



CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, March 12, 2024
via Videoconference and In Person

PARTICIPATION: Members of the public may participate by being present at the Los Altos Council Chamber at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA during the meeting. Public comment is accepted in person at the physical meeting location, or via email to PublicComment@losaltosca.gov.

RULES FOR CONDUCT: Pursuant to Los Altos Municipal Code, Section 2.05.010 "Interruptions and rules for conduct": Understanding that the purpose of the city council meetings is to conduct the people's business for the benefit of all the people, in the event that any meeting of the city council is willfully interrupted by a person or group of persons so as to render the orderly conduct of the meeting impossible, the mayor, mayor pro tem, or any other member of the city council acting as the chair may order the removal of the person or persons responsible for the disruption and bar them from further attendance at the council meeting, or otherwise proceed pursuant to Government Code Section 54957.0 or any applicable penal statute or city ordinance.

REMOTE MEETING OBSERVATION: Members of the public may view the meeting via the link below, but will not be permitted to provide public comment via Zoom or telephone. Public comment will be taken in-person, and members of the public may provide written public comment by following the instructions below.

<https://losaltosca-gov.zoom.us/j/88536080110?pwd=SeV3A28qRu2KgBKIN7eWmlJyPmBtRJ.1>

Telephone: 1-669-444-9171 / Webinar ID: 885 3608 0110 / Passcode: 453401

SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to PublicComment@losaltosca.gov. Emails sent to this email address are sent to/received immediately by the City Council. Emails sent directly to the City Council as a whole or individually, and not sent to PublicComment@losaltosca.gov will not be included as a public comment in the Council packet.

Please note: Personal information, such as e-mail addresses, telephone numbers, home addresses, and other contact information are not required to be included with your comments. If this information is included in your written comments, they will become part of the public record. Redactions and/or edits will not be made to public comments, and the comments will be posted as they are submitted. Please do not include any information in your communication that you do not want to be made public.

Correspondence submitted in hard copy/paper format must be received by 2:00 p.m. on the day of the meeting to ensure distribution prior to the meeting. Comments provided in hard copy/paper format after 2:00 p.m. will be distributed the following day and included with public comment in the Council packet.

The Mayor will open public comment and will announce the length of time provided for comments during each item.

AGENDA

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

CHANGES TO THE ORDER OF THE AGENDA

SPECIAL ITEM

Proclamation recognizing Ramadan in Los Altos

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. The Mayor will announce the time speakers will be granted before comments begin. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

[03-12-24](#) Written Public Comments

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

- 1.** Approve the Special and Regular Meeting Minutes for the Meeting of February 27, 2024
- 2.** Adopt a Resolution approving the purchase of a new flushing truck for the sum not-to-exceed \$710,750.71 from Municipal Maintenance Equipment.
- 3.** Adopt Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481.
- 4.** Adopt a Resolution Opposing the California Business Roundtable (CBRT) Measure on the November 2024 Ballot
- 5.** Adopt a resolution accepting general fund grant funds from State of California for green downtown projects, authorizing the City Manager to amend FY23/24 budget by recognizing \$200,000 grant revenue from State of California, and appropriating \$200,000 grant revenue to Green Downtown Project and find the resolution is exempt from environmental review pursuant to Section

15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970

- [6.](#) Adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.20 Street Improvements to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970
- [7.](#) Construction Contract Award: City Hall Expansion into Los Altos Youth Center Project CF-01044

DISCUSSION ITEMS

- [8.](#) Introduction of Electronic Signatures Ordinance. Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 2.30 Electronic Signatures to Title 2 Administration and Personnel of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970
- [9.](#) Review and provide any edits or feedback to draft Cities Association of Santa Clara County (CASCC) bylaws and delegate authority to Councilmember Fligor to approve final changes to the bylaws at the CASCC Joint Powers Authority Board meeting
- [10.](#) Adopt a Resolution approving the City's updated Mission Statement
- [11.](#) Discuss the Option for Electronic Voting During Council Meetings

INFORMATIONAL ITEMS ONLY

There will be no discussion or action on Informational Items

- [12.](#) Independent Intake Official (IIO) Yearly Report
- [13.](#) Audio/Visual at Commission Meetings
- [14.](#) Tentative Council Calendar and Housing Implementation Update Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body.

If you wish to provide written materials, please provide the City Clerk with 10 copies of any document that you would like to submit to the City Council for the public record.

Melissa Thurman

From: roger heyder <mrheyderus@yahoo.com>
Sent: Friday, March 1, 2024 7:07 AM
To: Public Comment; City Council
Subject: City Council Meeting 3/12/2024 - Public comment, Item not on agenda

Hello,

Please enter this comment into the public record for the meeting.

Library Courtyard Project

The proposed incremental 4,000 sq ft of library courtyard space will be on Historic Orchard protected space. The city is legally obligated to preserve and maintain the historic orchard. Encroaching into that space for a hardscape library patio clearly violates that legal obligation.

It is remarkable that there is any doubt as to the boundaries of the historic orchard. A common sense and obvious approach would be to take all space between the paved walkways, building foundations, and sidewalks where there are, or were, apricot trees. The History Museum hopefully has pictures of the orchard in times past, which would also indicate the boundaries of the orchard. The appropriate, and required, EIR would have defined and documented the historic orchard boundaries.

Activities associated with maintaining the orchard should have been identified and discussed in an EIR. This would include the use of large mechanical devices to mow, till, and spray, and the effects on people on the patio,

City Council has full responsibility for the EIR, and it cannot be delegated to a Commission or outside party.
<https://www.californialandusedevelopmentlaw.com/2013/11/01/does-an-eir-have-to-be-certified-by-a-citys-decision-making-body/>

As opposed to building new functionality, it would be more sensible to use equivalent city functionality. Immediately adjacent to the library is the Community Center and the History Museum. Both have large, hardscape areas, particularly the Community Center. Given the highly under-utilized nature of the Community Center, lots of patio space should be available for whatever purposes the Library Commission has in mind.

It is unfortunate that the city invested in the library patio plans prior to doing an EIR, and evaluating alternatives. It is putting the cart before the horse, and a potential waste of taxpayer money.

Please immediately put this project on hold, do a proper EIR, determine if the project is illegally encroaching on protected historic orchard land, and evaluate alternate options that would put to use currently idle city capability. It is your responsibility.

regards -- Roger Heyder



PAC* SJ

**PRESERVATION ACTION
COUNCIL OF SAN JOSE**

**PRESERVATION ACTION
COUNCIL OF SAN JOSE**

42A South First Street
San Jose, CA 95113

Phone: 408-998-8105

www.preservation.org

March 8, 2024

Los Altos City Council
1 N San Antonio Road
Los Altos, CA 94022

VIA EMAIL (council@losaltosca.gov, PublicComment@losaltosca.gov)

Public Comment for Item Not on City Council Agenda 3/12/2024

Dear Councilmembers,

The Preservation Action Council of San Jose (PAC* SJ) is a membership-driven non-profit organization dedicated to preserving San Jose and the Santa Clara Valley region’s unique and diverse architectural and cultural heritage through advocacy, education, and civic engagement. We write today concerning an issue in Los Altos that a number of our members have recently brought to our attention: a proposed library expansion project within or adjacent to the Los Altos Heritage Orchard, a certified historic resource and a significant cultural landscape positioned both literally and figuratively within the civic heart of the City of Los Altos.

We understand that the project has been initially determined exempt from CEQA (California Environmental Quality Act) review and is proceeding without a proper analysis of its potential impacts to the environment, which include, per CEQA standards and definitions, historic and cultural resources like the Los Altos Heritage Orchard. With our organization’s 30+ years of experience monitoring and participating in environmental reviews and project entitlements in San Jose and the surrounding region, we strongly encourage the City of Los Altos to initiate a more robust, transparent, and legally defensible determination of findings relative to this project’s potential impacts to the historic integrity, physical configuration, and operational viability of the Orchard. At a minimum, this analysis should include a Historic Resources Evaluation (HRE) by a qualified cultural resources professional meeting the SOI (Secretary of the Interior) Standards for preservation planning. Such an HRE would include a clearly delineated boundary of the historic resource, as well as a defined Area of Potential Effect (APE), recognizing the potential impacts of adjacent undertakings. It would also define the resource’s character-defining features and identify both tangible and intangible elements of its unique historic, agricultural, and cultural significance.

PAC* SJ BOARD

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Ben Leech

Office Associate
Jennifer Roman



PAC* SJ

**PRESERVATION ACTION
COUNCIL OF SAN JOSE**

PRESERVATION ACTION
COUNCIL OF SAN JOSE

42A South First Street
San Jose, CA 95113

Phone: 408-998-8105

www.preservation.org

Not only would this analysis better inform and guide you as decision-makers, but would also provide the general public a better opportunity to understand both the benefits and potential impacts not only of this current library expansion project, but of any future projects or decisions that could impact, either negatively *or* positively, the integrity and stewardship of the Los Altos Heritage Orchard, one of Los Altos's most important historic and cultural resources.

Sincerely,

Ben Leech
Executive Director
Preservation Action Council of San Jose

cc: Gabriel Engeland, Los Altos City Manager (gengeland@losaltosca.gov)

Melissa Thurman

From: Gabriel Engeland
Sent: Friday, March 8, 2024 4:29 PM
To: Ben Leech; Public Comment
Cc: Jolie Houston; Nick Zornes
Subject: RE: Los Altos Heritage Orchard environmental review

Thank you for the email, Mr. Leech. It appears that your membership has misinformed you with regards to this project.

The project you are referring to is being brought forward by the Los Altos Library Endowment (LALE), which is a private organization and is not associated with the City. No project has been approved as no application has been submitted or received by the City.

The City Council has received two presentations from LALE on the concept of a library patio project. The City Council did not approve a project, but they did provide feedback to LALE that should be incorporated into any application that may be submitted. Because the proposed project would take place on City property it was important for the Council and the public to receive and discuss potential concepts. As you know, the City is required by State law to complete a CEQA analysis, but the City Council also explicitly included that a full, transparent CEQA process would take place as part of their direction to Staff in analyzing any potential application that may come forward.

As I am sure you understand, the City cannot make an analysis of any potential impacts to the environment, including CEQA standards and definitions, until a project application is received. The project location, size, scope, etc. have changed from the initial proposal to the last concept discussed in public and presented to the City Council. It is my understanding that LALE does intend to submit an application for a project, but the project will look different than the last one discussed in public at the City Council meeting. In order to complete a CEQA analysis the City needs to see a complete and final proposed project as part of an application. And as I have stated, this has not taken place.

The City has ensured the process has been both public and transparent to date and will continue to do so. Once an application is submitted by the applicant the City will be able to complete a full analysis, including CEQA review, as you request in your letter. The application will be processed in accordance with the City Code and all applicable State laws. I am sorry that your membership did not provide you with accurate information.

If you would like to discuss further, please let me know.

Thanks,

Gabe

Latest Los Altos news at your fingertips: [Sign up for the City Manager Weekly Update.](#)



Gabriel Engeland
City Manager, City of Los Altos

(650) 947-2740 | www.losaltosca.gov

1 N. San Antonio Road | Los Altos, CA 94022

From: Ben Leech <ben@preservation.org>

Sent: Friday, March 8, 2024 3:32 PM

To: City Council <council@losaltosca.gov>; Public Comment <publiccomment@losaltosca.gov>

Cc: Gabriel Engeland <gengeland@losaltosca.gov>

Subject: Re: Los Altos Heritage Orchard environmental review

To the Los Altos City Council:

I am submitting the attached letter for public comment on an item not on the agenda for the Los Altos City Council meeting of 3/12/2024. Please enter and comment into the public record for the City Council meeting packet.

Thank you,

Ben Leech
Executive Director
Preservation Action Council of San Jose
408-998-8105 (office)

Melissa Thurman

From: carol little <morrist03@yahoo.com>
Sent: Monday, March 11, 2024 10:30 AM
To: Public Comment; City Council
Subject: Library Patio Project
Attachments: Google Map - Los Altos Orchard Boundary Map Resolution 91-31 to Google Overlay Map at Scale.pdf; Los Altos 1991 Landmark Orchard Resolution 91-31.pdf; 7-31-23 Updated Orchard Maintenance Service Agreement with Insurance Documents Executed.pdf

Dear Council Members,

After attending the LALE library patio meeting, I feel there are ongoing concerning actions being taken regarding the Los Altos Historic Apricot Orchard. The Los Altos Historic Orchard has been a City landmark since 1981. It was planted in 1901 and has been a centerpiece ever since. My concerns are specifically, with regard to the proposed, and seemingly approved library patio. I understand there is donated money for the library patio project. However, let us not forget that this is a historic, working orchard that has boundaries, agreements and obligations as to how it is to be preserved in perpetuity.

It is my assertion that we can do a better job of finding a better location for the patio. A location that connects better to the Orchard room in the Library and does not impact our Historic Orchard. That would be a win for everyone!

There seems to be a willingness to accept each proposal as it is brought forward. We need to find a solution that does not encroach on the Historic Orchard. Why? Because agreements made are agreements to be kept. Our City made an agreement regarding maintaining and preserving the Historic Orchard and we need to abide by that.

I request that the City Council reconsider the proposed patio location and take a look at alternatives than have been considered, and to do so in a more transparent process and one where residents are more involved.

Further, return to the original purpose of the proposed patio. Library staff said they were looking for more space for children's programming and they wanted it to be connected to the current children's room. The currently proposed location does not create that desired flow. The desire for that flow ought not to be dropped because someone had the idea to take space from the Historic Orchard. That orchard land comes with an agreement attached to it.

One option is the front of the library. The front and side of the library have plenty of room for a patio. Additionally, there is also the small parking area where the Go Go Biblio truck is often parked, that could easily house a lovely patio. Both options would protect the orchard and allow the City to abide by the agreement made.

I fully recognize that Roy Lave passed away and that there is now a desire to preserve his name where the fountain is currently located. However, it would be much more appropriate to move the

fountain, or even to work the bricks into a new patio, than it would be to cut into a Historic Working Orchard. That is precious open space that we would lose and then again, there are those agreements to abide by.

Imagine a lovely seating area near the fountain at the History Museum, or near the Community Center.

Moving the fountain and utilizing the fountain area, plus the front of the library, would yield a more practical and much larger patio space.

Incorporate the proposed and needed parking changes (past library commission meeting) and two problems could be solved at one time.

Finally, the other concern I have is the suddenly poorly defined orchard boundary statements. The boundaries seem to have become fluid. We have never encountered this issue previously. The boundaries have always been clear and accepted as the boundaries when making decisions about the Historic Orchard.

If there is real concern about the boundaries not being defined, then do a survey and define them. Moving ahead with a plan that does not include definite boundaries is perplexing, at best.

As recently as the December 5, 2023 City Council meeting the boundaries of the orchard were shown. They were on a map attached to a city resolution, with their position to the buildings identified. The attached Google overlay map shows they were drawn to scale.

Further, until the library patio proposal discussion, the boundaries for the Historic Orchard were accepted and relied upon for all discussions and decisions.

A few examples:

1. June 28, 2023 City Council Meeting QA - Library Project 1.0 Review. (includes resolution 91-31 map)

City staff validates the Resolutions (with map) that define the boundaries of the Orchard.

2. July 31, 2023 City Council approves Agreement for Heritage Orchard Maintenance with History Museum

Includes the map from resolution 91-31 as the boundaries for the maintenance agreement.

Finally, I have included documents showing the, until now, undisputed boundaries of the Historic Orchard.

Please consider the points I have made and the documents I have attached. I have serious concerns regarding the trajectory the proposed patio is on and feel strongly that we can and should do a better job.

If you continue on the path of review of the current proposal, I ask that you do so with more aggressive public input and publicly make transparent all of the direct, indirect and cumulative impacts to the historical and cultural integrity of this asset, and to the operations of agriculture in the Heritage Orchard. Additionally, I ask that you return to referring to this as a Historic Working Orchard and to stop referring to the project as a private project. As long as it is on public land, it is not private. Leaving such facts out of the discussion is harmful to public trust.

Respectfully Yours,

Teresa Morris



**CITY OF LOS ALTOS
CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 27, 2024
5:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

Agenda Item # 1.

*Jonathan D. Weinberg, Mayor
Pete Dailey, Vice Mayor
Neysa Fligor, Councilmember
Lynette Lee Eng, Councilmember
Sally Meadows, Councilmember*

SPECIAL MEETING

CALL MEETING TO ORDER: Mayor Weinberg called the meeting to order at 5:00 p.m.

ESTABLISH QUORUM:

All Councilmembers were present and in person during the meeting.

DISCUSSION ITEM(S)

1. The City Council will meet with the following Commissions in the following order to discuss 2024 Commission work plans:
 - a. Senior
 - b. Environmental Commission
 - c. Complete Streets Commission
 - d. Library

Chairs for each Commission presented 2024 work plans to the City Council.

The following member of the public spoke regarding the item:

- Cheryl Reicker

Discussion item only. No motion taken.

ADJOURNMENT – The meeting adjourned at 6:59 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of March 12, 2024.

Jonathan D. Weinberg,
Mayor

Melissa Thurman, MMC
City Clerk

The February 27, 2024 City Council Special Meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

The City of Los Altos does not own or operate YouTube. The video referenced on these minutes were live at the time the minutes were published.



**CITY OF LOS ALTOS
CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 27, 2024
7:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

Agenda Item # 1.

*Jonathan D. Weinberg, Mayor
Pete Dailey, Vice Mayor
Neysa Fligor, Councilmember
Lynette Lee Eng, Councilmember
Sally Meadows, Councilmember*

CALL MEETING TO ORDER – Jonathan D. Weinberg, Mayor, called the meeting to order at 7:10 p.m.

ESTABLISH QUORUM – All Councilmembers were present.

PLEDGE ALLEGIANCE TO THE FLAG – **Jonathan D. Weinberg, Mayor**, led the Pledge of Allegiance.

REPORT ON CLOSED SESSION

There was no recent Closed Session meeting held.

CHANGES TO THE ORDER OF THE AGENDA

There were no changes to the order of the agenda.

SPECIAL ITEMS

Issue proclamation recognizing the Year of the Dragon in Los Altos

Jonathan D. Weinberg, Mayor, presented the proclamation recognizing Lunar New Year and Year of the Dragon in Los Altos to the Greater Los Altos Chinese Association.

Present Certificates to the 2023 STEM Award Winners

This item was continued to a future meeting date.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public spoke during Public Comment:

- Gary Stoy
- Peter Johnson

CONSENT CALENDAR

There were no speakers on items on the consent calendar.

Lynette Lee Eng, Councilmember, requested to pull Item 3 from the Consent Calendar.

Jonathan D. Weinberg, Mayor, moved Item 3 of the Consent Calendar to after Item 9 of the Discussion Items section of the agenda.

Motion by Meadows and Second by Fligor to approve Items 1, 2, 4, 5, 6 and 7 of the Consent Calendar. **Motion carried unanimously by roll call vote.**

1. Approve draft Special and Regular Meeting Minutes for the meeting of February 13, 2024
2. Receive the Treasurer’s Report from the month ended August 31, 2023 through January 31, 2024

Item 3 was moved to the Discussion Items section on the agenda.

4. Adopt a Resolution Authorizing Application to and Participation in the HCD Prohousing Designation Program
5. Adopt an ordinance of the City Council of the City of Los Altos amending Chapter 14.74 of the Los Altos Municipal Code to implement Program 1.I, Program 3.A, and Program 3.M of the 6th Cycle Housing Element and find that this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970
6. Adopt Municipal Code Amendment to Section 6.16.070 of the Los Altos Municipal Code updating to reflect prohibited days of construction on City Observed Holidays and find that this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970
7. Adopt Resolution 2024 Approving the Updated Fiscal Year 2023/24 Pay Schedule to Comply with California Public Employees’ Retirement System (CalPERS) Statutory and Regulatory Requirements for Compensation Earnable and Publicly Available Salary Schedules

PUBLIC HEARINGS

8. Hold a public hearing, review and renew Ordinance No. 2023-489 by re-introducing and waiving further reading of the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481

Kathryn Krauss, Police Captain, and Joe Ledoux, Police Captain, presented the report.

Jonathan D. Weinberg, Mayor, opened the Public Hearing.

The following members of the public spoke during the Public Hearing:

- Renee Rashid
- Jeanine Valadez

Jonathan D. Weinberg, Mayor, closed the Public Hearing.

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Motion by Weinberg and Second by Lee Eng to renew and re-introduce and waive further reading of Ordinance 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481. **Motion carried 4-1 with Councilmember Fligor opposed.**

Motion by Lee Eng and Second by Dailey approving the acquisition of replacement items to Military Equipment listed in the Annual Report. **Motion carried unanimously by roll call vote.**

Motion by Lee Eng and Second by Weinberg approving the acquisition of new items to Military Equipment listed in the Annual Report. **Motion carried unanimously by roll call vote.**

The City Council took a recess at 9:00 p.m.

The City Council reconvened at 9:10 p.m.

DISCUSSION ITEMS

- 9. Requirements for Off-Site Street Improvements: Waive First Reading and Introduce an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.20 Street Improvements to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970

Nick Zornes, Development Services Director, presented the report.

There were no speakers regarding the item.

The City Council made the following amendments to the ordinance:

- Define “abutting properties”
- Remove Section 11.20.030(B)

Motion by Weinberg and Second by Meadows to waive the first reading and introduce an ordinance of the City Council of the City of Los Altos, as amended, adding Chapter 11.20 Street Improvements to Title 1 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that the action is exempt from Environmental Review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970. **Motion carried unanimously by roll call vote.**

- 3. Adopt the Investment Policy Update for 2024

Lynette Lee Eng, Councilmember, requested that the wording “pursuant to Government Code Section 53600.3” and “pursuant to Government Code Section 53607” be added to appropriate sections of future investment policy updates.

The City Council did not approve the requested wording for future investment policy updates.

There were no speakers regarding the item.

Motion by Fligor and Second by Meadows to adopt the Investment Policy Update for 2024.

Motion carried unanimously by roll call vote.

10. Approve the recommended adjustments to the FY23-24 budget appropriations.

June Du, Finance Director, presented the report.

There were no speakers regarding the item.

The City Council made the following amendments to the resolution:

- Second Whereas: “Finance Committee” should be “Financial Commission.”
- Second Whereas: “review” should be “reviewed.”
- Resolution should explicitly include the actual appropriations being made

Motion by Meadows and Second by Lee Eng to approve the recommended adjustments to the FY23-24 budget appropriations, as amended. **Motion carried unanimously by roll call vote.**

11. Waive Second Reading and Adopt an Ordinance amending Chapter 2.04 of the Los Altos Municipal Code to establish City Council salaries

Jon Maginot, Assistant City Manager, presented the report.

There were no speakers regarding the item.

Motion by Weinberg and Second by Fligor to waive the second reading and adopt an ordinance, by title only, amending Chapter 2.04 of the Los Altos Municipal Code to establish City Council salaries and find that the motion is categorically exempt from the California Environmental Quality Act. **Motion carried 4-1 by roll call vote with Councilmember Lee Eng opposed.**

12. Consider the recommended installation locations in Los Altos for the Heart Sculpture recommended by the Parks, Arts, Recreation and Culture Commission

Manny Hernandez, Parks & Recreation Director, presented the report.

There were no speakers regarding the item.

The City Council decided not to proceed with the purchase of the Heart Sculpture.

The City Council took a recess at 11:14 p.m.

The City Council reconvened at 11:20 p.m.

13. Review a travel request from Councilmember Lee Eng to attend the League of California Cities Community Services Policy Committee Meeting in Burbank, CA on March 21, 2024

Lynette Lee Eng, Councilmember, presented the report.

There were no speakers regarding the item.

Motion by Dailey and Second by Fligor to approve the travel request for Councilmember Lee Eng to attend the League of California Cities Community Services Policy Committee Meeting in Burbank, CA on March 21, 2024. **Motion carried 4-0-1 by roll call vote with Councilmember Lee Eng abstained.**

14. Receive an update on the current Parks & Recreation senior transportation program

Manny Hernandez, Parks & Recreation Director, presented the report.

There were no speakers regarding the item.

Update item. No motion taken.

INFORMATIONAL ITEMS ONLY

There will be no discussion or action on Informational Items

15. Tentative Council Calendar and Housing Element Implementation Calendar

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

- **Jonathan D. Weinberg, Mayor** – Requested a future agenda item:
 - City Attorney to draft a memo on AB43 as an informational item. *(Supported by all Council)*
- **Neysa Fligor, Councilmember** – Requested a future agenda item:
 - Discussion item to adopt a resolution in opposition of the California Business Roundtable (CBRT). *(Supported by Weinberg and Meadows)*
- **Lynette Lee Eng, Councilmember** – Requested a future agenda item:
 - Discussion item regarding difficulties for the public to watch and listen to Commission meetings via Zoom. *(Council directed staff to research this issue further for potential solutions.)*
 - Discussion item regarding possible bonds for improvements to public safety buildings. *(The City Manager announced a facility assessment report is in process and will be presented to the Council at a future meeting date.)*
 - Discussion item regarding outreach on emergency situations, such as power outages. *(No support)*
 - Discussion item regarding direction for potential art pieces for Los Altos. *(No support)*

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ADJOURNMENT – The regular meeting adjourned at 12:22 a.m. on February 28, 2024.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of March 12, 2024.

Jonathan D. Weinberg
Mayor

Melissa Thurman, MMC
City Clerk

The February 27, 2024 City Council meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

The City of Los Altos does not own or operate YouTube. The video link referenced on these minutes were live at the time the minutes were published.



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject Approve the Purchase of a Flushing Truck for the Sewer Maintenance Division in the Public Works Department

Prepared by: Grant Gabler, Maintenance Superintendent

Reviewed by: Aida Fairman, Public Works Director

Approved by: Gabriel Engeland, City Manager

Attachments:

- 1. Resolution No. 2024-xx

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

The cost to purchase the Vac-Con five-yard combination sewer cleaner mounted on a freightliner 114SD plus 4X2 chassis (flushing truck) is \$710,750.71. The budgeted amount in FY2023-2024 budget for this purchase is \$720,000.

- Breakdown of funds to be used:
 - o \$710,750.71 from the Equipment Replacement account 00065-6910, per the approved FY2023-2024 budget.
- Amount already included in approved budget: Y

Environmental Review:

Not applicable

Summary:

- The City is requesting to replace one of the current flushing trucks a new one.
- In the City’s approved 2017 Sanitary Sewer Management Plan, it states the typical useful life of the current vehicle is 10 years. This vehicle was purchased in 2011 and was due for a replacement in FY 2020-2021.
- The cost to purchase the new flushing truck would be \$710,750.71.



Subject: Approve The Purchase of a Flushing Truck for the Sewer Maintenance Division in the Public Works Department

- The new vehicle will be purchased from Municipal Maintenance Equipment through the Sourcewell competitive bidding process.

Staff Recommendation:

Move to adopt Resolution No. 2024-___ approving the purchase of a new flushing truck for the sum not-to-exceed \$710,750.71 from Municipal Maintenance Equipment.

Purpose

Approve the purchase of a new flushing truck for the Sewer Maintenance Division in Public Works.

Background

During the FY2023-2024 budget cycle, the city planned to purchase a new flushing truck to replace one of the current vehicles that is past its expected operational life per the recommendations in the City’s approved 2017 Sanitary Sewer Management Plan.

The price for the new vehicle is \$710,750.71. The bidding process was done through a company called Sourcewell. Sourcewell is a self-sustaining government organization with over 40 years of service in helping public agencies with competitive bidding. Bids were solicited nationwide to ensure the best price was found.

Discussion/Analysis

The City uses a combination vehicle of vacuum and hydro jetting vehicles to perform the required maintenance on the City’s 140 miles of sewer lines. This vehicle plays a key role in cleaning and removing debris such as roots, rags, sludge and fats, oils, and grease from the sewer collection system to prevent sanitary sewer spills. The prevention of sewer spills is required by the State Water Resources Control Board General Order for Sanitary Sewer Systems.

The approved 2017 Sanitary Sewer Management Plan evaluates the economic useful life of the City’s vehicles and equipment. The current vehicle was due for replacement in Fiscal Year 2020-2021. The cost for the new vehicle, which includes taxes, delivery, and onsite training for staff, is quoted at \$710,750.71 as of February 2024.

Vac-Con is the preferred manufacturer due to its performance, reliability, maintenance, and life cycle cost. Staff have also determined that the replacement of the current vehicle with the same type would be beneficial to the continued success of the city maintenance operation. Staff recommends that the new Vac-Con vehicle be procured from Municipal Maintenance Equipment through the SourceWell agreement.



Subject: Approve The Purchase of a Flushing Truck for the Sewer Maintenance Division in the Public Works Department

Recommendation

Move to adopt Resolution No. 2024-__ for the purchase of a flushing truck for the sum not-to-exceed \$710,750.71 from Municipal Maintenance Equipment.

RESOLUTION NO. 2024-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE
AGREEMENT WITH MUNICIPAL MAINTENANCE EQUIPMENT
FOR THE VAC-CON FIVE YARD COMBINATION SEWER CLEANER
MOUNTED ON A FREIGHTLINER 114SD PLUS 4X2 CHASSIS
IN AN AMOUNT NOT-TO-EXCEED \$710,750.71**

WHEREAS, the vehicle, is needed for the cleaning and removing debris such as roots, rags, sludge and fats, oils, and grease from the sewer collection system to prevent sanitary sewer spills. The prevention of sewer spills is required by the State Water Resources Control Board General Order for Sanitary Sewer Systems.; and

WHEREAS, Municipal Maintenance Equipment was the lowest responsible, responsive proposal received; and

WHEREAS, the purchase of the proposed vehicle is exempt from review under the California Environmental Quality Act;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby:

1. Authorizes the City Manager to execute a purchase agreement with municipal maintenance equipment for the flushing truck in the Sewer Maintenance Division (Vac-Con five-yard combination sewer cleaner mounted on a freightliner 114sd plus 4x2 chassis) in an amount not-to-exceed \$710,750.71.
2. Authorizes the City Manager to take such further actions as may be necessary to implement the foregoing agreement.

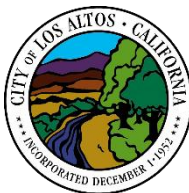
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of March, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

_____Melissa Thurman, MMC CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject Adopt Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481.

Prepared by: Katie Krauss, Captain
Reviewed by: Angela Averiett, Chief of Police
Approved by: Jon Maginot, Assistant City Manager

Attachment(s):

- 1. AB 481 Annual Report 2023
- 2. Los Altos Police Policy 709
- 3. 40MM Sponge Round Specs
- 4. UAS Acquisition Report
- 5. Ordinance No. 2023-489

Initiated by:

Police Department, per requirements of Assembly Bill 481

Previous Council Consideration:

September 20, 2022
March 14, 2023
April 11, 2023
February 28, 2024

Fiscal Impact:

There is no fiscal impact to the General Fund.

Environmental Review:

This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).



Subject: AB 481 Military Equipment Use Annual Report

Policy Question(s) for Council Consideration:

1. Does the Council wish to adopt Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481?

Summary:

- California Assembly Bill 481 requires the Los Altos Police Department to report annually on the inventory, procurement, use and misuse of covered military equipment items. The Annual Report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding for.
- Within a year of the initial approval, and at least annually thereafter, the City Council will review this ordinance and related resolutions. The City Council may, by resolution, make amendments, modifications or revisions to the military equipment use policy adopted by the Los Altos Police Department. The ordinance must be reviewed and renewed annually.

Staff Recommendation:

- Staff recommends Council adopt Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481

Purpose

To adopt the Ordinance approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481.

Background

On September 30, 2021, Governor Newsom signed a series of eight (8) policing reform legislation aimed at increasing transparency of peace officer misconduct records and creates a system to decertify peace officers for serious misconduct, improving policing responsibility and accountability guidelines, raising eligibility standards, banning harmful restraint techniques, and creates a public forum for the funding, acquisition and use of military equipment. Assembly Bill 481 (AB 481) was authored by Assemblymember David Chiu (D-San Francisco) to address the funding, acquisition and use of military equipment.

California Government Section 7071 requires a law enforcement agency’s military equipment policy, which includes the type of equipment the department may acquire and use, to be approved by the governing body. “Military equipment” is not related to whether or not the equipment was acquired through military sources. The Los Altos Police Department does not possess any equipment specifically designed for military use, nor has the department acquired any equipment through a military surplus program, commonly known as the 1033 Program. Our “military equipment” is included in the attached policy under inventory, and includes items such



Subject: AB 481 Military Equipment Use Annual Report

as patrol rifles, several less lethal force options, and training flash bangs utilized as diversionary devices by our SWAT team.

As part of the approval process outlined in Assembly Bill 481, the initial proposed military equipment policy was made available on the department website (Government Code § 7071). The police department also hosted a community meeting to discuss AB 481 on May 12th, 2022. The Military Equipment Use Policy was presented to Council on September 20, 2022 and was approved with minor amendments. The 2022 Annual Report, a requirement of AB 481, was presented to citizens at a Town Hall meeting on February 8, 2023. It went before Council on March 14, 2023 and Ordinance No. 2023-489 was adopted on April 11, 2023. The 2023 Annual Report was published on the Department webpage on February 8, 2024 prior to the public meeting (City Council Meeting) on February 27, 2024.

Discussion/Analysis

California Assembly Bill 481, signed into law on September 30, 2021, requires police agencies to obtain City Council approval by the adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the legislature. The bill requires an annual report to the governing board regarding the military equipment. If an agency wishes to acquire additional equipment that is defined as military equipment, they must receive Council approval. The policy/ordinance governing military equipment use must be reviewed and renewed annually.

Recommendation

Staff recommends Council adopt Ordinance No. 2023-489 approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment as mandated by Assembly Bill 481.



AB 481 Annual Report 2023

Captain Katie Krauss

Los Altos Police Department

Submitted February 27, 2024

Military Equipment Use AB 481 Compliance Requirements:

- Approval of the Military Use Policy (Completed 2022 & 2023, Policy 709)
- Publishing the Policy (Completed 2022 & 2023)
- Annual Report (see below)

Annual Report Description:

Assembly Bill 481 requires the police department report annually on the inventory, procurement, use and misuse of covered military equipment items. The annual report also includes a description of new military equipment the police department seeks City Council approval for acquisition and funding.

Per AB 481, the annual report must include the following:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

LAMC 7.30.010. Military equipment policy (Reviewed 3/28/23, Adopted 4/11/23)

As required by AB 481, the City Council reviewed this section as an ordinance to approve a military equipment use policy. The City Council's approval shall remain effective for a period of one year, which approval may be revoked, extended, renewed, modified or amended by resolution of the City Council. Within a year of the initial approval, and at least annually thereafter, the City Council will review this section and related resolutions. The City Council may, by resolution, make amendments, modifications or revisions to the military equipment use policy adopted by the Los Altos Police Department. The ordinance must be reviewed and renewed annually.

A. The City Council has made the following determinations:

1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties (said Policy is attached hereto as Exhibit “A” and incorporated by this reference).
3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Equipment Usage for 2023:

None of the equipment in the attached military equipment inventory was utilized in 2023, except in training situations including range and SWAT.

Summary of Complaints for 2023:

The Department did not receive any complaints concerning military equipment in 2023.

Violations of Policy 709:

An internal review revealed no violations of Policy 709, as none of the equipment was utilized in 2023 except in training situations.

Total Annual Cost for Military Equipment:

The estimated annual cost for the maintenance of the military equipment in the current inventory is \$4,800. This includes the cost of replacement parts, cleaning supplies, and the staff time to conduct inspections on the equipment.

Replacement Military Equipment Inventory List:

- Replace SAGE CONTROL ORDINANCES baton rounds with DEFTEC sponge rounds.

New Proposed Items for the Military Equipment Inventory List:

- UAS (Unmanned Aircraft System): See attached Memorandum with further details on this request

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). Assembly Bill 481 (AB 481), signed into law on September 30, 2021, requires law enforcement agencies to create a policy establishing guidelines and requirements for the funding, acquisition, and use of "military equipment" (Government Code § 7070, 7071, and 7072), including requirements to host informational meetings with the public, generate annual "military equipment" use reports, and seek annual approval from their respective governing bodies. The purpose of this policy is to make sure that safeguards exist, including transparency, governing body oversight, and accountability measures, to ensure the funding, acquisition, and use of "military equipment" is consistent with the provisions set forth by the governing body and as outlined in AB 481. This policy will also provide the public with a transparent view of the "military equipment" utilized by the Los Altos Police Department. The military equipment use policy will safeguard the public's welfare, safety, civil rights and civil liberties.

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The Los Altos City Council for the adoption of this ordinance and the approval of the annual report

POST - Peace Officer Standards and Training

SWAT - Special Weapons and Tactics

Military equipment – Per AB 481, military equipment includes but is not limited to the following:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.

Military Equipment

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

709.2 POLICY

It is the policy of the Los Altos Police Department that members of the department comply with the provisions of Government Code § 7071 with respect to qualifying "military equipment". "Military equipment" should be used by members of the Department who have completed applicable training, including training required by the Commission on Peace Officer Standards and Training (POST). See the Military Equipment Inventory List (section 709.4) for associated "military equipment" training requirements.

"Military equipment", which has been approved for use by the governing body, shall be used in accordance with all other applicable department policies and laws. These policies and laws include, but are not limited to:

- Los Altos Police Department Policy 300 (Use of Force)
- Los Altos Police Department Policy 308 (Control Devices and Techniques)
- Los Altos Police Department Policy 312 (Firearms)

Military Equipment

- Los Altos Police Department Policy 414 (Hostage and Barricade Incidents)
- California Assembly Bill No. 48 (Use of Kinetic Energy Projectiles and Chemical Agents-Assemblies, Protests, and Demonstrations)
- California Penal Code Section 13652 (Use of Kinetic Energy Projectiles and Chemical Agents)

This policy expressly prohibits the use of "military equipment" on individuals or groups solely based on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

709.3 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body before the Department engages in any of the following (Government Code § 7071):

- (a) Requests military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeks funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquires military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborates with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Uses any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Solicits or responds to a proposal for, or enters into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquires military equipment through any means not provided above.

709.3.1 EXIGENCY- PROCUREMENT AND USE

Subject to this paragraph, nothing in this policy shall prohibit the procurement or use of controlled equipment when exigent circumstances exist. In rare circumstances, exigent circumstances may occur where the immediate procurement and use of controlled equipment may be necessary to preserve life, prevent physical harm to officers or other persons, prevent the destruction of relevant evidence, prevent the escape of the suspect, or maintain public safety. In the event such an event occurs, the Chief of Police or the authorized designee may authorize the procurement and

Military Equipment

use of controlled equipment. Any exigent procurement and/or use of controlled equipment will be reported to the governing body, in writing, unless such information is confidential or privileged under local, state or federal law.

709.3.2 MAINTENANCE AND RESUPPLY OF CONTROLLED EQUIPMENT

In the event a previously approved supply of controlled equipment falls below the approved quantity, the Department may replenish the supply, as needed, without first obtaining additional approval from the Governing Body.

709.4 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction should comply with their respective military equipment policies in rendering mutual aid.

709.5 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.6 POLICY COMPLIANCE AND SUBMITTING COMPLAINTS

The Chief of Police or the authorized designee will ensure that all Los Altos Police Department employees comply with this policy. Suspected violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", should be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct). Additionally, violations of the provisions set forth in this policy, or in other laws or policies governing the use of "military equipment", will be reported to the governing body via the annual Military Equipment Report.

Any member of the community can submit a complaint regarding the use of "military equipment" to any Los Altos Police Department employee or the Independent Intake Official. Complaints can be submitted in any form (e.g., in person, online, telephone, email, etc.). Once a complaint is received, it will be handled in accordance with Los Altos Police Department Policy 340 (Standards of Conduct) and LAPD Policy 1020 (Personnel Complaints). Formal complaints regarding alleged violations of this policy will be handled by an independent investigator.

Complaints may be made directly to the Independent Intake Official (IIO) Stephanie Atigh in one of the following ways:

Military Equipment

Online Submission:

[Complaint IIO WEBFORM](#) (online)

By Email:

Fill out the appropriate Civilian Complaint Submission form (located online), save it to your computer and email as an attachment to stephatigh@sbcglobal.net

By Phone:

(831) 915-4643

Complaints may be made directly to the Los Altos Police Department in one of the following ways (for online options, please visit <https://www.losaltosca.gov/police/page/how-are-we-doing-0>):

In Person:

Los Altos Police Department
1 N. San Antonio Road, Los Altos, CA 94022

Online Submission:

[Complaint PD WEBFORM](#)

By Email:

Fill out the appropriate Civilian Complaint Submission form (online), save it to your computer and email as an attachment to PoliceFeedback@losaltosca.gov

By Phone:

(650) 947-2770

709.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department should hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

709.8 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.

Military Equipment

- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Altos Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit any questions about the use of a type of military equipment, and how the Department will respond in a timely manner.

709.9 MILITARY EQUIPMENT INVENTORY

[See attachment: Inventory List 2024 AB 481.pdf](#)

Attachments

Inventory List 2024 AB 481.pdf

709.9 MILITARY EQUIPMENT INVENTORY

The following constitutes a list and description of qualifying equipment for the Department:

- 1. **40 MM Launchers and Rounds:** 40mm Launchers are utilized by department personnel as a less lethal tool to launch impact rounds.

(a) Description, quantity, capabilities, and purchase cost

- i. PENN ARMS GL-140-C, 40MM SINGLE SHOT LAUNCHER, cost:\$1,000, quantity: 13. The 40mm Single Launcher is a tactical single shot launcher that features a collapsible stock. It will fire standard 40mm less lethal ammunition, up to 6.0 inches in cartridge length. 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet.
- ii. SAGE CONTROL ORDINANCES INC K041 STANDARD ENERGY IMPACT BATON PROJECTILE, cost: \$21.00, quantity: 14. **Authorized to increase projectiles to 150 (on order).** A less lethal 40mm impact baton projectile fired from a single 40mm grenade launcher with a rifled barrel at 51-72 MPS (meters per second). The projectile provides accurate and effective performance when fired from the recommended firing distances of not less than 10 feet and no greater than 75 feet.

(b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

(c) Authorized Use: Subject to subsection (g) below, situations for use of the less lethal weapon systems may include, but are not limited to the following:

- i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- ii. The suspect has made credible threats to harm him/herself or others.
- iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- v. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.

(d) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(e) Lifespan:

i. Penn Arms GL-140-C- No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear

ii. K041 Standard Energy Impact Batons-5 years

(f) Fiscal Impact: Annual maintenance is approximately \$100 for each launcher.

(g) Legal and Procedural Rules: Use of the 40mm launcher and 40mm baton rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the 40mm only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

2. **Less Lethal Shotgun and Rounds:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

(a) Description, quantity, capabilities, and purchase cost

i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: \$950, quantity: 11. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12- gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation. The less lethal 12- gauge shotgun is distinguishable by an orange butt stock and fore grip.

ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND 2581, cost: \$6, quantity: 90. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS (Combined Tactical Systems) Super-Sock rounds are discharged from a dedicated 12- gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

(b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

(c) Authorized Use - Subject to subsection (g) below, situations for use of the less lethal weapon systems may include, but are not limited to the following:

- i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- ii. The suspect has made credible threats to harm him/herself or others.
- iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- v. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of less lethal weapon system.

(d) Lifespan:

- i. Remington 970 Less Lethal Shotgun-25 years
- ii. Super Sock Round Model 2581: No listed expiration date

(e) Training: All personnel who are authorized to carry a control device must be properly trained and certified to carry the specific control device and are retrained or re-certified as necessary. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(f) Fiscal Impact: Annual maintenance is approximately \$100 per shotgun.

(g) Legal and Procedural Rules: Use of the less lethal shotgun and Super Sock rounds are subject to the requirements of Policy 300 (USE OF FORCE), 308 (CONTROL DEVICES AND TECHNIQUES), 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize the less lethal shotgun only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

3. 5.56mm Semi-Automatic Rifles and Ammunition: The Colt AR-15/M4 5.56 mm/.223 semiautomatic rifles are used for patrol. Daniel Defense V7s AR-15/M4, 5.56mm/.223 caliber semi-automatic rifle are planned for use by SWAT team.

(a) Description, quantity, capabilities, and purchase cost

i. COLT AR RIFLES, cost: \$1200, quantity: 27. These rifles, equipped and locked in each patrol car or police motorcycle, offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in patrol cars or in the Police station and are only deployed on specific incidents where officers believe guns or weapons are involved.

ii. DANIEL DEFENSE V7 AR RIFLES, cost: \$3000, quantity: 5. These rifles offer a higher degree of accuracy at a longer distance. The ammunition used in rifles are also more effective at penetrating body armor (as some suspects have worn during high-profile shooting events in the country). They are normally kept secured in SWAT armory or tactical vehicle and are only deployed on specific incidents where officers believe guns or weapons are involved.

iii. .223 CALIBER or 5.56MM RIFLE AMMUNITION, cost: \$280 per case of 500 rounds, quantity: 10,800 rounds. This rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

(b) Purpose: To address a threat with more precision and/or greater distances than a handgun, if present and feasible.

(c) Authorized Use - Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Subject to subsection (g) below), situations for use of these weapon systems may include, but are not limited to the following:

i. Situations where the member reasonably anticipates an armed encounter.

ii. When a member is faced with a situation that may require accurate and effective fire at long range.

iii. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

iv. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

v. When a member reasonably believes that a suspect may be wearing body armor.

vi. When authorized or requested by a supervisor.

vii. When needed to euthanize an animal.

viii. When an officer is training at an approved range or other approved facility

ix. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.

(d) Lifespan:

- i. Colt AR Rifles: Approximately 15-20 years
- ii. 223 Caliber or 5.56mm rifle ammunition: No expiration

(e) Training: Officers must successfully complete a 24-hour patrol rifle course as well as regular Department firearms training and qualifications as required by law and policy. Firearm Instructors attend a 40-hour POST-approved rifle instructor class, and SWAT personnel must attend an 80-hour basic SWAT Team course.

(f) Fiscal Impact: Annual maintenance is approximately \$100 per rifle.

(g) Legal and Procedural Rules: Use of the patrol rifles and ammunition are subject to the requirements of Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

4. **.308 caliber LWRC REPR MKII 7.62 NATO sniper rifles (quantity 2) and Ammunition:** The sniper rifles are capable of firing a .308 caliber bullet. This rifle may only be used by a SWAT Officer trained and certified to be a sniper (LAPD currently has two such officers) and may be deployed to assist the SWAT Team in a critical incident or emergency.

(a) Description, quantity, capabilities, and purchase cost

- i. .308 LWRC REPR MKII 7.62 NATO sniper rifles (quantity 2)., cost: \$7,725, quantity: 2
- ii. .308 AMMUNITION, cost: \$1.50 per round, Authorized quantity: 3,040 rounds. These nickel-plated bonded soft-point 308/7.62 cartridges from Speer Gold-Dot are resistant to corrosion, capable of expansion from barrels as short as 10", and retain accuracy from a variety of barrels lengths.

(b) Purpose: This rifle may only be used by a SWAT Officer trained and certified to be a sniper and may be deployed to assist the SWAT Team in a critical incident or emergency. The main use of this weapon system is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.

(c) Authorized Use: Subject to subsection (g) below, examples of situations for deploying the sniper rifle may include, but are not limited to the following:

- i. where the Officer reasonably anticipates an armed encounter;

- ii. when the Officer is faced with a situation that may require accurate and effective fire at a long distance;
- iii. where an Officer reasonably expects the need to meet or exceed the firearms and ammunition that a suspect is reported or believed to possess;
- iv. when an Officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage;
- v. when an Officer reasonably believes that a suspect may be wearing body armor.
- vi. When an officer is training at an approved range or other approved facility
- vii. Other situations not listed here may also be deemed authorized use cases under applicable penal code and case law, and shall reflect necessary, reasonable, and proportional use of this weapon system.

(d) Lifespan:

- i. .308 LWRC REPR MKII 7.62 NATO, sniper rifles (quantity 2). Approximately 15 years
- ii. .308 Ammunition: No expiration

(e) Training: In addition to patrol rifle and standard SWAT operator training, SWAT snipers must successfully complete a California POST-certified sniper course as well as regular SWAT sniper training and qualifications as required by law and policy.

(f) Fiscal Impact: Annual maintenance is approximately \$100 per LWRC REPR rifle.

(g) Legal and Procedural Rules: Use of the sniper rifles and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos, Policy 300 (USE OF FORCE), Policy 312.3.2 (PATROL RIFLES), Policy 312 (FIREARMS), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the Los Altos Police Department to utilize rifles only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

5. **Benelli M3Super90 12-gauge shotgun and ammunition:** This firearm is not currently used by the department and is stored in the armory. The Benelli M3 is a dual-mode (hybrid pump-action and semi-automatic) shotgun The ammunition for the shotgun is 00 Buck and slug rounds.

(a) Description, quantity, capabilities, and purchase cost

- i. BENELLI M3SUPER90 12 GAUGE SHOTGUN, cost \$500, quantity: 1. The Benelli M3 is a combination Pump-Action and Semi-Automatic Shotgun. The shotgun can be chambered for 12 GA shells with a 20 inch barrel.

ii. 00 BUCK AMMUNITION, cost: \$1.80 per round, quantity: 600 rounds. A typical 12-gauge, 2 3/4-inch 00 Buckshot shell holds 8 pellets that are 0.33" in diameter. A 3-inch shell most often contains 12 of these same sized pellets.

iii. SLUG AMMUNITION, cost: \$1.40 per round, quantity: 100. The Foster-type shotgun slug features exterior rifled grooves which contact the shotgun's bore to give it spin; and, the slug's hollow-point design initiates expansion to augment stopping power.

(b) Purpose: This shotgun is not currently utilized by the department. The only shotguns used by the Department are the less lethal shotguns. The ammunition is purchased solely for recruits in the police academy, where shotgun instruction occurs.

(c) Authorized Use: There is currently no authorized use for the shotgun in our policy.

(d) Lifespan:

i. Benelli M3Super90 12 gauge shotgun: Approximately 15 years

ii. OO Buck Ammunition: No expiration

iii. Slug ammunition: No expiration

(e) Training: Officers receive training in shotgun use in the police academy, and have to pass firearm qualifications. There is no further training with the Benelli shotgun or ammunition.

(f) Fiscal Impact: None, the weapon is not utilized. When equipment is being used, yearly maintenance costs are estimated to be \$100.

(g) Legal and Procedural Rules: Use of all firearms fall under the following policies:

Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS). It is the policy of the Los Altos Police Department to utilize firearms only for official law enforcement purposes, in accordance with all requirements under State and Federal law, including those regarding the use of force.

6. Remington 870 MCS 12 Gauge Breaching shotgun and breaching rounds:

This firearm/ammunition is not currently used by the department and is stored in the SWAT armory.

(a) Description, quantity, capabilities, and purchase cost

i. REMINGTON 870 MCS 12 GAUGE BREACHING SHOTGUN, cost:\$1,400, quantity: 1. Extremely compact breaching model 12 gauge with a ten inch cylinder bore breaching barrel with parkerized finish, a Knox recoil reducing breacher pistol grip stock, and synthetic modular fore-end.

ii. 12 GAUGE BREACHING ROUNDS, cost: \$5.00 per round, quantity: 25 rounds. The 12-Gauge TKO Breaching Round is a 12-Gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. This is a widely used method to breach door locks or hinges for entry during tactical operations.

(b) Purpose: The breaching shotgun is used to safely gain entry into a structure. When properly deployed, the TKO breaching round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and pad locks on both wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates into a fine powder eliminating fragmentation. The Explosive Breaching Program, conducted in conjunction with the Mountain View Police Department, was established to provide the joint SWAT Team the ability to quickly create an opening in a wall or window to quickly enter a building for an emergency rescue of hostages. It is reserved for rescue operations only.

(c) Authorized Use: Subject to subsection (g) below, this equipment would only be deployed during a SWAT incident, and its use would need specific authorization from the Incident Commander. The equipment may only be used by a "tactical breacher" on the SWAT team. We currently do not have any authorized users at the Department.

(d) Lifespan:

i. Remington 870 MCS 12 Gauge Breaching shotgun: Approximately 15 years

ii. 12-Gauge TKO Breaching Round: Approximately 5 years

(e) Training: The training consists of an 80-hour course for a member of the SWAT Team specifically designated as the "breacher." At the conclusion of the course, the breacher must pass a test proctored by CAL/OSHA. The OSHA certification is valid for 5 years. Before the expiration of the certification, the breacher must retake and pass the test.

(f) Fiscal Impact: None, the weapon is not utilized. When equipment is being used, yearly maintenance costs are estimated to be \$100.

(g) Legal and Procedural Rules: Use of the breaching shotgun and ammunition are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

7. **Kaiser Precision Vulcan II Munitions Pole:** Telescoping tool utilized by SWAT personnel to safely deliver approved noise/diversionary devices.

(a) Description, quantity, capabilities, and purchase cost

i. KAISER PRECISION VULCAN II MUNITIONS POLE, cost: \$2,000, quantity: 1. The munitions pole is a multi-purpose breaching tool, constructed of lightweight

aluminum square tubing used to deploy distraction devices and chemical munitions in order to gain entrance into a building, structure or even a vehicle.

(b) Purpose: The munitions pole is used to safely deploy diversionary devices, chemical munitions, or other objects (cell phones, cameras) during SWAT operations.

(c) Authorized Use: Subject to subsection (g) below, this equipment would be deployed during primarily during a SWAT incident, but could be utilized to gain entry into a residence during other high-risk operations on patrol.

(d) Lifespan: Approximately 10 years

(e) Training: Kaiser Precision provided an instructional video for individual and team training.

(f) Fiscal Impact: None, does not require annual maintenance

(g) Legal and Procedural Rules: Use of the munitions pole are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

8. CTS Flash-bang Training Kit: The training flash-bangs are built and weigh exactly the same as it's equivalent live Flash-Bang, but have no flash charge.

(a) Description, quantity, capabilities, and purchase cost

i. CTS FLASH-BANG TRAINING KIT, cost: \$964, Quantity 1 kit (comes with 70 reload Training Fuzes, 1 body), current fuze inventory is 25. The training bodies are painted with a bright blue coating, and can be used an unlimited number of times. The M201FB fuze for this system has 10 times the output of a normal M201 fuze and it is threaded with a left hand thread so it can not be accidentally used in any other munitions. The training devices produce an output of about 120db.

(b) Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.

(c) Authorized Use: Subject to subsection (g) below, SWAT operators may utilize the training flash-bangs as a training tool to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. Los Altos Police Department does not have any live flash-bangs in the inventory. Our operators use live flash-bangs while on SWAT events or at training with Mountain View Police Department.

(d) Lifespan: 5 years

(e) Training: These are a training tool. SWAT operators must attend and pass an 80-hour SWAT training class. Flash-bang training is provided by an instructor who has completed an 8-hour noise flash diversionary device course.

(f) Fiscal Impact: None, does not require annual maintenance

(g) Legal and Procedural Rules: Use of the live flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

9. **Specialty Impact Munition (SIM) weapons and ammunition**: Simunition® is the pioneer and world leader in providing military, law enforcement and approved range members with the most realistic and non-lethal force-on-force, short range, simulation training system.

(a) Description, quantity, capabilities, and purchase cost

i. SIMUNITION GLOCK 17T, cost: \$500 each, quantity: 8. The GLOCK Training Pistols were developed with the purpose of enabling reality-based tactical operations training using color marking or plastic projectile ammunition. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

ii. SIM CONVERTED BERETTA 92, cost: \$500 each, quantity: 4. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

iii. HK MP5 CONVERSION KITS, cost: \$500 each, quantity 2. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When effective range of approximately 27 yards.

iv. SIMUNITION COLT AR-15 CARBINE RIFLE UPPERS, cost: \$1,000 each, quantity: 3. The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards.

v. FX MARKING CARTRIDGES, cost: \$350 for 500 rounds, quantity: 3,500 rounds. The reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. They feature tactical accuracy up to 25 feet (7.6 meters).

(b) Purpose: Enabling reality-based, force-on-force tactical operations training using color marking or plastic projectile ammunition.

(c) Authorized Use: Subject to subsection (g) below, simunition weapons and marking rounds are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force on force training scenarios. These items are used for training purposes for all sworn staff members.

(d) Lifespan:

i. Simunition Glock 17T: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

ii. Sim Converted Beretta: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

iii. HK MP5 Conversion Kits: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

iv. Simunition Colt AR-15 Rifle Uppers: – 24-month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

v. FX Marking Cartridges: Shelf life five (5) years.

(e) Training: These are a training tool. Simunition Instructors attend an informative, three-day (24-hour) course designed to provide students with substantial hands-on experience with Simunition® FX® training ammunition technology, weapons conversion kits, and the Simunition® line of protective equipment. The course provides in-depth, hands-on instruction in scenario-based training program development and training methodology, and gives critical practical experience to students on the best use of Simunition® training products in a highly effective, realistic, extremely safe training program. Sworn staff members are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes.

(f) Fiscal Impact: Annual maintenance cost is approximately \$500 for all of the simunition weapons to be inspected and repaired.

(g) Legal and Procedural Rules: Use of the Simunition firearms and marking rounds are subject to the requirements of Policy 300 (USE OF FORCE) and Policy 312 (FIREARMS) while training. It is the policy of the Los Altos Police Department to utilize Simunition equipment only for official law enforcement training purposes, in accordance

with all requirements under State and Federal law, including those regarding the use of force.

10. **Flashbangs: Noise Flash Diversionary Device (NFDD)**_An NFDD, or flashbang, is a device that creates a bright flash or loud sound to temporarily divert the attention of subjects in the immediate area.

a. Description, quantity, capabilities, and purchase cost

i. 7290-0 Flash-Bang, Aluminum body 9-bang, cost \$168.65 each, Authorized quantity: 12. The patented multi-bangs feature top and bottom non-fragmenting, minimal movement devices that perform with high reliability incorporating CTS Superior fuze components with the patented and US Army adopted Confidence Clip and pin shroud.

ii. 7290 Flash-Bang, Steel Body, cost \$55.45, authorized quantity 36. The CTS 7290 (single bang) is the standard for diversionary flash-bang devices. The 7290 produces a 165-180db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.

b. Purpose: Flash-bangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations.

c. Authorized Uses: Flashbangs are used to distract and temporarily immobilize dangerous suspects by overwhelming their senses of vision and hearing. The distraction gives Officers time to seize a moment and create an opportunity to take control of high-risk or dangerous situations. SWAT Operators that have received authorized training shall use Diversionary Devices only under the following:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

d. Lifespan:

e. Training: 8-hour flash diversionary devices instructor school f. Fiscal Impact: No known annual maintenance cost g. Legal and Procedural Rules: Use of the live flash-bangs are subject to the requirements of the SWAT Standard Operating Procedures for Mountain View/Los Altos. Use is also under Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the LAPD to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.

11. **Chemical Agents**: Chemical agent munitions can be used as a non-lethal tool to deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect.

a. Description, quantity, capabilities, and purchase cost:

i. OC Grenades (Purchase Cost \$52.10 each, authorized quantity 5): The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor-use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic yet requires minimal decontamination. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.

ii. CTS 5230B Baffled CS chemical agent canister munition (purchase cost \$52.25 each, authorized quantity 15): Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.

iii. CTS 5230 CS Chemical agent canister munition (Purchase price \$39.70 each, authorized quantity 10): Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched.

b. Purpose: Compel an individual to cease their actions when such munitions present a reasonable option; deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect. Only officers who have received training from POST certified instructors in the use chemical agents are authorized to use chemical agents. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Uses: Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.

- ii. Circumstances where a tactical advantage can be obtained.
 - iii. Potentially vicious animals.
 - iv. Training exercises or approved demonstrations.
- d. Lifespan: 5 years from manufacturing date.
- e. Training: 40-hour chemical agent instructor course.
- f. Fiscal Impact: No known annual maintenance cost.
- g. Legal and Procedural Rules: Use is established under the Mountain View-Los Altos Regional SWAT SOP. Use is also covered under Policy 300 USE OF FORCE), Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the MVPD-LAPD Regional SWAT Team to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.
12. **12 gauge Shotgun Chemical Munition Launcher**: Cup that attaches to 12 gauge less lethal shotgun which allow SWAT operators to launch canisters of chemical agents or smoke.
- a. Description, quantity, capabilities, and purchase cost: COMBINED SYSTEMS LC5 12 GAUGE LAUNCHING CUP, cost: \$400, authorized quantity: 1. The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with the model 2600 launching cartridge.
- b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- c. Authorized Uses: Situations for use of the less-lethal weapon systems may include, but are not limited to:
- i. Self-destructive, dangerous, and/or combative individuals
 - ii. Circumstances where a tactical advantage can be obtained
 - iii. Potentially vicious animals
 - iv. Training exercises or approved demonstrations
- d. Lifespan: Combined Systems LC5 40MM Launching Cup- 25 years
- e. Fiscal Impact: No known annual maintenance cost
- f. Training: 24-hour less lethal instructor course and/or 40 hour chemical instructor course.

g. Legal and Procedural Rules: Use is established under the Mountain View-Los Altos Regional SWAT SOP. Use is also covered under Policy 300 USE OF FORCE), Policy 308.9 (KINETIC ENERGY PROJECTILE GUIDELINES), Policy 317 (HIGH RISK OPERATIONS PROTOCOL), Policy 322 (SEARCH AND SEIZURE), and Policy 414 (HOSTAGE AND BARRICADE INCIDENTS). It is the policy of the MVPD-LAPD Regional SWAT Team to utilize diversion devices only for official law enforcement purposes and pursuant to State and Federal law regarding the use of force.



DEFENSE TECHNOLOGY®

40MM eXact iMpack™ SPONGE ROUND

PRODUCT SPECIFICATIONS	
Diameter	1.60 in / 40 mm
Length	3.65 in / 9.3 cm
Projectile Count	1
Velocity	345 fps / 105 mps
Minimum Safe Range	5 ft / 1.5 m
Maximum Effective Range	131 ft / 40 m
PROJECTILE SPECIFICATIONS	
Material	Foam
Height	2.62 in / 6.7 cm
Diameter	1.60 in / 40 mm
Weight	1.06 oz / 30 g
Part No.	6325
Warranty	5 years from date of manufacture



ALL SPECIFICATIONS ARE AVERAGES AND SUBJECT TO CHANGE

The 40mm eXact iMpack™ Sponge Round has evolved from the design of the 40mm XM1006 projectile, developed by the US Army Research Laboratory. This lightweight, high-speed projectile incorporates a plastic body and a foam (sponge) nose which is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and has velocities that are extremely consistent.

The 40mm eXact iMpack™ Sponge Round is a "point-of-aim, point-of-impact" direct fire round that is most commonly used by tactical teams in situations where maximum deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject. In many municipalities, these are being selected for both tactical call outs and as an available option for patrol.

The 40mm eXact iMpack™ Sponge Round is intended for direct fire deployment. The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing.

The 40mm eXact iMpack™ Sponge Round will prove most successful for incapacitation when used within its optimal energy range of approximately 5 – 40 meters, although it may be used in situations from 1.5 – 50 meters. The optimal zone offers the necessary energy and accuracy to target the large muscle groups of the buttocks, thigh, and even the knees of the subject. These areas provide sufficient pain stimulus, while greatly reducing serious or life-threatening injuries.

The 40mm eXact iMpack™ Sponge Round can also be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or targeting specific agitators and organizers of the crowd. When used in this fashion, it is primarily both a psychological deterrent and physiological distraction serving as a pain compliance device to either get the crowd or subject moving or keeping them at a designated distance.

WARNING

This product can expose you to chemicals including Lead Salts and Hexavalent Chromium, which are known to the State of California to cause cancer, and Lead Salts, which are known to the State of California to cause birth defects or other reproductive harm. For more information, go to www.P65Warnings.ca.gov.

WARNING: THIS PRODUCT IS TO BE USED ONLY BY AUTHORIZED AND TRAINED LAW ENFORCEMENT, CORRECTIONS, OR MILITARY PERSONNEL. THIS PRODUCT MAY CAUSE SERIOUS INJURY OR DEATH TO YOU OR OTHERS. THIS PRODUCT MAY CAUSE SERIOUS DAMAGE TO PROPERTY. HANDLE, STORE AND USE WITH EXTREME CARE AND CAUTION. USE ONLY AS INSTRUCTED.





**1 North San Antonio Road
Los Altos, California 94022-3087**

M E M O R A N D U M

DATE: February 7, 2024

TO: City Council

FROM: Angela Averiett, Chief of Police

Joe Ledoux, Police Captain

SUBJECT: Request for the acquisition of drones (UAS) pursuant to AB481

Honorable Mayor and City Council,

Pursuant to Assembly Bill 481 the Los Altos Police Department is respectfully bringing forward an acquisition report seeking to acquire drones (UAS). Attached is an ethical and purposeful proposal for acquiring drones for specific and prescribed uses. Los Altos Police Department is only seeking the use of drones in a purpose-driven manner while being hyper-sensitive to the civil liberty concerns of our community.

In 2021, the State of California passed AB 481, which requires local agencies to seek permission from their respective governing bodies to approve the use of 'military equipment'. In compliance with AB 481, the Los Altos Police Department seeks to acquire four drones, two for exterior and two specifically designed for interior usage; further details about each model are contained in the attached acquisition report.

The below detail acquisition report thoroughly articulates the specified uses. Any video captured during any non-evidentiary use will be deleted in 30 days.

I respectfully request the City Council review and consider approving this request to enhance further and strengthen our abilities organizationally, especially regarding de-escalation and disaster response.

Please feel free to contact me if you need any additional information.

UNMANNED AERIAL SYSTEM (UAS)

A. DESCRIPTION

An Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled and all of the supporting or attached components designed for gathering information through imaging, recording, or any other means. Generally, a UAS consists of:

- An unmanned aircraft which consists of the chassis with several propellers for flight, radio frequency and antenna equipment to communicate with a remote-control unit, control propellers and other flight stabilization technology (e.g. accelerometer, a gyroscope), a computer chip for technology control, a camera for recording, and a digital image/video storage system for recording onto a secure digital card (SD card);
- A remote-control unit that communicates with the unmanned aircraft via radio frequency; and
- A battery charging equipment for the aircraft and remote control.

UAS are controlled from a remote-control unit (similar to a tablet computer). Wireless connectivity lets pilots view the UAS and its surroundings from a bird's-eye perspective. UAS have cameras so the UAS pilot can view the aerial perspective. UAS record image and video data onto a secure digital (SD) memory cards. SD cards can be removed from UAS after flights to input into a computer for evidence.

B. PURPOSE

UAS offer to significantly improve the capacity of law enforcement (LE) to provide a variety of foundational police services. This technology has already been used with many law enforcement agencies to save lives and help capture dangerous criminal suspects. UAS can support first responders in hazardous incidents that would benefit from an aerial perspective.

Responding to violent crime in Los Altos often requires officers to face risks to their safety – in addition to the clear risks faced by members of the public when violent crime is present.

Technology such as UAS can play a vital role in mitigating these omnipresent dangers, by providing a greater view into the immediate surroundings of crime scenes and active pursuits. The use of a UAS is also in line with the Department’s philosophy around de-escalation, as this tool can provide greater time and distance, which are the critical components in offering officers the greatest likelihood of a peaceful, or less violent resolution.

Searches for armed and dangerous suspects are more effective and controlled with UAS support; an armed suspect can be hiding in a tree or on a roof. Law Enforcement Officers can respond accordingly and more safely when provided with this critical information (see Section #10 below “Alternatives Considered” for more information on

LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

how UAS compares to alternatives for situational awareness). More informed responses also lead to less injury and less uses of force.

LE agencies have successfully used UAS to locate missing persons, especially in more remote areas – as well as for rescue missions. UAS is also being used during disasters and during any hazardous material releases. The situational awareness UAS provides has also become an important tool for large events (e.g. sport events, parades, and festivals); the aerial view provides information that would otherwise require a much larger deployment of LE personnel to maintain the same level of public safety support. Furthermore, smaller UAS can be equipped with a loud speaker to communicate (e.g. hostage situations/providing verbal commands and directions to the subject).

The use of UAS could also be beneficial for collaborative work with Public Works Department while inspecting the City’s utility infrastructure including but not limited to sewer, water, and other critical infrastructure.

C. LOCATION

LAPD proposes to use UAS as outlined in proposed policy 611- Unmanned Aerial System (UAS).

UAS may only be requested for the following specified situations:

- a. Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- b. Disaster response and damage assessment;
- c. Missing or lost persons;
- d. Hazardous material releases;
- e. Identifying, locating and apprehending non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers;
- f. Suspected explosive devices;
- g. Video/photographic documentation of crime scenes or collision locations;
- h. Reconnaissance of incident locations that are inaccessible for fire apparatus;
- i. Response to fires or post-fire investigations;
- j. Sideshow events where many vehicles and reckless driving is present;
- k. Rescue operations;
- l. Conduct inspections of the City’s utility infrastructure (e.g. electric, fiber, water, sewer, etc.) to detect leaks or stressed assets, and aid in general public works inspections.
- m. Training flights as required to meet FAA and Department certification standards;
- n. Hazardous situations which present a high risk to officer and/or public safety,

to include:

- i. Barricaded suspects;
- ii. Hostage situations;
- iii. Armed suicidal persons;
- o. Arrest of armed and/or dangerous persons
- p. Service of high-risk search and arrest warrants involving armed and/or dangerous persons
- q. Other unforeseen exigent circumstances

Unmanned Aerial Systems shall only be used for legitimate law enforcement purposes or to aid in other City divisions as guided by the above permissions.

Potentially, UAS could be deployed in any location in the City of Los Altos where one or more of the above situations occur and where the proper authorizations are provided. Fortunately, several of these situations rarely occur – but some do occur, such as arresting armed/dangerous persons. LAPD occasionally arrests individuals for violent crimes– UAS can provide situational awareness in all of these critical incidents to provide a greater level of safety for officers, as well as for nearby civilians.

D. IMPACT

LAPD recognizes that the use of UAS raises privacy concerns. UAS are becoming ubiquitous in the United States, and there is a growing concern that people can be surveilled without notice or reason. There is concern that UAS can be utilized to observe people in places, public or private, where there is an expectation of privacy. The level of potential privacy impact depends upon factors such as flight elevation and camera zoom magnitude, as well as where the UAS is flown.

The results of the research study titled, “Mission-based citizen views on UAV usage and privacy: an affective perspective¹,” published in February 2016 found that people’s perceptions of how UAS impacts privacy relate to use type. The researchers from College of Aeronautics, Florida Institute of Technology, and the Aeronautical Science at Embry-Riddle Aeronautical University (ERAU), College of Aviation UAS Lab found that people tend to be less concerned about police UAS use when the technology is only used for specific uses - “concerns for privacy were less in the condition where the UAV was only used for a specific mission than when it was operated continuously.” Policy 611 provide strict acceptable guidelines, and Authorized Uses which explains when LAPD personnel can request the use of a UAS for specific missions.

E. MITIGATION

LAPD’s policy 611 restricts LAPD’s use of UAS in several ways to promote greater privacy protections.

¹ <https://www.nrcresearchpress.com/doi/abs/10.1139/juvs-2015-0031#.XkHEAWWhKiUI>

LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

LAPD will only request use of the UAS for specific missions rather than operating continuously, mitigating concerns raised in the February 2016 study cited above.

Policy 611. Authorized Use lists the only allowable uses of UAS (e.g. mass casualty incidents, disaster response and damage assessment, missing or lost persons, hazardous material releases, Identifying, locating and apprehending non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers, suspected explosive devices, video or photographic documentation of crime scenes or collision locations, reconnaissance of incident locations that are inaccessible for fire apparatus, response to fires or post-fire investigations, sideshow events where many vehicles and reckless driving is present, rescue operations, training, Conduct inspections of the City’s utility infrastructure (e.g. electric, fiber, water, sewer, etc.) to detect leaks or stressed assets and aid in general public works inspections, training flights as required to meet FAA and Department certification standards, hazardous situations which present a high risk to officer and/or public safety to included: armed suicidal persons, hostage situations, barricaded suspects, arrest of armed and/or dangerous persons, service of high-risk search and arrest warrants involving armed and/or dangerous persons, and other unforeseen exigent circumstances). Policy 611 also articulates the Request Process, which indicates the approval must come from the Watch Commander or Officer in Charge via the Chain of Command for all use approvals.

The Federal Aviation Administration (FAA) sets strict flight regulations for all UAS users, including for law enforcement. The FAA provides two law enforcement options for creating acceptable UAS under 14 Code of Federal Regulation (CFR) part 107, subpart E, Special Rule for Model Aircraft; the agency can designate individual members to earn FAA drone pilot certificates and fly under the rules for small UAS, or receive a FAA certificate to function as a “public aircraft operator” to self-certify agency drone pilots and drones. Either way, these options allow for LAPD to use systems under 55 pounds, for flying at or below 400 feet above ground level. Absent an emergency situation warranting a FAA COA/Part 107 waiver- permitted law enforcement response, law enforcement is also restricted from using UAS to fly over or near the following locations:

- Stadiums and Sporting Events;
- Near Airports; and
- Emergency and Rescue Operations (wildfires and hurricanes).

Policy 611 “Privacy Considerations,” outlines several other protocols for mitigating against privacy abuse:

LAPD UAS personnel must adhere to FAA altitude guidelines – flying below 400 feet helps to ensure that UAS is not used for surveilling overly large geographic areas; LAPD will use UAS to focus on specific areas.

LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

LAPD UAS operators shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure, place of worship, medical provider’s office).

LAPD operators and observers shall take reasonable precautions, such as turning imaging devices away, to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

Policy 611 “Prohibited Use” explains that:

UAS shall not be used for the following activities:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation when not connected to actual information about specific individuals related to criminal investigations;
- For the purpose of harassing, intimidating, or discriminating against any individual or group; or
- To conduct personal business of any type.

LAPD is prohibited from weaponizing any UAS.

F. DATA TYPES AND SOURCES

UAS will record using industry standard file types such as (e.g. jpeg, mov, mp4, wav or RAW). Such files may contain standard color photograph, standard color video, or other imaging technology such as thermal. Although UAS can transmit one-way audio from the operator, the UAS technology available today does not currently record sound.

G. DATA SECURITY

LAPD takes data security seriously and safeguards UAS data by both procedural and technological means. The video recording function of the UAS shall be activated whenever the UAS is deployed. Video data will be recorded onto Secure Digital (SD) Cards. Any data collected by the use of a UAS should be kept by LAPD minimally for 30 days. The data should be uploaded into LAPD’s evidence database and kept pursuant to the established retention guidelines set forth in policy 810-Records Maintenance and Release.

H. FISCAL COST

The costs are approximate and will be sought in the upcoming budget. LAPD will seek to acquire two (2) DJI Matrice 30T drones with thermal cameras at a cost of approximately \$44,576 and two (2) Aardvark Loki Mk2 drones for indoor operations at a cost of

LOS ALTOS POLICE DEPARTMENT ACQUISITION REPORT – UNMANNED AERIAL SYSTEM (UAS)

approximately \$13,693. Additionally, the cost will require staff time for certification and training, which will be borne by the Department through its continuous training.

I. THIRD-PARTY DEPENDENCE AND ACCESS

Currently, LAPD is completely reliant upon surrounding agencies if an UAS requests is sought.

LAPD proposes that any data collected from the UAS may be shared with the following:

- The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- Other law enforcement personnel as part of an active criminal investigation;
- Other City divisions as it directly relate to the prescribed permissions in section C;
- Other third parties, pursuant to a Court Order or Search Warrant.

J. ALTERNATIVES

In some instances, the LAPD could rely on requesting the assistance of an outside agency's helicopter, which causes significant carbon emissions, especially when considering the footprint of a UAS.

Another alternative is the deployment of additional police resources. The inherent problem with this alternative is that it may be counterproductive to the Department's philosophy on de-escalation as it reduces the Department's ability to leverage time and distance to reduce the likeliness of a physical or violent confrontation.

K. EXPERIENCE OF OTHER ENTITIES

Currently, in Santa Clara County, the following cities have UAS programs: Campbell Police, Mountain View Police, Palo Alto Police, San Jose Police, Santa Clara Police, Santa Clara Sheriff's Office, and Sunnyvale DPS.

ORDINANCE NO. 2023-489

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING A NEW CHAPTER 7.30, ENTITLED “MILITARY EQUIPMENT POLICY,” TO THE LOS ALTOS CITY CODE IN COMPLIANCE WITH ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (“AB 481”) (creating Government Code, Section 7070, et seq.), relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, the Los Altos Police Department is in possession of certain items of equipment that qualify as “military equipment” under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process applicable to the Los Altos Police Department’s use of such equipment; and

WHEREAS, the Policy and supporting information must be approved by the governing body by Ordinance and reviewed annually; and

WHEREAS, the City Council of the City of Los Altos, having received the information required under AB 481 regarding the Los Altos Police Department’s use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the Military Equipment Policy as set forth herein.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT TO CHAPTER 7 OF THE MUNICIPAL CODE. Section 7.30.010 is hereby added to the Los Altos Municipal Code to read as follows:

“7.30.010. Military equipment policy.

- A. The City Council has made the following determinations:
 1. The military equipment inventoried and presented to the City Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 2. The proposed military equipment use policy (“Policy”) will safeguard the public’s welfare, safety, civil rights and civil liberties (said Policy is attached hereto as Exhibit “A” and incorporated by this reference).

- 3. The equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety (if any).
- 4. Prior military equipment use complied with the applicable equipment use policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

B. The Policy was considered by the City Council as an agenda item in an open session of regular meeting and noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

C. The Policy shall be made publicly available on the Los Altos police department’s website for as long as the military equipment is available for use.

D. The Los Altos police department shall submit an annual military equipment report to the city council containing the information required in California Government Code, Section 7072, and the city council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in Paragraphs (a)(1)-(4) above.

E. The City Council shall review this Ordinance and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with California Government Code Section 7071(e)(2).

F. The City Council approves the use of the Policy and finds that it satisfies the requirements of California Government Code Section 7070(d).”

SECTION 2. This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to environment, directly or indirectly).

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on March 28, 2023 and was thereafter, at a regular meeting held on April 11, 2023 passed and adopted by the following vote:

AYES: Dailey, Fligor, Lee Eng, Meadows and Weinberg
NOES: None
ABSENT: None
ABSTAIN: None



Sally Meadows, MAYOR

Attest:



Melissa Thurman, MMC
City Clerk



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024
Subject Adopt a Resolution Opposing the California Business Roundtable (CBRT) Measure on the November 2024 Ballot

Prepared by: Melissa Thurman, City Clerk
Approved by: Gabriel Engeland, City Manager

Attachment(s):
1. Resolution

Initiated by:
City Council (N. Fligor, S. Meadows, J. Weinberg)

Previous Council Consideration:
The City Council previously discussed a proposed California Business Roundtable Measure (CBRT) Measure by CalCities at the regular meeting of September 12, 2023. During that meeting the City Council opposed the California Business Roundtable Measure (CBRT) item and provided direction to the Los Altos Voting Delegate (Former Mayor Sally Meadows) of the CalCities Annual Conference to oppose the item during the administrative meeting during the conference.

Fiscal Impact:
None

Environmental Review:
Not applicable

Staff Recommendation:
Adopt a Resolution Opposing the California Business Roundtable (CBRT) Measure on the November 2024 Ballot

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
OPPOSING INITIATIVE #21-0042A1**

WHEREAS, an association representing California’s wealthiest corporations is spending tens of millions of dollars to promote a deceptive ballot measure currently eligible for the November 2024 statewide ballot; and

WHEREAS, the measure creates constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, which could force residents and taxpayers to pay more to maintain services; and

WHEREAS, the measure threatens billions of dollars every year in local government funding for services like fire and emergency response, law enforcement, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure is an attack on voters’ rights, containing undemocratic provisions that would make it more difficult for local voters to pass measures to fund services, provisions that retroactively cancel measures recently passed by voters, and provisions that prevent voters from passing advisory measures that provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure contains intentionally restrictive language that will encourage hundreds of frivolous lawsuits against cities and local governments – costing taxpayers many millions and stopping investments in vital local services; and

WHEREAS, the measure would make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure is opposed by hundreds of local governments, teachers, firefighters, working families and local elected officials.

THEREFORE, BE IT RESOLVED that the City Council of the City of Los Altos opposes Initiative #21-0042A1; and

BE IT FURTHER RESOLVED, that the City of Los Altos will join the growing coalition of public safety, education, labor, local government, infrastructure and other groups throughout the state in opposition to the initiative #21-0042A1.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12th day of March, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC
CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject: Adopt Resolution Accepting State Grant Funds for Green Downtown Projects, Authorizing the City Manager to Amend FY23/24 Budget By Recognizing \$200,000 Grant Revenue from State of California, and Appropriating \$200,000 Grant Revenue to Green Downtown Project

Prepared by: Anthony Carnesecca, Assistant to the City Manager

Approved by: Jon Maginot, Assistant City Manager

Attachment(s):

1. Resolution 2024-XX

Initiated by:

City staff

Previous Council Consideration:

None

Fiscal Impact:

The grant operates on a reimbursement basis. The City will utilize the Downtown Parking Fund to cover project expenses initially, and then get reimbursed from the grant.

Environmental Review:

This resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Policy Question(s) for Council Consideration:

- Does City Council wish to adopt resolution accepting \$200,000 grant from State of California for green downtown projects?

Summary:

- City Manager Engeland requested funds through California State Senator Josh Becker towards green downtown projects.
- State of California appropriated a \$200,000 grant for the green downtown projects outlined in the proposal.
- City needs to adopt a resolution accepting the general fund grant funds for green downtown projects as first step.



Subject: Accept State Grant Funds for Green Downtown Projects, Authorize the City Manager to Amend FY23/24 Budget By Recognizing \$200,000 Grant Revenue from State of California, and Appropriate \$200,000 Grant Revenue to Green Downtown Project

Purpose

Adopt resolution approving the acceptance of general fund grant funds from State of California for green downtown projects.

Background

City Manager Engeland requested funds through California State Senator Josh Becker towards green downtown projects. As a result, the State of California appropriated a \$200,000 grant for the green downtown projects outlined in the proposal.

After speaking with representatives from the State, the City needs to adopt a resolution accepting the general fund grant funds for green downtown projects as first step.

Discussion/Analysis

Once the City Council adopts the resolution approving the acceptance of the grant funds, the City will be able to enter into an agreement to begin working on the specified project areas, including, but not limited to, downtown lighting improvements and e-bicycle parking.

Up to this point, City staff has completed research into potential solutions for solar lighting within downtown and e-bicycle parking. City staff will begin to spend reimbursable costs related to these projects once a resolution is adopted and an agreement has been signed by both parties

Recommendation

City staff recommends the City Council adopt the resolution accepting general fund grant funds from State of California for green downtown projects, authorizing the City Manager to amend FY23/24 budget by recognizing \$200,000 grant revenue from State of California, and appropriating \$200,000 grant revenue to Green Downtown Project and find the resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

RESOLUTION NO. 2024-___

A RESOLUTION APPROVING THE ACCEPTANCE OF GENERAL FUND GRANT FUNDS FOR GREEN DOWNTOWN PROJECTS, AMENDING FY23/24 BUDGET BY RECOGNIZING \$200,000 GRANT REVENUE FROM STATE OF CALIFORNIA, AND APPROPRIATING \$200,000 GRANT REVNUUE TO GREEN DOWNTOWN PROJECT

WHEREAS, the Legislature and Governor of the State of California have approved a grant for the project shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of the grant project, setting up necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require the Grantee to certify by resolution the approval of a Project Information Package before submission of said package to the State; and

WHEREAS, the Grantee will enter into an agreement with the State of California for the above project; and

WHEREAS, this resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970; and

WHEREAS the City Council authorizes the City Manager to amend FY23/24 budget by recognizing the \$200,000 grant revenue from the State of California and appropriating the revenue to the Green Downtown Project.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby:

1. Approves the acceptance of a State general fund allocation for local assistance for the above project(s); and
2. Certifies that said agency understands the assurances and certification in the Project Information Form; and
3. Certifies that said agency will have sufficient funds to develop, operate and maintain the project consistent with the land tenure requirements of the Grant Agreement; or will secure the resources to do so; and
4. Certifies that said agency will comply with the provisions of Section 1771.5 of the California Labor Code.

- 5. If applicable, certifies that the project will comply with any laws and regulation including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained.
- 6. Certifies that said agency has reviewed and understands the General Provisions contained in the sample Grant Agreement contained in the Procedural Guide; and
- 7. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to the Project Information Form, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

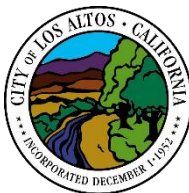
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2024 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Jonathan Weinberg, MAYOR

Attest:

 Melissa Thurman, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject: Adoption of Street Improvement Ordinance

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jolie Houston, City Attorney

Approved by: Jon Maginot, Assistant City Manager

Initiated by:
Development Services Department

Environmental Review:

Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Fiscal Impact:

None.

Attachments:

1. Draft Ordinance
2. Appendix A

Summary:

The draft ordinance proposes a legal mechanism to require appropriate street improvements for applicable parcels within the City of Los Altos with or without a subdivision.

Staff Recommendation:

Adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.20 Street Improvements to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

Background

The existing Los Altos Municipal Code is silent on street improvements when private development is occurring within the City of Los Altos and does not require or request a subdivision or “map”.

In the absence of regulations any property that is developed within the City of Los Altos that does not require or request a subdivision of land will not be required to make offsite street improvements



Subject: Adoption of Mechanical Equipment Ordinance

immediately adjacent to the subject site. In practical terms this will result in no sidewalk or curb and gutter improvements throughout the city, even when the city finds that it is prudent.

The proposed ordinance as drafted is akin to the City of Los Altos subdivision ordinance which is Title 13 of the Los Altos Municipal Code. The proposed ordinance will allow for the enforcement and requirement of street improvements as necessary when associated with an applicable project or permit.

Discussion

Any required improvements required as a part of this ordinance shall be consistent with improvements typically expected and required per city standard design. In practical terms, this means the city will require sidewalks consistent with the standards approved and on file with the City Engineer.

The proposed ordinance will require the following infrastructure improvements if applicable depending on location and city standard details and requirements: curbs and gutters, driveways, sidewalks, ADA ramps, bicycle lanes, bike racks, pedestrian crossings, overlay, pavement structural section, pavement striping, street lights, storm sewers, stormwater treatment measures, sanitary sewers, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls and, where necessary, the dedications and improvement of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, sewers, walkways, watercourses, planting strips and nonaccess facilities.

Contained within the draft ordinance are two legal mechanisms for the requirements of street improvements as identified within this ordinance; 1. Street Improvement Agreement or 2. Deferred Street Improvement Agreement. Both mechanisms identified within this ordinance allow for the improvements to occur when practical and appropriate based on best engineering practices and standards. Mechanism #1 would allow for immediate deployment of improvements during the course of active construction of the project which has triggered such requirements, and #2 will defer improvement requirements until it is practical and possible for the required infrastructure to be connected to additional infrastructure immediately adjacent.

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 11.20 TO TITLE 11 MISCELLANEOUS PROPERTY REGULATIONS OF THE LOS ALTOS MUNICIPAL CODE ENACTING REGULATIONS FOR STREET IMPROVEMENTS

WHEREAS, enactment of Street Improvement regulations provides consistent and practical improvements that supports pedestrian and bicycle safety through the City of Los Altos; and

WHEREAS, enactment of Street Improvement regulations helps to provide necessary infrastructure for stormwater management; and

WHEREAS, the amendments was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the City Council held a duly noticed public hearing on February 27, 2024, and March 12, 2024; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

NOW, THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF TITLE 11 OF THE MUNICIPAL CODE. Chapter 11.20 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, underline indicates addition, strikethrough indicates deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

SECTION 3. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on February 27, 2024, and was thereafter, at a regular meeting held on March 12, 2024, passed and adopted by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman MMC, City Clerk

**APPENDIX A
AMENDMENTS TO CHAPTER 11.20**

APPENDIX A

Chapter 11.20 STREET IMPROVEMENTS

11.20.010 Definitions.

"Abutting", when referring to lots, parcels, or property, means next to and having some portion of a boundary that is coterminous with the parcel proposed for development. Lots or parcels that are separated only by an alley are abutting if there property lines would be shared if they extended to the centerline of the alley.

"Block" means the property frontage located on one side of a street between the centerlines of the immediately adjacent cross streets. In the case of a cul-de-sac, "block" means the property frontage along both sides of the cu-de-sac.

"Deferred street improvement agreement" means a written agreement between the permittee and the city whereby the property owner agrees, in lieu of installing street improvements required under this chapter within one year following the date of issuance of the permit, to install said improvements within one year from the date applicant is called upon to do so by the Development Services Director or Public Works Director, unless an extension of time is granted by the city in writing. Said agreement may provide for such other covenants and conditions as may be desirable to accomplish the purposes of this chapter.

"Notice of improvement obligation" means the notice prepared by the Development Services Director or Public Works Director or their designee describing land acquired and/or improvements installed by the city for which the adjacent property owner will be required to reimburse the city upon request for a permit and describing the obligation of the permittee for the reimbursement.

"Parcel of land" means a parcel created in compliance with the Subdivision Map Act and recognized by the city and county as a legally created parcel.

"Permit" means any building permit, use permit, design review permit, planned development permit, discretionary approval, or site and architectural approval issued by the city under and pursuant to the provision of its ordinance(s).

"Permittee" means any individual, partnership, association, corporation, governmental body or unit or agency (other than the city), or any other entity owning or occupying land adjacent to any unimproved street or unimproved streets in the city who is required to have a permit from the city in order to erect, construct, add to, alter or repair any building or structure upon such land, or who is required to have any discretionary approval.

"Person" means any individual, partnership, association, corporation, governmental body or unit, or agency (other than the city), or any other entity.

"Repayment agreement" means an agreement executed between the city and a property owner for the property owner's repayment to the city for previously purchased land and/or installed improvements.

"Street improvement agreement" means a written agreement between permittee and the city whereby the permittee agrees to install street improvements required under this chapter within one year of the date of the agreement's execution, unless extended by the parties for good cause. Such an agreement may provide for such other covenants and conditions as may be desirable to accomplish the purposes of this chapter.

"Unimproved street" means any street or highway in the city which is less in width from property line to property line than the width prescribed for such street, either through the adoption of plan lines in accordance with all applicable chapters of the Los Altos Municipal Code, the city's adopted general plan or any master plan, or other ordinances of the city, or which lacks one or more of the following improvements as required by this chapter, the city's adopted general plan or other ordinances of the city: curbs and gutters, driveways, sidewalks, bicycle lanes, pedestrian crossings, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls, pavement, pavement structural section, storm sewers, sanitary sewers, streetlights and pavement striping or as otherwise determined by the City Engineer in accordance with the general purpose and intent of this chapter as specified in Section 11.20.030.

11.20.020 Application.

Nothing contained in this chapter shall be construed to limit the power of the city to require the installation of street improvements as a condition of approval in accordance with the Subdivision Map Act of the state of California.

11.20.030 Purpose and Intent.

The provisions of this chapter are intended to define the policies and procedures for the acquisition of public streets and highways and public easements, and for the construction of public improvements, in connection with the development of areas and parcels of property, in order to:

- A. Ensure that lands hereafter developed are put to uses compatible with their surrounding areas, and which uses will not unduly adversely affect other persons, or land, or the general public;
- B. Cause the installation of those improvements necessary properly to serve the property developed at the time of its development, so far as may be practicable, so that the benefiting property may enjoy the use of such improvements throughout the normal life thereof;
- C. Protect the vested interest of the public in the pre-existing capacity of the city's streets and highways;

- D. Promote the installation of all necessary street improvements in the most economically feasible manner, both to city and to the owners of affected parcels of land;
- E. Protect the public safety, living standards and common welfare of the general public.

11.20.040 Requirements—General.

Except as provided for in Section 11.20.180 of this chapter or any other adopted city council policy, any person who proposes to erect, construct, add to, alter or repair any building or structure for which a permit is required by the city on or upon any land adjacent to an unimproved street, or who seeks a discretionary approval, or a tentative map approval from the city for land adjacent to or containing an unimproved street must improve, or agree to improve by street improvement agreement or deferred street improvement agreement such street as herein required. The permittee shall install such improvements that the City Engineer deems necessary, in accordance with the general purpose and intent of this chapter as specified in Section 11.20.030 of this chapter, which may include the following; curbs and gutters, driveways, sidewalks, ADA ramps, bicycle lanes, bike racks, pedestrian crossings, overlay, pavement structural section, pavement striping, street lights, storm sewers, stormwater treatment measures, sanitary sewers, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls and, where necessary, the dedications and improvement of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, sewers, walkways, watercourses, planting strips and nonaccess facilities. Such improvements or the agreement to install such improvements shall be a condition precedent to the issuance of any required permit, or discretionary approval. The Development Services Director or Public Works Director shall have the authority to execute such agreements on behalf of the city in accordance with this chapter.

11.20.050 Deferred Street Improvement Agreements.

Deferred street improvement agreements may be allowed when the city engineer has determined that extenuating circumstances exist and the deferral of the street improvements is reasonable and appropriate, or when the following conditions are satisfied:

1. The property is not adjacent to existing improvements of the same type being required; and
2. Agreements do not exist for installation of street improvements for all properties between the subject property and existing improvements of the type being required; and
3. There are no capital improvement projects identified in the current capital improvement program for installation of the required street improvements within the next five (5) years; and

4. The deferral of the street improvements is not in conflict with any other adopted city council policy.

11.20.060 Credit—Purpose.

The owner of any parcel of land for which dedications have been made or for which improvements have been installed as required by this chapter, shall receive credit in the event that the parcel involved is subsequently included in a city assessment district proceeding as determined by the engineer's report for the applicable proceeding. No person shall receive a credit in excess of the amount of dedication required or the cost of the improvements required by this chapter.

11.20.070 Improvements installed by others—Preceding permit.

In some instances, the public welfare and convenience and the greatest economy and safety can be accomplished by the acquisition of land and the installation of improvements on unimproved streets prior to the time that a property owner or owners seek a permit. Such owners, or their successors in title, are required to contribute their fair, equitable share to the street improvements in such areas (just as permittees who seek a permit prior to the installation of improvements are required to do) when their property develops, or when they seek a permit.

In such instances where land has been acquired and improvements have been installed by the city, anyone seeking a permit with respect to the property abutting such acquired land or installed improvements, as a condition precedent to obtaining such permit shall reimburse the city for the cost of the land acquired and improvements installed as specified in the notice of improvement obligation provided for in Section 11.20.080 of this chapter.

The obligation to pay for previously installed street improvements or previously acquired land shall not be imposed as a result of the reconstruction of a building that was damaged or destroyed by earthquake, fire, flood, or other physical peril over which the owner had no control, except as follows:

1. When construction of a replacement building substantially exceeds the floor area of the damaged or destroyed building;
2. Where the damaged or destroyed building had been a nonconforming use which is prohibited from being resumed under the provision of the code; or
3. Where the damage or destruction of the building is the result of an action of the city, state, or federal government's authority under law.

If the improvements installed by the city prior to the issuance of the permit are less than the improvements required by, or authorized to be required by, this chapter, the permittee shall make, or agree to make, such other improvements, all as required by this chapter. A permittee who obtains his permit after improvements have been made shall be required to provide the equivalent of what would have been required to provide had the permit predated the improvements, as determined by the city engineer in

accordance with the general purpose and intent of this chapter as specified in Section 11.20.030.

11.20.080 Notice of Improvement Obligations.

When land is purchased or street improvements are constructed by the city in accordance with Section 11.20.070 of this chapter, the Development Services Director or Public Works Director, are authorized to execute and record a notice of improvement obligation or repayment agreement. Such notice or agreement shall describe the improvements constructed and any land purchased and define the obligation of any property owner or future property owner.

Payments for both land and improvements shall include interest at a rate equal to one-half (1.5) percent above the city's net effective portfolio yield calculated on a fiscal year basis. The interest rate on both land and improvements for each project shall be adjusted annually; and the amount of interest due shall accrue in the following manner:

- 1. Land Cost. Interest to be accrued from the date of acquisition to the date the permittee is required to reimburse the city;
- 2. Improvement Cost. Interest to accrue from the award of contract or, if installed by city forces, from the date of commencement to the date the permittee is required to reimburse the city.

However, the interest shall be waived if the abutting property owner dedicates or has dedicated to the city the required land for improvements.

Such notice of improvement obligation or repayment agreement shall constitute constructive notice of the obligation imposed by this chapter, but the failure to execute and record such notice or agreement shall not relieve any permittee or property owner or future property owner of the obligation. The Development Services Director or Public Works Director is authorized to execute and record a notice of satisfaction of improvement obligation when the obligation created by Section 11.20.070 of this chapter has been satisfied.

11.20.090 Rules and regulations.

The City Engineer shall have the authority to establish reasonable rules and regulations consistent with the provisions of this chapter for the purpose of its administration and enforcement. Such rules and regulations shall be effective upon approval thereof by the City Council.

11.20.100 Dedication and Improvements—Requirements.

For the purpose of determining the length and width of street rights-of-way which shall be dedicated and improved under the provisions of this chapter, the following rules shall apply:

- A. Unless otherwise required by the City Engineer, dedication and improvement shall be for the full length of the property line of each parcel or parcels abutting the street or streets for which the permit, or discretionary approval applies and any additional distance necessary to conform to existing improvements.
- B. The permittee shall be required to dedicate and improve walkways and bicycle lanes/facilities or to provide access to school, park, or other public areas.
- C. When the rear or side lines of any parcels border any major or secondary street, alleyway, highway or parkway, the permittee may be required to execute and deliver to the city an instrument deemed sufficient by the city attorney, prohibiting the right of ingress and egress to such parcels across the sidelines of such street, alleyway, highway, or parkway.
- D. The permittee shall grant easements for public utility and drainage purposes as deemed necessary by the city engineer. Dedication of easements shall be for the purpose of installing utilities and for other public purposes, as may be ordered or directed by the city engineer.
- E. The permittee shall, subject to existing water rights, dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of any natural watercourse or channel, stream or creek that traverses the development, or provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and stormwater as determined by the city engineer as reasonably necessary.
- F. Without limitation to any other provision of this chapter, the regulations herein contained are expressly declared to be applicable to any parcel which is abutted on one or more sides by a street, one or more of which is unimproved. The permittee shall have a separate obligation for each of such streets, to the extent that one or more shall be unimproved, and shall be required to install improvements and make provision for each of such streets in accordance with the provisions of this chapter.
- G. The permittee may be required to quitclaim all his rights and interests in, and grant to the city authorization to extract water from the underground strata lying beneath such tract or parcel.
- H. Where any dedication of land is made, and where deemed necessary by the city engineer, the applicant shall furnish the city at applicant's expense, with a preliminary title report issued by a title insurance company authorized to transact a title insurance business in the state of California.

11.20.110 Credits—Prior Improvements.

- A. Whenever a parcel of land is brought within the jurisdiction of this chapter, and a permittee or his predecessor in title has made, or paid for, any dedications of land or any of the improvements required by this chapter, by special assessment or otherwise, the extent of such dedication and/or improvements shall be credited against the obligation created. In estimating the value of such past dedication and/or improvements, the City Engineer's estimate of current land and/or

construction costs shall apply. The credit allowed for past dedications and/or improvements, however, shall not exceed the cost of the land and/or improvements required by this chapter.

- B. Whenever a parcel of land is brought within the jurisdiction of this chapter, and a permittee makes any dedication of land required by this chapter or makes or pays for any improvements required by this chapter, and said land is thereafter included in a city assessment district proceeding for the acquisition of land and the construction of some or all of the improvements of the kind required by this chapter, the permittee or his successor in title shall be entitled to a credit against such sums as the permittee shall be required to pay in the city assessment district proceeding as follows:
- i. For any land dedicated pursuant to the provisions of this chapter, a permittee or his successor in title shall be entitled to a credit equal to the value of the land as appraised by city as of the time of the assessment proceedings (i.e., as of the time of the appraisal of other land included in the assessment proceedings);
 - ii. For any improvements actually made pursuant to the provisions of the chapter, a permittee or his successor in title shall be entitled to a credit equal to the value of the improvements as appraised by the city as of the time of the assessment proceedings (i.e., as of the time of the appraisal of land included in the assessment proceedings);
 - iii. For any improvements actually paid for pursuant to the provisions of this chapter, a permittee or his successor in title shall be entitled to a credit equal to the amount paid to the city, without interest;
 - iv. Credit shall be allowed only for dedications actually made, or improvements actually made or actually paid for; no credit shall be allowed for dedications or improvements which a permittee has agreed to make or pay for, but has not made as of the date of the resolution or ordinance of intent to establish said district;
 - v. In the event a permittee has agreed to make or pay for dedication or improvements under the provisions of this chapter, but has not made or paid for said dedication or improvements as of the date of the resolution or ordinance of intent to establish said district, the permittee's contractual obligation to make or pay for said dedication or improvements shall be terminated, but only to the extent that said dedication or improvements shall be required, made and completed pursuant to said assessment district proceedings;
 - vi. In no event shall the credit allowed exceed the amount which a permittee or his successor in title shall be obligated to pay under the assessment proceedings;

- vii. Appraisals for the purpose of determining credit shall be made by the city, and the amount thereof shall be at the sole discretion of the city and shall be binding upon a permittee or his successor in title;
- viii. The provisions of this section shall apply only to assessment proceedings under the jurisdiction, supervision, and control of the city.

11.20.120 Street Improvement Agreement—Bond—Other Security.

- A. Whenever a street improvement agreement is executed pursuant to the provisions of this chapter, the permittee shall file with the city at the time of making said agreement a faithful performance bond to assure his full and faithful performance of the agreement. The permittee shall, in addition to the faithful performance, file with the city at the time of making the agreement a labor and materials bond in a penal sum adequate to making full payment of all labor and materials required to construct said improvements. The amount of the bonds shall be as determined by the City Engineer. To assist the City Engineer in estimating such bond amount, the permittee may be required to retain the services of an engineer, whose design estimates of quantity and cost can then be checked by the City Engineer to determine their accuracy, completeness, and conformance to city standards. The bonds shall be executed by a surety company authorized to transact a surety business in the state of California. In the event that the permittee fails to faithfully perform the covenants and conditions of the agreement, the city shall call on the surety to perform the agreement or otherwise indemnify the city for the permittee's failure to do so.
- B. In lieu of a surety bond, the permittee may elect to secure any said agreement by depositing with the city:
 - i. Cash; or
 - ii. A cashier's check, or a certified check, payable to the order of the city; or
 - iii. A certificate of deposit or irrevocable letters of credit as approved by the City Attorney; or
 - iv. Any other form of security determined by the City Attorney and the City Engineer to be equivalent to the foregoing.
- C. The amount of said cash, checks, certificate of deposit or irrevocable letters of credit shall be as designated by the City Engineer and shall be the equivalent to that which would have been required had the permittee furnished the city with a surety bond. In the event that the permittee fails faithfully to fulfil the covenants and conditions of said agreements, the city may apply the proceeds of said security thereto.
- D. Provision of security in accordance with this section shall not be deemed to relieve an applicant from the obligation to install the required improvements.
- E. Provision of security shall not be required for deferred street improvement agreements pursuant to Section 11.20.050.

11.20.130 Encroachment Permit and Other Fees.

The permittee shall be required to obtain an encroachment permit for construction of the required street improvements as provided for in Section 11.20.040 and shall pay all fees, post all bonds and deposits, and comply with all the terms and conditions of the encroachment permit, including but not limited to any indirect costs such as design engineering costs and insurance premiums and any costs incurred by the city in connection with said application, and shall, prior to the issuance of any permit, pay the city or applicable agency the amount of the fees required by the City Engineer in connection therewith.

11.20.140 Standard Specifications.

- A. Except as otherwise provided by this chapter, improvements herein required shall be made in accordance with the standard specifications of the city, current at the time the improvements are made. When a required improvement is not provided for by standard specifications of the city, the nature and type of any such improvement shall be as approved by the City Engineer in accordance with accepted engineering principles.
- B. Utility installations shall be consistent with the requirements of Section 13.20.160 requiring the installation of all utility facilities underground.

11.20.150 Alternative Specifications.

In certain areas, as approved by the City Council, alternative materials and surface treatment may be utilized for construction of curbs, gutters and sidewalks and pedestrian walkways may be installed along curvilinear alignment.

11.20.160 Street and Highway Widths.

For the purposes of this chapter, the streets and highways within the city shall be deemed to have the widths set previously by the Zoning Administrator, Planning Commission or City Council along adjacent improved sections of the unimproved street, except that, where no cross-sections have been established, the roadway shall be established by the Zoning Administrator, Planning Commission or City Council.

11.20.170 Exceptions.

- A. Upon application for an exception, the Zoning Administrator or Planning Commission may hear and recommend that the City Council authorize conditional exception to any of the requirements and regulations set forth in this chapter; provided that the following facts are found:
 - i. That there are special circumstances and conditions affecting subject property;
 - ii. That the exception is necessary for the preservation and enjoyment of a substantial property right of the developer; and,

- iii. That the granting of the exception will not be detrimental to the public welfare, or injurious to other property in the territory in which said property is situated.
- B. Zoning Administrator and Planning Commission Recommendations:
 - i. In recommending such exceptions, the Zoning Administrator or Planning Commission shall secure substantially the objectives of the regulations to which exceptions are requested, and shall act to protect the public health, safety, convenience and general welfare;
 - ii. In recommending the authorization of any exception under the provisions of this section, the Zoning Administrator and Planning Commission shall report to the City Council its findings with respect thereto, and all facts in connection therewith, and shall specifically and fully set forth the exceptions recommended, and the conditions designated.
- C. Upon receipt of such report, the City Council may accept recommendation for exception as recommended by the Zoning Administrator or Planning Commission, or the City Council can reject the recommendation for exception.
- D. Additions, alterations or repairs to any existing residential structure, (excluding construction of an accessory dwelling unit or junior accessory dwelling unit), within a five-year period that add less than fifty percent of the size of the existing primary structure, measured in square feet of habitable conditioned space only, to the existing structural coverage shall be exempt from the requirement of this chapter to install street improvements unless the contemplated additions and use of the property in question will result in an immediate danger to the public safety, as determined by the City Engineer.

11.20.180 Appeals.

- A. Any permittee aggrieved by a decision of any officer, department, or commission of the city under the provisions of this chapter may appeal such decision to the City Council by filing written notice of the appeal with the City Clerk within fourteen (14) calendar days after the date of the decision. Such appeal of a decision shall be accompanied by a filing fee in accord with the schedule of fees as established by the City Council, no part of which is refundable.
- B. Said notice of appeal must state:
 - i. The asserted error;
 - ii. The grounds upon which said appeal is taken; and
 - iii. The name and address of the permittee appealing.

Said notice of appeal must be signed by the permittee appealing, or by their agent. Said notice of appeal shall not be effective unless it is filed with the City Clerk within the time required by subsection A of this section.

- C. A public hearing shall be scheduled to be held by the City Council following the filing of the notice at the next regularly scheduled meeting and shall not be extended upon request of any appellant.
- D. Notice of the time and place of the hearing shall be given by mail, postage prepaid, and dispatched not less than ten (10) days prior to the hearing to the appellant at their address as shown upon notice of appeal.
- E. The City Council shall hear the appeal. At the conclusion of the hearing, the City Council may affirm, reverse, or modify the action appealed; subject, however, to the provisions of this chapter only. The findings and decisions of the City Council shall be entered upon the minutes of the City Council, and the decision shall be final and shall take effect as directed by the City Council.

11.20.190 Chapter Conformance Required.

All departments, officials and employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this chapter, and shall not issue any permit, certificate or license for use or building, or for purposes in conflict with the provisions of this chapter. Any such permit, certificate or license issued in conflict with the provisions of this chapter shall be null and void.

11.20.200 Violation—Nuisance.

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained, or any use of land contrary to the provisions of this chapter is declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence action or proceeding for the abatement and removal or enjoinder thereof in the manner provided by law.

11.20.210 Violation—Utility Connection Denial.

The Development Services Department shall deny approval and acceptance of and shall refuse to allow final public utility connection to, any building or structure erected, constructed, added to, altered, or repaired, contrary to the provisions of this chapter, unless and until the provisions of this chapter are met.

11.20.220 Violation—Penalty.

Any person, or other entity, violating any provision of this chapter shall be guilty of an unlawful act, punishable pursuant to Title 1 of the Los Altos Municipal Code.

11.20.230 Cumulative Remedies.

The remedies herein contained shall be cumulative, in addition to such other remedies as are provided by law, and without limitation to the right to institute such legal action as may be necessary to enforce any agreement hereinabove provided, or to recover damages for the breach thereof against the principal or the surety.



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject Construction Contract Award: City Hall Expansion into Los Altos Youth Center Project CF-01044

Prepared by: Scott Reeves, Project Manager

Reviewed by: Manuel Hernandez, Parks and Recreation Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Bid Results
- 2. Resolution

Initiated by:

Capital Improvement Plan – Project CF-01044 City Hall Expansion into Los Altos Youth Center

Previous Council Consideration:

None

Fiscal Impact:

The construction will be the Base Bid in the amount not-to-exceed \$3,932,000, Bid Alternate #1 in the amount not-to-exceed \$236,900, and up to 15% contingency, if needed, in the amount not-to-exceed \$625,335 for a total not-to-exceed of \$4,794,235.

- Breakdown of funds to be used:
 - o \$4,794,235 General Fund
- Amount already included in approved budget: Y
- Amount above budget requested: 0

Project Item	Project Budget
Construction of Base Bid	\$3,932,000
Construction of Bid Alternate #1 Windows	\$236,900
Construction Contingency (15%)	\$625,335
Total Construction Cost:	\$4,794,235



Subject: Construction Contract Award: City Hall Expansion into Los Altos Youth Center Project CF-01044

Environmental Review:

The proposed project is exempt from environmental review pursuant to section 15301 of the state guidelines for the California Environmental Quality Act (CEQA) as the proposed project is consisting of interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Policy Question(s) for Council Consideration:

- Does the Council wish to direct staff to enter into contract with Giant Construction, LLC. of Oakland, California to complete the construction of the City Hall Expansion into Los Altos Youth Center Project?

Summary:

- The City Hall Expansion into Los Altos Youth Center Project will convert the existing Los Altos Youth Center (LAYC) into additional office space for the City Manager’s Office, Human Resources, IT, Finance Department, and City administrative staff. The construction generally includes:
 - Architectural and structural remodel;
 - Interior office reconfiguration;
 - Electrical, plumbing, mechanical, lighting, and audio/visual system upgrades;
 - Electrical connection to the new emergency operations center;
 - Communication connections to City Hall and Police Department;
 - Exterior patios and access paths;
 - Site grading and storm drainage improvements;
 - And associated underground utilities.

Staff Recommendation:

Award the construction contract for the City Hall Expansion into Los Altos Youth Center Project CF-01044 to Giant Construction, LLC. of Oakland, California as the lowest responsible bidder submitting a responsive bid with a Base Bid amount not-to-exceed \$3,932,000, Bid Alternate #1 amount not-to-exceed \$236,900, and up to 15% contingency, if needed, in the amount not-to-exceed \$625,335, for a total amount not-to-exceed \$4,794,235.



Subject: Construction Contract Award: City Hall Expansion into Los Altos Youth Center Project CF-01044

Purpose

To complete the proposed improvements for the Los Altos City Hall Office Expansion at Youth Center.

Background

Los Altos City Hall does not have enough space to accommodate its current services, including the City Manager’s Office, Public Works Department, Development Services Department, Human Resources, IT, Finance Department, and City administrative staff. The City of Los Altos hired CO+ED Architecture in August 2022 to design a code-compliant office conversion for LAYC to relocate the City Manager’s Office, Human Resources, IT, Finance Department, and City administrative staff.

Discussion/Analysis

The design team completed construction documentation and permitting in December 2023. Staff released the construction documents for public bidding on December 22, 2023, posting the project to the City of Los Altos Request for Bids webpage. A Notice to Contractors was published in the Los Altos Town Crier on January 3 and January 10, 2024. A mandatory pre-bid conference was held on January 18, 2024 at the project site with forty-five (45) contractors in attendance. Eight (8) sealed bids were received on February 01, 2024 and read aloud in the Los Altos Council Chambers. The bid results are included as Attachment 1.

The Base Bid includes all critical improvements necessary to complete the office conversion. The Bid Alternate #1 includes replacing (16) additional windows that are not critical to the office conversion project but will add value by improving operational and maintenance efficiency and providing a consistent architectural aesthetic.

Bid Protest

On February 15, 2024, the City gave Notice to award the Project bid to Argo Construction, Inc (Argo) that its bid regarding Project No. CF-01044 (Project).

On February 21, 2024, the second lowest bidder, Giant Construction (GC) filed a formal bid protest to Argo’s bid.

On February 22, 2024, Argo responded to GC’s formal bid protest.

After review by the City, Argo’s Bid Package was determined to be incomplete because the corporate officer notarization was not submitted. And because the Bid Bond lacked the complete authorizations, Argo was afforded the ability to withdraw its bid without forfeiting its bid bond.

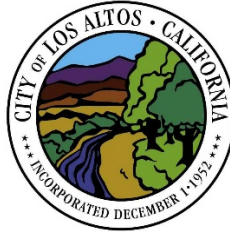


Subject: Construction Contract Award: City Hall Expansion into Los Altos Youth Center Project CF-01044

Although this deviation did not affect price, it is material in nature by creating an unfair bidding advantage. As a result of this formal bid protest, the City determined Giant Construction, LLC. to be the lowest responsive, responsible bidder.

Recommendation

The staff recommends the City Council adopt a resolution to authorize the City Manager to award the construction contract for the City Hall Expansion into Los Altos Youth Center Project CF-01044 to Giant Construction, LLC. of Oakland, California with a Base Bid amount not-to-exceed \$3,932,000, Bid Alternate #1 amount not-to-exceed \$236,900, and up to 15% contingency, if needed, in the amount not-to-exceed \$625,335, for a total amount not-to-exceed \$4,794,235.



LOS ALTOS CITY HALL EXPANSION AT YOUTH CENTER (CF-01044)

BID OPENING SUMMARY

February 01, 2024; 2:30pm

Los Altos City Hall

1 North San Antonio Road

Los Altos, CA 94022

The following summarizes the bid opening. Note: Bids have not been verified.

	Company	Base Bid Total	Bid Alternate Total	Total Bid (Base + Alts)
01	Arana Group, Inc.	\$ 4,792,031.74	\$ 81,030.84	\$ 4,873,062.58
02	Giant Construction, LLC.	\$ 3,932,000.00	\$ 236,900.00	\$ 4,168,900.00
03	Zone 4 Construction, Inc.	\$ 4,391,654.00	\$ 139,000.00	\$4,530,654.00
04	Rodan Builders, Inc.	\$ 3,963,500.00	\$ 290,000.00	\$ 4,253,500.00
05	D.L. Falk Construction, Inc.	\$ 4,389,000.00	\$ 240,000.00	\$ 4,629,000.00
06	S & H Construction, Inc.	\$ 4,968,600.00	\$ 300,000.00	\$ 5,268,600.00
07	Beals Martin & Assoc., Inc.	\$ 4,046,258.00	\$ 68,402.00	\$ 4,114,660.00
08	Argo Construction, Inc.	\$ 3,290,000.00	\$ 288,000.00	\$ 3,578,000.00



LOS ALTOS CITY HALL EXPANSION AT YOUTH CENTER (CF-01044)

BID OPENING SUMMARY

February 01, 2024; 2:30pm

Los Altos City Hall

1 North San Antonio Road

Los Altos, CA 94022

The following summarizes the bid opening. Note: Bids have not been verified.

	Company	Base Bid Total	Bid Alternate Total	Total Bid (Base + Alts)
01	Arona Grp.	4,792,031.74	81,030.84	4,873,062.58
02	Giant Cons. LLC	3,932,000.00	2036,900 236,900	4,168,900
03	Zone 4 Const.	4,391,654.00	139,000	4,530,654
04	Redon	3,963,500.00	290,000	4,253,500
05	DL Falk	4,389,000.00	240,000	4,629,000
06	StH Const.	4,968,600.00	300,000	5,268,600
07	Beals Martin	4,046,258.00	68,402	4,114,660
08	Argo Const.	3,290,000.00	288,000	3,578,000
09				
10				
11				

RESOLUTION NO. 2024

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION
CONTRACT WITH GIANT CONSTRUCTION, LLC. FOR LOS ALTOS CITY
HALL OFFICE EXPANSION AT YOUTH CENTER BUILDING PROJECT IN
AN AMOUNT NOT-TO-EXCEED \$4,168,900 AND UP TO 15% CONTINGENCY
FUNDS NOT-TO-EXCEED \$625,335**

WHEREAS, the proposed project, which consists of converting the existing Los Altos Youth Center into office spaces for expanded City Hall staff, including interior reconfiguration, electrical, plumbing, mechanical, lighting and telecom system modifications, tie-in to the new emergency operations center, exterior patios and access paths, and associated underground utilities; and

WHEREAS, Giant Construction, LLC. was the lowest responsible, responsive bidder for the Project; and

WHEREAS, the proposed project is exempt from environmental review pursuant to section 15301 of the state guidelines for the California Environmental Quality Act (CEQA) as the proposed project is consisting of interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby:

1. Authorizes the City Manager to execute a Construction Contract in an amount not-to-exceed \$4,168,900 and up to 15% contingency funds not-to-exceed \$625,335 to perform the Los Altos City Hall Office Expansion at Youth Center Building Project.
2. Authorizes the City Manager to take such further actions as may be necessary to implement the foregoing agreement.

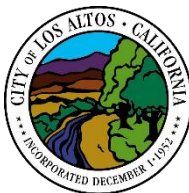
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 26th day of March 2024 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC
CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject: Introduction of Electronic Signatures Ordinance

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jolie Houston, City Attorney

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Initiated by:

City Clerk's Office and Development Services Department

Environmental Review:

Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Fiscal Impact:

None.

Attachments:

- 1. Draft Ordinance
- 2. Appendix A

Staff Recommendation:

Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 2.30 Electronic Signatures to Title 2 Administration and Personnel of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

Summary:

As the City of Los Altos continues to improve processes and encourage the use of paperless electronic documents throughout the agency and with the enactment of the Uniform Electronic Transactions Act ("UETA") by the State of California, the electronic execution of documents has become commonplace and an accepted means of entering into agreements, including purchasing transactions. (Civ Code 1633.1) Each year, the City processes a large volume of documents which currently is only partly managed or executed through the use of electronic signatures. The proposed ordinance will allow for additional uses of electronic signatures.



Subject: Introduction of Electronic Signatures Ordinance

Background

In 1995, the California Legislature passed Government Code Section 16.5 authorizing public agencies to accept digital signatures if they comply with stringent verification requirements. In 1999, California adopted a version of the Uniform Electronic Transaction Act (“UETA”) providing that electronic signatures would have the same legal effect as a wet or manual signature. (Civ Code 1633.1 et seq).

Not all states enacted UETA and, therefore, in 2000, the Federal Government enacted the Electronic Signatures in Global and National Commerce Act (ESIGN). ESIGN mandated the same treatment of electronic signatures in interstate or foreign commerce. (15 USC Sections 7001 et. seq).

In 2016, California adopted AB 2296 to clarify that a digital signature authorized by Government Code Section 16.5 and subject to regulations adopted by the Secretary of State, is one type of electronic signature that a public agency may choose to utilize under UETA. Section 16.5(a) states that a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all the following attributes:

1. It is unique to the person using it
2. It is capable of verification.
3. It is under the sole control of the person using it.
4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
5. It conforms to Title 2, Division 7, Chapter 10 of the California Code of Regulations.

Discussion

The use of electronic signatures on legally binding documents has become increasingly prevalent in the private sector and is gaining popularity among public agencies. The benefits of allowing electronic signatures include reduced time, paper, and equipment costs associated with transmitting and approving physical documents; improved customer service and convenience to those performing transactions with the City; enhanced records management best practices; and the creation of an easily accessible audit trail for documents. This Ordinance will enable the City to meet its goal of providing streamlined and convenient services for those conducting business with the City.

The City desires to benefit from the efficiencies of electronic signatures, while using technology approved by the Secretary of State. If approved by the City Council, the Ordinance would codify the City's use of electronic signatures and expand it beyond the current practice of contracts and agreements only, to include ordinances, resolutions and meeting minutes.

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 2.30 ELECTRONIC SIGNATURES TO TITLE 2 ADMINISTRATION AND PERSONNEL OF THE LOS ALTOS MUNICIPAL CODE

WHEREAS, in 1995, California passed Government Code section 16.5, authorizing public entities, including cities, to accept a “digital signature” for any written communication, so long as the digital signature meets certain requirements and complies with regulations adopted by the Secretary of State; and

WHEREAS, regulations adopted by the Secretary of State in 1998 require a public entity, before accepting a digital signature, to ensure that: 1) the level of security used to identify the signer of a document is sufficient for the transaction being conducted, 2) the level of security used to transmit the signature is sufficient for the transaction being conducted, and 3) any certificate format used by the signer is sufficient for the security and interoperability needs of the public entity (2 Cal. Code Regs § 22005); and

WHEREAS, in 1999, California adopted a version of the Uniform Electronic Transactions Act (UETA) in Civil Code sections 1633.1 to 1633.17, giving electronic signatures the same legal effect as manual or “wet” signatures; and

WHEREAS, UETA applies broadly to “any action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs” (Civil Code, § 1633.2(o)) and transactions subject to UETA need not meet the specific requirements of Government Code section 16.5 and its implementing regulations (Gov. Code, § 16.5(e)); and

WHEREAS, the use of electronic signatures on legally binding documents has become increasingly prevalent in the private sector and is gaining prevalence among public agencies; and

WHEREAS, the benefits of allowing electronic signatures include reduced time, paper, and equipment costs associated with transmitting and approving physical documents; improved customer service and convenience to those performing transactions with the City; enhanced records management best practices; and the creation of an easily accessible audit trail for documents; and

WHEREAS, this Ordinance enables the use of electronic signatures on electronic records provided the signature is in accordance with UETA or Government Code section 16.5, as applicable and authorizes the City Manager or designee to determine the appropriate documents and technologies for which the City may use electronic signatures; and

WHEREAS, the City finds that the use of electronic signatures will allow the City to collect and preserve signatures on documents quickly and securely, will improve efficiency while saving costs associated with transmitting and approving physical documents, and will provide for better management of City records.

WHEREAS, the City Council held a duly noticed public meeting on March 12, 2024, and March 26, 2024; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

NOW, THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF TITLE 2 OF THE MUNICIPAL CODE. Chapter 2.30 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, underline indicates addition, strikethrough indicates deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the City Manager or designee, in their reasonable discretion, after consulting the City Attorney.

SECTION 3. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on March 12, 2024, and was thereafter, at a regular meeting held on March 26, 2024, passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman MMC, City Clerk

APPENDIX A
AMENDMENTS TO TITLE 2 OF THE LOS ALTOS MUNICIPAL CODE

APPENDIX A

Chapter 2.30 ELECTRONIC SIGNATURES

2.30.010 Purpose and Intent.

This chapter is intended to enable the city to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law. All use of electronic records, electronic signatures, and digital signatures by the city shall further be in accordance with the written policies and/or administrative regulations promulgated and amended from time to time by the city manager or designee

2.30.020 Definitions.

- A. “Electronic signature” has the same meaning as in Section 1633.2 of the California Civil Code.
- B. “Digital signature” has the same meaning as in Section 16.5 of the California Government Code.
- C. “Transaction” has the same meaning as in Section 1633.2 of the California Civil Code.
- D. “UETA” means the Uniform Electronic Transaction Act, commencing at Section 1633.1 of the California Civil Code.

2.30.030 Electronic and Digital Signatures Accepted.

- A. An electronic signature that conforms with this chapter and City policies constitutes a signature and shall have the same force and effect as the use of a manual signature using ink applied to paper.
- B. In any transaction with the City, in which the parties have agreed to conduct the transaction by electronic means, the City may use and accept an electronic signature, if the electronic signature complies with the UETA.
- C. In any written communication with the City, in which a signature is used or required, the City may use or accept a digital signature, if the digital signature complies with Section 16.5 of the California Government Code.
- D. The City may use electronic signatures on ordinances and resolutions.
- E. The City may use electronic signatures on any public meeting materials, which include but are not limited to agendas, meeting minutes, and notifications.
- F. The City Manager or designee shall determine the documents for which the City may use and accept electronic or digital signatures in accordance with state law and this chapter.

2.30.040 Accepted Technologies.

The City Manager or designee shall determine acceptable technologies and vendors under this section to ensure the security and integrity of any data and signatures. In determining which technologies and vendors are acceptable for digital signatures, the City Manager or designee shall comply with all applicable laws and regulations,

including but not limited to ensuring that the level of security used to identify the signer of a document and the level of security used to transmit the signature are sufficient for the transaction being conducted.



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject Cities Association of Santa Clara County Draft Bylaws

Prepared by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Draft JPA Bylaws
- 2. Memo Regarding Bylaws Requests and Suggestions
- 3. Executed Joint Powers Authority Agreement

Initiated by:

Cities Association of Santa Clara County

Previous Council Consideration:

September 26, 2023 (approval of draft JPA agreement)

Fiscal Impact:

There is no fiscal impact for the recommended action. As a member of the JPA, the City will be assessed an annual contribution to the JPA. These funds will be included in each year’s operating budget.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to provide feedback on the draft bylaws?
- Does the Council wish to delegate authority to Councilmember Fligor to approve final changes to the bylaws?

Summary:

- The Cities Association of Santa Clara County recently reorganized as a Joint Powers Authority (JPA) and has developed draft bylaws for review by each individual member city
- Councilmember Fligor currently serves as President of the JPA Board and Executive Committee, and is also the Los Altos City Council representative on the Board of Directors



Subject: Cities Association of Santa Clara County Draft Bylaws

Staff Recommendation:

1. Review and provide any edits or feedback to draft Cities Association of Santa Clara County (CASCC) bylaws; and
2. Delegate authority to Councilmember Fligor to approve final changes to the bylaws at the CASCC Joint Powers Authority Board meeting

**DRAFT
BYLAWS**

CITIES ASSOCIATION OF SANTA CLARA COUNTY JOINT POWERS AGENCY

ARTICLE I

NAME, PURPOSE AND POWERS

Section 1. Name. The name of this joint powers authority shall be the Cities Association of Santa Clara County Joint Powers Agency, hereinafter referred to as the “Agency”.

Section 2. Principal Place of Business. The principal place of business of this Agency shall be such place within the County of Santa Clara as may be designated from time to time by the Board of Directors; and if none has been so designated, such place of business shall be the City Hall of the City of which the Agency President is a member of the legislative body.

Section 3. Purpose. The purposes and functions of this Agency shall be as follows:

- a. To review, study, develop consensus positions, and recommend on issues of interest to Santa Clara County cities;
- b. Focus on local and regional matters that are important to the future of Santa Clara County cities;
- c. To develop a common agenda for Santa Clara County cities;
- d. To serve as a unified voice for Santa Clara County cities in relationship to other agencies, organizations, and levels of government, including the Peninsula Division of the League of California Cities;
- e. To serve as the City Selection Committee pursuant to Government Code section 50270 et seq. and make appointments to regional and local bodies as provided by law;
- f. To assist in development of state-wide legislative policy through the structure of the League of California Cities;
- g. To serve as a source of education, information and networking for officials from all cities in Santa Clara County;
- h. To provide a forum for non-city individuals, groups and organizations and the

private sector to address items of interest to Santa Clara County cities.

- i. To reduce duplication of effort by sharing information and provide a unified voice and strong advocacy on legislation and other important issues that affect its Members;
- j. To strengthen the Members' and Agency's standing at the regional, state and federal level;
- k. To strive to respect local control, provide regional perspective, and make a difference to elevate the quality of life throughout the County;
- l. To provide a forum for discussion and study of problems common to the Members and to assist in the development and implementation of solutions to such problems;
- m. To provide a method for the Members to collaborate and jointly develop policies that benefit the region; and
- n. To collaborate in such a way that is efficient, saves the jurisdictions the expense of individual effort, and creates positive outcomes

Section 4. Powers. The Agency may exercise any lawful power in the furtherance of its purposes as set forth in the joint powers agreement and as determined by the Board of Directors except that it may not incur any liability binding upon its members nor levy any assessment against its members other than the dues established under Article VII of these Bylaws.

ARTICLE II

MEMBERSHIP

Section 1. Membership. Each City in Santa Clara County that has approved and executed the joint powers agreement establishing the Agency, and which has paid in full the Section dues required under Article VII of these Bylaws, shall be a member of the Agency.

Section 2. Suspension. Any City which is delinquent in payment of its dues shall be automatically suspended from membership sixty (60) days after the date on which payment is due if the full payment has not been received, and it shall be the duty of the Secretary/Treasurer to promptly notify the City of its delinquency. A suspended member City shall not be permitted to participate in any Agency proceedings, other than City Selection Committee meetings. A suspended member City shall be restored to full membership upon its payment of the total dues assessment then due and payable in accordance with Article VII, Section 2.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Selection and Tenure. The Board of Directors of this Agency shall be composed of a representative from each member city, selected by and from the legislative body thereof. Each Board member shall hold office at the pleasure of his or her City's legislative body, and selection shall be made in such manner as the respective legislative bodies of member Cities may themselves determine.

Section 2. Alternates. The legislative body of a member City may, in its discretion, select from among its members an alternate to represent that City on the Board of Directors and vote in the absence of the member from that City.

Section 3. Notice of Appointment. The legislative body of each member City shall, immediately upon the selection of one of its members as a member of Board of Directors, or as alternate, advise the Agency Secretary/Treasurer of such appointment.

Section 4. Ex Officio Members. The Santa Clara County Cities Managers' Association, an advisory committee to the Agency according to the provisions of Article VI, Section 2, and the Santa Clara County Board of Supervisors, may each appoint one of its members to serve as an ex officio member of the Board of Directors. The ex officio member may participate in deliberations but shall not participate in voting or in any of the privileges of membership, and shall not be counted for the purpose of determining whether a quorum of the Board is present.

Section 5. Compensation. No member of the Board of Directors, including officers, shall receive any compensation from the Agency for his or her services as a member of the Board. No member of the Board, including officers, shall be entitled to reimbursement from the Agency for expenses incurred on Agency business unless such reimbursement shall be authorized in advance by the Board of Directors, or unless such reimbursement is authorized and distributed by the member's respective city.

Section 6. Duties. It is the responsibility of the members of the Board to report to and solicit comments from their fellow City Council members on major issues and to keep their City Councils informed on the business of the Agency.

ARTICLE IV

OFFICERS

Section 1. Officers Designated. The following officers of this Agency shall be elected by the Board of Directors: President, First Vice President, Second Vice-President and

Secretary/Treasurer. Officers shall be selected from the Board of Directors.

Section 2. Term of Office.

- a. The regular term of office for all officers shall commence upon election and shall be for a period of one (1) year. No person shall hold the same office for more than two (2) consecutive full terms.
- b. Election of officers shall take place at the first meeting of the Board of Directors and annually thereafter at the regular meeting of the Board of Directors in November.
- c. In the event a vacancy occurs during any officer's term of office, the Board of Directors shall determine whether to fill the unexpired portion of the term. If such a determination is made, the then presiding officer shall appoint a nominating committee consisting of three (3) Board members which shall present its recommendations for filling the vacancy to the Board of Directors at the earliest practicable time and in accordance with the notice provisions set forth in Article V, Section 2. A person who is appointed to fill the unexpired portion of the term is not rendered ineligible to hold the same office in accordance with the provisions of Article IV, Section 2(a).

Section 3. Duties.

- a. President. It shall be the duty of the President to preside at the meetings of the Board of Directors and to perform such other duties as ordinarily pertains to the office of President of like types of organizations.
- b. Vice Presidents. It shall be the duty of the First and Second Vice-Presidents, in that order, to act in the place and stead of the President during the President's absence or inability to act.
- c. Secretary/Treasurer. The Secretary/Treasurer shall review all financial accounts and records to determine that they are in accordance with these Bylaws and the directions of the Board of Directors. The Secretary/Treasurer shall see that minutes of all Board and Committee meetings are recorded, notice of meetings of the Board are posted, and that all receipts and disbursement of funds by the Agency are done in accordance with these Bylaws and the direction of the Board of Directors. The day-to-day operation of the office of Secretary/Treasurer may be delegated to an Executive Director for the Agency, which position shall be nonvoting.

Section 4. Executive Director. The Board of Directors may contract with an independent consultant to serve as Executive Director until he or she resigns or is removed by

the Board of Directors pursuant to the terms of a written agreement for professional services. The Executive Director shall have such duties as may be determined by the Board of Directors.

Section 5. General Counsel. The Board of Directors may contract with an independent consultant to serve as General Counsel until he or she resigns or is removed by the Board of Directors pursuant to the terms of a written agreement for professional services. The General Counsel shall have such duties as may be determined by the Board of Directors.

Section 6. Nominating Committee. A nominating committee consisting of three (3) Board members shall be appointed by the President no later than two (2) meetings before the meeting at which officers for the following year will be elected. At the meeting immediately preceding the meeting for the election of officers, this committee shall present its nominations for officers for the following year. Additional nominations may be made from the floor at the meeting where the election is to be conducted, providing the consent of the nominee has been secured.

ARTICLE V

MEETINGS

Section 1. Schedule and Locations. Regular meetings of the Board of Directors shall be held, at a minimum, every other month at a time and location determined by the Board of Directors. The Board of Directors shall schedule periodic meetings of the general membership, to include all members of legislative bodies of member Cities.

Section 2. Notice and Meetings. The Agency is a legislative body for purposes of the Brown Act (Govt. Code 54950 *et seq.*). Notice of the time and place of all regular meetings shall be given in writing by the Secretary/Treasurer or a designee to all members of the Board at least three (3) days prior to the meeting. Such notices may be sent by electronic mail. Notice of special meetings shall be given by the Secretary/Treasurer or a designee to all Board members at least one (1) day in advance and in the manner required by the Brown Act. The Secretary/Treasurer or designee shall be responsible for preparing and posting agendas of regular Board meetings at least 72 hours prior to the meeting and in compliance with the Brown Act.

Section 3. Quorum. A majority of the members of the Board of Directors shall constitute a quorum to do business at any such regular or special meeting.

Section 4. Voting. The affirmative vote of a majority of the members of the Board of Directors present shall be necessary for the Board of Directors to take action. Each member of the Agency shall have one vote.

Section 5. Rules of Order. Subject to the provisions of these By-Laws, the meetings of the Board of Directors shall be governed by Robert's Rules of Order, Newly Revised.

ARTICLE VI

COMMITTEES

Section 1. Standing Committees.

- a. Executive Committee. The Executive Committee shall act to accomplish, administer and facilitate the goals and the purposes of the Agency at the direction of the Board of Directors. The Executive Committee shall consist of the officers of this Agency; the Immediate Past President, if still a Agency member; the Chair of the Legislative Action Committee; and a Director at Large who may be appointed if the Immediate Past President is no longer an Agency member. The Director at Large shall be an Agency member appointed by the President upon approval of the Board. The Vice Chair of the Legislative Action Committee shall be appointed to serve on the Executive Committee in the absence of the Chair of the Legislative Action Committee.

- b. Legislative Action Committee. There shall be a Legislative Action Committee of this Agency. The membership of the Legislative Action Committee shall consist of one representative from each member City. The representative shall be a City Council Member or the Mayor. Each City shall also appoint an alternate to serve on the Committee in the absence of the designated representative. The alternate may be a City Council Member or the Mayor. Each City, represented by either the representative or the alternate, shall have one vote. The purpose of the Legislative Action Committee is threefold. First, the Committee would enable the Agency to advocate on issues of interest to Santa Clara County cities in an organized, effective manner. Second, the Committee would provide basic legislative information to cities with little or no legislative staff. Third, the Committee would organize emergency responses to urgent issues. INSERT VOTING HERE

- c. City Selection Committee. The City Selection Committee shall be a Standing Committee of this Agency and shall have the membership and purposes set forth in Government Code sections 50270-50279.4 and which shall be governed by the requirements of such sections. The membership of the City Selection Committee shall consist of the Mayor of each Member city. When the Mayor is unable to attend a meeting of the City Selection Committee, the Mayor shall designate another member of the city’s legislative body to attend and vote at the meeting as the Mayor’s representative. Each City in the County, shall be able to participate in the City Selection Committee, whether or not any such City is a member of the Agency. The majority vote for the City Selection Committee (8) is required to appoint representatives to boards, commissions, or agencies.

Section 2. Liaison Committee.

- a. Santa Clara County/City Managers’ Association. The Santa Clara County City/County Managers’ Association shall serve as an advisory committee to the Agency. The Santa Clara County/City Managers’ Association may choose an ex officio representative to the Board of Directors.

Section 3. Other Committees Authorized.

- a. A nominating committee will be appointed as required and in accordance with the provisions of Article IV.
- b. The President, with the consent and approval of the Board of Directors, may appoint such committees as may be necessary from time to time, and designate the chair and the purpose of each such committee. Any elected official of any member City shall be eligible to serve upon any such committee.

Section 4. Quorum. The quorum for each committee except the City Selection Committee shall be determined by the Board at such time as the committee is created. A quorum for the City Selection Committee shall be eight (8) members. Whenever a quorum is not present, the meeting shall be adjourned or postponed to a subsequent time and place as determined by the Chair.

ARTICLE VII

FINANCES

Section 1. Budget. On or before April 15 of each calendar year, the Board of Directors shall approve a preliminary budget for the Agency for the fiscal year commencing with July 1 of the same calendar year. The Board of Directors shall adopt a final budget no later than June 15 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be transmitted to each Member City.

Section 2. Dues. Each Member City shall pay to this Agency annual dues in accordance with a dues schedule adopted by the Board of Directors on or before June 1 of each year. Dues shall be for the fiscal year commencing July 1 and shall be an amount for each member City based upon the approved budget. The full amount shall be due and payable before July 1 of each year. Any City becoming a member of this Agency during a fiscal year shall pay the full dues for that year prior to exercising any rights of membership. The dues schedule shall be revised every three (3) to four (4) years.

Section 3. Funds. All funds received by the Agency from the membership or any other source shall be deposited in a financial institution or institutions determined by the Secretary/Treasurer and disbursed only by check signed by any persons designated by the Board of Directors as signers on the account including the Executive Director, the Secretary/Treasurer and the President. There shall be a Reserve of funds to cover six (6) to nine (9) months of operating expenses to ensure financial stability of the Agency. The dues schedule shall be revised as such.

Section 4. Accounting. Every year, an audit of the Agency’s finances shall be completed and copies thereof shall be filed with the Board of Directors and the County Auditor of Santa Clara County. Annually, a complete written account of all receipts and disbursements during the previous year, showing the opening and closing balances shall be prepared by the Secretary/Treasurer or a designee. Copies thereof shall be filed with the Board of Directors Monthly, bank and reconciliation statements shall be reviewed by the Secretary/Treasurer and initialized as such. Monthly reports of accounting and investments shall be prepared and filed with the Board of Directors by the Secretary/Treasurer or a designee.

ARTICLE VIII

ADOPTION AND AMENDMENTS

Section 1. Adoption. These Bylaws shall become effective upon the affirmative vote of the legislative bodies of two-thirds of the Board of Directors.

Section 2. Amendments. These Bylaws may be amended only in the following manner: Proposed amendments shall be submitted in writing to the Board of Directors for approval, and if approved, shall thereafter be submitted in writing to each Member City of the Agency at least thirty (30) days before action thereon is required by the membership. An affirmative vote of two-thirds of the Board of Directors shall be required for approval.

Memorandum

To: Board of Directors
Cities Association of Santa Clara County Joint Powers Agency
City Managers, Santa Clara County

From: Jannie Quinn and Andrew Shen, Co-General Counsel

Date: February 29, 2024

Re: JPA Bylaws Proposed Feedback/Input To Date

BACKGROUND:

As a newly constituted joint powers agency (JPA) and as required by the joint powers agreement, the Board has begun the process of adopting its own bylaws. As a starting point, we will be using the former unincorporated association’s bylaws. At its February 8th meeting, the Board voted to have the Executive Committee act as the Bylaws Review Subcommittee.

During the process of creating the JPA, the Cities Association received requests for specific items to be addressed in the Bylaws for the Joint Powers Agency. This memorandum summarizes those requests as they may be helpful to the member agencies as they consider what, if any, input to provide regarding the proposed bylaws. These requests, along with any additional input received will be reviewed by the Executive Committee and then the Board.

LEGISLATIVE ACTION COMMITTEE

Clarification was requested regarding the Legislative Action Committee by three member agencies. (The provisions related to the Legislative Action Committee can be found in Article VI, Section 1. Standing Committees.) One member agency sought to clarify the role of the Legislative Action Committee to distinguish it from the Board of Directors. For reference, the bylaws define the Legislative Action Committee as a standing committee and describe three purposes for this committee.

A question was also raised whether a supermajority vote should be required to take a position on legislation. The bylaws currently require a majority vote of those present and voting.

Another agency suggested the bylaws should include rules about how the Legislative Action Committee’s positions on proposed legislation are portrayed and offered the following language:

February 29, 2024
Page 2

- When the Association takes a position on proposed legislation, it must be clear as to which cities support the proposed legislation, which oppose the legislation, and which are not taking a position on the proposed legislation. If a letter is sent from the Association, the letter must indicate this information. For example, if all 15 cities support a bill, the letter can indicate that support is unanimous. If only 10 of the 15 cities support a bill, the letter must list which cities support the bill and which cities oppose the bill. If only 8 of the 12 cities that voted support a bill, the letter must list the 8 cities that support the bill, the 4 cities that oppose the bill, and the 3 cities that did not vote.
- Alternatively, letters could be sent by groups of cities rather than from the Association. For example, all the cities that support a bill could send a joint letter. Or all the cities that oppose a bill could send a joint letter.
- The agency is open to other ways to address any concerns regarding transparency.

VOTING REQUIREMENTS

A question has been raised about the voting requirement for significant programs or activities in the context of the budget.

Article 15 of the joint powers agreement provides:

“If the Board desires to create significant programs or activities which will utilize substantial resources of the Agency, it shall do so by a vote of the Board. If the Board deems it necessary, it may appoint a working committee to study the significant program or activity and provide input to the Board. Substantial resources and significant program or activity shall be defined as any program or activity requiring \$10,000 or more in annual expenditures; this amount shall be increased by the annual cost of living CPI index. Any new significant program or activity shall require a work plan and a two-thirds vote of the Members in order to be initiated. When a new significant program is intentionally designed to be limited in scope, such that it only provides benefits to particular Members, the Agency may enter into a specific program or project Agreement that includes relevant terms regarding the particular affected Members, and any such Agreement shall be approved by the Board prior to or at the same time as formation of the significant program. These limited scope Agreements shall be subject to approval by the Board by a two-thirds vote of the Members.”

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Specifically, what vote is required if a significant program were proposed as part of the budget? A majority vote is needed to adopt the budget, yet the joint powers agreement requires a two-thirds vote to approve a significant program or activity. If a significant program or activity were to be presented at the same time as the annual budget, the voting requirements would not be in alignment and should be clarified. One option would be to include language to ensure the significant program is approved separately or in advance of a vote on the budget. Once approved, it could be included the budget, and the budget could be approved with a majority vote.

Per the bylaws, a majority vote of the members who are present is required for the Board to take action, such as adopting the annual budget. (Article V, Meetings, Section 4). However, a two-thirds vote is required to adopt or amend the bylaws. (Article VII, Adoption and Amendments). Also as set forth below, the joint powers agreement requires a two-thirds vote to initiate a significant program or activity requiring \$10,000 or more in annual expenditures.

WORKING COMMITTEE

One agency raised the issue whether to establish a permanent working committee from member cities to advise the board.

COMPOSITION OF EXECUTIVE COMMITTEE

An agency asked consideration to be given to establishing a requirement to reserve one seat on the Executive Committee for small cities.

COMPETITION FOR GRANTS

One agency raised the issue whether a provision should be included in the bylaws to address what would occur if the JPA were to compete for the same grant as its member cities.

JOINT POWERS AGENCY AGREEMENT FOR CITIES ASSOCIATION OF SANTA CLARA COUNTY

This Joint Powers Agreement (“Agreement” or “JPA”) for the Cities Association of Santa Clara County is entered into by and among the cities (“Members”), which are organized and existing under the Constitution and laws of the State of California in which public agencies are located in the County of Santa Clara, and upon approval and full execution of the Agreement, creates the Cities Association of Santa Clara County Joint Powers Agency (“Agency”).

RECITALS

WHEREAS, Articles 1 and 2, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 *et seq.*) permit two or more public agencies by agreement to jointly exercise powers common to the Members; and

WHEREAS, the public agency Members executing this JPA are cities or towns within the jurisdiction of the County of Santa Clara (“County”); and

WHEREAS, the Cities Association of Santa Clara County has existed as an unincorporated association since 1990 and desires to formalize the relationship between its City and Town members and form a Joint Powers Agency in order to carry out activities for the good of all its Members; and

WHEREAS, the Members executing this Agreement, desire to join together to create a separate Joint Powers Agency for the purpose of promoting cooperation among the Members; advocating for positive action; enhancing the quality of life for the residents of the County and their individual cities; and encouraging other joint and cooperative endeavors among the public agencies for their mutual benefit.

NOW, THEREFORE, the Parties agree to the following:

AGREEMENT

ARTICLE 1 - DEFINITIONS

- 1.1 “Associate Member” shall mean any non-city local agency, located within jurisdictional authority of the County of Santa Clara, and shall have duly executed and delivered to the Agency an Associate Membership Agreement in the form of and as further provided in the Bylaws of the Agency, as further provided in Article 32 herein.
- 1.2 “Agency” shall mean the Cities Association of Santa Clara County Joint Powers Agency created by this Agreement.
- 1.3 “Board of Directors” or “Board” shall mean the governing body of the Agency.
- 1.4 “Executive Committee” shall mean the Executive Committee of the Board of Directors of the Agency.

- 1.5 “Fiscal Year” shall mean that period of twelve (12) months which is established by the Board of Directors or the Bylaws as the fiscal year of the Agency, which shall run from July 1 to June 30 of each year.
- 1.6 “Government Code” shall mean the California Government Code, as amended.
- 1.7 “Joint Powers Law” shall mean Articles 1 and 2, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code, known as the Joint Exercise of Powers Act, as amended.
- 1.8 “Legislative Body” shall mean the legislative board of each Public Agency that is a Member of the Agency.
- 1.9 “Member” shall mean any city which has executed this Agreement and has become a member of the Agency. The complete list of Members is set forth in Exhibit “A” attached hereto and incorporated herein by this reference.
- 1.10 “Parties” shall mean Members or Associate Members who are party to this Agreement.
- 1.11 “Public Agency” shall mean public agency as defined in Government Code Section 6500, as amended.
- 1.12 Unless the context clearly requires otherwise, as used in this Agreement, words of the masculine, feminine or neutral gender shall be construed to include each other gender, when appropriate, and words of the singular number shall be construed to include the plural number, and vice versa, when appropriate. This Agreement and all the terms and provisions herein shall be construed to effectuate the purposes set forth and to sustain the validity of those purposes.

ARTICLE 2 - CREATION AND PURPOSES

- 2.1 This Agreement is entered into by the Members in order to:
 - 2.1.1 Review, study, develop consensus positions, and take action on issues of interest to Members;
 - 2.1.2 Focus on local and regional matters that are important to our future;
 - 2.1.3 Develop a common agenda for Santa Clara County cities;
 - 2.1.4 Serve as a unified voice for Santa Clara County cities in relationship to other agencies, organizations, and levels of government;
 - 2.1.5 Establish and administer the City Selection Committee pursuant to Government Code Section 50270 *et seq.*, as amended and make appointments to regional and local bodies as provided by law;
 - 2.1.6 Serve as a source of education, information, and networking for officials from all cities in Santa Clara County;

- 2.1.7 Provide a forum for non-city individuals, groups and organizations and the private sector to address items of interest to Santa Clara County cities;
- 2.1.8 Reduce duplication of effort by sharing information and provide a unified voice and strong advocacy on legislation and other important issues that affect its Members;
- 2.1.9 Strengthen the Members' and Agency's standing at the regional, State and Federal level;
- 2.1.10 Strive to respect local control, provide regional perspective, and make a difference to elevate the quality of life throughout the County;
- 2.1.11 Provide a forum for discussion and study of problems common to the Members and to assist in the development and implementation of solutions to such problems;
- 2.1.12 Provide a method for the Members to collaborate and jointly develop policies that benefit the region; and
- 2.1.13 Collaborate in such a way that is efficient, saves the jurisdictions the expense of individual effort, and creates positive outcomes.

ARTICLE 3 - PARTIES TO AGREEMENT

Each Member, as a Party to this Agreement, intends to and does contract with all other Members as Parties to this Agreement and, with other Public Agencies as may later be added as Parties to this Agreement pursuant to the Joint Powers Law. The withdrawal of any party from this Agreement, pursuant to Article 20, shall not affect this Agreement or the remaining Members' obligations.

ARTICLE 4 – FORMATION; TERM

This Agreement shall become effective when fully executed and returned to the Agency by at least eight (8) Members, but only as to those Members that have executed the Agreement. The Agency shall promptly notify all Members in writing of the effective date. After one full year after the initial formation of the Agency, should the membership fall below seven (7) Members due to the withdrawal of Members and the membership level remains at below seven (7) Members for a period of at least one (1) year and a similar joint powers authority, with the same or similar powers and functions is formed containing a majority of cities in the County of Santa Clara, the Agency shall change its name and permit the new organization to take on the name of the Agency. Notwithstanding the name change, this Agreement shall continue in effect until terminated as provided herein. The termination of this Agreement with respect to an individual Member upon its withdrawal from membership in the Agency shall not operate to terminate this Agreement with respect to the remaining Members.

ARTICLE 5 - CREATION OF THE AGENCY

Pursuant to the Joint Powers Law, there is hereby created a public entity, separate and apart from the Parties hereto, to be known as the "Cities Association of Santa Clara County Joint Powers

Agency” with powers as are set forth herein. Upon formation of the Agency as described in Article 4, the Cities Association of Santa Clara County, an unincorporated association shall follow the process of dissolution and cease to exist.

ARTICLE 6 - POWERS OF THE AGENCY

- 6.1 Subject to the terms of this agreement, the Agency shall have all of the powers of a public agency as defined in the Government Code Section 6500 as amended and all additional powers set forth in the Joint Powers Law and other statutes applicable to the Joint Powers Agency created hereby and is authorized to do all acts necessary for the exercise of these powers on behalf of its Members. Powers include, but are not limited to, the following, in the Agency’s own name:
 - 6.1.1 To make and enter into contracts;
 - 6.1.2 To incur debts, liabilities, and obligations and to encumber personal property;
 - 6.1.3 To acquire, hold, or dispose of personal property, contributions, and donations of personal property, funds, services, and other forms of assistance from persons, firms, corporations, and government entities;
 - 6.1.4 To sue and be sued in its own name, and to settle any claim against it;
 - 6.1.5 To receive and use contributions and advances from Members as provided in Government Code Section 6504, as amended including contributions or advances of personnel and equipment;
 - 6.1.6 To invest any money in its treasury that is not required for its immediate necessities, pursuant to Government Code Section 6509.5, as amended;
 - 6.1.7 To acquire, construct, manage, maintain, or operate title to personal property, or rights, or any interest therein;
 - 6.1.8 To retain the services of agents, contractors, and consultants;
 - 6.1.9 To receive, collect, and disburse monies;
 - 6.1.10 To conduct studies, tests, evaluations, and similar activities;
 - 6.1.11 To contract for services from Members, including in-kind services;
 - 6.1.12 To conduct public outreach and education;
 - 6.1.13 To participate in pilot and demonstration projects;
 - 6.1.14 To charge for services, programs, and/or systems;
 - 6.1.15 To work with elected officials and local, regional, state, and federal agencies, including other joint powers agencies and unincorporated associations to pursue funding, enter agreements and otherwise carry out the purposes of the Agency; and

6.1.16 Subject to this Agreement or the Bylaws of the Agency, and only as authorized by the Joint Powers Law, to exercise other reasonable and necessary powers in furtherance or support of any purpose of the Agency.

ARTICLE 7 - RESTRICTIONS ON POWERS

- 7.1 Pursuant to and to the extent required by Government Code Section 6509, as amended, the Agency shall be restricted in the exercise of its powers and shall exercise its powers in the same manner as the Town of Los Gatos is restricted in its exercise of similar powers; provided that, if the Town of Los Gatos shall cease to be a Member, then the Agency shall be restricted in the exercise of its power in the same manner as another Member agreed to by the majority of the Board of Directors. Unless expressly provided for, the Agency does not, by virtue of this Section or this Agreement, subject itself to the internal policies or ordinances of any Member.
- 7.2 The Agency shall not have the power of eminent domain.
- 7.3 The Agency shall not have the power of taxation. The Agency may not impose taxes but may receive the proceeds of taxes imposed by other entities or public funds from other entities.
- 7.4 The Agency shall not have the power to acquire, purchase, hold or dispose of real property.
- 7.5 The Agency shall not have the power to hire employees.
- 7.6 The Agency shall not have the power to issue debt.

ARTICLE 8 - BOARD OF DIRECTORS

- 8.1 The Agency shall be governed by the Board of Directors, which shall be composed of one Director representing each Member. Each Member's Legislative Body, according to its own procedures, shall appoint a Member of the Legislative Body as a Director to represent the Member on the Board of Directors. The Director shall serve at the pleasure of their respective Legislative Body. The Legislative Body of each Member shall also appoint one alternate Director ("Alternate") who shall participate in and vote at any meeting of the Board when the primary Director is absent. Any vacancy in a Director or Alternate position shall be filled by the appointing Member's Legislative Body, subject to the provisions of this Article. Immediately upon admission of a new Member, the new Member shall be entitled and required to appoint a Director and one alternate Director. Every Director or Alternate shall be a Council Member or Mayor of their individual Member city.
- 8.2 A Director and/or Alternate shall be removed from the Board of Directors upon the occurrence of any one of the following events: (1) the Agency receives written notice from the appointing Member of the removal and/or replacement of the Director or Alternate; (2) the withdrawal of the Member from this Agreement; (3) the death or resignation of the Director or Alternate; (4) the Agency receives written notice from the Member that the Director or Alternate is no longer qualified as provided in the first paragraph of this Article 8; or as set forth in Article 21.

- 8.3 The Board of Directors shall have the following powers and functions:
 - 8.3.1 Except as otherwise provided in this Agreement, the Board shall exercise all powers and conduct all business of the Agency, either directly or by delegation to other bodies or persons;
 - 8.3.2 The Board shall elect an Executive Committee, as provided in Article 11;
 - 8.3.3 The Board shall be the policy setting body of the Agency;
 - 8.3.4 The Board shall appoint or retain the services of necessary agents, consultants, or independent contractors in accordance with Article 14;
 - 8.3.5 The Board shall cause to be prepared, and shall review, modify as necessary, and adopt the annual operating budget of the Agency. Adoption of the budget may not be delegated. The Board shall adopt their budget no later than the first April 30th following formation and then subsequently by April 30th of each successive year. The Board shall review, set, and adopt annual dues to be funded by Agency Members;
 - 8.3.6 The Board shall receive, review and act upon periodic reports and audits of the funds of the Agency, as required under Article 16 of this Agreement;
 - 8.3.7 The Board may adopt policies regarding personnel, conflicts of interest and other matters necessary or convenient for the efficient operation of the Agency;
 - 8.3.8 The Board shall adopt a set of priorities and work plan for each fiscal year; and
 - 8.3.9 Subject to the terms of this Agreement, the Board shall have such other powers and duties as are reasonably necessary to carry out the purposes of the Agency.

ARTICLE 9 – MEETINGS OF THE BOARD OF DIRECTORS

- 9.1 The Board of Directors shall hold at least one regular meeting each year. The Board of Directors shall fix by resolution, or in the Bylaws, the date, time, and location of each regular meeting. The Board or Executive Director, in consultation with the President of the Board as provided in Article 10 below, may call special meetings.
- 9.2 Each meeting of the Board of Directors, including without limitation, regular, adjourned regular and special meetings shall be called, noticed, held, and conducted in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.*, as amended.
- 9.3 The Agency shall require the Secretary/Treasurer or designee to take and maintain minutes of all regular, adjourned regular and special meetings. As soon as practicable after each meeting, the Secretary/Treasurer or designee shall forward to each Board Member, a copy of the minutes of the meeting.
- 9.4 A majority of the Members of the Board shall constitute a quorum for the transaction of business. Unless otherwise required by law, a vote of the majority of a quorum of the members

present at a meeting is sufficient to take any action, unless otherwise specified in this Agreement. However, less than a quorum may adjourn the meeting to a future date.

9.5 Each Member of the Board shall have one vote.

ARTICLE 10 - OFFICERS

The Board shall elect as Officers of the Agency President, First Vice President, Second Vice President, Secretary/Treasurer, and Immediate Past President at its first meeting. Thereafter, except as may be otherwise provided in the Bylaws of the Agency, the Board shall elect the President, First Vice President, Second Vice President, Secretary/Treasurer, and Immediate Past President, at the November Board of Directors meeting, or the first meeting held on or after November 1 of each year. Of the Officers, the President, and at least two other Officers, must also be members of the Board of Directors. The remaining Officers may be the elected or appointed Mayor or Council Member of any Member of the Agency regardless of whether they are on the Board of Directors. Each Officer shall assume the duties of his or her office upon election. If the President ceases to be a Member of the Board, the resulting vacancy shall be filled at the next meeting of the Board held after the vacancy occurs, or at a special meeting of the Board called to fill the vacancy. The President shall preside at and conduct all meetings of the Board. Should the Board President not be available then the highest-level Officer, who is a member of the Board of Directors, shall preside. If that individual is unavailable, then any Director appointed by the President may preside. The Board may appoint other officers as it considers necessary. The duties of the Secretary/Treasurer are set forth in Articles 16 and 17 of this Agreement. The Secretary/Treasurer shall be appointed by the Board of Directors and shall be eligible to serve as Secretary/Treasurer, as provided in the Joint Powers Law.

ARTICLE 11 - EXECUTIVE COMMITTEE

At such time as there are nine Members, the Board shall establish and elect an Executive Committee of the Board which shall consist solely of three (3) Officers consisting of the President, First Vice President, and Secretary/Treasurer, which shall exist thereafter. At such time as there are 11 Members, the Board shall establish and elect an Executive Committee of the Board which shall consist solely of five (5) Officers, with the addition of the Immediate Past President, which shall exist thereafter. Should the Immediate Past President no longer hold elected office then a Member at Large may be appointed by the Board to serve on the Executive Committee. The qualifications of the Member at Large are that they must be an elected or appointed Mayor or Council Member of a Member of the Agency but need not be on the Board of Directors. The terms of office of the Members of the Executive Committee shall be one year. The Executive Committee shall conduct the business of the Agency between meetings of the Board, exercising all those powers as provided for in this Article, or as otherwise delegated to it by the Board.

The Executive Committee, subject to approval by the Board of Directors, shall exercise all powers or duties of the Board relating to the entering, approval and execution of agreements, leases, and other instruments of or relating to the finances of the Joint Powers Agency within the previously

approved annual budget or amended budget. The Executive Committee may have additional powers delegated to it by the Board, except for the adoption of the Agency’s annual budget. Any additional powers and duties delegated shall be specified in a Resolution adopted by the Board. The Executive Committee shall obtain approval from the Board before authorizing or conducting any investigations into the business of the Agency and before taking personnel action. These actions must be authorized by a majority vote of the Executive Committee. Each meeting of the Executive Committee shall be called, noticed, held, and conducted in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.*, as amended.

ARTICLE 12 - COMMITTEES

The Board may establish committees, as it deems appropriate to conduct the business of the Agency or it may, in the Bylaws or by resolution, delegate this power to the Executive Committee by Resolution. Members of committees, except as otherwise stated in this Agreement, shall be appointed by the President. Each committee shall have those duties as determined by whichever Agency body created it or as otherwise set forth in the Bylaws. Each committee shall meet on the call of its chairperson and shall report to and be directed by whichever entity created it. No more than one representative from each jurisdiction shall serve on each committee. Membership of any committee may consist in whole or in part of persons who are not members of the Board; provided that the Board may delegate decision-making powers and duties only to a committee, a majority of the members of which are Board Members. Any committee, except the City Selection Committee, in which a majority of the members are not Board Members may function only in an advisory capacity. The Legislative Action Committee shall be a permanent Committee of the Agency chaired by the Second Vice President and whose members shall be appointed by the Agency Members. Should there be no Second Vice President, the Legislative Action Committee shall be chaired by the First Vice President. All standing committees shall abide by the Ralph M. Brown Act, Government Code Section 54950 *et seq.*, as amended.

ARTICLE 13 – CITY SELECTION COMMITTEE

The City Selection Committee is established pursuant to State law and the Agency shall administer the City Selection Committee as follows: The City Selection Committee shall be a permanent committee of the Agency, consisting of the Mayor of each City or Town, consistent with Government Code 50270, as amended. The Agency shall allow all cities in the County to participate in the City Selection Committee, whether or not they are members of the Agency.

ARTICLE 14 – PROFESSIONAL SERVICES

14.1 The Board of Directors may contract with individuals or companies to provide the following services at the pleasure of the Board of Directors:

- 14.1.1 Executive Director. The Board shall contract with a consultant or independent contractor to fulfill the following duties of an Executive Director: manage the affairs of the Agency, subject to the general supervision and policy direction of the Board and the Executive Committee; oversee the day-to-day activities of the Agency; select and manage the activities of all consultants and independent contractors to the Agency; be responsible for required filings by the Agency with the State of California; prepare or delegate the preparation of all meeting notices, minutes, and required documentation of the Agency; prepare and propose an annual budget; prepare reports and recommendations for consideration by the Executive Committee or Board; be responsible for billing and collection of annual dues; maintain the records of the Agency; assist Local Agencies in the preparation and filing of applications for participation in the financing programs of the Agency; expedite the processing of these applications; pay all invoices, taxes and amounts due; and perform other duties as are assigned by the Board and Executive Committee. The Executive Director may have the authority to sign agreements, applications, and other documents on behalf the Agency, if authorized by the Board or Executive Committee. The Executive Director shall have the Authority to enter into individual Agreements with a single vendor over the course of a fiscal year, on behalf of the Agency, up to the amount set by the Bylaws.
- 14.1.2 General Counsel. The Board shall contract with a consultant, independent contractor, or law firm to fulfill the duties of General Legal Counsel. The General Counsel shall take direction from the majority of the Board of Directors. The General Counsel shall be a member in good standing of the California State Bar. The General Counsel shall be responsible for the legal affairs of the Agency;
- 14.1.3 Auditor. The Auditor shall be a Certified Public Accountant licensed to practice in the State of California. The Auditor will conduct annual financial audits of the Agency;
- 14.1.4 Other services. The Executive Director may hire additional consultants and independent contractors, as appropriate, based upon a previously approved budget;
- 14.1.5 The Agency shall not contract with or become a member of the California Public Employees Retirement System ("PERS"), nor shall any agent, consultant or independent contractor of the Agency become a member of PERS or be entitled to a pension or retirement from PERS as a result of service to the Agency; and
- 14.1.6 The consultants and independent contractors fulfilling the duties of Executive Director, the Auditor, the General Counsel and any other consultants or independent contractors who provide services to the Agency shall be compensated in such manner as shall be approved by the Board and as permitted by applicable law.

ARTICLE 15 - SIGNIFICANT PROGRAMS

If the Board desires to create significant programs or activities which will utilize substantial resources of the Agency, it shall do so by a vote of the Board. If the Board deems it necessary, it may

appoint a working committee to study the significant program or activity and provide input to the Board. Substantial resources and significant program or activity shall be defined as any program or activity requiring \$10,000 or more in annual expenditures; this amount shall be increased by the annual cost of living CPI index. Any new significant program or activity shall require a work plan and a two-thirds vote of the Members in order to be initiated. When a new significant program is intentionally designed to be limited in scope, such that it only provides benefits to particular Members, the Agency may enter into a specific program or project Agreement that includes relevant terms regarding the particular affected Members, and any such Agreement shall be approved by the Board prior to or at the same time as formation of the significant program. These limited scope Agreements shall be subject to approval by the Board by a two-thirds vote of the Members.

ARTICLE 16 - ACCOUNTS AND RECORDS

- 16.1 The Agency shall adopt an operating budget pursuant to Section 8.3.5 of Article 8 of this Agreement.
- 16.2 The Secretary/Treasurer of the Agency or the Executive Director shall establish and maintain funds and accounts as may be required by good accounting practices and by the Board. Books and records of the Agency shall be open to and made available for inspection at all reasonable times upon request by authorized representatives of the Members.
- 16.3 The Agency shall adhere to the standard of strict accountability for funds and report all receipts and disbursements as set forth in the Joint Powers Law.
- 16.4 Auditor’s Report. The Auditor, within one hundred and twenty (120) days after the close of each Fiscal Year, shall give a complete written report of all financial activities for the prior Fiscal Year to the Board.
- 16.5 The Agency shall either make or contract with a Certified Public Accountant to make an annual Fiscal Year audit of all accounts and records of the Agency, conforming in all respects with the requirements of the Joint Powers Law. A report of the audit shall be filed as a public record and be provided to each of the Members, and with the County Auditor of the County of Santa Clara. Costs of the audit shall be considered a general expense of the Agency. Any costs of the audit shall be borne by the Agency and shall be a charge against any unencumbered funds of the Agency available for this purpose.

ARTICLE 17 - RESPONSIBILITIES FOR FUNDS AND PROPERTY

- 17.1 The Secretary/Treasurer, or his or her designee, shall have the custody of and disburse the Agency’s funds. Proceeds of similar obligations of the Agency may be deposited with a trustee, agent or other depository and shall not be considered the Agency’s funds for purposes of this Article. The Secretary/Treasurer may delegate disbursements to persons as may be authorized by the Board or the Executive Committee to perform that function, subject to the requirements of Section 17.2 below.

- 17.2 The Secretary/Treasurer or designee shall perform all functions then required to be performed by the Treasurer under the Joint Powers Law. The Secretary/Treasurer shall review the financial statements and the annual audit of the Agency.
- 17.3 Pursuant to Government Code Section 6505.1, as amended, the Executive Director, the Secretary/Treasurer, and other persons as the Board may designate, shall have charge of, handle, and have access to the property of the Agency. The Agency shall secure and pay for a fidelity bond or bonds, in an amount or amounts and in a form specified by the Board of Directors, covering any officers or agents of the Agency who are authorized to hold or disburse funds of the Agency and any officers or agents who are authorized to have charge of, handle and have access to property of the Agency.

ARTICLE 18 - MEMBER RESPONSIBILITIES

- 18.1 Each Member shall have the following responsibilities:
 - 18.1.1 To appoint its Director and Alternate to, or remove its Director and Alternate, from the Board, as set forth in Article 8;
 - 18.1.2 To consider proposed amendments to this Agreement as set forth in Article 29;
 - 18.1.3 To make contributions in the form of annual membership assessments and fees, if any, determined by the Board for the purpose of defraying the costs of providing the annual benefits accruing directly to each party from this Agreement; and
 - 18.1.4 If a Member provides written notice to the Agency of its election to relinquish its status as a Member, or if a Member fails to be represented at four (4) or more consecutive regular meetings of the Board of Directors, then that Member may be deemed to be a suspended Member, with all the rights and duties of an Associate Member, upon action of the Board of Directors duly adopted. Prior to the suspension, the President shall contact the Mayor and request that another Council Member be appointed or that reinstatement for the current Member be requested. The suspension shall be approved by the Board of Directors. Promptly following that action by the Board of Directors, the Member may be reinstated by informing the Board of its intent to be reinstated within thirty (30) days and to attend all future meetings either via the Director or Alternate. Removal of a Member for failure of the Director to attend meetings shall not relieve the Member from its obligations under any outstanding agreements relating to the Agency's financial obligations, except in accordance with this Agreement.

ARTICLE 19 - NEW MEMBERS

With the approval of the Board, any city located within the County of Santa Clara may become a party as a Member to this Agreement. A city requesting membership shall apply by presenting to the Agency, a resolution of the Legislative Body of the City, evidencing its approval of this Agreement. The date that the applying city will become a Member will be determined by the Board. The Agency shall

accept new Members upon a majority affirmative vote of the entire Board and upon payment of any Board determined assessments and fees.

ARTICLE 20 - WITHDRAWAL

A Member may terminate its membership in the Agency at any time upon giving one hundred and eighty (180) days written notice of withdrawal to the Agency. The notice shall be given to the Board of Directors. The effective date shall be the conclusion of the first Board Meeting which occurs after the one hundred and eighty (180) day notice period has passed. Any Member who withdraws shall remain obligated to pay its share of all debts, liabilities, and obligations incurred or accrued through the end of the current fiscal year of the Agency. The withdrawal does not in any way impair any contracts, resolutions, indentures, or other obligations of the Agency then in effect. In the event of a disagreement between the Agency and the withdrawing Member as to whether the withdrawal shall cause the impairment of any contracts, resolutions, indentures, or other obligations of the Agency, the determination shall be made by a majority vote of the Board of Directors. Any Member that withdraws and later seeks reinstatement to the Agency shall provide funds to the Agency, proportionate to their responsibility for the current fiscal year, as if the Member had never left the Agency. A withdrawing Member shall, in all events, remain liable for its proportionate share of: (i) its full amount of its proportionate share of the adopted fiscal year budget; (ii) any call for funds or assessment levied by the Agency prior to the date it provides its notice of withdrawal; (iii) any contribution in existence at the time of the notice of withdrawal.

ARTICLE 21 - REMOVAL

If the Board of Directors determines that reasonable cause exists to remove a Director from the Board, it can remove the Director and request that the Member who appointed the Director appoint a new Director. The Board may, by two-thirds majority vote of the entire Board, remove a Member based on a Member's breach of any material term of this Agreement, and the failure to cure that breach within sixty (60) days written notice. A terminated Member shall remain liable for any obligation under this Agreement as described above. Failure to pay dues within 60 days following notice shall result in a Member becoming suspended with all the rights of an Associate Member. A suspended Member shall immediately have its voting rights restored upon full payment of dues.

ARTICLE 22 - OBLIGATIONS OF AGENCY

The debts, liabilities, and obligations of the Agency shall not be the debts, liabilities, and obligations of the Members. Any Member may separately contract for, or assume responsibility for, specific debts, liabilities, or obligations of the Agency. Nothing in this Agreement shall be interpreted to limit the applicability of the provisions of Government Code Section 895.6.

ARTICLE 23 - TERMINATION AND DISTRIBUTION OF ASSETS

This Agreement may be terminated at any time that no financial obligations of the Agency are outstanding, with the approval of two-thirds of the Members. Upon termination of this Agreement, all assets of the Agency shall, after payment of all unpaid costs, expenses and charges incurred under this Agreement, be distributed among the parties to this Agreement, in accordance with the respective contributions of each of the Parties.

ARTICLE 24 - LIABILITY OF BOARD OF DIRECTORS, OFFICERS, AND COMMITTEE MEMBERS

- 24.1 The Members of the Board of Directors, Officers, and Committee Members of the Agency shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. They shall not be individually liable for any mistake of judgment, or any other action made, taken, or omitted by them in good faith, nor for any act or omission by any agent, consultant or independent contractor selected with reasonable care, nor for loss incurred, resulting from any action made, taken, or omitted by them in good faith and with reasonable care through investment of Agency funds, or failure to invest.
- 24.2 No Director, Officer, or Committee Member shall be responsible for any act or omission of any other Director, Officer, or Committee Member. Unless otherwise required by law, no Director, Officer, or Committee Member shall be required to give a bond or other security to guarantee the faithful performance of his or her duties pursuant to this Agreement.
- 24.3 The funds of the Agency shall be used to defend, indemnify, and hold harmless the Agency for any Director, Officer, or Committee Member, for their actions taken within the scope of the Agency. Nothing herein shall limit the right of the Agency to purchase insurance to provide coverage for these types of losses.
- 24.4 These indemnification and defense obligations shall survive the termination of the Agreement as to any acts or omissions occurring before such termination.

ARTICLE 25 - INDEMNIFICATION

To the fullest extent allowed by law, the Agency shall defend, indemnify, and save harmless the Members and their governing bodies, officers, agents and employees from all claims, losses, damages, costs, injury, and liability of every kind, nature, and description directly or indirectly arising from the performance of any of the activities of the Agency or the activities undertaken pursuant to this Agreement.

ARTICLE 26 - BYLAWS

The Board shall adopt Bylaws consistent with this Agreement which shall provide for the administration and management of the Agency. The provisions of the Bylaws, as modified from time to time, shall establish the operating procedures and standards for the Agency.

ARTICLE 27 - NOTICES

The Agency shall address notices, billings, and other communications to a Member as directed by that Member. Each Member shall provide the Agency with the email and physical address to which communications are to be sent. Members shall address notices and other communications to the Agency, at the office address of the Agency, or the email address of the Agency as directed by the Member and as set forth in the Bylaws.

ARTICLE 28 - CODES

The Agency shall adopt and observe a Code of Conduct and Conflict of Interest Policy. The Agency shall comply with all requirements of the Fair Political Practices Commission as required by law or regulation.

ARTICLE 29 - AMENDMENT

This Agreement may be amended at any time by vote of the Members, acting through their Legislative Bodies. Any amendment of this Agreement shall become effective upon receipt by the Agency of notice of the approval of the amendment by two thirds of the Legislative Bodies of the Members.

ARTICLE 30 - SEVERABILITY

Should any portion, term, condition, or provision of this Agreement be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or be otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, and provisions shall not be affected.

ARTICLE 31 - PROHIBITION AGAINST ASSIGNMENT

No Member may assign any right, claim, or interest it may have under this Agreement, and no creditor, assignee or third-party beneficiary of any Member shall have any right, claim, or title to any part, share, interest, fund, or asset of the Agency. This Agreement shall be binding upon and shall inure to the benefit of successors of the Members. This Agreement is intended solely for the benefit of the

Agency and its Members. No third party shall be deemed a beneficiary of this Agreement or have any rights against the Agency or its Members.

ARTICLE 32 - ASSOCIATE MEMBERS

Any Public Agency located within the jurisdictional authority of the County of Santa Clara may, with the approval of the Board of Directors, become an Associate Member of the Agency by executing and delivering to the Agency an Associate Membership Agreement and providing an Associate Membership fee and as further provided in the Bylaws. An Associate Member shall not be entitled to representation on the Board of Directors, or to vote on any matter coming before the Board of Directors or the Agency, unless a separate written agreement is entered into between the Associate Member and the Agency.

ARTICLE 33 - LIBERAL CONSTRUCTION

The provisions of this Agreement shall be liberally construed as necessary or reasonably convenient to achieve the purposes of the Agency.

ARTICLE 34 - NON-WAIVER

No waiver of the breach of default of any of the covenants, agreements, restrictions, or conditions of this Agreement by any Member shall be construed to be a waiver of any succeeding breach of the same or other covenants, restrictions, or conditions of this Agreement. No delay or omission of exercising any right, power, or remedy in the event of a breach or default shall be construed as a waiver or a variation of any of the terms of this Agreement or any applicable agreement.

ARTICLE 35 - REMEDIES FOR BREACH

If any Member shall default on any obligation contained in this Agreement, the default shall not excuse any other Member from fulfilling its respective obligations under this Agreement. Any Member shall be entitled to pursue all legal and equitable remedies against another Member in response to any alleged default under this Agreement. Any and all of the remedies provided to the Members, hereunder or by law now or hereafter enacted, are cumulative and the exercise of one right or remedy shall not impair the Members to any other remedy.

ARTICLE 36 - ARTICLE HEADINGS

All article headings are for reference only and are not intended to define or limit the scope of any provision of this Agreement.

ARTICLE 37 - DISPUTE RESOLUTION

- 37.1 The Members agree that any dispute regarding the enforcement or interpretation of any term, covenant, or condition of this Agreement (“Dispute”) may first, for a period of not less than thirty (30) days, be submitted to mediation before a mutually acceptable mediator prior to initiation of litigation, or any other binding arbitration or adjudicative dispute resolution process. The Members shall: (i) mediate in good faith; (ii) exchange all documents which each believes to be relevant and material to the issue(s) in the Dispute; (iii) exchange written position papers stating their position on the Dispute and outlining the subject matter and substance of the anticipated testimony of persons having personal knowledge of the facts underlying the Dispute; and (iv) engage and cooperate in such further discovery as the Members agree or mediator suggests may be necessary to facilitate effective mediation.
- 37.2 Each Member shall bear its own costs, attorney’s fees, and expenses of the mediation. Venue of the mediation shall be a mutually agreeable city within Santa Clara County, California.

ARTICLE 38 – INSURANCE

If available, the Agency shall obtain insurance for all Members, appointed Members, and Committee Members, including, but not limited to, Directors and Officers liability insurance and general liability insurance containing policy limits in such amounts as the Board of Directors shall deem will be necessary to adequately insure against the risks of liability that may be incurred by the Agency. Insurance under this provision may include an insurance pool program.

ARTICLE 39 - FILING WITH SECRETARY OF STATE

The Executive Director of the Agency shall file a notice of this Agreement with the office of the California Secretary of State within thirty (30) days of its effective date, as required by Government Code Section 6503.5, as amended and within seventy (70) days of its effective date as required by Government Code Section 53051, as amended.

ARTICLE 40 - COUNTERPARTS

This Agreement may be executed in parts or counterparts, each part or counterpart being an exact duplicate of all other parts or counterparts, and all parts or counterparts shall be considered as constituting one complete original and may be attached together when executed by the Members hereto. Facsimile and electronic signatures shall be binding.

ARTICLE 41 - AGREEMENT COMPLETE

This Agreement constitutes the full and complete Agreement of the parties and supersedes any prior written Agreement between the Members on the same topic.

CITY OF CAMPBELL

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:




Bill Seligmann, City Attorney

1/25/24

Date

APPROVED:



Brian Loventhal, City Manager

1/25/24

Date

CITY OF CUPERTINO

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

Christopher Jensen
Christopher Jensen, City Attorney

Jan 17, 2024
Date

APPROVED:


Pamela Wu
Pamela Wu, City Manager

Jan 17, 2024
Date

CITY OF LOS ALTOS

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:



Jolie Houston, City Attorney

1-18-24

Date

APPROVED:



Gabriel Engeland, City Manager

1/18/24

Date

TOWN OF LOS ALTOS HILLS

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:




Steven Mattas, Town Attorney

1/23/2024

Date

APPROVED:



Peter Pirnejad, Town Manager

01/24/2024

Date

TOWN OF LOS GATOS

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

DocuSigned by:
Gabrielle Whelan
Gabrielle Whelan, Town Attorney

1/26/2024
Date

APPROVED:

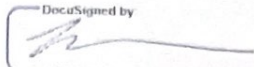
DocuSigned by:
Katy Nomura
Katy Nomura, Assistant Town Manager
For Laurel Prevetti, Town Manager

1/30/2024
Date

CITY OF MILPITAS

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

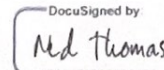
DocuSigned by

2138583A68C8479

Michael Mutalipassi, City Attorney

Jan-24-2024

Date

APPROVED:

DocuSigned by

2138583A68C8479

Ned Thomas, City Manager


Jan-24-2024

Date

CITY OF MONTE SERENO

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

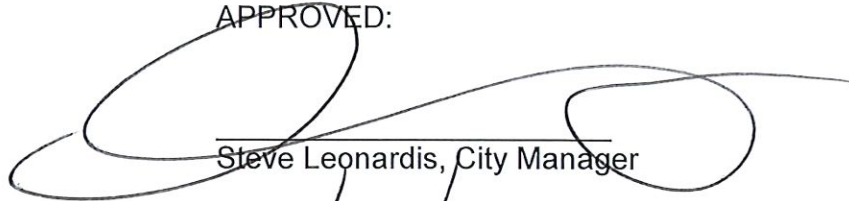


Kristen Powell, City Attorney
Kristen

1-30-24

Date

APPROVED:



Steve Leonardis, City Manager

1/29/24

Date

CITY OF MORGAN HILL

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

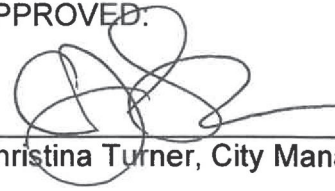


Donald Larkin, City Attorney

1/19/2024

Date

APPROVED:



Christina Turner, City Manager

1/19/2024

Date

CITY OF MOUNTAIN VIEW

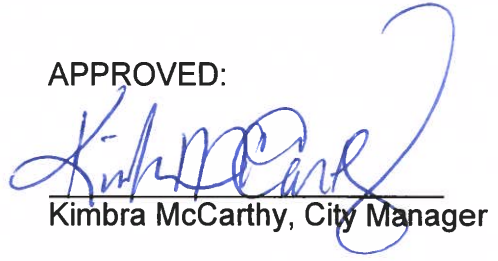
IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:


Jennifer Logue, City Attorney

1/17/24
Date

APPROVED:


Kimbra McCarthy, City Manager

1/17/24
Date

CITY OF PALO ALTO

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

DocuSigned by
Molly Stump

Molly Stump, City Attorney

2/1/2024

Date

APPROVED:

DocuSigned by
Ed Shikada

Ed Shikada, City Manager

1/31/2024

Date

CITY OF SAN JOSÉ

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

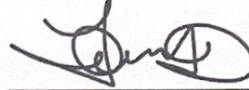
Kevin Fisher

Kevin Fisher, Assistant City Attorney

Feb 16, 2024

Date

APPROVED:



Toni J. Taber, City Clerk

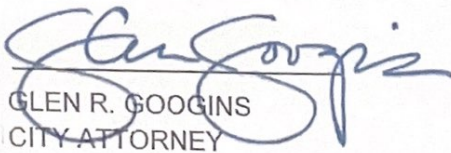
16 February 2024

Date

CITY OF SANTA CLARA

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

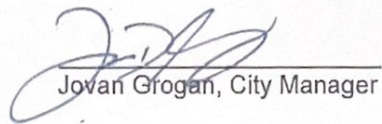
APPROVED AS TO FORM:


GLEN R. GOOGINS
CITY ATTORNEY

1/30/24

Date

APPROVED:


Jovan Grogan, City Manager

1/30/24

Date

CITY OF SARATOGA

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:

DocuSigned by:

Richard Taylor

580E8DD2F9F84C3

Richard Taylor, City Attorney

1/26/2024

Date

APPROVED:

DocuSigned by:

James Lindsay

9689EA1BA9684B1

James Lindsay, City Manager

1/26/2024

Date

CITY OF SUNNYVALE

IN WITNESS WHEREOF, the parties hereto have executed this Joint Powers Agreement establishing the Cities Association of Santa Clara County Joint Powers Agency

APPROVED AS TO FORM:



Rebecca Moon, Interim
City Attorney

1/29/24

Date

APPROVED:



Larry Klein, Mayor

January 29, 2024

Date



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject City of Los Altos Mission Statement

Prepared by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Resolution No. 2024-xx

Initiated by:

City Council

Previous Council Consideration:

February 13, 2024

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt a Resolution modifying the City’s Mission Statement?

Summary:

- Three Mission Statement options have been drafted for Council to consider

Staff Recommendation:

Adopt Resolution No. 2024-xx adopting the City’s Mission Statement



Subject: City of Los Altos Mission Statement

Purpose

To adopt a Resolution modifying the City’s Mission Statement

Background

At the February 13, 2024 City Council retreat, the City Council reviewed the City’s Mission Statement and directed that staff work with Councilmember Fligor to propose edits to the Mission Statement based on the Council’s discussion.

Discussion/Analysis

Based on the feedback provided by Council, three draft mission statements have been created for Council consideration:

1. The City’s mission is to enhance the quality of life for community members and foster and maintain a safe, healthy, vibrant and inclusive community in which to live, work, visit and play
2. The City’s mission is to enhance the quality of life for community members and foster and maintain a vibrant, sustainable and inclusive community in which to live, work, visit and play
3. The City’s mission is to foster and maintain a safe, healthy, sustainable, vibrant and inclusive community in which to live, work, visit and play

Should Council wish to adopt a new Mission Statement, the attached Resolution can be approved with the desired language.

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADOPTING THE CITY’S MISSION STATEMENT**

WHEREAS, the City of Los Altos strives to ensure the community is safe, vibrant, and inclusive; and

WHEREAS, the City Council desires to ensure that the focus of the City is to continue to provide excellent municipal services and to make sure that all feel welcome and include within the community; and

WHEREAS, adopting a new Mission Statement will help the City maintain Los Altos as a wonderful community in which to live, work, visit and play.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts as the Mission Statement for the City of Los Altos:

[INSERT SELECTED OPTION HERE]

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the __ day of __, 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject Discuss the Option for Electronic Voting During Council Meetings

Prepared by: Melissa Thurman, City Clerk

Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. None

Initiated by:

City Council (J. Weinberg; N. Fligor)

Previous Council Consideration:

This item was requested by Council to be discussed at a future meeting.

Fiscal Impact:

The equipment installed in the Council Chambers includes electronic voting. As the software currently exists in the Chambers there is no additional fiscal impact in approving this project.

Environmental Review:

Not applicable

Staff Recommendation:

Discuss and direct staff on approving or denying the use of electronic voting in the Council Chambers during Special and Regular Council meetings.



AGENDA REPORT SUMMARY

Meeting Date: March 12, 2024

Subject Independent Intake Official (IIO) Yearly Report

Prepared by: Katie Krauss, Captain
Reviewed by: Angela Averiett, Chief of Police
Approved by: Gabriel Engeland, City Manager

Attachment(s):

- 1. Los Altos Council Report
- 2. 2023 Table of Formal Complaints
- 3. 2024 Table of Informal Complaints

Initiated by:

Stephanie Atigh, Independent Intake Official

Previous Council Consideration:

3/8/22, 2021 Yearly Report prepared for Council on Consent Calendar
1/24/23, 2022 Yearly Report prepared for Council as Informational Item

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

Not applicable

Summary:

- In November 2020, in response to recommendations from the Citizens’ Police Task Force, the City Council directed the Police Department to initiate changes to the police complaint intake process including submitting complaints to an Independent Intake Official (IIO).
- The IIO prepares an annual report on complaints for Council review.

Staff Recommendation:

None



Subject: Independent Intake Official (IIO) Yearly Report

Purpose

To inform Council of the informal and formal complaints for calendar year 2023

Background

In November 2020, in response to recommendations from the Citizens’ Police Task Force, the City Council directed the Police Department to initiate changes to the police complaint intake process including submitting complaints to an Independent Intake Official (IIO). The IIO prepares an annual report on complaints for Council review.

Discussion/Analysis

IIO Council Report and Tables included as attachments for Council review.

Recommendation

None

REPORT TO CITY COUNCIL

BACKGROUND

In November 2020, in response to recommendations from the Citizens' Police Task Force, the City Council directed the Police Department to initiate changes to the police complaint intake process including submitting complaints to an Independent Intake Official (IIO).

For the past three years, Stephanie Atigh, Attorney at Law, has been serving as the Independent Intake Official.

INDEPENDENT INTAKE OFFICIAL: ROLE AND RESPONSIBILITIES

The Independent Intake Official provides the following services:

- Contracts with the city of Los Altos

- Accepts complaints from the public

- Shares complaints with the Police Department so that the administration can process the complaint

- Accepts and logs complaints that were initially sent to the Police Department

- Monitors the progress of complaints to ensure timely processing

- Holds names of complainants confidential from the Police Department if requested

- Generates an annual report to the city summarizing all police complaints received. The IIO Annual Report will not include personal identifying information about complainants or Department members.

What the Independent Intake Official **does not do** is shown in the following list:

- The IIO does not work for the Los Altos Police Department.

- The IIO does not conduct investigations.

- The IIO has no authority to change the results of an investigation.

- The IIO will not release a complainant's name to the Police Department if the complainant wishes to remain anonymous.

INDEPENDENT INTAKE OFFICIAL’S ANNUAL REPORT FOR 2023

Personnel complaints are classified in 5 categories: Informal, formal, incomplete, decline to investigate, and exceptional clearance. This report summarizes complaints received in 2023.

A complaint can be classified as **incomplete** if the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

A complaint may be classified as **decline to investigate** when (1) the alleged incident could not have occurred based on the details the complainant provides that could best be described as hallucinatory in nature; (2) a reasonably objective person would assume the complainant’s description of the circumstances is based upon information that is clearly made up or imaginary; (3) the complainant’s description of the incident is based on what a reasonably objective person would describe as an implausible conspiracy theory; or (4) the complainant previously made the same complaint against a Department member and that complaint has previously been investigated and a disposition reached.

An **exceptional clearance complaint** is one in which the initial investigation of the complaint reveals that the misconduct alleged in the complaint did not occur, based on immediately available evidence and/or recorded media. Complaint investigators will complete formal written documentation of the incident using the Internal Affairs Investigation Report Format to explain why the case cleared exceptionally.

FORMAL COMPLAINTS

A formal complaint is a matter in which the complaining party requests further investigation or in which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of rank greater than the reported employee or referred to the Operations Commander, depending on the seriousness and complexity of the investigation. If an investigation of a formal complaint discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator will respond appropriately to those additional concerns.

The disposition of a formal complaint is classified in one of the following:

Unfounded: when the investigation discloses that the alleged acts did not occur or did not involve Department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated: When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained: When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the officer.

Sustained: A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a Department member were found to violate law or department policy (Penal Code § 832.8).

No Finding: When the complainant fails to provide information promised or necessary to complete the investigation, the complainant is no longer available to clarify details needed to make a finding in the case, or the complainant has advised that he or she is no longer willing to cooperate in the investigation.

Complaint Withdrawn: When the complainant affirmatively indicates the desire to withdraw his/her complaint.

A summary of the five (5) formal complaints received in 2023 is provided in Table 1 attached to this report. In 2022 four (4) formal complaints were received; in 2021 there were two (2) formal complaints.

INFORMAL COMPLAINTS

An informal complaint is a matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the reported employee. Informal complaints need not be documented on a personnel complaint form, and the responsible supervisor shall have the discretion to handle the complaint in any matter consistent with this policy.

An informal complaint is considered “resolved” when the complainant expresses satisfaction to the Department’s representative about the Department’s response to the complaint, and the complainant does not ask for further action by the Department. An informal complaint is considered “closed” when the concerns articulated in the complaint have been addressed by Department personnel, but the complainant is unable to be reached to discuss their level of satisfaction.

A summary of the six (6) informal complaints received in 2023 is provided in Table 2 attached to this report. The Department received 14 informal complaints in 2022 and 14 in 2021.

COMPLAINTS WHERE IDENTITY OF COMPLAINANT IS KEPT CONFIDENTIAL BY INDEPENDENT INTAKE OFFICIAL

A complainant can request that his/her identity be maintained only by the Independent Intake Official and not shared with members of the Department. In 2023, the IIO did not receive any such complaints. In 2022, the IIO received no request for confidentiality, while in 2021, the IIO received two (2).

COMPLAINTS NOT RELATED TO LOS ALTOS POLICE DEPARTMENT

In 2023, the Independent Intake Official also received four (4) complaints relating to activities of civilians, not Los Altos Police Department personnel. In each case, the complainant was notified that the Independent Intake Official could not assist with the complaint, and the complainant was directed to contact the appropriate city department, if any. In 2022, the Independent Intake Official received six (6) complaints unrelated to the Los Altos Police Department.

Table 1
FORMAL COMPLAINTS 2023

Reporting Date	Complaint Number	Complaint Type	Community or Dept Initiated	Racial or Bias Related	Use of Force Related	General Description	Reporting Method	Disposition
4/27/23	23-01	Formal	Community	Yes	No	Officer bias; Questions basis for traffic stop	In person	Unfounded
5/13/23	23-02	Formal	Community	No	No	Alleged illegal detention & search of vehicle	Email to IIO	Exceptional Clearance
7/30/23	23-05	Formal	Community	No	No	Alleged unlawful exercise of authority	Police Feedback email	Exceptional Clearance
9/7/23	23-07	Formal	Department	No	No	Disrespectful, discourteous conduct	Internal	Pending; Currently under investigation
10/2/23	23-09	Formal	Community	Yes	No	Racial bias; improper procedures	Email	Exceptional clearance

Table 2

INFORMAL COMPLAINTS 2023

Reporting Date	Complaint Number	Complaint Type	Community or Dept Initiated	Racial Bias	Use of Force Related	General Description	Reporting Method	Disposition
6/29/23	23-03	Informal	Community	No	No	General conduct at site of collision	In Person	Resolved
7/20/23	23-04	Informal	Community	No	No	Alleged lying & harassment by officer	Police Feedback email	Unfounded
8/23/23	23-06	Informal	Community	No	No	Alleged officer failed to disclose cost of tow fees	Police Feedback email	Exceptional clearance
9/29/23	23-08	Informal	Community	No	No	Alleged rudeness, discourteous treatment	Phone call to Department	Resolved
11/3/23	23-10	Informal	Community	No	No	Alleged rude tone of voice	Phone call to Department	Resolved
12/31/23	23-11	Informal	Community	No	No	Dissatisfied with road closures	Email to IIO	Resolved



1 North San Antonio Road
Los Altos, California 94022-3087

M E M O R A N D U M

DATE: March 12, 2024
TO: City Council
FROM: Jon Maginot, Assistant City Manager

SUBJECT: AUDIO/VISUAL AT COMMISSION MEETINGS

At the February 27, 2024 City Council meeting, Council members requested an update on perceived audio/visual issues at Commission meetings. Specifically, Council members noted that at times the audio for these meetings was sometimes difficult to hear. Staff has prepared this memo to provide information regarding this situation.

In early 2023, City Council directed that Commission meetings were to resume in person following the COVID-19 pandemic. In addition, Council directed that these meetings be held in a hybrid manner to allow members of the public to observe these meetings remotely. Beginning in March 2023, Commission meetings have been held under this hybrid format.

To facilitate the number of Commission meetings each month, staff procured “Zoom” TVs. These televisions are specially created to allow for meetings to be held using Zoom. Each TV is equipped with a camera and microphone as well as the software necessary to join a Zoom meeting. The limitation of this set up is that the camera is only able to have a fixed view, meaning that the meetings are not able to zoom in on the individual speaking. As well, while the microphone is omnidirectional and capable of amplifying sounds from across the room, if an individual is turned away from microphone the microphone will have difficulty picking up the sound. Another potential issue could be the size of the room that Commissions are meeting in. A larger room may cause issues with the microphone picking up the sound.

As a quick step to hopefully address audio issues, staff will plan to schedule Commission meetings in smaller rooms whenever possible. This may alleviate some of the audio issues that individuals have been experiencing. At times, this will not be practical, for example if a meeting has an agenda item that may draw many members of the public. If the perceived audio issues continue following this action, staff will investigate other potential solutions. In addition, members of the public may utilize the “closed captioning” function which is built into Zoom which may assist in understanding the conversation.

PROGRAM	SUB PROJECT	INITIATION DATE	HEU COMPLETION DATE	STATUS
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Budget & Hire Planning Technician		December 31, 2022	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Amend ADU Ordinance based upon HCD's letter		6 months or less	
Program 3.H: Amend design review process and requirements.	Eliminate 3rd Party Architectural Review		February 28, 2023	COMPLETED
Program 3.H: Amend design review process and requirements.	Dismiss Design Review Commission		February 28, 2023	COMPLETED
Program 3.L: Eliminate the requirement of story poles.			March 31, 2023	COMPLETED
Program 2.E: Conduct annual ADU rental income surveys.	Budget & Hire Housing Manager	March 31, 2023		IN-PROGRESS
Program 4.J: Facilitate alternate modes of transportation for	Adopt VMT Policy &		June 30, 2023	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	RFP-Permit Ready ADU Plans		July 31, 2023	PLANS IN DEVELOPMENT
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	DEVELOPING RFP
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	IN-PROGRESS
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	IN-PROGRESS
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	IN-PROGRESS
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	COMPLETED
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	IN-PROGRESS
Program 3.E: Ensure that the density bonus ordinance remains consistent with State law.			December 31, 2023	ONGOING
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	COMPLETED

Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	COMPLETED
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	COMPLETED
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	COMPLETED
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	COMPLETED
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	COMPLETED
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	COMPLETED
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Prepare Inventory.		December 31, 2023	
Program 6.E: Prepare and distribute anti-displacement information.			December 31, 2023	
Program 1.A: Rezone for RHNA shortfall.			January 31, 2024	TO BE COMPLETED BY 1/31/2024
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	TO BE COMPLETED BY 1/31/2024
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	IN-PROGRESS
Program 3.I: Allow residential care facilities consistent with State law.			March 31, 2024	TO BE COMPLETED BY 1/31/2024
Program 3.J: Explicitly allow manufactured homes consistent with State law.			March 31, 2024	TO BE COMPLETED BY 1/31/2024
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	IN-PROGRESS
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			December 31, 2024	TO BE COMPLETED BY 1/31/2024
Program 1.C: Allow housing in the Office Administrative (OA) District.			December 31, 2024	TO BE COMPLETED BY 1/31/2024

Program 1.E: Update the Loyola Corners Specific Plan.			December 31, 2024	TO BE COMPLETED BY 1/31/2024
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Adopt-Permit Ready ADU Plans		December 31, 2024	
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.			December 31, 2024	CONTRACT SIGNED
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	IN-PROGRESS
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	IN-PROGRESS
Program 3.M: Modify parking requirements for emergency shelters consistent with State law.			December 31, 2024	
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Commercial linkage fee.	December 31, 2025		
Program 1.D: Allow housing on certain Public and Community Facilities District sites and facilitate housing on religious institution properties.			December 31, 2025	
Program 1.F: Rezone Village Court parcel.			December 31, 2025	TO BE COMPLETED BY 1/31/2024
Program 4.H: Provide additional density bonuses and incentives for housing that accommodates special needs groups.			December 31, 2025	
Program 4.I: Allow senior housing with extended care facilities in multi-family and mixed-use zoning districts.			December 31, 2025	
Program 1.I: Incentivize Downtown lot consolidation.			July 31, 2026	
Program 4.G: Assist seniors to maintain and rehabilitate their homes.			July 31, 2026	
Program 6.C: Target housing development in highest resource areas.	Follow-up Outreach		September 31, 2026	
Program 1.H: Facilitate housing on City-owned sites.	Entitlement Review		December 31, 2026	

Program 3.N: Modify standards in the R3 zoning districts.			December 31, 2026	IN-PROGRESS
Program 4.J: Facilitate alternate modes of transportation for residents.	Capital Improvement Project for above head pedestrian crossing signals on San Antonio Road near Downtown Los Altos		December 31, 2027	
Program 5.F: Incentivize the creation of play areas for multi-family housing projects.			December 31, 2027	
Program 1.K: Participate in regional housing needs planning efforts.			Ongoing	
Program 1.L: General Plan amendments.			Ongoing	
Program 1.M: SB 9 implementation.			Ongoing	
Program 1.N: Facilitate and monitor pipeline housing projects.			Ongoing	
Program 2.C: Assist in securing funding for affordable housing projects.			Ongoing	
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).			Ongoing	
Program 2.E: Conduct annual ADU rental income surveys.	Annual Survey		Annually	
Program 4.A: Support efforts to fund homeless services.			Ongoing	
Program 4.B: Continue to participate in local and regional forums for homelessness, supportive, and transitional housing.			Ongoing	
Program 5.A: Monitor condominium conversions.			Ongoing	
Program 5.B: Continue to administer the City's affordable housing programs.			Ongoing	
Program 5.C: Restrict commercial uses from displacing residential neighborhoods.			Ongoing	
Program 5.D: Implement voluntary code inspection program.			Ongoing	

Program 5.E: Help secure funding for housing rehabilitation and assistance programs.			Ongoing	
Program 6.A: Assist residents with housing discrimination and landlord-tenant complaints.			Ongoing	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Inform, Evaluate Apply/Submit		Ongoing	
Program 6.F: Affirmatively market physically accessible units.			Ongoing	
Program 7.A: Promote energy and water conservation and greenhouse gas reduction through education and awareness campaigns.			Ongoing	
Program 7.B: Monitor and implement thresholds and statutory requirements of climate change legislation.			Ongoing	



City of Los Altos 2024 Tentative Council Agenda Calendar

March 26, 2024 Study Session: Downtown Park – Time TBD		
AGENDA TITLE:	DEPARTMENT:	PRIORITY:
<u>SPECIAL ITEMS:</u>		
Recognize Los Altan of the Year		
<u>CONSENT:</u>		
Adoption of Electronic Signature Ordinance	Dev. Svcs.	General Govt.
FY23 Audit	Finance	
HCD Annual Progress Report (APR)	Dev. Svcs.	
<u>PUBLIC HEARING:</u>		
Waive First Reading and Introduce an Ordinance on a Comprehensive Fee Study Update	Dev. Svcs.	General Govt.
<u>DISCUSSION ITEMS:</u>		
Discussion on BMR Process/Alta Housing	Council	
Info on AB43	Council/Atty.	

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.



City of Los Altos 2024 Tentative Council Agenda Calendar

April 9, 2024 Closed Session: TBD Study Session: TBD		
AGENDA TITLE:	DEPARTMENT:	PRIORITY:
<u>SPECIAL ITEMS:</u>		
<u>CONSENT:</u>		
<u>PUBLIC HEARING:</u>		
Introduction of ADU Ordinance	Dev. Svcs.	
<u>DISCUSSION ITEMS:</u>		

Remaining 2024 City Council agenda calendar items are pending and will be published at a later date.

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