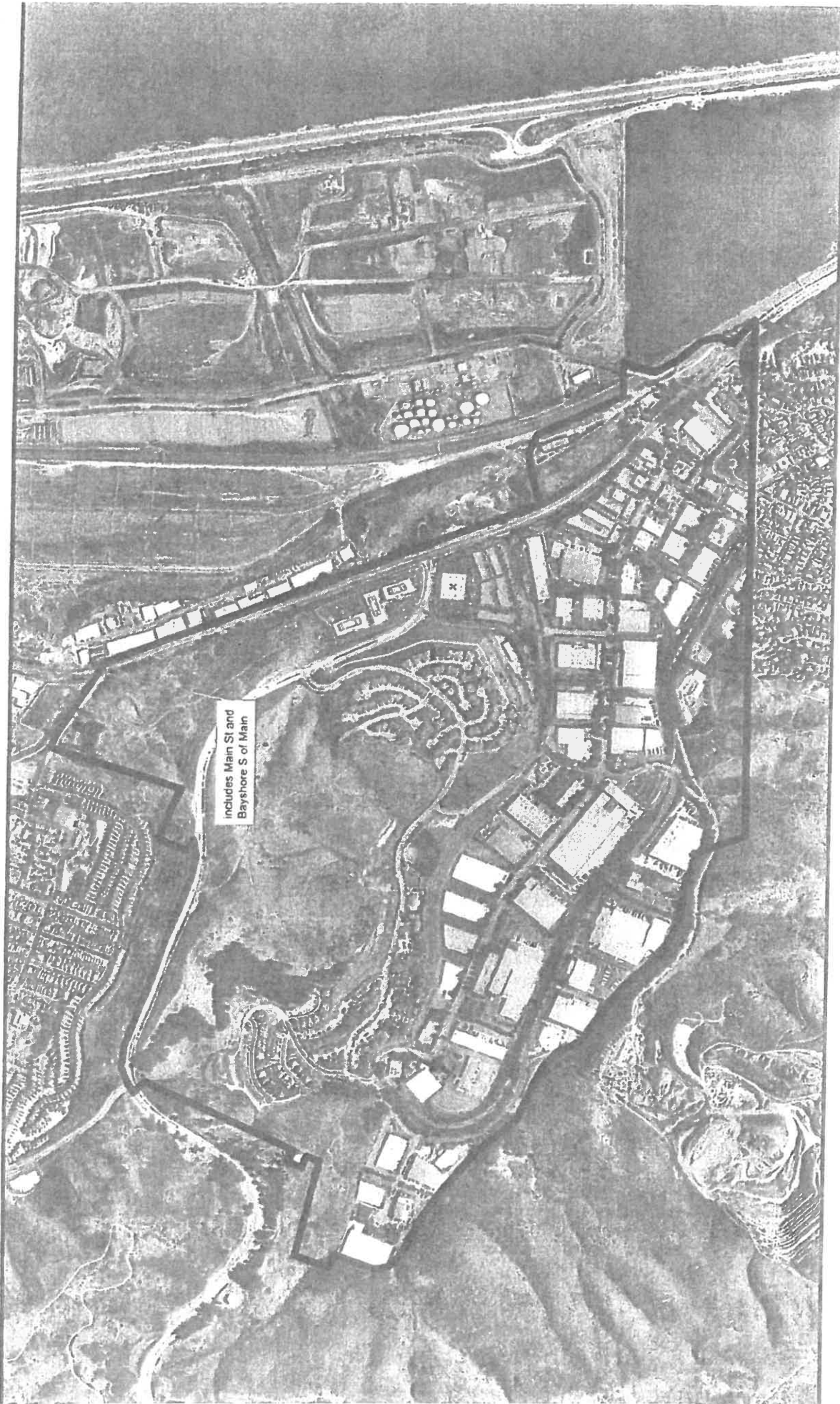
- 6.4 Potential Rate Constraints. The parties recognize that, as of the date this Agreement is entered into, there is no authoritative judicial determination of whether Articles XIII C or XIII D of the California Constitution apply to charges imposed by private enterprises for solid waste handling and recycling services when those charges are regulated by a local government.

The City will not be in default of this Agreement if (i) a majority protest or referendum prevents the initial maximum rates or a proposed maximum rate increase from being adopted, (ii) a court rules that maximum rates adopted by City are not consistent with Article XIII C or D, or (iii) a voter initiative not endorsed by City reduces maximum rates from those in effect. After the occurrence of any event referred to in clauses (i)-(iii) above, the parties shall promptly meet and negotiate in good faith to adjust the Franchise Fee and/or service levels commensurate with the rates that Recology may legally charge, in a manner reasonably calculated (given such rates) to minimize any adverse effect on public health and safety and to allow Recology to cover its necessary costs plus a commercially reasonable profit.

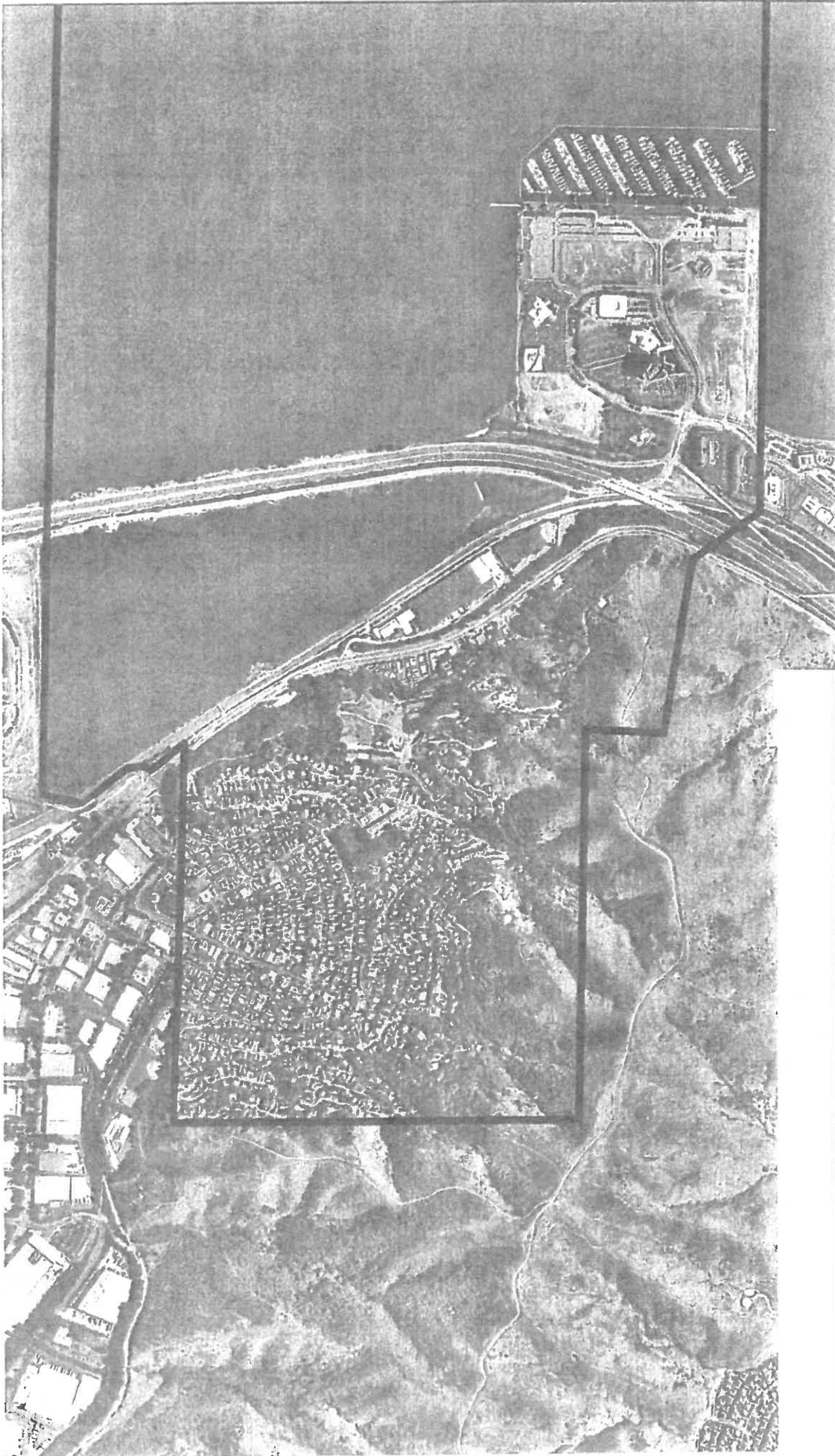
Nothing in this Agreement shall be deemed or construed to be an admission by City or Recology that Articles XIII C or XIII D of the California Constitution apply to the rates charged by Recology under this Agreement.

7. Provisions Applicable to Customer Service, Equipment and Personnel

- 7.1 Recology shall use in connection with transportation of solid waste modern motor dump trucks with water tight bodies, sufficient in number and capacity to efficiently perform the work required by the Agreement. Recology shall keep the outside of the truck bodies reasonably free from dirt and debris, and shall clean the inside of the trucks in a sanitary manner on a regular basis. Suitable measures shall be taken to prevent refuse from falling into public streets or places. Recology shall keep all trucks freshly painted in a uniform manner, and the firm name, telephone number, and truck number of each truck shall appear on each side thereof in a conspicuous manner. Recology shall keep all trucks in good



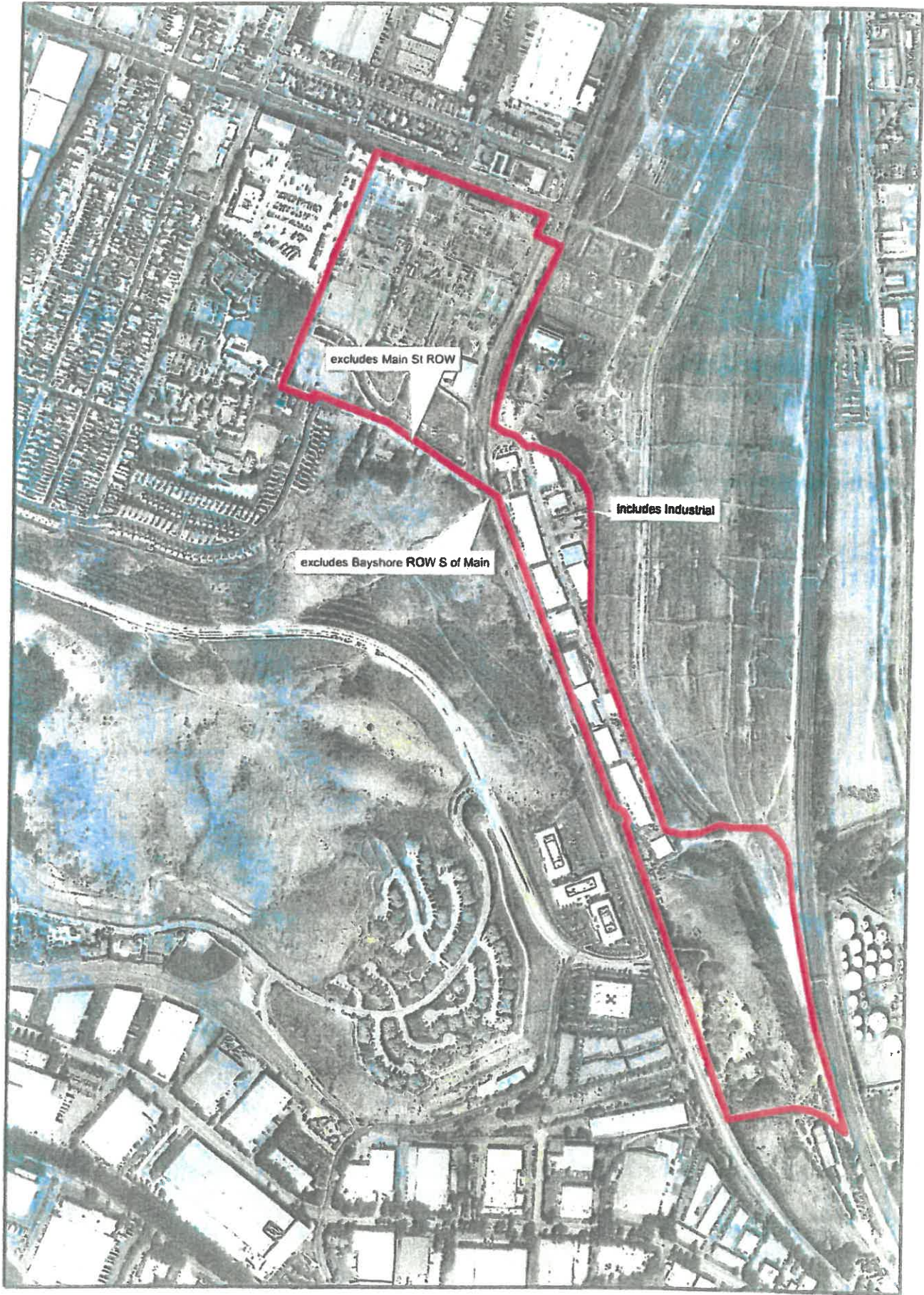
City of Brisbane
Solid Waste Collection Zone
1 - A



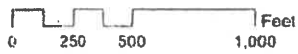
City of Brisbane
Solid Waste Collection Zone
1 - B

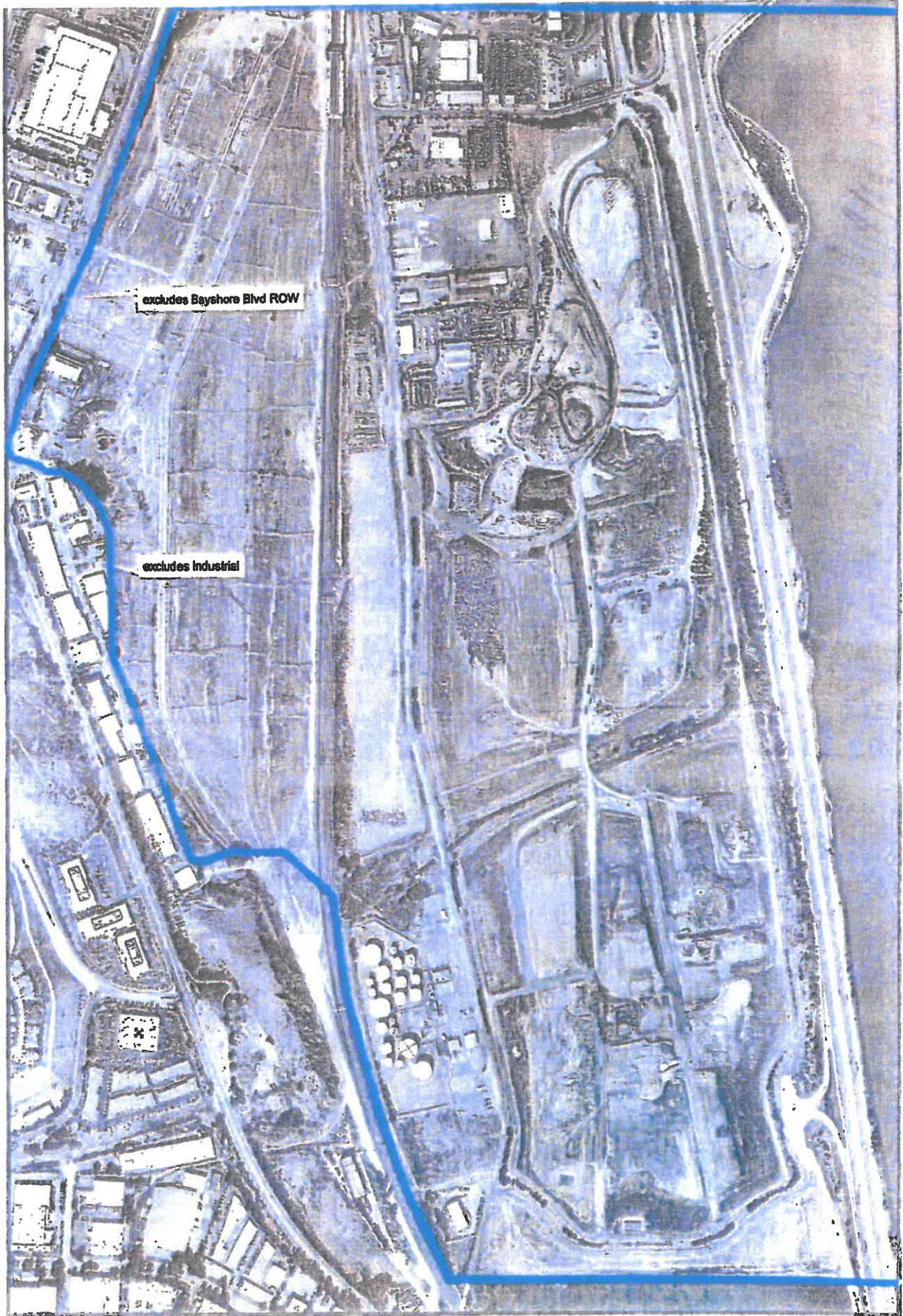


0 375 750 1,500 Feet



City of Brisbane
Solid Waste Collection Zone
2





File Attachments for Item:

G. Approve a Public Art Committee Request for Proposal to Employ a Consultant to Assist the Committee in Finding and Working with an Artist for Art Work Located at the Community Park Located in the Area between San Francisco Avenue and Old County Road Across from the Village Shopping Center

(Councilmembers will approve a budget of up to \$200,000 for an art installation in the Community Park)



CITY COUNCIL AGENDA REPORT

Meeting Date: 6/16/2022

From: Stuart Schillinger, Assistant City Manager

Subject: Approval of Public Art Committee Request for Proposal to Employ a Consultant to Assist the Committee in Finding and Working with an Artist for Art Work Located at the Community Park Located in the Area between San Francisco Avenue and Old County Road Across from the Village Shopping Center

Community Goal/Result

Community Building

Purpose

To improve the quality of life within the community by stimulating creativity, imagination, and add a unique human quality to the community environment and enrich public spaces through works of art.

Recommendation

Approve a budget of up to \$200,000 for an art installation in the Community Park located in the area between San Francisco Avenue and Old County Road across from the Village Shopping Center. The budget includes hiring a consultant to work with the Committee in selecting an artist and working with the artist through the development and the installation of the art work.

Background

In early 2022 the Public Art Advisory Committee reviewed City owned property for possible locations for a public art piece. The Committee determined the first location would be the area in the Community Park between San Francisco Avenue and Old County Road across from the Village Shopping Center with the picnic tables and painted fire hydrants.

Discussion

The Public Art Advisory Committee recommends the City hire a consultant to work with the City and the Committee to assist in soliciting input from the Community regarding art in the park, the selection of an artist, working with the artist and the Committee in determining the final art element to be installed and working with the artist throughout the installation process.

This is the first time the City or the Committee has solicited for a Consultant to work with the Committee. Therefore, the anticipated cost of the consultant is not known, but typically is 10% of the designated budget. The Committee determined that a not to exceed amount for the art element and the Consultant of \$200,000 would be appropriate. This would provide the ability to attract Consultants who have been successful in other cities and provide for a diverse range of

art element styles to be installed based on our past experiences with the Library, the Skateboard Park, proposed private projects, and the re-installation of the raccoon.

The proposal is attached for your review and approval. The Scope of Work includes:

- Work with the Committee to determine the requirements of the artist and art work (this phase will include identifying the community values the art should showcase)
- Develop and Administer the Request for Proposal
- Assist the Committee with determining the recommended artist
- Work with the Committee and Artist to ensure the vision of the Committee is achieved in the final product
- Be the lead contact between the artist and the City during the installation of the art work and approved maintenance plan.

The Committee is looking forward to receiving public input during all phases of the project and will work with the Consultant to engage the public in the process. In addition to receiving public input through the Committee, the Community will have an opportunity to participate in Council meetings when the Consultant is selected, the Artist is chosen, and when the final design is approved by City Council.

Fiscal Impact

The City's Public Art Fund currently has approximately \$1,340,000 in the fund.

Measure of Success

The City commissions a piece of public art or art elements for the Community Park, which stimulates the community's creativity and imagination while enriching the public space.

Attachments

1. Request for Proposal.
2. Draft Agreement for Professional Services

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton L. Holstine

Clay Holstine, City Manager

Request for Proposal

Seeking Consultant to Assist the City of Brisbane Public Art Committee with the Selection and Installation of Public Art in the City's Community Park

The City of Brisbane's Public Art Commission is seeking a consultant or consultant team to support their work in the selection and installation of Public Art in the City's Community Park. The Public Art Commission is charged with improving the Community's quality of life through public art which stimulates creativity, imagination, and adds a unique human quality to the community environment and enriches public spaces.

Location of Project: The art installation will be located in the area between Old County Road and San Francisco Avenue on the south easterly portion in the City's Community Park. Currently, there are picnic tables and decorative fire hydrants located in this area. Attached is a google map image of the area.

Project Description: The Public Art Committee is seeking a Consultant or Consultant Team to assist in the Committee in creating a Request for Proposal which will result in an artist, artists, or artist teams which will create and install an art piece or art elements in the designated location. The chosen consultant or consultant team will also assist the Committee with the selection of the artist(s), and work with the artist throughout the installation process. The Committee wants a process that is open and seeks community feedback for selection of the art work/elements. It is anticipated the overall cost of the project to be \$200,000 including the both the artist and consultant. However, the final budget can be adjusted with City Council approval.

Desired Knowledge, Skills, and Abilities:

- Excellent writing and communication skills
- Ability to facilitate public meetings
- Working knowledge of the visual arts in general and public art specifically,
- Familiarity with issues and best practices around the selection of public art undertaken by other municipalities
- Knowledge and experience related to racial equity and social justice as it relates to public art
- Familiarity with installation of public art in outdoor spaces

Scope of Work

- Facilitate conversation with Public Art Commission to determine requirements for artist and art work at the Community Park including budget for art installation
 - As a part of this phase of the process assist the Committee in identifying the community values the art work should showcase
- Develop and Administer Request for Proposal or Interest Process
 - Request for Proposal will be recommended by the Public Art Committee to the City Council for approval

- Meet with Public Art Commission to assist with the selection of the artist based on the results of the Request for Proposal process
 - The Artist will be recommended by the Public Art Committee for approval by the City Council
- Work with the chosen artist to ensure the vision of the Public Art Commission is achieved in the final design of the art work
- Be the lead contact for the artist and the City during the installation of the art work

Work with the artist to ensure the City has the appropriate documentation for maintenance of the art work Include anticipated public outreach process as part of your proposal for each phase of the project.

Submittal requirements

- Consultant /Consultant Team information
 - Name
 - Address
 - Telephone Number
 - E-mail Address
- Cover Letter
- Resume
- Portfolio of previous projects consultant has overseen
- Cost Proposal broken down by each aspect of the Scope of Work

The City of Brisbane is an Equal Opportunity Employer and as such does not discriminate on the basis of race, color, sex, religion, ancestry, physical or mental disability, marital status, sexual orientation, or national origin.

AGREEMENT FOR PROFESSIONAL SERVICES **[DRAFT]**

THIS AGREEMENT dated _____, 2022 is made by and between THE CITY OF BRISBANE, a municipal corporation ("City"), and _____ ("Consultant").

RECITALS

AGREEMENT

1. **Scope of Services.** Subject to the direction and approval of City through its staff that City may provide from time to time, Consultant shall perform the services described in the scope of work outlined in the RFP and Consultant's proposal and referenced herein as exhibits #(TBD).

2. **Time of Performance.** The services of Consultant shall commence upon the execution of this Agreement and shall be satisfactorily completed within the agreed upon timeframe.

3. **Responsible Personnel.** The personnel acting on behalf of Consultant primarily responsible for performance of the services hereunder shall be as set forth within Consultant's proposal.

4. **Compensation.** As compensation for all services to be performed by Consultant under this Agreement, Consultant shall be paid the amounts set forth and incorporated herein as exhibit #(TBD). In no event shall Consultant's total compensation exceed the agreed upon sum without additional authorization from City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to City at the time of payment.

5. **Method of Payment.** Consultant shall submit billings to City describing in detail the work performed for which payment is requested, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenditures. Billings shall be submitted monthly, or at such other time as agreed upon between City and Consultant. City shall pay Consultant no later than 30 days after approval of the invoice by City. Such payment shall not be unreasonably withheld.

6. **Maintenance and Inspection of Records.** Consultant shall maintain all ledgers, books of account, invoices, vouchers, canceled checks, timecards, and other records or documents relating to charges for services or expenditures charged to City, for a minimum of three (3) years from the date of final payment to Consultant under this Agreement and shall make the same available to City or its authorized representatives for inspection and audit, at any time during regular business hours, upon written request by City. The right of inspection shall include the right to make extracts and copies.

7. **Assignment and Subcontracts.** Consultant acknowledges that Consultant's special skill and expertise is a material consideration for City entering into this Agreement. Consultant shall not assign, subcontract or delegate to any other party the performance of any services to be rendered by Consultant or Subconsultants without the prior written approval of City. If City consents to any sub-consulting of work, Consultant shall be fully responsible to City for all acts or omissions of the subconsultant.

8. **Ownership of Documents.** Upon payment of fees and expenses due, all plans, studies, documents, and other writings prepared by and for the Consultant in the course of performing its services under this Agreement, except working notes and internal documents, shall become the property of City, and City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City upon written request.

9. **Independent Contractor.** Consultant is, and at all times shall remain, an independent contractor, and not an agent, officer or employee of City. As an independent contractor, neither Consultant nor any of Consultant's agents or employees shall be entitled to any salary, fringe benefits, worker's compensation, retirement contributions, sick leave, insurance, or other benefit or right connected with employment by City, or any compensation other than as provided in this Agreement. Consultant shall have no power or authority to bind City to any contract or otherwise to incur any obligation or liability for, or on behalf, or in the name of City.

10. **Licenses.** Consultant represents and warrants to City that Consultant has all licenses, permits, qualifications, insurance, and approvals of whatsoever nature that are legally required of Consultant to practice its profession. Consultant shall, at its sole cost and expense, keep and maintain such licenses, permits, qualifications, insurance and approvals in full force and effect at all times during the term of this Agreement. Consultant shall procure and thereafter maintain a City of Brisbane business license during the term of this Agreement.

11. **Compliance with Laws.** Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations in connection with the performance of its services under this Agreement.

12. **Employment Eligibility.** At the request of City, Consultant shall furnish to City copies of Employment Eligibility Verifications (INS Form I-9) or other evidence satisfactory to City showing that any or all persons providing services under this Agreement for on behalf of Consultant is eligible to be employed in the United States. In the event Consultant is unable or unwilling to provide the employment eligibility verification within ten (10) days after City's request, City may require the immediate removal from the project of such workers as specified by City, and upon any failure by Consultant to do so, City shall be entitled to terminate this Agreement.

13. **Indemnity.** Consultant shall indemnify, defend, and hold City, its officers, officials, agents, employees and volunteers, harmless from and against any and all claims, demands, causes of action, losses, damages, injuries, expenses and liabilities, direct or indirect, including reasonable attorney's fees, to the extent actually caused by negligence or willful misconduct in the performance by Consultant of its services under this Agreement or its failure to comply with any of the its obligations contained in this Agreement, and City shall not be liable for any negligent acts or omissions or willful misconduct of Consultant. Consultant shall not be liable for the negligent acts or omissions or willful misconduct of the City.

14. **Insurance.** Consultant, at its own expense, shall procure and maintain, for the duration of this Agreement, insurance policies, which satisfy the following requirements:

(a) Type of policies and coverage:

- (1) *General Liability Coverage.* Consultant shall maintain commercial general liability insurance in an amount not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage, providing coverage at least as broad as Insurance Services Office Commercial General Liability form CG 0001 (Ed. 11/88). If the form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.
- (2) *Automobile Liability Coverage.* Consultant shall maintain automobile liability insurance in an amount not less than \$1,000,000 combined single limit for each occurrence, for bodily injury and property damage, providing coverage at least as broad as Insurance Services Office form CA 0001 (Ed. 12/90) Code 1 (any auto).
- (3) *Workers' Compensation and Employer's Liability Coverage.* Consultant shall maintain workers' compensation insurance as required by the State of California and employer's liability insurance in an amount not less than \$1,000,000 per occurrence, for any and all persons employed by Consultant in connection with the performance of services

under this Agreement. In the alternative, Consultants may rely on a self-insurance program to provide this coverage so long as the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or Consultants, if a program of self-insurance is provided, shall waive all rights of subrogation against City for loss arising from work performed by Consultants for City.

- (4) *Professional Liability Coverage.* Consultant shall maintain professional errors and omissions liability insurance in an amount not less than \$1,000,000 per occurrence, covering negligent acts, errors or omissions which may be committed by Consultant in the performance of its services under this Agreement.
- (b) Endorsements: Each general liability and automobile liability insurance policy shall contain, or be endorsed to contain, the following provisions:
- (1) The City, its officers, officials, employees, agents, and volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, officials, employees, agents, or volunteers.
 - (2) For any claims related to the Project, Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees, agents, or volunteers shall be excess of Consultants' insurance and shall not contribute with it.
 - (3) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to City, its officers, officials, employees, agents, or volunteers.
 - (4) Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - (5) Consultant's insurance coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to City.

- (c) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by City. . At City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.
- (d) Acceptability of Insurers. Insurance is to be placed with insurers having a current A.M. Best rating of no less than A: VII, unless otherwise approved by City in writing.
- (e) Verification of coverage. Consultant shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required by this Agreement. Certificates of such insurance shall be filed with City before commencement of work by Consultant. At the request of City, Consultant shall provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by this Agreement.

15. **Notices.** Any notices required or permitted to be given under this Agreement shall be in writing and shall be either personally delivered or sent by certified mail, return receipt requested, addressed to the other party as follows:

To City

City of Brisbane

50 Park Lane

Brisbane, CA 94005

Attn.: City Manager

To Consultant

TBD

16. **Litigation Expenses and Attorneys' Fees.** If any party to this Agreement commences any legal action against the other party to enforce or interpret this Agreement, the prevailing party shall be entitled to recover all costs and expenses that may be incurred in connection therewith, including court costs, expert witness fees, discovery expenses, and reasonable attorneys' fees.

17. **Termination of Agreement.** This Agreement may be terminated by any party, effective upon written notice, should the other party commit any material default in the performance of its obligations hereunder. This Agreement may also be terminated by either party, for any reason, upon fifteen (15) day's prior written notice to the other party. In the event this Agreement is terminated by City through

no fault of Consultant, Consultant shall be compensated for all services performed to the date of termination.

18. **Equal Opportunity Employment.** Consultant warrants that it is an Equal Opportunity Employer and shall comply with applicable regulations governing equal opportunity employment.

19. **Miscellaneous Provisions.**

- (a) Severability. Should any portion of this Agreement be declared void or unenforceable in a final decision by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement can be reasonably interpreted to implement the intention of the parties.
- (b) Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes and cancels all prior agreements or understandings, whether written or verbal.
- (c) Amendments. This Agreement may be modified or amended only by a written document duly executed by both City and Consultant.
- (d) Waiver. The waiver of any breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same provision or any other provision of this Agreement.
- (e) Execution. Each party warrants that the individuals signing this Agreement on its behalf have the legal power and authority to do so and to bind the party to this Agreement.
- (f) Successors and Assigns. Subject to the restriction against assignment and subcontracting, this Agreement shall be inure to the benefit of and shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

THE CITY OF BRISBANE

By: _____

Clayton L. Holstine, City Manager

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

Consultant:

Michael Roush

Legal Counsel

File Attachments for Item:

H. Adopt a Resolution approving the Memorandum of Understanding between the City and the Brisbane Fire Management for the term of July 1, 2022 to June 30, 2023



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Abby Partin, Human Resources Administrator

Subject: Resolution to approve the Memorandum of Understanding between the City and the Brisbane Fire Management for the term of July 1, 2022 to June 30, 2023

Community Goal/Result

Fiscally Prudent, Safe Community

Purpose

To ensure the community continues to receive excellent service by retaining and attracting exceptional employees in a financially prudent manner and experience a sense of safety.

Recommendation

Adopt a Resolution approving the Memorandum of Understanding (MOU) between the City and the Brisbane Fire Management for the term of July 1, 2022 to June 30, 2023.

Background

On January 20, 2022, the Assistant Fire Marshal classification was created and approved by the City Council. This classification will serve as the point of contact in providing consistency and coordination related to any and all fire code and life safety requirements while interfacing with consultants, developers and contractors regarding pre-fire engineering development processes and during the construction implementation to completion of all City projects.

Discussion

The Brisbane Fire Management group currently represents one (1) employee in the classification of Assistant Fire Marshal. The position is currently vacant, but is due to be filled in July 2022.

The City created this MOU to provide a statement of terms and conditions of employment and stability for the new employee. To create this Brisbane Fire Management MOU, the City referenced the terms and conditions found in the current MOU between International Association of Firefighters, Local 2400, AFL CIO and the City of Brisbane and the City of Daly City's Fire Management Association MOUs. Although this MOU is a placeholder under the City and Brisbane Fire Management, Brisbane Fire Management can negotiate a MOU. This MOU was designed to maintain consistency across terms and conditions of employment with the City and North County Fire Authority. Areas not covered in the Brisbane Fire Management MOU will be governed by the City's Personnel Rules, federal, state and local law.

The City and the incumbent will have the opportunity to fully negotiate terms and conditions of employment for a successor MOU prior to the agreement's expiration date of June 30, 2023.

Fiscal Impact

The costs to implement the Memorandum of Understanding are included in the adopted budget for fiscal year 2022-23.

Measure of Success

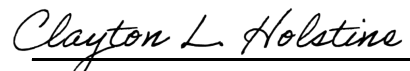
The City is able to maintain a stable and high quality workforce.

Attachments

Resolution 2022-XX



Abby Partin, HR Administrator


Clay Holstine, City Manager

RESOLUTION NO 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CONCERNING WAGES, HOURS AND WORKING CONDITIONS FOR THE BRISBANE FIRE MANAGEMENT

WHEREAS, the City of Brisbane desired to document the terms and conditions of employment for the future employee in the Brisbane Fire Management group to provide for consistency and stability; and

WHEREAS, the City of Brisbane has created a Memorandum of Understanding containing wages, hours and working conditions effective July 1, 2022 through June 30, 2023; and

WHEREAS, the City of Brisbane and the Brisbane Fire Management group will meet and confer in accordance with the requirements of the Meyers-Milias-Brown Act over a successor Memorandum of Understanding in year 2023.

NOW, THEREFORE, the City Council of the City of Brisbane resolves as follows:
The agreement is approved as set forth in Exhibit A and is incorporated by reference as though fully set forth herein.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on June 16, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ingrid Padilla, City Clerk

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF BRISBANE
AND THE
BRISBANE FIRE MANAGEMENT

JULY 1, 2022 – JUNE 30, 2023

TABLE OF CONTENTS

Attendance	Section 15
Bereavement Leave	Section 23
Deferred Compensation	Section 7
Effect on Seniority & Benefits	Section 20
Grievance Procedure	Section 18
Health & Welfare Benefits	Section 5
Holidays	Section 10
Hours of Work and Work Schedules	Section 2
Industrial Injury or Illness	Section 12
Jury Duty	Section 17
Leaves of Absence Without Pay	Section 12
Management Rights	Section 1
Other Leaves Without Pay	Section 16
Overtime	Section 4
Public Employee's Retirement System	Section 8
Seniority	Section 20
Severability of Provisions	Section 22
Sick Leave	Section 12
Supplemental Stipend	Section 6
Tuition Reimbursement	Section 9
Uniforms	Section 14
Vacation	Section 11
Wages	Section 2

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF BRISBANE
AND
BRISBANE FIRE MANAGEMENT

This Memorandum of Understanding is entered into between the City of Brisbane and Brisbane Fire Management, pursuant to the provisions of Section 3500 et seq of the Government Code of the State of California.

The parties have met and conferred in good faith regarding wages, hours and other terms and conditions of employment for the employees in said representation unit, and have freely exchanged information, opinions and proposals and have reached agreement on all matters set forth in this Agreement relating to the employment conditions and employer-employee relations of employees working in the classification of **Assistant Fire Marshall**.

This Memorandum of Understanding shall be presented to the City Council of the City of Brisbane as the joint recommendation of the undersigned parties for salary and employee benefit adjustments for the period commencing July 1, 2022 and ending June 30, 2023.

Topics not covered by this Memorandum of Understanding are governed by the City's Personnel Rules, federal, state and local law.

Section 1. Management Rights

The City reserves, retains, and is vested with, solely and exclusively, all rights of management which have not been expressly abridged by specific provision of this Memorandum of Understanding or by law to manage the City, as such rights existed prior to the execution of this Memorandum of Understanding. The sole and exclusive rights of management, as they are not abridged by this Agreement or by law, shall include, but not be limited to, the following rights:

- 1) To manage the City generally and to determine the issues of policy.
- 2) To determine the existence or non-existence of facts which are the basis of the management decision.
- 3) To determine the necessity of organization or any service or activity conducted by the City and expand or diminish services.
- 4) To determine the nature, manner, means, technology, and extent of services to be provided to the public.

City of Brisbane and Brisbane Fire Management MOU

- 5) Methods of financing.
- 6) Types of equipment or technology to be used.
- 7) To determine and/or change the facilities, methods, technology, means and size of the work force by which the City operations are to be conducted.
- 8) To determine and change the number of locations, re-locations and of types operations, processes and materials to be used in carrying out an City functions including, but not limited to, the right to contract for or subcontract any work or operation of the City.
- 9) To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments.
- 10) To relieve employees from duties for lack of work or similar non-disciplinary reasons.
- 11) To establish and modify productivity and performance programs and standards.
- 12) To discharge suspend, demote or otherwise discipline employees for proper cause in accordance with the provisions and procedures set forth in City Personnel Rules and Regulations.
- 13) To determine job classifications and to reclassify employees.
- 14) To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with this Memorandum of Understanding and City's Rules and Regulations.
- 15) To determine policies, procedures and standards for selection, training and promotion of employees.
- 16) To establish employee performance standards including, but not limited to, quality and quantity standards; and to require compliance therewith.
- 17) To maintain order and efficiency in its facilities and operations.
- 18) To establish and promulgate and/or modify rules and regulations to maintain order and safety in the City which are not in contravention with this Agreement.
- 19) To take any and all necessary action to carry out the mission of the City in emergencies.

Section 2. Wages

Salaries for covered employees are set in the City's Master Pay Schedule.

- A. Employees shall be compensated on a bi-weekly basis. Payment will normally be made on Friday immediately following the conclusion of a City payroll period. A City payroll period begins on the Monday which is the first day of the City pay period and ends on the Sunday which is the last day of the City pay period and consists of fourteen (14) calendar days. Employees who are on continuous paid regular service or a partial pay period shall receive pro-rated compensation for the pay period at the rate of 1/112 of the employee's bi-weekly wage rate for each hour of the pay period that the employee was on continuous paid service. An employee on continuous paid regular service shall be an employee who is on a full-time regular employment status with the City in a classification covered by this Memorandum of Understanding.

Section 3. Hours of Work & Work Schedules

- A. Normal Hours of Work

Employees shall report at the beginning of their workday in appropriate uniform and in conformance with Department grooming standards, and ready to work at the location to which they were directed by the Fire Chief or designated representative. The employee's work routine and responsibilities shall be as specified and determined by the City of Brisbane Job Description for the Assistant Fire Marshall, the City Rules and Regulations and the Fire Department Standard Operating Procedures.

The City shall retain the right to change the duty cycle and/or work period, so long as the change is intended to be permanent and not done to avoid overtime obligations required under the Fair Labor Standards Act.

For the 40-hour work week, the normal work period shall begin on Monday and end on Sunday and the hours worked will normally fall between 8:00 AM and 5:00 PM each day.

- B. Rest Periods

A rest period of fifteen (15) minutes will be permitted between 0800 hours and 1200 hours and one between 1300 hours and 1700 hours during the normal day, provided that such rest periods do not interfere with the effective operations of the Fire Service. Lunch periods generally shall be between the hours of 1200 hours and 1300 hours.

Section 4. Overtime

Overtime, when authorized by an employee's supervisor, shall be paid in accordance with the Fair Labor Standards Act. Overtime, when authorized by the employee's supervisor and approved by the Chief, shall be assigned as provided for in department Standard Operating Procedure (SOP).

For employees assigned an average forty (40) hour workweek, the workday shall be eight (8) hours unless otherwise assigned by the Fire Chief.

An employee required to work in excess of the regularly scheduled workday or regularly scheduled work shift, or as required under the Fair Labor Standards Act (FLSA), shall be compensated for each overtime hour as authorized by employee's supervisor at a rate of time-and-one-half (1-1/2) of the employee's regular base rate of pay.

Nothing herein shall preclude the covered employee and supervisor from adjusting employee's work schedule to reduce or eliminate such overtime if such adjustment is with the mutual consent of employee and supervisor and approval of the Fire Chief.

A. Overtime Compensation Rates:

- 1) Employees shall be compensated for all overtime hours at one-and-one-half (1-1/2) times the hourly rate of pay for which the employee otherwise qualifies pursuant to this Memorandum of Understanding.
- 2) Hold-Over: Overtime compensation for an employee held over past the end of his or her on duty shift shall conclude immediately upon the employee being properly relieved or upon the commencement of the employee's next regularly scheduled on-duty shift, whichever occurs first.
- 3) Non-Emergency Call-in: An employee may be called back to work for non-emergency work duties as determined by the Fire Chief. When the call back is voluntary the employee shall be compensated at the overtime rate of time-and-one-half rate the actual time worked. This overtime will include travel time to/from the employee's home or location of response, whichever is closer. When the call back is mandatory, the employee shall be compensated for a minimum of two (2) hours at the time-and-one-half rate of pay.

B. Compensatory Time

Employees who are eligible to earn overtime shall be eligible to earn compensatory time off (comp time) at one-and-one-half times the straight time rate. No one may accumulate

more than one hundred and twenty (120) hours of comp time. Any employee who accumulates over one hundred and twenty (120) hours of comp time will be automatically reduced and paid-off down to sixty (60) hours. An employee who has requested to use accumulated compensatory time is permitted to use such time within a reasonable period after making the request unless, in the opinion of the Fire Chief, the request would unduly disrupt the operations of the department.

C. Court Time

Any employee required to report to court while not on duty for purposes related to his/her Fire Department duties shall receive a minimum of three (3) hours for such court appearances at the time-and-one-half (1-1/2) rate of pay.

An employee subpoenaed to appear in court in a matter that is unrelated to his/her official capacity as a City employee shall be permitted time off without pay. If the employee elects, accrued vacation, compensatory time off or personal leave as approved by the department head may be used for this purpose.

D. Standby Program

- 1) Standby coverage and therefore Standby duty is an essential function of the Assistant Fire Marshall classification and a condition of employment.
- 2) When the Assistant Fire Marshall is called to work, he/she will receive a minimum of two hours overtime compensation. Once the Assistant Fire Marshall is called and receiving overtime compensation, he/she will not be eligible for standby pay during the period while receiving overtime compensation.

Section 5. Health & Welfare Benefits

A. CalPERS Employer Health Contribution

The City shall contribute the minimum health premium contribution for participating active and retired employees under the Public Employees' Medical and Hospital Care Act (PEMHCA). This will cease should the City no longer provide health benefits through PEMHCA in the future.

B. Flexible Compensation Plan

The City shall continue to offer a bona fide Flexible Compensation Plan and to make monthly contributions for allocation to health insurance and health and dependent care reimbursement accounts. It is understood that the City may establish such regulations as may become necessary to ensure that the cafeteria plan remains a bona fide plan for the purpose of taxation and FLSA compliance, subject to meet and confer to the extent required by state law.

Effective January 1, 2022, the City's contribution toward the Flexible Compensation Plan will be the following amounts:

No Plan	\$679.89
Single party	\$984.29
Two party	\$1,980.81
Family	\$2,578.77

C. Dental Benefits

During the term of this agreement, the City shall contribute the sum of \$145 per month per employee toward a dental plan.

Within 90 days of ratification, the City will convene a meeting of the Dental Plan group with the anticipation that the existing dental benefit will be replaced by an indemnity plan, effective July 1, 2020. If the group cannot agree upon such an alternative plan, the City will continue with the existing plan, however, employees will be required to pay all costs of the plan not covered by the above City contribution.

Maximum Coverage: The current maximum reimbursement amount per employee shall be \$2,000 per plan year. The reimbursement per dependent shall be \$1, 00 per plan year. The amount of the unused employee balance that can be applied to the outstanding dependent balance shall be \$530 per fiscal year.

D. Life and Long-Term Disability Insurance

The City shall maintain in effect for the term of this Agreement the current level of life insurance plan. The City agrees to maintain in effect for the term of this agreement long-term disability insurance with the carrier requested by the unit, California Association of Professional Firefighters. The City further agrees to add the cost of the long-term

disability premium to the employee's pay warrant as gross income for the purpose of the disability premium being paid by the employee through a payroll tax deduction.

E. Vision Care Insurance

The City shall maintain in effect for the term of this agreement its existing vision care insurance. The City shall contribute one hundred percent (100%) of the family rate for such vision care coverage.

F. Employee Assistance Program

The City shall maintain in effect for the term of this agreement its existing agreement to provide an employee assistance program.

G. Wellness Benefit

The City shall provide up to \$300 per fiscal year per employee for a wellness benefit.

Section 6. Supplemental Stipend

The City will provide for an amount equal to Kaiser Health Insurance for employee, employee plus 1, or employee plus 2 depending on the level of insurance the employee has in retirement. The amount will change to the Medicare supplement once the employee or dependent is eligible for Medicare. If one covered family member is not in Medicare while another is, the employee will receive the appropriate amount for the combined plan. The benefit will continue only through the life of the employee, not survivors, and shall be subject to change in subsequent MOUs. If the employee changes health care carriers, the benefit will cease; provided, however, that in the case of PEMHCA health care plans, an employee may change carriers as long as it the health care plan remains within the PEMHCA umbrella. All of the following conditions shall be met for the employee to be eligible to receive this benefit:

- 1) The employee has 15 years or more service with the City of Brisbane.
- 2) The employee retires from service with the City of Brisbane.
- 3) The effective date of the retirement is within one-hundred twenty (120) days of separation from the City of Brisbane.
- 4) Employees hired after July 1, 2008 are not eligible for the supplemental stipend benefit. Such employees will be eligible to receive a benefit as noted in Section 7 below.
- 5) Any employee hired before July 1, 2008 and who retires before July 1, 2020, and who meets the conditions above, will be paid a stipend that is equal to the single party premium rate charged the City by Kaiser

Section 7. Deferred Compensation – Employer Contribution

- A. Employees hired on or before January 1, 2013 shall have the option of contributing to their 457 deferred compensation plan voluntarily without forfeiting any rights to the retiree medical supplemental stipend.
- B. For employees hired on or after January 1, 2013 the City will contribute one point five percent (1.5%) of the employee's base monthly salary toward a defined contribution benefit plan and the Supplemental Stipend will not apply. In the event the employee makes a contribution of up to two point Five percent (2.5%) of the employee's base monthly salary toward the Defined Contribution Plan, the City will match such contribution up to one percent (1.0%). The City's total contribution toward any employee will not exceed two point five percent (2.5%).
- C. For individual employees eligible for the supplemental stipend who voluntarily elect to irrevocably opt out of the supplemental stipend benefit, the City will contribute three percent (3.0%) of the employee's base monthly salary toward a Defined Contribution Plan and the supplemental stipend will not apply. In the event the employee makes a contribution up to five percent (5.0%) of the employee's base monthly salary towards the Defined Contribution Plan, the City will match such contribution up to two percent (2.0%). The City's total contribution toward any employee will not exceed five percent (5.0%). This benefit will terminate upon separation from service with the City. Furthermore, it is agreed that an employee who once waives his/her participation in the supplemental stipend program, it shall be irrevocable.

Section 8. Public Employees' Retirement System

Employees hired by the City and who have entered CalPERS membership prior to January 1, 2013 will receive the Local Safety 3% @ 55 CalPERS retirement plan. The employee contribution for those participating in the Local Safety 3% @ 55 retirement plan will be 12%.

Employees hired by the City on or after January 1, 2013 who are determined by CalPERS to be "classic" or "legacy" members of CalPERS will receive the Local Safety 3% @ 55 retirement plan. The employee contribution for those participating in the Local Safety 3% @ 55 retirement plan will be 12.0%.

Employees hired on or after January 1, 2013 who are determined by CalPERS to be "new" members of CalPERS, the City shall provide the Local Safety 2.7% @ 57 retirement plan. The employee contribution for those participating in the Local Safety 2.7% @ 57 retirement plan will be 50% of the normal cost. In this and all other relevant respects, the City will comply with

City of Brisbane and Brisbane Fire Management MOU

Government Code sections 7522 et seq. (PEPRA) including but not limited to the employee cost-share, the cap on pension benefits, and the three-year average for calculating final compensation.

Section 9. Tuition Reimbursement

The City shall reimburse all represented employees for tuition costs for job related courses. Tuition reimbursement shall be limited to the amount which the California State University system charges under its fee schedule for registration fees, tuition and course material. An employee shall be eligible to receive reimbursement provided the course(s) of instruction meets the following:

- 1) Requires attendance at an accredited community college or university, or
- 2) Is given by an accredited institution as part of a curriculum leading to a degree related to the fire service, or
- 3) Meets the criteria for professional development as defined in the Fire Department Career Development Guide to include workshops and seminars, and
- 4) Is successfully completed with a grade of "C" or better or a passing grade of "Credit" (CR) in a pass/fail course, and
- 5) Is approved by the Fire Chief or his/her designee prior to attending the course.

The procedure for course approval and reimbursement shall be governed by department Standard Operating Procedure (SOP) and the Fire Department Career Development Guide.

Section 10. Holidays

- A. Employees assigned to duties that are scheduled for a forty (40) hour workweek and non-rotating shifts shall observe the following City holidays
- January 1
 - February 12
 - 3rd Monday in February
 - Last Monday in May
 - July 4
 - 1st Monday in September
 - 2nd Monday in October
 - November 11
 - Thanksgiving Day
 - Day after Thanksgiving
 - Eight hours on the work day prior to the observance of December 25 and January 1 holidays.

B. Holiday Compensation for Employees on Industrial Injury or Illness Leave:

An employee who is receiving compensation pursuant to the provisions of the state of California Labor Code Section 4850 shall receive the same holiday compensation as the employee would receive were the employee working his or her normal hours of on-duty shift time.

Section 11. Vacation

All full-time personnel shall be entitled to annual vacation leave as provided below.

40 Hour Work Week

Years of Continuous Service	Annual Accrual Amount	Maximum Accruals
First 4 years	80 hours	160 hours
After 4 years	120 hours	240 hours
After 9 years	160 hours	320 hours
After 15 years	176 hours	352 hours

Vacation credits shall be accrued pro rata on each pay period. Employees will be eligible to take vacation after six (6) months service with the City.

Based on operational needs or employee preference, vacation leave earned in a given year may be deferred to the following year. However, the total amount of vacation accrued shall not exceed the maximum accrual listed above, except as noted below.

Vacation leave accrued may exceed the listed maximum hours only with approval of the Appointing Authority. Documentation of all vacation deferments approved by the Appointing Authority shall be provided to Human Resources in such form as specified.

It is the employee's responsibility to keep track of his/her accrual hours and make timely requests to take earned vacation leave. The granting of vacation leave requests is at the discretion of the Chief, based on staffing and operational needs of the department. Failure to plan for and timely scheduling of vacation leave may result in the loss of vacation hours when the maximum number of accrued vacation hours is reached. However, no employee shall lose the accrual of vacation hours when timely vacation requests are made. A timely vacation request shall be one which is submitted within sixty (60) days of the requested leave date(s).

Subject to approval of the appointing authority, the department and employee shall schedule the times at which vacation leave is to be taken with due consideration being given to the desires of City of Brisbane and Brisbane Fire Management MOU

the employee and the operational needs of the department. For shift personnel vacation may be taken in twelve (12) hour increments or for lesser periods as approved by the Fire Chief.

Where an illness or injury necessitates hospitalization of an employee during his vacation leave, the days of hospitalization shall not be charged against the employee's vacation accrual. Upon presentation of appropriate documentation such leave will be charged to the employee's sick leave.

Employees who leave the City service during their first six (6) months of employment under original appointments shall not receive any vacation leave or payment therefor. All other employees in the Classified Service shall, upon separation in good standing, be entitled to receive payment at their current base rate of pay for all vacation credits earned, but not taken as of the effective date of separation.

Section 12. Sick Leave

- A. Sick leave shall not be considered a privilege that an employee may use at his/her discretion, but shall be allowed only in case of actual sickness, injury, disability or medical condition that prevents the employee from performing the usual and customary duties of the classification.
- B. An employee who is temporarily and/or partially disabled from performing the full scope of the usual and customary duties of his/her classification as the result of an injury or illness that is not industrially caused may be eligible for sick leave without loss of salary or benefits within the limits set forth below. An employee who is granted sick leave is expected to take the appropriate recuperative steps and/or to follow physician recommended recuperative steps to assure a timely return to work.
- C. Each employee on a forty (40) hour workweek will accrue eight (8) hours of sick leave per month of employment for purposes of sick leave usage. Sick leave hours earned may be accumulated without limit. Sick leave used shall be on the basis of one (1) hour for each hour used.
- D. An employee may use one-half of his/her annual accrual of sick leave to attend to the diagnosis, care, or treatment of an existing health condition or preventative care for a child, spouse, registered domestic partner, parent (including biological, adoptive, foster parent, stepparent or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. The Personnel Officer may approve use of leave for this purpose for other than the family members defined above.

- E. Accrued sick leave may, with department head approval, be used for medical and dental appointments of the employee where it is unfeasible to schedule them on the employee's own time.
- F. The sick leave reporting procedure shall be governed by the department Standard Operating Procedure (SOP).
- G. Verification of Injury or Illness:
 - 1) Usual verification - An employee requesting paid sick leave shall provide reasonable verification of the illness or injury by completing a sick leave form explaining the reason for the employee's absence.
 - 2) Doctor's Verification - The Chief or his/her designee may require a verification prepared and signed by a medical doctor, which describes the nature and extent of the illness or injury and which confirms that the employee has fully recovered and is able to perform the full scope of the normal and customary duties of the classification. This verification may be required when an employee is absent due to illness or injury for a period of three (3) consecutive shifts.
 - 3) A Doctor's verification may be required for a one (1) day absence if it is due to an injury or suspected injury of the nature that may interfere with the physical duties of a firefighter.
- H. Industrial Injury or Illness

An employee who is temporarily and/or partially disabled from performing the full scope of the usual and customary duties of his/her classification as a result of an injury or illness which has been determined by a City physician to be industrially caused shall be granted Workers' Compensation Leave without loss of salary or benefits.

Administration of Leave: The requirements and the amount of Workers' Compensation Leave to be granted to an employee shall be as prescribed in Section 4850 and related sections of the Labor Code as those sections are constituted at the time interpretation of said sections are necessary.

Section 13. Bereavement Leave

An employee may be granted leave of absence without loss of salary or benefits upon the death or the funeral of any of the following persons: spouse, domestic partner, child, father, mother, step-father, step-mother, brother, sister, step-brother, step-sister, grandfather, grandmother, grandchildren, mother-in-law, and father-in-law. In addition, the City Manager or designee may

grant leave to an employee upon the death or the funeral of some other person if, in the opinion of the City Manager or designee, such leave is warranted under City Personnel Rules and Regulations. Employees may be granted up to a maximum of forty (40) hours per occurrence for the death or funeral of a family member. The City Manager or designee may approve extensions to such leaves due to unusual circumstances.

Section 14. Uniforms

Each employee shall be eligible for payment by the City to a vendor approved by the City, or reimbursement for the purchase price of approved uniform items up to a total of Eight Hundred Dollars (\$800. 00) per fiscal year. New employees shall receive \$1,250 in their first month of employment.

The City will make payment or reimburse an employee for such purchase price upon presentation by the employee of a proper claim, itemized receipt, and upon verification by the employee's immediate supervisor that the employee has received the items. The City will provide unlimited cleaning, and alterations for issued uniforms.

Section 15. Attendance

Personnel shall devote their entire time and attention to the service of the Department and be ready to respond to all emergencies and requests for service. The normal and/or assigned work location shall be determined by the Fire Chief or his/her designee. However, personnel may and will be required to work in many locations dictated by the needs of the service.

No employee shall leave the normal and/or assigned work location without specific permission, approval or assignment of his/her superior officer.

No employee may leave the City of Brisbane without the specific permission of the Fire Chief or his/her designee, except as provided for in the Mutual and Automatic Aid Agreements with the City of Brisbane.

Employee attendance and conduct shall also be governed by the department Standard Operating Procedure (SOP).

Section 16. Other Leaves Without Pay

The appointing authority may grant an employee a leave of absence without pay for a definite period not to exceed three months. The Fire Chief or his/her designee may grant such leaves not

City of Brisbane and Brisbane Fire Management MOU

to exceed five (5) working days. The request for leave, and the reasons therefor, shall be submitted in writing by the employee and must be approved in advance by the appointing authority or the department head, as appropriate.

On expiration of the approved leave, the employee shall be reinstated to his/her former position or to a comparable one if the former position was abolished during the period of leave and the employee otherwise would not have been laid off. Based upon unforeseeable changes in operating requirements, the appointing authority may recall the employee from leave prior to its expiration. Failure on the part of an employee to return to work on the date originally scheduled or subsequently modified shall be considered as a resignation.

Please see the City's Personnel Rules for guidance on additional leaves.

Except as provided under State Law for employees on military leaves of absence, employees on leaves of absence without pay shall not, after the first thirty (30) days of such leave, accrue service or leave credits, nor shall the City be required to maintain contributions toward group insurance coverages. During the period of such leaves, all service and leave credits shall be retained at the levels existing as of the effective date of the leave.

Section 17. Jury Duty

An employee who is called to serve as a juror shall be entitled to leave during the period of such service or while necessarily being present in court as the result of such a summons. Under these circumstances, the employee shall be paid his full salary for this period, provided the employee remits jury fees received to the City. Such fees shall not include mileage reimbursements or subsistence payments.

Section 18. Grievance Procedure

- A. Definition of a Grievance: A grievance is defined as any dispute that involves the interpretation, application or alleged violation of:
 - 1) A current Memorandum of Understanding between the City and a recognized employee organization.
 - 2) The City's Personnel Ordinance and City's Rules where the provision in dispute is within the scope of representation.
- B. Should any dispute concerning an agreement, rule, or action arise which prescribes a separate appeal procedure, that dispute shall be excluded from this procedure.

Step I - An employee who has a grievance shall bring it to the attention of his/her department head within five (5) working days of the occurrence of the act that is the basis for the dispute. Where the grievance concerns a matter of proper compensation or a matter which could not reasonably be discovered by the employee within five (5) working days of its occurrence, the grievance on such a matter shall be raised within twenty (20) working days of the occurrence. If the employee and the department are unable to resolve the grievance within five (5) working days of the date it is raised with the immediate supervisor, the employee shall have the right to submit a formal grievance which shall contain the information set forth below.

- a. The name of the grievant.
- b. The grievant's department and specific work site.
- c. The name of the grievant's immediate supervisor.
- d. A statement of the nature of the grievance including date and place of occurrence.
- e. The specific provision, policy or procedure alleged to have been violated.
- f. The remedy sought by the grievant.
- g. The name of the individual or organization, if any, designated by the grievant to represent him/her in the processing of the grievance. However, in no event shall an employee organization other than the one which formally represents the position occupied by the grievant be designated as the grievant's representative.

Formal grievances shall be processed beginning with Step 2 of this procedure.

Step 2 - If the employee is dissatisfied with the decision of the department head in Step 2, he/she may submit the grievance to the appointing authority within ten (10) working days from receipt of the department head's response. The appointing authority, or his/her designated representative, shall respond to the grievance in writing within ten (10) working days of its receipt. Within this period, the appointing authority, at his/her discretion, may conduct an informal hearing involving the parties to the dispute.

Step 3 - For any disciplinary suspensions, disciplinary demotions or disciplinary terminations and or no other action(s), an employee who is dissatisfied with the decision of the appointing authority in Step 3, may submit the grievance to arbitration within ten (10) working days from receipt of the appointing authority's decision.

- C. The City and the Association shall meet promptly to select a mutually acceptable arbitrator. The City and the Association shall share the fees and expenses of the arbitrator and a court reporter equally. Each party, however, shall bear the cost of its own presentation, including preparation, and post hearing briefs, if any.

- D. Decisions of arbitrators on matters properly before them shall be final and binding on the parties hereto.

Pay Claims: All complaints involving or concerning payment of compensation shall be filed in writing and no adjustments shall be retroactive for more than sixty (60) days from the date of filing.

Section 19. Prohibited Activities

No employee organization shall encourage participation in, nor shall any employee participate in any strike, picketing, slow down, sick-in, or any other form of concerted activity against the City during the term of this Agreement, nor shall any employee recognize any picket line in the course of his duty, nor in any way be involved in the reduction or denial of City service to any premises because of a labor dispute. Any employee who violates any portion of this section is subject to disciplinary action up to and including discharge.

Section 20. Seniority

The initial appointment of the employee to a classification in the Classified Service shall be the employee's seniority with the City. This employment anniversary date shall remain unchanged and shall be controlling for the purpose of establishing total time in the Classified Service. Any leave of absence taken will be governed by the City Personnel Rules & Regulations, Section 17.13 when determining total years of service credit.

The date of appointment to the classification within a City department shall be used to determine the employee's seniority within that department for the purpose of determining eligibility for such service related benefits, such as vacation leave. If the appointment to the classification in the City department is not voluntary on the part of the employee, then the employee's City seniority date shall be used to determine the employee's seniority within the department.

Section 21. Emergency Management Authority

Nothing contained in this Memorandum of Understanding shall limit the authority of the Fire Chief and the City to make necessary changes during emergencies. The Department Head and/or the City shall notify the Association of such changes as soon as possible. Emergency assignments of personnel shall not extend beyond the period of the emergency. An emergency is defined as an unforeseen circumstance requiring immediate implementation of the change.

Section 22. Severability of Provisions

Should any Section, clause or provision of this Memorandum of Understanding be declared illegal by final judgment of a court of competent jurisdiction, such invalidation of such Section, clause or provision shall not invalidate the remaining, portions hereof, and such remaining portions shall remain in full force and effect for the duration of this memorandum of Understanding. Upon such invalidation the parties agree immediately to meet and confer on substitute provisions for such parts or provisions rendered or declared illegal.

Section 23. Past Practices and Existing Memoranda of Understanding

- A. Continuance of working conditions and practices not specifically authorized by ordinance or resolution of the City Council is not guaranteed by this Memorandum of Understanding.
- B. The City's Personnel Rules and Regulations shall remain in full force and effect unless contradicted by a specific provision of this Memorandum of Understanding.
- C. It is understood and agreed by the parties that this Memorandum of Understanding supersedes all previous agreements between the parties, and that upon approval by the Brisbane City Council it shall be binding and enforceable to the full extent permitted by law.
- D. This Agreement expires June 30, 2023.

File Attachments for Item:

I. Consider Approval of Use Permit 2022-UP-2; 1000 Sierra Point Parkway; SP-CRO Sierra Point Commercial District; Use Permit application to allow the use of minipigs in medical research and development (R&D) by Bristol-Myers Squibb in the existing, approximately 9,000 square foot vivarium; Ricardo Garcia, applicant; HCP LS Brisbane LLC, owner

(This public hearing item was continued from the City Council Meeting of May 19, 2022 but will not be heard. The Applicant has made a request to continue the public hearing until the City Council Meeting of September 15, 2022)



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: John Swiecki, Community Development Director

Subject: Use Permit Application 2022-UP-2, 1000 Sierra Point Parkway, within the SP-CRO Sierra Point Commercial District, to allow the use of minipigs in medical research and development (R&D) by Bristol-Myers Squibb.

BACKGROUND

On May 19th, 2022, City Council considered the above –referenced application at a public hearing. With the consent of the applicant the matter was continued to tonight’s meeting so the applicant could provide additional information regarding the proposal.

As detailed in Attachment 1, the applicant has requested a continuance of 90 days in order to compile the requested additional information.

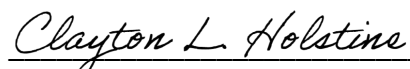
RECOMMENDATION

That the City Council continue this matter to the meeting of September 15, 2022.

Attachments

1. Applicant’s Emailed Extension Request


John Swiecki, Community Development Director


Clay Holstine, City Manager

From: Garcia, Ricardo

Sent: Thursday, May 26, 2022 10:49 AM

To: Johnson, Kenneth <kjohnson@ci.brisbane.ca.us>; Swiecki, John <johnswiecki@ci.brisbane.ca.us>; Padilla, Ingrid <ipadilla@ci.brisbane.ca.us>

Cc: Geist, Beth <Beth.Geist@bms.com>

Subject: RE: Use Permit Application 2022-UP-2 - Public Hearing May 19th City Council Meeting

Hello Ken.

We've been talking internally about the additional information requested by the City Council during last week's meeting, and there are two issues that we'd like to discuss.

First, we want to make sure we have enough time to get them the information they're requesting and that the Councilmembers have sufficient time to understand both the high standards that animal care is held to at BMS as well as the essential and limited nature of this work. We realize schedules may be more complex as we enter the summer. Therefore, we'd like to request an extension of up to 90 days. Would that work for the City?

Second, as we are working to provide the additional material requested by the Council, does staff have any suggestions about other materials that the Council might find helpful? Have there been any requests for additional information or new developments since we spoke last week? We would be happy to incorporate those as further additions to the original request.

Thanks,
Ricardo

File Attachments for Item:

J. Consider Adoption of Resolutions to approve the budget for Fiscal Year 2022/23

1. Adopt Resolution adopting the annual budget for Fiscal Year 2022-2023 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority

2. Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2022-2023 and making appropriations for the amounts budgeted



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Carolina Yuen

Subject: Adoption Resolutions to Approve the Fiscal Year 2022/23

Budget

Community Goal/Result

Fiscally Prudent – Brisbane’s fiscal vitality will reflect sound decisions which also speak to the values of the community

Purpose

To provide a fiscal plan which provides flexibility to City Council and the Community to provide for services during the time of unknown economic circumstances while planning for the long-term recovery.

Recommendation

Adopt the attached resolutions to approve the budget for Fiscal Year (FY) 2022/23.

Background

On June 9, 2022, Staff presented an overview of the budget to the City Council. Council also reviewed the budgets for following Departments: Finance, Human Resources, City Council, City Manager, Library, City Clerk, City Attorney, Fire, Police, Community Development, Parks and Recreation, Public Works (including Utilities), Marina, Open Space and Central Services.

Discussion

The City Council did not request any changes to the proposed budget.

Fiscal Impact

The General Fund budget for FY2022/23 is balanced within available resources. The anticipated Net Use of Fund Balance is \$3,198,000.

Attachments

Resolution Adopting the Annual Budget for the Fiscal Year 2022/23

Resolution Adopting the GVMID Annual Budget for the Fiscal Year 2022/23

High Level Budget Summary for Fiscal Year 2022/23

Carolina Yuen

Carolina Yuen, Finance Director

Clayton L. Holstine

Clay Holstine, City Manager

RESOLUTION NO. 2022-_____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BRISBANE
ADOPTING THE ANNUAL BUDGET
FOR THE FISCAL YEAR 2022-2023 AND
MAKING APPROPRIATIONS FOR THE AMOUNTS BUDGETED**

WHEREAS, a proposed annual budget for the City of Brisbane for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023 was submitted to the City Council

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, that the proposed budget, as submitted is adopted as the annual budget for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023 and thereby appropriates the amounts budgeted.

PASSED, APPROVED AND ADOPTED this 16th day of June 2022.

Coleen Mackin
Mayor

I hereby certify that the foregoing **Resolution No. 2022-_____** was duly and regularly adopted at a regular meeting of the Brisbane City Council on June 16th, 2022 by the following vote:

AYES:
NOES:
ABSENT:

Ingrid Padilla
City Clerk

RESOLUTION NO. GVMID 2022-_____**A RESOLUTION OF GUADALUPE VALLEY
MUNICIPAL IMPROVEMENT DISTRICT (GVMID)
ADOPTING THE ANNUAL BUDGET
FOR THE FISCAL YEAR 2022-2023
MAKING APPROPRIATIONS FOR THE AMOUNTS BUDGETED**

WHEREAS, a proposed annual budget for the Guadalupe Valley Municipal District (GVMID) for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023¹ was submitted to the Board of Directors, and

WHEREAS, a public hearing and proceedings for the adoption of said budget have been duly held and

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the GVMID that the proposed budget, as submitted, is adopted as the annual budget for the Fiscal Year commencing July 1, 2022 and ending June 30, 2023 and thereby appropriates the amounts budgeted.

PASSED, APPROVED AND ADOPTED this 16th day of June 2022.

Coleen Mackin
President of the Board

I hereby certify that the foregoing **Resolution No. GVMID 2022-_____** was duly and regularly adopted at a regular meeting of the Guadalupe Valley Municipal Improvement District on June 16th, 2022 by the following vote:

AYES:
NOES:
ABSENT:

Ingrid Padilla
District Secretary

City of Brisbane
Fiscal Year 22/23 Proposed Budget

Description	General Fund	Gas Tax Fund	SB1 Road Maint & Rehab Act	Meas A	Meas W	Sierra Point Lighting and Landscaping	National Pollution Discharge Elimination System	COPS - State Personnel Grant	Public Art	Housing	Utility Fund	Water Maint Monitoring & Emergency Plan Fund	Marina Fund	Dental Self Insurance	Self Insurance	Self Insured Workers Compensation	Motor Vehicle Replacement
Revenues	21,816,001	116,892	75,585	381,833	88,019	590,000	54,000	140,000	-		5,670,000	60,000	1,887,000	152,963	845,358	596,603	445,925
Transfers In							268,184										
Fund Balance	1,954,701	370,000	71,000	622,000	104,000	1,030,000	-	-	1,352,000	2,431,000	4,630,812	80,000	1,730,911	47,000	382,884	500,000	491,000
Total Available Resources	23,770,702	486,892	146,585	1,003,833	192,019	1,620,000	322,184	140,000	1,352,000	2,431,000	10,300,812	140,000	3,617,911	199,963	1,228,243	1,096,603	936,925
Expenditures:																	
City Council	268,915																
City Clerk	405,009																
City Manager	1,192,946																
Event Cosponsorship																	
Open Space	452,469																
Finance	1,616,650																
Human Resources	751,177																
Legal Services-City Attorney	450,000																
Community Development	1,627,169																
Library	70,600																
Police-Administration & Personnel	1,011,477																
Police-Communications & Records	789,798																
Police-Police Patrol	3,649,723							140,000									
Fire	4,409,373																
Public Works-Admin. & Engineering	472,186																
Public Works-Streets & Storm Drains	917,597																
Public Works-Buildings & Grounds	342,115																
Public Works-Parks Maintenance	463,944																
Public Works-Landscape Maintenance	188,247																
Public Works - Sierra Point Lighting and Landscape						455,055											
Public Works- Water											1,742,024						
Public Works- Water Quality Monitoring												28,832					
Public Works- GVMID											1,482,279						
Public Works - NPDES							322,184										
Public Works - Sewer											1,900,916						
Public Works - Office of Emergency Services	150,904																
Recreation-Admin & PB&R Comm.	789,402																
Recreation-Parks & Facility Maint.	406,528																
Recreation-Preschool, Youth & Teen	745,853																
Recreation-Adult Recreation	74,011																
Recreation-Senior Citizens	129,961																
Recreation-Special Events	93,941																
Recreation-Teen Activities	88,990																
Recreation-Aquatics	573,280																
Marina													1,305,669				
Non-Departmental/Central Services	1,012,451																
Debt Service	1,868,950										623,400		483,035				
Housing										45,000							
TRSF: Motor Vehicle Replacement											60,289		16,158				
Payments														152,963	845,358	596,603	45,000
Total Expenditures	25,013,662	-	-	-	-	455,055	322,184	140,000	-	45,000	5,808,908	28,832	1,804,862	152,963	845,358	596,603	45,000
Available Resources	(1,242,960)	486,892	146,585	1,003,833	192,019	1,164,945	-	-	1,352,000	2,386,000	4,491,904	111,168	1,813,049	47,000	382,884	500,000	891,925
Recession Reserve	1,257,040																
Emergency Reserve	3,500,000																
Regular Reserve	2,341,483																

K.

File Attachments for Item:

K. Consider adoption of Resolution adopting a Master Fee Schedule



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Carolina Yuen, Finance Director

Subject: Adoption of Resolution Amending the Master Fee Schedule

Adopted on June 17, 2021.

Community Goal/Result

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

Purpose

To ensure the users of services as outlined in the City's Cost Recovery Policy pay for the services provided by the City.

Recommendation

Adopt attached Resolution, which generally increases fees by 2%.

Background

On May 30, 2002, City Council reviewed and approved target recovery percentages for the City's fee schedule. On June 10, 2002 during the presentation of the first reading of Ordinance 468, staff stated, the City Council would have the opportunity to review and approve fees annually. Staff presents the Master Fee Schedule each fiscal year.

The attached Resolution is the annual revision recommended by staff. The revision is allowed up to the inflation increase using the San Francisco – Oakland – Hayward, CA Consumer Price Index for All Urban Consumers (CPI-U) for All Items Less Energy for 12 months through the previous December.

In the previous fiscal year, the City increased rates generally by 2% and adjusted some rates after a thorough review to keep our fees in line with the cost of providing the service. This year's analysis and revision would allow up to an increase of over 7% which was the inflation increase using the CPI-U through December 2021. Considering we don't know when or by how much the inflation will drop, Staff is recommending we raise by 2%, similar to last year. This will give a break to the residents, and we can adjust the following year when re-evaluated as warranted.

Fee increases go into effect 60 days after approval. Therefore, rates, which are attached would go into effect on August 15, 2022.

Discussion

After seeking input from each department, the exception to the 2% increase was determined in some line items within Parks and Recreation, Planning and Public Works. For Parks and Recreation, the aquatic daily rate did not change, therefore there was no reason to change the rate of monthly or 15-day punch passes which is directly related to the aquatic daily rate. For Planning and Public Works, several rates tied to hourly wages had to be adjusted to correlate to current cost recovery.

Fiscal Impact

If all of the fees were adopted based on the current target recovery percentages, the City would see an increase of approximately \$18,000 based on the FY2022/23 budget. The actual amount may differ based on the amount each individual service is used by our customers and residents.

Measure of Success

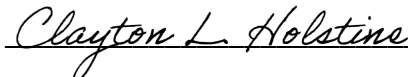
Users of City services pay for the appropriate portion of the cost of providing the service.

Attachments

Resolution Calling to Amend the Master Fee Schedule
Master Fee Schedule for FY 2022/23



Carolina Yuen, Finance Director



Clay Holstine, City Manager

RESOLUTION NO. 2022-_____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ADOPTING A MASTER FEE SCHEDULE**

WHEREAS, Section 3.32.010 of the Brisbane Municipal Code requires the City Council to establish, by resolution, a percentage of cost recovery for user fees and service charges collected by the City which was done by Resolution 2003-23; and

WHEREAS, on June 16, 2022, the City Council conducted a public hearing to consider the proposed cost recovery percentages and Master Fee Schedule, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the City Council finds that:

The proposed user fees and service charges set forth on the Master Fee Schedule do not exceed the actual cost of providing the services to which they relate, as determined by the user fee study; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF BRISBANE AS FOLLOWS:**

1. The Master Fee Schedule attached hereto as Exhibit A is hereby approved and adopted.
2. The Master Fee Schedule adopted by this Resolution shall supersede all price schedules pertaining to the same subject matter, and all such prior schedules, regardless of the manner in which the same may have been established or adopted, are hereby repealed and declared to be of no further force or effect.
3. This Resolution shall become effective sixty (60) days following the date of this adoption and shall be applicable to all user fees and service charge described therein which are payable to the City from and after such effective date.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-_____ was duly and regularly adopted at a regular meeting of the Brisbane City Council on June 16, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ingrid Padilla, City Clerk

CITY OF BRISBANE 2022/23 MASTER FEE SCHEDULE				Proposed 6/16/2022 To be effective 8/15/2022
Planning Fees	2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
Full Cost Hourly Rates by Staff Position:				
Director	\$215	\$254	\$259	expressed for 100% cost recovery; applicable cost recovery on a permit for which a fee is charged on an hourly basis
Senior Planner	\$167	\$164	\$167	
Associate Planner	\$116	\$138	\$141	
Planning Technician		\$104	\$107	
Administrative Assistant	\$114	\$102	\$104	
Office Specialist	\$99	\$96	\$98	
Accessory Dwelling Unit Permit:				
P1 Accessory Dwelling Units	\$323	\$329	\$336	
Use Permits:				
P2 Conditional uses listed in District Regulations not listed below	\$1,090	\$1,112	\$1,134	
P3a Transfer of development rights within the R- BA district	\$2,703	\$2,757	\$2,812	
P3b Clustered development within the R-BA district	\$2,703	\$2,757	\$2,812	
P4 Exceptions to Fence Regulations				
- Residential Uses	\$949	\$968	\$987	
- Retaining Walls	\$949	\$968	\$987	
- All Other Uses	\$1,264	\$1,289	\$1,315	
P5 Greenhouses on substandard lots	\$1,090	\$1,112	\$1,134	
P6 Horses in any district (with exceptions)	\$1,090	\$1,112	\$1,134	
P7 Public buildings, schools, parks, churches:				
- New Construction	\$1,090	\$1,112	\$1,134	
- Use Only	\$1,090	\$1,112	\$1,134	
P8 Hospitals, etc.	\$1,090	\$1,112	\$1,134	
P9 Philanthropic or charitable institutions				
- New Construction	\$1,090	\$1,112	\$1,134	
- Use Only	\$1,090	\$1,112	\$1,134	
P10 Public utilities in all districts	\$1,457	\$1,486	\$1,516	
P11 Temporary uses of not more than 45 days duration - all districts	\$1,141	\$1,164	\$1,187	
P12 Condominiums, cooperatives, new construction and conversion	\$1,462	\$1,491	\$1,521	
P13 Non conforming parking				
- in R and NCRO districts	\$1,221	\$1,245	\$1,270	
- in other districts	\$1,626	\$1,659	\$1,692	
P13a Use Permit to Expand Nonconforming Residential Uses	\$1,221	\$1,245	\$1,270	
Home Occupation Permits:				
P14 Home occupations in residential districts	\$38	\$39	\$40	
Design Permits				
P15a Design Permit for new construction: residential	\$1,796	\$1,832	\$1,869	
P15b Design Permit for new construction: non-residential or mixed use	\$2,999	\$3,059	\$3,120	

Planning Fees, cont.		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
P16	Design Permit for remodeling existing structures	\$1,676	\$1,710	\$1,744	
P16a	Design Permit Extension	\$1,384	\$1,412	\$1,440	
Variances:					
P17	Variance to code provisions for new construction to all structures	\$1,354	\$1,381	\$1,409	
P18	Variance to code provisions for remodel of existing structures				
	- residential structures	\$1,015	\$1,035	\$1,056	
	- other structures	\$1,354	\$1,381	\$1,409	
Sign Permits:					
P19	Sign permits in all districts				
	- with Hearing	\$791	\$807	\$823	
	- without Hearing	\$332	\$339	\$346	
P20	Sign Programs	\$917	\$935	\$954	Includes P19 Sign Permit fee
Planned Development Permits:					
P21	Planned Development Permit				deposit required
Development Agreements:					
P22	Development Agreement				deposit required
Specific Plans:					
P23	Specific Plan				deposit required
Exceptions to the Code:					
P25a	Height limits per BMC 17.32.060.B	\$1,349	\$1,376	\$1,404	
P25b	Height limits per BMC 17.32.060.C	\$1,349	\$1,376	\$1,404	
	- residential structures	\$609	\$621	\$633	
	- other structures	\$813	\$829	\$846	
P60	Accessibility Improvement Permits	\$208	\$212	\$216	
P61aPC	Setback Exception Modification - residential properties	\$784	\$800	\$816	
P61aZA	Setback Exception Modification - residential properties	\$610	\$622	\$634	
P61bPC	Setback Exception Modification - all other properties	\$1,044	\$1,065	\$1,086	
P61bZA	Setback Exception Modification - all other properties	\$813	\$829	\$846	
Minor Modifications:					
P26	Minor modifications per BMC 17.56.090	\$537	\$548	\$559	
Grading Permits:					
P27	Grading Permit Review by Planning Commission	\$1,523	\$1,553	\$1,584	
Amendments:					
P28	General Plan Map	\$1,725	\$1,760	\$1,795	
P29	General Plan Text	\$1,725	\$1,760	\$1,795	
P30	Zoning Map	\$1,725	\$1,760	\$1,795	
P30a	Housing Development Permit			\$2,464	
P31	Zoning Ordinance Text	\$1,710	\$1,744	\$1,779	
Subdivisions:					
P32	Tentative Subdivision Map and Condominium Plans with 5 or more lots/units	\$2,988	\$3,048	\$3,109	Plus \$275 per lot

Planning Fees, cont.		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
P34	Tentative Parcel Map and Condominium Plans with 4 or less lots/units	\$2,988	\$3,048	\$3,109	Please refer to PW11 (Public Works)
P35	Final Parcel Map				
P36	Time Extension for Approved Tentative Map	\$1,433	\$1,462	\$1,491	
P37	Amendment to Approved Tentative Map	\$1,350	\$1,377	\$1,405	
P38	Correction/ Amendment to Final Map	\$405	\$413	\$421	
P40	Modifications to Subdivision Provisions	\$1,486	\$1,516	\$1,546	
P41	Vesting Tentative Subdivision Map	\$5,983	\$6,103	\$6,225	
P42a	Certificate of Compliance per GC 66499.35(a) and (b)	\$1,041	\$1,062	\$1,083	
P42b	Certificate of Compliance per GC 66499.35 (c)	\$374	\$381	\$389	
P43	Lot Line Adjustment	\$995	\$1,015	\$1,035	
P43a	Parcel Map Waivers	\$995	\$1,015	\$1,035	
P44	Reversions to Acreage	\$906	\$924	\$942	
P45	Lot Merger	\$374	\$381	\$389	
Appeals:					
P46	Tie-vote at Planning Commission	\$0	\$0	\$0	
P47	All other appeals	\$390	\$398	\$406	
Environmental Review:					reimbursement for peer review may be required
P48	Categorical Exemption				
P49	Initial Study/Negative Declaration (fee includes those cases in which a Determination of HCP Compliance by the Planning Commission is needed, where no other Planning Permit is required.)	\$2,644	\$2,697	\$2,751	
P50	Environmental Impact Reports	consult. cost +10%	consult. cost +10%	consult. cost +10%	
P51	Mitigation Monitoring-Inspections etc.	hourly	hourly	hourly	
Other Services:					
P52	Pre-application Review				
	- single family dwelling on lot of record				
	- all other applications	hourly	hourly	hourly	
P53	Administrative review subsequent documents from Con. of Appr.	hourly	hourly	hourly	
P54	Parking lot redesign/landscape plan review (per BMC section 15.70.030)	\$595	\$607	\$619	
P55	Research record search	hourly	hourly	hourly	
P56	Technical report review	consult. cost +10%	consult. cost +10%	consult. cost +10%	
P57	Zoning enforcement penalty	10x orig fee	10x orig fee	10x orig fee	
P59	Archiving of records	hourly	hourly	hourly	
P62a	Concept review (greater 20,000 sq. feet commercial or 10 units or more of residential)	hourly	hourly	hourly	
P62b	Concept review (less than 20,000 sq. feet or less than 10 residential units)	hourly	hourly	hourly	
P63	Telecommunications Administrative Permit	\$1,091	\$1,113	\$1,135	
P64	Alcohol Public Convenience Necessity (PCN)	\$100	\$413	\$421	
P65	Tree Removal Permit	\$348	\$348	\$355	
P66	Administrative Appeal (to City Manager)	\$100	\$100	\$102	
P67	Address Assignment		\$115	\$117	
P68	Construction Noise Exception Permit per BMC 8.28.080		\$688	\$702	
P69	Outdoor Sound Amplification Request		\$200	\$204	
P70	Short Term Rental Permit		\$323	\$329	
P71	C.3 Stormwater Review/Inspection		consult. cost + \$167	consult. cost + \$170	

Parks and Recreation Fees				Basis	
	2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee		
Facility Rentals:					
Athletic Fields					
Lights	\$26	\$27	\$28	per hour	
Non Profit Closed to Public					
- Brisbane Non Profit	\$17	\$17	\$17	per hour	
- Non Brisbane Non Profit	\$26	\$27	\$28	per hour	
Residential	\$42	\$43	\$44	per hour	
Non-Residential	\$73	\$74	\$75	per hour	
Game Preparation	\$26	\$27	\$28	per game	
Mission Blue Center					
Residential					
1 Room - Weekday	\$126-\$168	\$129-\$171	\$132-\$174	per hour	
Entire Facility - Weekday	\$259	\$264	\$269	per hour	
1 Room - Weekend	\$157-\$209	\$160-\$213	\$163-\$217	per hour	
Entire Facility - Weekend	\$324	\$330	\$337	per hour	
Non-Residential					
1 Room - Weekday	\$ 182-\$243	\$ 186-\$248	\$ 190-\$253	per hour	
Entire Facility - Weekday	\$370	\$377	\$385	per hour	
1 Room - Weekend	\$ 228-\$297	\$ 233-\$303	\$ 238-\$309	per hour	
Entire Facility - Weekend	\$463	\$472	\$481	per hour	
Community Center Rental: Resident	\$60	\$80	\$82	per hour	
Community Center Rental: Non-Resident	\$155	\$96	\$98	per hour	
Volleyball Courts: Resident		\$26	\$27	per hour	
Volleyball Courts: Non-Resident		\$31	\$32	per hour	
Community Park Rentals:					
Picnic Use Permit: Resident	\$5	\$5	\$5	per area per hour	
Area 2 and 3 (4 tables)	\$19	\$19	\$19	per hour (3 hour minimum)	
Area 1 (individual tables)	\$7	\$7	\$7	per table per hour (3 hour minimum)	
Picnic Use Permit: Non-Resident	\$10	\$10	\$10	per area per hour	
Area 2 and 3 (4 tables)	\$42	\$43	\$44	per hour (3 hour minimum)	
Area 1(individual tables)	\$15	\$15	\$15	per table per hour (3 hour minimum)	
Lawn Area: Resident under 50	\$9	\$9	\$9	per hour (3 hour minimum)	
Lawn Area: Resident under 100	\$24	\$24	\$24	per hour (3 hour minimum)	
Lawn Area: Resident over 100	\$42	\$43	\$44	per hour (3 hour minimum)	
Lawn Area: Non-Resident under 50	\$29	\$30	\$31	per hour (3 hour minimum)	
Lawn Area: Non-Resident under 100	\$70	\$71	\$72	per hour (3 hour minimum)	
Lawn Area: Non-Resident over 100	\$126	\$129	\$132	per hour (3 hour minimum)	
Gazebo Area: Resident	\$71	\$72	\$73	per hour	
Gazebo Area: Non-Resident	\$209	\$86	\$88	per hour	

Parks and Recreation Fees, cont.		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
Aquatics:					
Daily Admission: Adult Resident	\$6	\$6	\$6	per person	
Daily Admission: Adult Non-Resident	\$8	\$8	\$8	per person	
Daily Admission: Adult Non-Resident Summer	\$10	\$10	\$10	per person	
15-Day Punch Pass: Adult Resident	\$72	\$72	\$72	per pass	
15-Day Punch Pass: Adult Non-Resident	\$96	\$96	\$96	per pass	
Monthly Pass: Adult Resident	\$60	\$60	\$60	per pass	
Monthly Pass: Adult Non-Resident	\$84	\$84	\$84	per pass	
Daily Admission: Youth/Senior Resident	\$4	\$4	\$4	per person	
Daily Admission: Youth/Senior Non-Res.	\$6	\$6	\$6	per person	
15-Day Punch Pass: Youth/Senior Res.	\$48	\$48	\$48	per pass	
15-Day Punch Pass: Youth/Senior Non-Res.	\$72	\$72	\$72	per pass	
Monthly Pass: Youth/Senior Non-Resident	\$58	\$58	\$58	per pass	
Swim Lessons (8): Resident	\$71	\$72	\$73	per lesson package	
Swim Lessons (8): Non-Resident	\$85	\$87	\$89	per lesson package	
Semi-Private Swim Lessons (4): Resident	\$108	\$110	\$112	per lesson package	
Semi-Private Swim Lessons (4): Non Resident	\$130	\$133	\$136	per lesson package	
Private Swim Lesson (4): Resident	\$150	\$153	\$156	per lesson package	
Private Swim Lesson (4): Non-Resident	\$181	\$185	\$189	per lesson package	
Private Rentals: Resident (silver)	\$129	\$132	\$135		
Private Rentals: Resident (gold)	\$263	\$268	\$273		
Private Rentals: Non-Resident (silver)	\$158	\$161	\$164		
Private Rentals: Non-Resident (gold)	\$317	\$323	\$329		
Summer Pass: Resident	\$251	\$256	\$261		
Summer Pass: Non-Resident	\$300	\$306	\$312		
Lifeguard Certification Class	\$200	\$204	\$208	per person, per session	
Piranha Swim Club: Resident	\$5	\$5	\$5	per person, per class	
Piranha Swim Club: Non-Resident	\$7	\$7	\$7	per person, per class	
Preschool/Youth Activities:					
Club Rec Monthly		\$1,680	\$1,714	per person, per 10 months	
Club Rec Monthly: Non-Resident		\$2,016	\$2,057	per person, per 10 months	
Daily Camp Fee		\$34	\$35	per person, per day	
Daily Camp Fee: Non-Resident		\$41	\$42	per person, per day	
Preschool:Resident	\$4	\$4	\$4	per person, per hour	
Preschool:Non-Resident	\$4	\$4	\$4	per person, per hour	
Club Rec: Enrichment Clubs	\$5-20	\$5 - \$50	\$5 - \$50	per person, per activity	
Youth Classes	Based on cost of class	Based on cost of class	Based on cost of class	per person, per activity	
Youth Sports	\$71	\$72	\$73	per person, per season	
Processing Fee	Based on cost of class	Based on cost of class	Based on cost of class	Per class session or sports	
Transaction Fee - Drop in Class	\$1	\$1	\$1	Per class for drop in only	
Transaction Fee - For classes under \$100	\$10	\$10	\$10	Per class session or sport	
Transaction Fee - For Classes \$100 and over	\$21	\$21	\$21	Per class session or sport	

Parks and Recreation Fees, cont.

	2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
Adult Sports:				
Adult Softball	\$768	\$783	\$799	per team, per season
Adult Open Gym	\$4	\$4	\$4	per person, per class
Teens:				
Teen Programs	\$10	\$10 - \$100	\$10 - \$100	per person, per activity
Middle School Dances	\$5	\$5	\$5	per person, per activity
Special Events:				
Derby Kit	\$26	\$27	\$28	per derby kit
Pop-Up Events	\$5-\$20	\$5 - \$100	\$5 - \$100	per person, per activity
Day in the Park - Event Tickets	\$1	\$1	\$1	per ticket
Community Night with the Giants Tickets	\$18	\$20	\$20	per ticket
Concerts in the Park - Sponsorships	\$100-\$2,500	\$100 - \$2,500	\$100 - \$2,500	
Parents Night Out Events		\$25	\$25	per person, per activity
LUNAFEST - Event Tickets		\$20 - \$100	\$20 - \$100	per ticket
LUNAFEST - Sponsorships		\$100 - \$5,000	\$100 - \$5,000	

Finance Fees		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
F1	Deposit for Water and Service: Single/ Commercial (\$20 non-refundable)				refundable deposit continues as current; \$20 non-refundable fee
F1	Deposit for Water and Service: Duplex (\$20 non-refundable)				
F2	Deposit after 2nd Disconnection				max of fee or 5% of balance
F3	Penalty for delinquent payment (5 days prior to shut off)	\$5	\$5	\$5	
F5	24 hour notice (tagging) - (within 24 month period): 10th	\$49	\$50	\$51	
F6	Water Turn On - After payment of delinquent account: 8a-4p	\$50	\$51	\$52	
F6	Water Turn On - After payment of delinquent account: after 4p	\$127	\$130	\$133	
F6a	Water Turn On - After 3rd notice for backflow recertification	\$281	\$287	\$293	
F7	Copy of Annual Budget	\$75	\$77	\$79	
F8	Annual Financial Report	\$17	\$17	\$17	
F9	Returned Check Charge (All Departments)	\$57	\$58	\$59	

City Clerk Fees		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
C1	Agenda Packet Subscription: Regular	\$0	\$0	\$0	
C1	Agenda Only: Regular (no packet, SASE from subscriber)	\$0	\$0	\$0	
C1	Agenda by Email	\$0	\$0	\$0	
C1	Agenda Subscription: Seniors/Students	\$0	\$0	\$0	
C4	Copy of Election Documents	\$0	\$0	\$0	
C5	Copy of Municipal Code Book	\$0	\$0	\$0	
C6	Document Certification	\$2	\$2	\$2	in addition to per page fee
C7	Annual Minutes Subscription: Regular Mail	\$139	\$142	\$145	
C7	Minutes Subscription: Email	\$0	\$0	\$0	
C8	Photocopying	\$0.35	\$0.35	\$0.35	per page; no labor time allowed
C10	Tapes of Meetings (per tape)	\$17	\$17	\$17	
C11	Transcription of Minutes	\$6	\$6	\$6	in addition to \$50/hr contract
C12	Campaign Statements				\$0.10 per page max by law
C13	General Research (per hour) - City Clerk				cannot charge for labor time
C13	General Research (per hour) - Deputy City Clerk				cannot charge for labor time

Police Fees		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
PO1	Copies of Reports	\$0	\$0	\$0	
PO2	Alarm System Permits	\$0	\$0	\$0	
PO3	Bicycle Registration	\$0	\$0	\$0	
PO4	Booking Fee	\$0	\$0	\$0	Not charged to book suspects
PO5	Clearance & Good Conduct Letters: Resident	\$6	\$6	\$6	
PO5	Clearance & Good Conduct Letters: Non-Resident	\$34	\$35	\$36	
PO6	Subpoena Dues / Tecum Processing (per hour)	\$34	\$35	\$36	
PO7	Concealed Weapons Permit Process	\$64	\$65	\$66	
PO8	Concealed Weapons Renewal Fee	\$0	\$0	\$0	
PO9	Copies of Tape Recordings	\$32	\$33	\$34	plus actual cost
PO10	Court Appearance All Personnel	As per State law	As per State law	As per State law	\$275 deposit per day
PO14	False Alarms - Structure	\$0	\$0	\$0	
PO15	Fingerprinting Resident: Adult	\$31	\$32	\$33	
PO15	Fingerprinting Resident: Minor	\$0	\$0	\$0	
PO16	Fingerprinting Non-Resident	\$96	\$98	\$100	
PO17	Massage Certificate of Registration	\$117	\$119	\$121	
PO18	Massage Certificate of Registration Early Renewal	\$30	\$31	\$32	
PO19	Special Event Permit (per hour)	\$0	\$0	\$0	
PO20	Photograph Copies (plus actual costs)	\$88	\$90	\$92	
PO21	Photograph Enlargements (plus actual costs)	\$88	\$90	\$92	
PO22	Private Patrol Permit Fee	\$0	\$0	\$0	
PO23	Repeat Nuisance Call (per hour)	\$0	\$0	\$0	
PO24	Vehicle Releases / Enforcement	\$54	\$55	\$56	
PO25	Vehicle Releases / Abandonment	\$54	\$55	\$56	
PO26	Film Crew	\$535	\$546	\$557	
PO27	Reposessed Vehicle Release	\$15	\$15	\$15	Capped by State Law

Fire Fees		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
"A" designates an Annual Permit; "EO" an Each Occurrence Permit; "A/EO" both					
FD1	Aerosol Products	\$241	\$246	\$251	A
FD4	Asbestos/Lead Coating Removal	\$371	\$378	\$386	
FD5	Automobile Wrecking Yard	\$249	\$254	\$259	A
FD6	Apartment House (incl. condos & congregate res.)				
	3 units to 10 units	\$249	\$254	\$259	A
	11 units to 20 units	\$314	\$320	\$326	A
	Greater than 20 units	\$314	\$320	\$326	A, plus \$1.30 per unit over 20
FD7	Battery system	\$124	\$126	\$129	A
FD8	Candles or Open Flames in Assembly Areas (may combine with assembly permit	\$124	\$126	\$129	A/EO
FD9	Carnivals or Fairs	\$371	\$378	\$386	EO
FD11	Cellulose Nitrate Storage	\$310	\$316	\$322	A
FD12	Combustible Fiber Storage	\$249	\$254	\$259	A
FD13	Combustible Material Storage	\$249	\$254	\$259	A
FD14	Compressed Gases (in excess of the amts. listed in CFC, Table 105-A)	\$249	\$254	\$259	A
FD15	Commercial Rubbish Handling Plant	\$361	\$368	\$375	A
FD16	Cryogen's (in excess of the amounts listed in CFC, Table 105-B)	\$371	\$378	\$386	A
FD17	Dry Cleaning Plants	\$249	\$254	\$259	A
FD18	Dust Producing Operations	\$249	\$254	\$259	A/EO
FD19	Explosives or Blasting Agents	\$371	\$378	\$386	EO
FD21	Fireworks Display (fees for standby Fire staff, when req'd, are add'l)	\$371	\$378	\$386	EO
FD22	Flammable or Combustible Liquid Pipeline	\$371	\$378	\$386	A
FD23	To Store, Handle or Use Flam/Combust. Liquids	\$185	\$189	\$193	A
FD24	Flammable or Combustible Liquids in Tanks, vessels > 60 gal. capacity); largest	\$371	\$378	\$386	A
	To 10,000 gallons tank size:				
	1 tank	\$359	\$366	\$373	A
	2-3 tanks	\$359	\$366	\$373	A, plus \$125.00 per tank over the first
	3 + tanks	\$479	\$489	\$499	A, plus \$290.00 per tank over the first
	Over 10,000 to 100,000 gallons tank size:				
	1 tank	\$540	\$551	\$562	A
	2-3 tanks	\$540	\$551	\$562	A, plus \$290.00 per tank over the first
	3+ tanks	\$718	\$732	\$747	A, plus \$290.00 per tank over the first
	Over 100,000 gallons tank size:				
	1 tank	\$1,079	\$1,101	\$1,123	A
	2-3 tanks	\$1,079	\$1,101	\$1,123	A, plus \$312.00 per tank over the first
	3+ tanks	\$1,079	\$1,101	\$1,123	A, plus \$312.00 per tank over the first
FD26	Tank Vehicles	\$185	\$189	\$193	A
FD27	Install, Alter, Remove, Abandon, Place Temporarily Any	\$497	\$507	\$517	EO
FD30	Fumigation or Thermal Insecticidal Fogging:	\$185	\$189	\$193	
FD 31	Hazardous Materials (to store, disperse, handle amounts in excess of the				refer to Hazardous material table HM-1 below
	quantities listed in CFC table 105.620) (for cryogens, compressed gasses,				
	flammable or comubustible liquids, and liquified petroleum gases, see respective				
	permit categories elsewhere in this fee schedule)				
FD32	High-Piled Combustible Storage	\$371	\$378	\$386	A
FD33	High-Rise Building Annual Inspection	\$371	\$378	\$386	A
FD34	Hot work operations:	\$186	\$190	\$194	A
FD35	Hotels, Motels and Lodging Houses	\$249	\$254	\$259	A

Fire Fees, cont.		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
"A" designates an Annual Permit; "EO" an Each Occurrence Permit; "A/EO" both					
FD36	Liquefied Petroleum Gases (except portable containers <125 gal. cap.)	\$249	\$254	\$259	A
FD37	Liquid/Gas-Fueled Vehicles or Equipment in Assembly Buildings	\$186	\$190	\$194	EO
FD38	Lumber Yards (over 100,000 board feet)	\$249	\$254	\$259	A
FD39	Magnesium Working	\$186	\$190	\$194	A
FD40	Mall, Covered	\$371	\$378	\$386	A
FD41	Motor vehicle fuel dispensing stations:	\$371	\$378	\$386	A
FD42	Occupant Load Increase	\$249	\$254	\$259	EO
FD43	Open Burning	\$249	\$254	\$259	EO
FD45	Ovens, Industrial Baking or Drying	\$249	\$254	\$259	A
FD47	Places of Assembly (churches, schools, NPOs permitted at no fee)	\$30	\$31	\$32	A
	A-1, A-2, A-2.1	\$293	\$299	\$305	A
	A-3, A-4	\$240	\$245	\$250	A
	Special Assembly events	\$240	\$245	\$250	EO
FD48	Pyrotechnic Special Effects Material (fees for standby Fire staff, when required,	\$367	\$374	\$381	EO
FD50	Refrigeration Equipment	\$186	\$190	\$194	A
FD51	Repair Garage	\$249	\$254	\$259	A
FD52	Spraying or Dipping	\$249	\$254	\$259	A
FD53	Temporary membrane structures, tents, and canopies	\$249	\$254	\$259	EO
FD54	Tire Storage	\$249	\$254	\$259	A
FD55	Wood Products (over 200 cu. ft.)	\$249	\$254	\$259	A
Construction Fire Permit Fees:					
	Automatic Sprinkler System Permit (installation of suspended piping larger than				
FD56	For other than 1 and 2 family dwellings:				
	- New (per sq. ft.)	\$0.22	\$0.22	\$0.22	per square foot; \$330 minimum fee
	- Alteration (per sq. ft. of protected area,)	\$0.22	\$0.22	\$0.22	per square foot; \$206 minimum fee
FD57	One and Two-family dwellings:				
	- New (per sq. ft.)	\$0.22	\$0.22	\$0.22	per square foot; \$218 minimum fee
	- Alteration (per sq. ft. of protected area)	\$0.22	\$0.22	\$0.22	per square foot; \$136 minimum fee
FD 58	Fixed Extinguishing System Permit: New and Upgrade Installations	\$395	\$403	\$411	This includes one on site inspection
FD 59	Fire Plan Check and resubmittal				\$150 initial and each resubmittal
FD60	Fire Alarm Permit:	\$195	\$199	\$203	per 3,000 sq. ft.
FD61	Construction, Alteration & Renovation Permit				
	- Construction alteration	\$171	\$174	\$177	per 3,000 sq. ft.
FD62	Gas Piping System Installation Permit	\$310	\$316	\$322	
FD63	Underground Fire Protection Piping Permit	\$440	\$449	\$458	

Fire Fees, cont.

"A" designates an Annual Permit; "EO" an Each Occurrence Permit; "A/EO" both

		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
Miscellaneous Fees:					
FD64	Consultant Service Fee (actual cost plus admin fee)	\$49	\$50	\$51	per hour in addition to cost
FD67	Document Review (per hour)	\$124	\$126	\$129	per hour
FD68	Copy of Fire Report	\$19	\$19	\$19	
FD69	False Alarm in Excess of 3 per Calendar Year (accidental or equipment)	\$155	\$158	\$161	
FD70	Fire Hazard Abatement performed by City or City Contractor (including, but not limited to, combustible or flammable vegetation removal)				Abatement cost plus administrative fee
FD71	Hydrant Flow Test	\$553	\$564	\$575	
FD72	New Business Fire Inspection	\$188	\$192	\$196	
FD73	Other Services (per half hour and portion thereof)	\$62	\$63	\$64	per half-hour
FD74	Re-Inspection Fee (for each following second re-inspection)	\$126	\$129	\$132	
FD75	Standby Engine Company	\$318	\$324	\$330	for 1st hour; \$108 ea. add'l. 1/2 hr.
FD76	Standby Firefighter (1 hour minimum)	\$103	\$105	\$107	per hour
FD77	Work Performed after Normal Working Hours (Callback is a 3-hr min)	\$186	\$190	\$194	per hour
HM-1	Hazardous Materials Table Schedule:				
Range	Solids (pounds)				
1	0 to 500	\$351	\$358	\$365	A
2	>500 to 5,000	\$491	\$501	\$511	A
3	>5,000 to 25,000	\$657	\$670	\$683	A
4	>25,000 to 50,000	\$958	\$977	\$997	A
5	>50,000 to 80,000	\$1,386	\$1,414	\$1,442	A
6	>80,000 to 120,000	\$2,006	\$2,046	\$2,087	A
7	>120,000	\$2,611	\$2,663	\$2,716	A
Range	Liquids (gallons)				
1	0 to 55	\$351	\$358	\$365	A
2	>55 to 550	\$491	\$501	\$511	A
3	>550 to 2,750	\$656	\$669	\$682	A
4	>2,750 to 5,500	\$958	\$977	\$997	A
5	>5,500 to 10,000	\$1,386	\$1,414	\$1,442	A
6	>10,000 to 15,000	\$2,006	\$2,046	\$2,087	A
7	> 15,000	\$2,611	\$2,663	\$2,716	A
Range	Gas (cubic feet)				
1	0 to 200	\$272	\$277	\$283	A
2	>200 to 2,000	\$491	\$501	\$511	A
3	>2,000 to 10,000	\$656	\$669	\$682	A
4	>10,000 to 20,000	\$958	\$977	\$997	A
5	>20,000 to 40,000	\$1,386	\$1,414	\$1,442	A
6	>40,000 to 60,000	\$2,006	\$2,046	\$2,087	A
7	>60,000	\$2,611	\$2,663	\$2,716	A

Public Works Fees		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
"F/A" designates the need for a Force Account					
PW 1	Grading Permit Plan Check				
	- 6-50 cub. yds.	\$99	\$101	\$103	
	- 51-100 cub. yds.	\$99	\$101	\$103	
	- 101-1,000 cub. yds.	\$399	\$407	\$415	
	- 1,001-10,000 cub. yds.	\$798	\$814	\$830	
	- 10,001-100,000 cub. yds.	\$4,292	\$4,378	\$4,466	
	- 100,001-200,000 cub. yds.	\$7,154	\$7,297	\$7,443	
	- 200,000 or more cub. yds.	\$14,311	\$14,597	\$14,889	
PW 1a	Geotechnical Peer Review				Force Account minimum \$5,000
PW 2	Grading Permit - Inspection:				
	- 0-5 cub. yds. (no permit required)				
	- 6-50 cub. yds.	\$396	\$404	\$412	
	- 51-100 cub. yds.	\$792	\$808	\$824	
	- 101-1,000 cub. yds.	\$14,207	\$14,491	\$14,781	or create a Force Account and billed on actual time
	- 1,001-10,000 cub. yds.	\$21,315	\$21,741	\$22,176	or create a Force Account and billed on actual time
	- 10,001-100,000 cub. yds.				actual cost w/ F/A min \$10,000
	- 100,000 - 200,000 cub. yds.				actual cost w/ F/A min \$10,000
	- 200,000 + cub. yds.				actual cost w/ F/A min \$10,000
PW 2a	Grading Permit - SWPPP Compliance				
	Single Parcel (assessed every 2 reviews)	\$139	\$142	\$145	plus actual cost insp w/F/A min \$591
	Subdivision subject to Map Act Provisions (assessed every 2 reviews)	\$560	\$571	\$582	plus actual cost insp w/F/A = actual cost of erosion control plan
	Development subject to C.3 Provisions (assessed every 2 reviews)	\$1,123	\$1,145	\$1,168	plus actual cost insp w/F/A = actual cost of erosion control plan
PW 3	Blasting Permit	\$798	\$814	\$830	
PW 4	Special Permit (after hours work), plus actual cost of inspection/work	\$200	\$204	\$208	F/A min \$500 for Inspection
PW 5	Grading Permit (paving), plus actual cost of inspection/work	\$200	\$204	\$208	F/A min \$500 for Inspection
PW 6	Grading Permit (drainage alteration), plus actual cost of inspect/work	\$200	\$204	\$208	F/A min \$500 for Inspection
PW 7	Truck Haul Permit	\$99	\$101	\$103	
PW 7a	Truck Haul Impact Fee (per cubic yard, \$90 minimum fee)	\$0.52	\$0.53	\$0.54	
PW 7b	Late Fee related to Truck Haul Permits	1%	1%	1%	per month on outstanding of more than 60 days
PW 8	Encroachment Permit (hourly inspect. cost)	\$99	\$101	\$103	plus actual cost insp w/F/A min \$500
PW 9	Site Work Permit - Engineering Review (assessed every 2 reviews)	\$397	\$405	\$413	
PW 9a	Site Work Permit - Retaining Wall Design				Force Account minimum \$5,000
PW 9b	Site Work Permit - Fast Track Review (each occurrence)	\$379	\$387	\$395	
PW 10	Tentative Parcel Map Review	\$540	\$551	\$562	
PW 11	Final Parcel Map Review	\$540	\$551	\$562	plus actual cost LS reviw (requires \$1,500 F/A min)

Public Works Fees, cont. "F/A" designates the need for a Force Account		2019/20 & 2020/21 Adopted Fee	2021/22 Adopted Fee	2022/23 Proposed Fee	Basis
PW 12	Water Installation - Inspection and Meter				
	- 5/8" meter		\$588	\$498	2 Hours PW Inspector time plus cost of meter
	- 3/4" meter		\$588	\$516	2 Hours PW Inspector time plus cost of meter
	- 1" meter		\$654	\$554	2 Hours PW Inspector time plus cost of meter
	- 1.5" Meter		\$1,001	\$908	2 Hours PW Inspector time plus cost of meter
	- 2" meter		\$1,428	\$1,416	4 Hours PW Inspector time plus cost of meter
	- 3" meter		\$2,888	\$2,557	4 Hours PW Inspector time plus cost of meter
	- 4" meter		\$3,388	\$2,986	4 Hours PW Inspector time plus cost of meter
PW 13	Sanitary Sewer Lateral Installation - Inspection				
	Single Family Unit		\$294	\$300	2 Hours PW Inspector time
	Multiple Unit Dwelling		\$588	\$600	4 Hours PW Inspector time
	Commercial, Industrial, Public & Other Uses		\$588	\$600	4 Hours PW Inspector time
PW 14	Final Subdivision Map	\$6,898	\$7,036	\$7,177	Plus \$500 per lot

File Attachments for Item:

L. Consider adoption of Resolution establishing the Appropriation Limit for Fiscal Year 2022-2023



CITY COUNCIL AGENDA REPORT

Meeting Date: June 16, 2022

From: Carolina Yuen, Finance Director

Subject: Adoption of Resolution Establishing Appropriation Limit for Fiscal Year 2022/23

Community Goal/Result

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

Purpose

To ensure the City's taxes are not too great a burden on the Community.

Recommendation

Adopt Resolution establishing the Appropriation Limit for Fiscal Year 2022/23.

Background

Proposition 4 was adopted by California voters in November 1979. This measure codified Article XIII B of the California Constitution, (Government Code 7901). This section specifies that governmental entities must calculate and adopt annually an appropriation limit beginning with fiscal year 1978-79. These limits are also referred to as "Gann Limits" in reference to one of the measures co-authors. The fundamental purpose of the appropriation limit is to keep real per-person government spending under 1978-79 levels, adjusted for inflation, and to measure if the City has revenues that cannot be appropriated because of the limit – meaning the City has "excess revenues."

In June of 1990, California voters approved Proposition 111, which amended Government Code Section 7901 as it applies to the Appropriation Limit. According to Proposition 111, cities are permitted to adjust their appropriation limit annually by the following two factors:

1. Either the percentage change in the California per capita personal income for the preceding year or the percentage change in the growth of non-residential assessed valuation due to non-residential construction; and
2. Either the percentage change in population of the City or the County.

Attached is the calculation of the appropriation limit as allowed by Proposition 111.

Discussion

The indexes used in calculating the appropriation limit for FY 2022/23 are the percentage change in the California Per Capita Personal Income (7.55%) and the County's population growth/(reduction) (-.92%), totaling a combined growth rate of 6.56%. The City's resulting Appropriation Limit is \$25,616,884. The tax proceeds expected to be received, including for the Guadalupe Valley Municipal Improvement District, is \$18,034,288 or 70.40% of the limit. Therefore, the City is below the maximum allowable appropriation limit and in compliance with State Law.

Fiscal Impact

There is no financial impact associated with the adoption of this Resolution. The City expects to receive approximately \$7,582,596 less in taxes than is allowed under the appropriation limit. If tax proceeds received are determined to exceed the limit, such revenues in excess must be returned to the taxpayers of the City of Brisbane in accordance to the procedures directed by the City Council.

Measure of Success

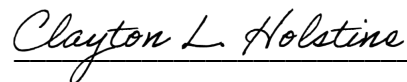
The City is able to meet the needs of the Community while abiding by the Appropriation (Gann) Limit.

Attachments

Resolution for FY2022/23 Appropriation Limit
Appropriation Limit Calculation for FY 2022/23



Carolina Yuen, Finance Director



Clay Holstine, City Manager

RESOLUTION NO. 2022-_____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ESTABLISHING THE APPROPRIATION LIMIT FOR THE FISCAL YEAR
2022/2023 PURSUANT TO ARTICLE XIII B AS AMENDED OF THE
CALIFORNIA STATE CONSTITUTION**

WHEREAS, Proposition 4 was approved by the California voters on November 6, 1979, thereby adding Article XIII B of the California State Constitution; and

WHEREAS, on June 4, 1990 the California Voters amended Article XIII B and the California Constitution by approving Proposition 111 which became effective July 1, 1990; and

WHEREAS, it is the desire of the City Council of the City of Brisbane to establish the Appropriation Limit for the Fiscal Year 2022/23 pursuant to Article XIII B as amended of the California State Constitution; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Brisbane hereby finds and determines;

1. That during the Fiscal Year 2022/23 the California Per Capita Income (CPCPI) increased by 7.55% and that the Non-Residential Construction growth factor was not available from the County Assessor.
2. That during Fiscal Year 2022/23 the percentage increase in the County of San Mateo and the City of Brisbane population was -0.92% and -0.92% respectively.
3. That the higher percentage shown in 1 and 2 above be applied to determine the appropriation limit for Fiscal Year 2022/23.
4. That the 2022/23 appropriation limit for the City of Brisbane is calculated to be \$25,616,844.
5. The 2022/23 budget anticipates tax revenues of \$18,034,288, which is \$7,582,596 less than the appropriation limit.

BE IT FURTHER RESOLVED THAT any revenues from proceeds of taxes and user fees in excess of costs received during the Fiscal Year 2022/23 over and above the appropriated limit of \$25,616,844 must be returned to the taxpayers of the City of Brisbane in accordance with the procedure to be adopted by the City Council of the City of Brisbane when such amount of refund is determined.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-_____ was duly and regularly adopted at a meeting of the Brisbane City Council on June 16, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ingrid Padilla, City Clerk

**CITY OF BRISBANE
COMPUTATION OF APPROPRIATION LIMIT
FOR FISCAL YEAR 2022/23**

	(1)	(2)	(3)
	% Change in CPCPI	% Change in Non-Residential Construction	The Greater % Change
1 % Change in CPCPI or Non-Residential Construction	7.55%	NA	7.55%
	% Change In County Population	% Change In City Population	The Higher Growth %
2 % Change in County or City Population	-0.92%	-1.42%	-0.92%

CALCULATIONS

a	Prior year's Appropriation Limit	\$24,039,746
b	Multiply 1+Line 1 by 1+Line 2	106.56%
c	Multiply Line (a) by Line (b), and subtract Line (a)	\$1,577,137
d	Add Lines (a), and (c) and enter total here	\$25,616,884
e	APPROPRIATION LIMIT FOR 2022/23	\$25,616,884
	Estimated tax proceeds as budgeted for fiscal year 2022/23	\$18,034,288
	Estimated tax proceeds to Limit	70.40%
	Estimated Excess Limit Capacity	\$7,582,596