



# CITY COUNCIL MEETING - AMENDED 3/10/23 AND ADJOURNED TO MARCH 28, 2023

## AGENDA

7:00 PM - Tuesday, March 14, 2023  
*via Videoconference and In Person*

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**Please Note: The City Council will meet in person as well as via Telephone/Video Conference**

**Telephone: 1-669-444-9171 / Webinar ID: 857 2190 2380**

**<https://losaltosca.gov.zoom.us/j/85721902380?pwd=Q2wxcDdNQVJqMzVTeldmL09lODFSdz09>**

**Passcode: 112482**

**TO PARTICIPATE IN-PERSON:** Members of the public may also participate in person by being present at the Los Altos Council Chamber at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA.

**TO PARTICIPATE VIA VIDEO:** Follow the link above. Members of the public will need to have a working microphone on their device and **must have the latest version of ZOOM installed** (available at <https://zoom.us/download>). To request to speak, please use the “Raise hand” feature located at the bottom of the screen.

**TO PARTICPATE VIA TELEPHONE:** Members of the public may also participate via telephone by calling the number listed above. To request to speak, press \*9 on your telephone.

**TO SUBMIT WRITTEN COMMENTS:** Prior to the meeting, comments on matters listed on the agenda may be emailed to [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov). Emails sent to this email address are sent to/received immediately by the City Council. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. .

*Public testimony will be taken at the direction of the Mayor, and members of the public may only comment during times allotted for public comments.*

## AGENDA

**CALL MEETING TO ORDER**

**ESTABLISH QUORUM**

## PLEDGE ALLEGIANCE TO THE FLAG

## REPORT ON CLOSED SESSION

## CHANGES TO THE ORDER OF THE AGENDA

## 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. Speakers are generally given two or three minutes, at the discretion of the Mayor. 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.

## SPECIAL ITEM

### A. Women's History Month Proclamation

## 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. Minutes:** Approve Minutes of the City Council Regular Meeting of February 28, 2023. (A. Rodriguez)
- 2. Award Construction Contract for Sewer System Repair Program, Project WW-01001:** Award the construction contract for the Base Bid and the Additive Alternate No. 1 (Total Bid) for the Sewer System Repair Program Project WW-01001 to Casey Construction, Inc. as the lowest responsive bidder submitting a bid in the amount not-to-exceed \$778,550 and approve the City Manager the authority up to 15% construction contingency if needed, in the amount not-to-exceed \$116,783 (T. Nguyen)
- 3. Receive and Accept:** Quarterly Investment Portfolio Report – Quarter Ended December 31, 2022 (J. Du)
- 4. Adopt Housing Element Update Ordinance:** Adopt an ordinance of the City Council of the City of Los Altos amending chapters 2.08, 12.44, 13.04, 14.76, and 14.78 of the Los Altos municipal code to implement certain provisions of program 3.h of the sixth cycle Housing Element Update, 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. (N. Zornes)
- 5. Receive and Accept:** Treasurer's Report – Month Ended December 31, 2022 (J. Du)
- 6. City Council Goals:** Adopt a Resolution affirming the City Council Strategic Goals (J. Maginot)

## PUBLIC HEARINGS

- 7. Single-use Foodware Accessories and Condiments:** Introduce and waive further reading of a Single-use Foodware Accessories and Condiments Ordinance, in compliance with AB1276, of the City Council of the City of Los Altos adding Chapter 6.45 (Single-use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference Chapter 5.2 (commencing with section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties, and set a Public Hearing on March 28, 2023 for adoption of the Ordinance. (T. Katbi)

## DISCUSSION ITEMS

- 8. AB 481 Military Equipment Use Annual Report:** Review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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 (K. Krauss)
- 9. Gas Powered Leaf Blower Enforcement:** Provide direction regarding the Enforcement of GasPowered Leaf Blowers (N. Zornes)
- 10. Update on Return to In-Person City Council and Commission meetings:** Receive an update on the return to in-person City Council and Commission meetings and provide direction if needed (J. Maginot)

## INFORMATIONAL ITEMS ONLY

- 11.** Tentative Council 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

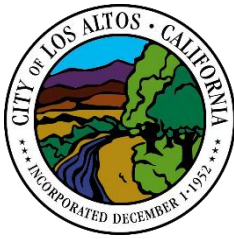
In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

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.



**CITY COUNCIL MEETING  
MINUTES  
7:00 PM - Tuesday, February 28, 2023  
via Videoconference and In Person**

**CALL MEETING TO ORDER**

At 7:00 p.m. Mayor Meadows called the meeting to order.

**ESTABLISH QUORUM**

**PRESENT:** Councilmembers Fligor, Lee Eng (via Zoom), Dailey, Vice Mayor Weinberg, Mayor Meadows

**ABSENT:** None

**PLEDGE ALLEGIANCE TO THE FLAG**

Diya Venuprakash, Sarah Du, Elodie Guy, Stella Berger-Morris, Adithi Kaza, Aliyah Lazar with Troop 60078 led the pledge.

**REPORT ON CLOSED SESSION**

There was no Closed Session.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

The following members of the public spoke: Bebe, and Kim Mosley.

**SPECIAL ITEM**

- i. 2023 March as Youth Arts Month Proclamation

Mayor Meadows presented the Youth Arts Month Proclamation and Sofia Fojas, Arts Coordinator with the Santa Clara County Office of Education, spoke to the item.

- ii. Los Altos 2022 STEM Winners

Forrest Williams with the Santa Clara Valley Science and Engineering Fair Association presented the item to Council and Mayor Meadows recognized the Los Altos 2022 STEM Winners.

**CONSENT CALENDAR**

- 1. **Minutes:** Approve Minutes of the City Council Regular Meeting of February 14, 2023. (A. Rodriguez)

2. **Commission Appointment Process:** Amend the "Membership of City Commissions" section from the Los Altos Commission Handbook (A. Carnesecca)
3. **Rescind the Los Altos Open Government Policy and terminate the City Council Legislative Subcommittee and the Council Open Government Subcommittee:** Adopt Resolution 2023-XX repealing Resolution No. 2019-30 regarding Open Government Policy in its entirety and terminate the City Council Legislative Subcommittee (A. Rodriguez)

Consent item 2 was pulled by Councilmembers Lee Eng and Consent item 3 was pulled by Roberta Phillips, a member of the public.

A motion by Councilmember Fligor, seconded by Vice Mayor Weinberg, to approve item 1 from the Consent calendar was approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Dailey, Vice Mayor Weinberg, Mayor Meadows  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

2. **Commission Appointment Process:** Amend the "Membership of City Commissions" section from the Los Altos Commission Handbook (A. Carnesecca)

Councilmember Lee Eng addressed the Council.

A motion by Vice Mayor Weinberg was seconded by Councilmember Fligor, with a friendly amendment to remove the word 'only' from the proposed language on page three of the staff report, which was accepted by Vice Mayor Weinberg, to amend the recruitment section of the Commission Handbook.

Councilmember Lee Eng made a substitute motion to continue this agenda item until meetings are held with the Commission Chairs, but the substitute motion failed as it received no second.

Changes to recruitment section of the Commission Handbook as discussed were approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Dailey, Vice Mayor Weinberg, Mayor Meadows  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

3. **Rescind the Los Altos Open Government Policy and terminate the City Council Legislative Subcommittee and the Council Open Government Subcommittee:** Adopt Resolution 2023-XX repealing Resolution No. 2019-30 regarding Open Government Policy in its entirety and terminate the City Council Legislative Subcommittee (A. Rodriguez)

Mayor Meadows provided some clarity to Council on this item. Councilmember Lee Eng commented. Councilmember Fligor, Lee Eng, Vice Mayor Weinberg asked clarifying questions and City Attorney and City Manager Engeland responded.

A motion by Councilmember Fligor, seconded by Vice Mayor Weinberg, to adopt a resolution amending resolution 2019-30 by terminating the City Council's Legislative Subcommittee and the Open Government Subcommittee with the amendments also submitted by staff and amendments to the title of the resolution was approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Dailey, Vice Mayor Weinberg, Mayor Meadows  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

## PUBLIC HEARINGS

4. **Permanent Fenced-In Dog Park at Hillview:** Approve the use of \$75,000 from Park-In-Lieu Funds to Contract Design Consultant Services for the Permanent Fenced-In Dog Park at Hillview (M. Hernandez)

Park and Recreation Director Manny Hernandez presented the item to Council.

The Council asked clarifying questions and Director Hernandez responded.

The following members of the public spoke: David Smith, Jeannine Valadez, Freddie Park Wheeler, Roberta Philips, and Joe Beninato.

Councilmember Lee Eng commented, and City Manager Engeland responded. The Council engaged in discussion.

A motion by Councilmember Lee Eng, seconded by Councilmember Fligor, to approve the Park-In-Lieu funds for consultant services for the design process of the permanent dog park at Hillview Park and authorize the City Manager to execute an agreement with Verde Design for consultant services in the amount not to exceed \$75,000 for the design process of the permanent dog park at Hillview Park was adopted by Council with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Dailey, Vice Mayor Weinberg, Mayor Meadows  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

5. **Housing Element Update Ordinance:** Approve an ordinance of the City Council of the City of Los Altos amending chapters 2.08, 12.44, 13.04, 14.76, and 14.78 of the Los Altos municipal code to implement certain provisions of program 3.h of the sixth cycle Housing Element Update, 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. (N. Zornes)

Development Services Director Nick Zornes presented to Council.

Vice Mayor Weinberg, Councilmembers Dailey, Lee Eng, and Fligor asked clarifying questions to which Director Zornes responded.

The following members of the public spoke: Albert Luster, Mauricio Chavez, Stacy Banerjee, Dwight Wrench, and Teresa Morris.

At 9:12 pm, Mayor Meadows called for a recess and reconvened the meeting at 9:25 pm.

The Council engaged in discussion and City Attorney Houston, Development Services Director Zornes, and City Manager Engeland commented.

A motion by Councilmember Weinberg, seconded by Councilmember Dailey, to adopt an ordinance of the City Council of the City of Los Altos amending chapters 2.08, 12.44, 13.04, 14.76, and 14.78 of the Los Altos municipal code to implement certain provisions of program 3.H of the Sixth Cycle Housing Element Update with the amendments to chapter 14.78 that were discussed and waive further reading and return for adoption at the next Regular Meeting was approved by the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Dailey, Vice Mayor Weinberg, Mayor Meadows  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

## DISCUSSION ITEMS

- 6. Proposition 218 process/Sewer Rate Study Report:** Approve the Sewer Rate Study Report and direct staff to proceed with the Proposition 218 Notice Process (A. Fairman)

Environmental Services and Utilities Department Aida Fairman presented to Council with the help of Jordan Taylor and Allan Highstreet with NBS.

Councilmember Lee Eng asked clarifying question.

The following member of the public spoke: Roberta Phillips

A motion by Councilmember Fligor, seconded by Vice Mayor Weinberg, to approve the Sewer Rate Study Report and direct staff to proceed with the Proposition 218 Notice Process was approved with the following roll call vote:

AYES: Councilmembers Fligor, Lee Eng, Dailey, Vice Mayor Weinberg, Mayor Meadows  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

Councilmember Lee Eng requested non rate revenue information and City Manager Engeland agreed to provide it to Council.

At 10:58 pm, Mayor Meadows called for a recess and reconvened the meeting at 11:08 pm.

- 7. Automated License Plate Reader Cameras:** Approve a one-year pilot program of Automated License Plate Readers for up to 25 cameras and up to \$75,000 (A. Averiett)

City Manager Engeland and Police Chief Angela Averiett presented the item to Council.

The Council asked clarifying questions and Chief Averiett and Hector Soliman-Valadez from Flock responded.



The following members of the public spoke: Eugene Hyman, Kim Mosley, Jeannine Valadez, Tania Maluf, Curtis Cole, Myra Orta, Brian Jones, Renee Rashid, Roberta Philips, Cindy Sidaris, Scott Spielman, and Maureen Griffin.

Council engaged in discussion and provided direction to staff to have this item come back to Council.

**INFORMATIONAL ITEMS ONLY**

- 8. Tentative Council Calendar
- 9. Neighborhood Safety and Infrastructure Committee

**COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

City Manager Engeland reported that the COVID Emergency Measures have ended as of March 1.

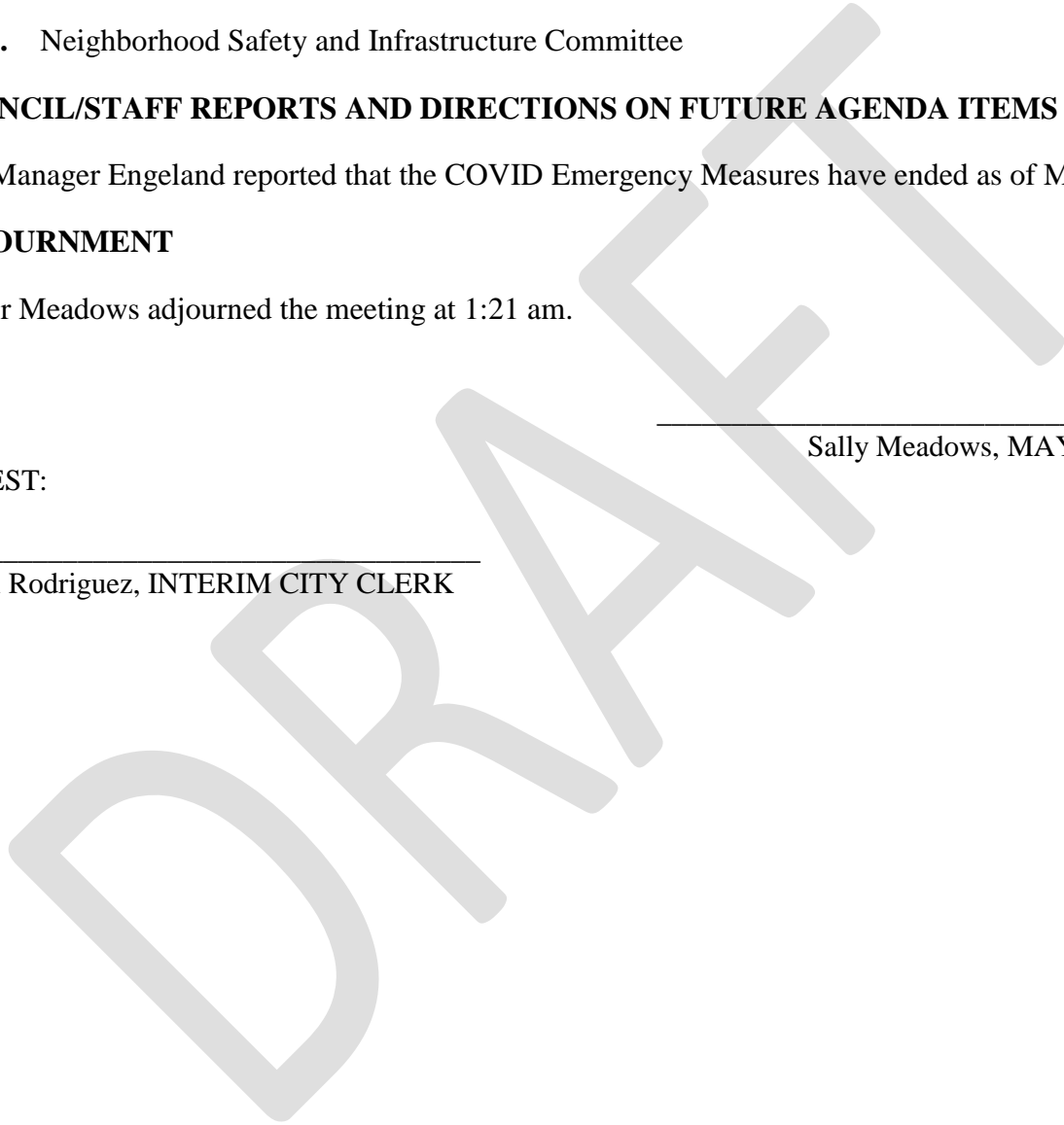
**ADJOURNMENT**

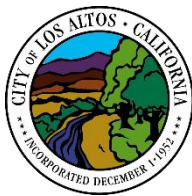
Mayor Meadows adjourned the meeting at 1:21 am.

\_\_\_\_\_  
Sally Meadows, MAYOR

ATTEST:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK





### AGENDA REPORT SUMMARY

**Meeting Date:** March 14, 2023

**Subject** Construction Contract Award: Sewer System Repair Program, Project WW-01001

**Prepared by:** Thanh Nguyen, Senior Civil Engineer

**Reviewed by:** Aida Fairman, Environmental Services and Utilities Director

**Approved by:** Jon Maginot, Assistant City Manager

**Attachment:**

- 1. Bid Results
- A. Resolution No. 2023- \_\_\_\_

**Initiated by:**

Capital Improvement Plan - Project WW-01001; 2013 Sanitary Sewer Master Plan

**Previous Council Consideration:**

February 9, 2021

**Fiscal Impact:**

The construction contract will be in the amount not-to-exceed \$778,550 and up to 15% contingency, if needed, in the amount not-to-exceed \$116,783

- Breakdown of funds to be used:
  - o \$1,951,075 Sewer Enterprise Fund
- Amount already included in the approved budget: Y
- Amount above budget requested: 0 (*includes budget approved for FY 2022/23*)

Project Item	Project Budget
Design	\$209,494.00
Design contingency (remained)	\$18,484.00
Construction (Base Bid+Add Alt No. 1)	\$778,550.00
Inspection services	\$84,824.00
Printing/Environmental Doc/Misc.	\$4,500.00
Construction contingency (15%)	\$116,783.00
<b>Estimated Total Cost</b>	<b>\$1,212,635.00</b>

**Reviewed By:**

City Manager

JM

City Attorney

JH

Finance Director

JD



**Subject:** Construction Contract Award: Sewer System Repair Program, Project WW-01001

**Funding Source: Sewer Enterprise Fund**

<b>Sewer System Repair Program Project</b>	<b>WW-01001</b>
Project balance from prior Fiscal Years	\$890,569
FY 2021/22 Budget	\$630,000
Expended / Encumbered to date (for design)	(\$209,494)
FY 2022/23 Budget	\$640,000
<b>Total Available</b>	<b>\$1,951,075</b>

**Environmental Review:**

The acceptance of the work is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b) (Existing Facilities), in that the project consists of the operation, repair, and maintenance of existing facilities. Also, the project involves negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

**Summary:**

- The Sewer System Repair Program Project WW01001, includes replacing and realigning five sewer main segments totaling to 1,479 linear feet of sewer pipes located along First Street in downtown Los Altos between San Antonio Road and Main Street.

**Staff Recommendation:**

Award the construction contract for the Base Bid and the Additive Alternate No. 1 (Total Bid) for the Sewer System Repair Program Project WW-01001 to Casey Construction, Inc. as the lowest responsive bidder submitting a bid in the amount not-to-exceed \$778,550 and approve the City Manager the authority up to 15% construction contingency if needed, in the amount not-to-exceed \$116,783



**Subject:** Construction Contract Award: Sewer System Repair Program, Project WW-01001

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**Purpose**

Award the construction contract for the Total Bid for the Sewer System Repair Program Project WW-01001 to Casey Construction, Inc. as the lowest responsible bidder submitting a responsive bid in the amount not-to-exceed \$778,550.

**Background**

This project scope includes realigning and replacing five sewer main segments, located along First Street between San Antonio Road and Main Street in Downtown Los Altos. This comprises a total of 1,479 linear feet of sewer pipes replacement. The existing 6-inch sewer pipes will be replaced with new 8-inch sewer pipes to increase capacity. On March 7, 2021, the City Manager executed an agreement with Bellecci & Associates for design and construction services for the project, which includes completion of a preliminary design assessment, design, bid support, and construction support in the amount of \$189,982. On November 16, 2021, the City Manager executed an amendment No. 1 with Bellecci & Associates for the additional services requested by the City in the amount of \$19,512, which included performing a flow analysis of the existing 6-in sewer pipes downstream of the project limits.

The sewer main segments were identified in the 2013 Sanitary Sewer Master Plan Update as segments that need replacement due to the existing sewer pipe materials. In addition, realigning the pipe segments will provide clearance from potential future sidewalks and curbs, which will resolve potential maintenance issues.

**Discussion/Analysis**

On February 2, 2023, six bids were opened for the project. The bid results are included in Attachment 1. The project consists of realigning and replacing five sewer main segments, located along First Street between San Antonio Road and Main Street in Downtown Los Altos. It is recommended that the award of the construction contract for the project be made to Casey Construction, Inc., as the lowest responsive bidder submitting a bid in the amount not-to-exceed \$778,550 and up to 15% contingency funds in the amount not-to-exceed \$116,783 be approved for potential unforeseen conditions during construction.

Casey Construction, Inc. has no claims against its contractor’s license. There are no open violations for Casey Construction, Inc. listed in the Federal Government’s Occupational Safety and Health Administration (OSHA) database. Casey Construction, Inc. has been in business for over 35 years and has satisfactorily completed similar projects for the City of Redwood City, City of Palo Alto, City of Mountain View, and the City of San Jose.



**Subject:** Construction Contract Award: Sewer System Repair Program, Project WW-01001

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**Recommendation**

Award the construction contract for the Base Bid and the Additive Alternate No. 1 (Total Bid) for the Sewer System Repair Program Project WW-01001 to Casey Construction, Inc. as the lowest responsive bidder submitting a bid in the amount not-to-exceed \$778,550 and approve the City Manager the authority up to 15% construction contingency if needed, in the amount not-to-exceed \$116,783.

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**RESOLUTION NO. 2023-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH CASEY CONSTRUCTION, INC. FOR SEWER SYSTEM REPAIR PROGRAM PROJECT WW-01001 IN AN AMOUNT NOT-TO-EXCEED \$778,550 AND UP TO 15% CONTINGENCY FUNDS NOT-TO-EXCEED \$116,783**

**WHEREAS**, the project, which consists of abandoning the existing 6-in ACP sewer main in place, relocating & realigning a new 8-in PVC sewer main to approximately the center of the street, and realigning & reconnecting existing laterals which the work will provide necessary improvements to the City’s sanitary sewer system to ensure its proper functioning; and

**WHEREAS**, Casey Construction, Inc. was the lowest responsible, responsive bidder for the Project; and

**WHEREAS**, the project is The acceptance of the work is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(b) (Existing Facilities), in that the project consists of the operation, repair, and maintenance of existing facilities. Also, the project involves negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

**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 \$778,550 and up to 15% contingency funds not-to-exceed \$116,783 to perform the Sewer System Repair Program 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 14th day of March, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Sally Meadows, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK

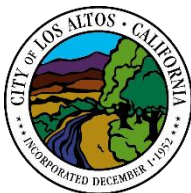


**CITY OF LOS ALTOS**  
**SEWER SYSTEM REPAIR PROGRAM PROJECT**  
**WW01001**  
**BID SUMMARY**

Bid Opening: February 2, 2023 2:00 p.m.  
 City of Los Altos Civic Center  
 One North San Antonio Road  
 Los Altos, CA 94022

<b>CONTRACTOR</b>	<b>TOTAL BASE BID</b>	<b>TOTAL ADD ALT NO. 1</b>	<b>TOTAL BID</b>
Casey Construction Inc.	\$716,750.00	\$61,800.00	\$778,550.00
C2R Engineering Inc.	\$1,050,205.00	\$137,325.00	\$1,187,530.00
Pacific Underground Construction	\$1,203,567.00	\$195,928.00	\$1,399,495.00
Basset Engineering	\$1,700,396.00	\$243,103.00	\$1,943,499.00
KJ Woods Construction	\$1,806,000.00	\$172,000.00	\$1,978,000.00
OBS Engineering	\$2,064,700.00	\$367,500.00	\$2,432,200.00





### AGENDA REPORT SUMMARY

**Meeting Date:** March 14, 2023

**Subject** Quarterly Investment Portfolio Report – Quarter Ended December 31, 2022

**Prepared by:** June Du, Finance Director

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Portfolio Mix Charts
2. Investment Policy Compliance Chart
3. LAIF Balance 12-31-22
4. LAIF Performance Over Time
5. PFM Investment Report Quarter Ended December 31, 2022

**Initiated by:**

Staff.

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- None

**Summary:**

- This report presents the status of the City’s investment portfolio through December 31, 2022. The reporting model has been developed in coordination with PFM Asset Management LLC (PFM), the City’s investment portfolio managers.

**Staff Recommendation:**

Receive the Investment Portfolio Report through December 31, 2022.

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JD



**Subject:** Quarterly Investment Portfolio Report – Quarter Ended December 31, 2022

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**Purpose**

These quarterly reports are presented to both the City Council and the Financial Commission to keep both bodies apprised as to the status of the City’s investment holding and demonstrate compliance with the City’s Investment Policy.

**Background**

A review of the Investment Portfolio Report Quarter Ended December 31, 2022 was presented and discussed by the Financial Commission on February 27, 2023. The Financial Commission reviewed the Quarterly Investment Portfolio Report ending December 31, 2022, and had a brief discussion.

**Discussion/Analysis**

The summary provided below presents the sum of all City investment holdings. The City’s portfolio par value and market value, including LAIF but excluding operating cash, as of December 31, 2022, was \$59,002,231 and \$57,005,621 respectively. The City’s operating cash, as of December 31, 2022, was \$10,149,644.

As of December 31, 2022, 7.4% of the City’s portfolio was placed in Federal Agency Securities (Fannie Mae, Federal Home Loan Bank, Federal Home Loan Mortgage, and Federal Farm Credit), 13.8% in Asset-Backed Securities, 1.6% in Supra-National Agency Bond, 35.2% in US Treasuries, 23.4% in medium-term Corporate Notes and Commercial Paper, and 3.1% in Certificate of Deposits, with the balance of 15.5% in LAIF. This portfolio mix is illustrated as part of Attachment 1 with LAIF balance and performance as Attachments 3 and 4.

Full compliance with the City’s Investment Policy is monitored closely and on a per-trade basis as illustrated in Attachment 2. In accordance with California Government Code 53646(b)(3), the City of Los Altos has the ability to meet its pool expenditure requirements for the next six months.

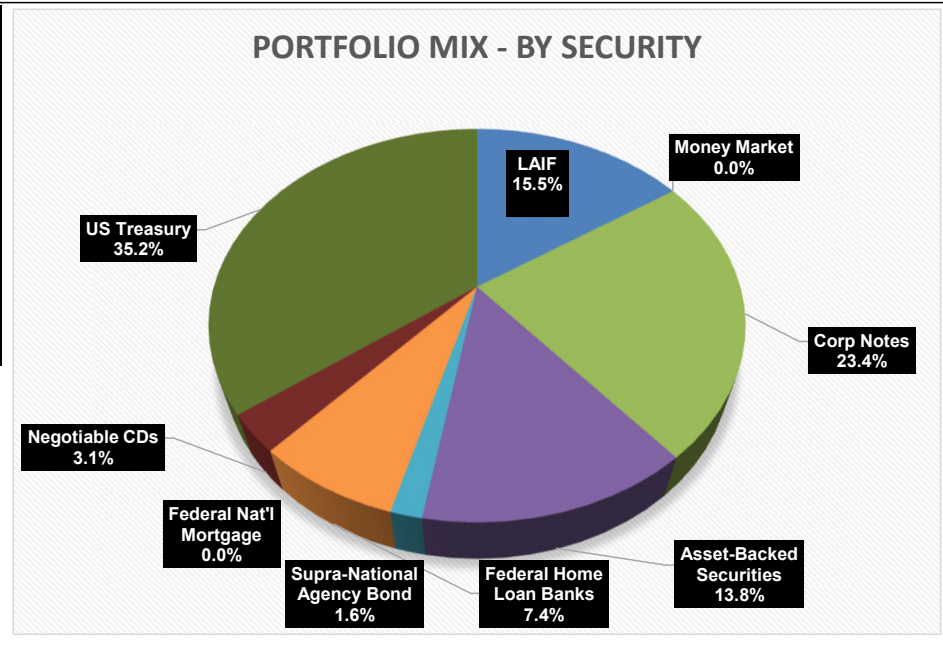
As part of these quarterly updates, a status report is prepared by PFM which is included as Attachment 5: Investment Performance Review for the Quarter Ended December 31, 2022. It is important to note that this report highlights the performance of City investments that fall outside its liquid holdings with LAIF. This has been intentionally crafted to isolate the performance of the City’s independently managed investments. The return of the portfolio over ten years is 0.88%, which is highlighted on page 21 of the PFM Investment Performance Review Report (Attachment 5).

**Recommendation**

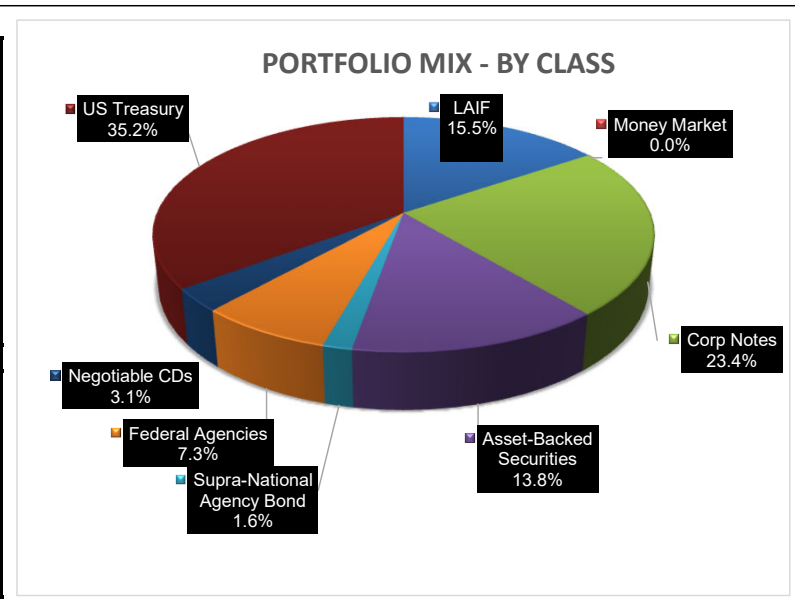
Receive the Investment Portfolio Report Quarter Ended December 31, 2022

**Attachment 1  
Portfolio Mix Charts  
December 2022**

Security Type	% of Total	Portfolio Mix By Security
LAIF	15.5%	9,143,395
Money Market	0.0%	-
Corp Notes	23.4%	<b>13,814,000</b>
Asset-Backed Securities	13.8%	<b>8,165,286</b>
Supra-National Agency Bond	1.6%	<b>960,000</b>
Federal Home Loan Banks	7.4%	<b>4,352,549</b>
Federal Nat'l Mortgage	0.0%	-
Negotiable CDs	3.1%	<b>1,800,000</b>
US Treasury	35.2%	<b>20,767,000</b>
Commercial Paper	0.0%	-
<b>* Totals</b>	<b>100%</b>	<b>59,002,231.13</b>



Security Type	% of Total	Portfolio Mix Par Value	Market Value
LAIF	15.5%	9,143,395	9,143,395
Money Market	0.0%	-	-
Corp Notes	23.4%	13,814,000	<b>13,286,431</b>
Asset-Backed Securities	13.8%	8,165,286	<b>7,949,811</b>
Supra-National Agency Bond	1.6%	960,000	<b>906,956</b>
Federal Agencies	7.3%	4,352,549	<b>4,185,198</b>
Negotiable CDs	3.1%	1,800,000	<b>1,790,134</b>
US Treasury	35.2%	20,767,000	<b>19,743,695</b>
	<b>100%</b>	<b>59,002,231</b>	<b>57,005,621</b>
Corp Notes		13,814,000	13,286,431
Asset-Backed Securities		8,165,286	7,949,811
Supra-National Agency Bond		960,000	906,956
US Treasury/Agencies		25,119,549	23,928,893
Negotiable CDs		1,800,000	1,790,134
Accrued Interest		-	178,477
		<b>49,858,835.79</b>	<b>48,040,702</b>
Margin Over (Under) Par			<b>(1,818,134)</b>



**Attachment 2**  
**Investment Policy Compliance Chart**  
**December 2022**

Agenda Item # 3.

City Investment	% Mix	Par Value	Earliest Term	City Policy Term Limitation	City Policy \$ Limitation	City Policy % Limitation	CAPACITY	% Compliance Yes/No	Term Compliance Yes/No
LAIF	15.5%	9,143,395	07/01/22	No Term	75,000,000	100%	65,856,605	Yes	N/A
Money Market	0.0%	-		Overnight		20%	11,800,446	Yes	N/A
Corp Notes	23.4%	13,814,000	06/08/23	5 Years		30%	3,886,669	Yes	Yes
Asset-Backed Securities	13.8%	8,165,286	08/21/23	5 Years		20%	3,635,160	Yes	Yes
Supra-National Agency Bond	1.6%	960,000	05/24/23	5 Years		20%	10,840,446	Yes	Yes
Federal Agencies	7.4%	4,352,549	07/01/22	5 Years		100%	54,649,682	Yes	Yes
Commercial Paper	0.0%	-	-	270 Days		25%	14,750,558	Yes	-
Negotiable CDs	3.1%	1,800,000	12/02/22	5 Years		30%	15,900,669	Yes	Yes
US Treasury	35.2%	20,767,000	09/30/23	5 Years		100%	38,235,231	Yes	Yes
	100%	<b>59,002,231</b>							

# California State Treasurer *Fiona Ma, CPA*



Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001

January 10, 2023

[LAIF Home](#)  
[PMIA Average Monthly Yields](#)

CITY OF LOS ALTOS

CITY TREASURER  
ONE NORTH SAN ANTONIO ROAD  
LOS ALTOS, CA 94022

[Tran Type Definitions](#)

**Account Number:** 98-43-481

December 2022 Statement

**Account Summary**

Total Deposit:	0.00	Beginning Balance:	9,143,395.34
Total Withdrawal:	0.00	Ending Balance:	9,143,395.34

Attachment 4 - LAIF Performance Over Time



**POOLED MONEY INVESTMENT ACCOUNT**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1977	5.770	5.660	5.660	5.650	5.760	5.850	5.930	6.050	6.090	6.090	6.610	6.730
1978	6.920	7.050	7.140	7.270	7.386	7.569	7.652	7.821	7.871	8.110	8.286	8.769
1979	8.777	8.904	8.820	9.082	9.046	9.224	9.202	9.528	9.259	9.814	10.223	10.218
1980	10.980	11.251	11.490	11.480	12.017	11.798	10.206	9.870	9.945	10.056	10.426	10.961
1981	10.987	11.686	11.130	11.475	12.179	11.442	12.346	12.844	12.059	12.397	11.887	11.484
1982	11.683	12.044	11.835	11.773	12.270	11.994	12.235	11.909	11.151	11.111	10.704	10.401
1983	10.251	9.887	9.688	9.868	9.527	9.600	9.879	10.076	10.202	10.182	10.164	10.227
1984	10.312	10.280	10.382	10.594	10.843	11.119	11.355	11.557	11.597	11.681	11.474	11.024
1985	10.579	10.289	10.118	10.025	10.180	9.743	9.656	9.417	9.572	9.482	9.488	9.371
1986	9.252	9.090	8.958	8.621	8.369	8.225	8.141	7.844	7.512	7.586	7.432	7.439
1987	7.365	7.157	7.205	7.044	7.294	7.289	7.464	7.562	7.712	7.825	8.121	8.071
1988	8.078	8.050	7.945	7.940	7.815	7.929	8.089	8.245	8.341	8.397	8.467	8.563
1989	8.698	8.770	8.870	8.992	9.227	9.204	9.056	8.833	8.801	8.771	8.685	8.645
1990	8.571	8.538	8.506	8.497	8.531	8.538	8.517	8.382	8.333	8.321	8.269	8.279
1991	8.164	8.002	7.775	7.666	7.374	7.169	7.098	7.072	6.859	6.719	6.591	6.318
1992	6.122	5.863	5.680	5.692	5.379	5.323	5.235	4.958	4.760	4.730	4.659	4.647
1993	4.678	4.649	4.624	4.605	4.427	4.554	4.438	4.472	4.430	4.380	4.365	4.384
1994	4.359	4.176	4.248	4.333	4.434	4.623	4.823	4.989	5.106	5.243	5.380	5.528
1995	5.612	5.779	5.934	5.960	6.008	5.997	5.972	5.910	5.832	5.784	5.805	5.748
1996	5.698	5.643	5.557	5.538	5.502	5.548	5.587	5.566	5.601	5.601	5.599	5.574
1997	5.583	5.575	5.580	5.612	5.634	5.667	5.679	5.690	5.707	5.705	5.715	5.744
1998	5.742	5.720	5.680	5.672	5.673	5.671	5.652	5.652	5.639	5.557	5.492	5.374
1999	5.265	5.210	5.136	5.119	5.086	5.095	5.178	5.225	5.274	5.391	5.484	5.639
2000	5.760	5.824	5.851	6.014	6.190	6.349	6.443	6.505	6.502	6.517	6.538	6.535
2001	6.372	6.169	5.976	5.760	5.328	4.958	4.635	4.502	4.288	3.785	3.526	3.261
2002	3.068	2.967	2.861	2.845	2.740	2.687	2.714	2.594	2.604	2.487	2.301	2.201
2003	2.103	1.945	1.904	1.858	1.769	1.697	1.653	1.632	1.635	1.596	1.572	1.545
2004	1.528	1.440	1.474	1.445	1.426	1.469	1.604	1.672	1.771	1.890	2.003	2.134
2005	2.264	2.368	2.542	2.724	2.856	2.967	3.083	3.179	3.324	3.458	3.636	3.808
2006	3.955	4.043	4.142	4.305	4.563	4.700	4.849	4.946	5.023	5.098	5.125	5.129
2007	5.156	5.181	5.214	5.222	5.248	5.250	5.255	5.253	5.231	5.137	4.962	4.801
2008	4.620	4.161	3.777	3.400	3.072	2.894	2.787	2.779	2.774	2.709	2.568	2.353
2009	2.046	1.869	1.822	1.607	1.530	1.377	1.035	0.925	0.750	0.646	0.611	0.569
2010	0.558	0.577	0.547	0.588	0.560	0.528	0.531	0.513	0.500	0.480	0.454	0.462
2011	0.538	0.512	0.500	0.588	0.413	0.448	0.381	0.408	0.378	0.385	0.401	0.382
2012	0.385	0.389	0.383	0.367	0.363	0.358	0.363	0.377	0.348	0.340	0.324	0.326
2013	0.300	0.286	0.285	0.264	0.245	0.244	0.267	0.271	0.257	0.266	0.263	0.264
2014	0.244	0.236	0.236	0.233	0.228	0.228	0.244	0.260	0.246	0.261	0.261	0.267
2015	0.262	0.266	0.278	0.283	0.290	0.299	0.320	0.330	0.337	0.357	0.374	0.400
2016	0.446	0.467	0.506	0.525	0.552	0.576	0.588	0.614	0.634	0.654	0.678	0.719
2017	0.751	0.777	0.821	0.884	0.925	0.978	1.051	1.084	1.111	1.143	1.172	1.239
2018	1.350	1.412	1.524	1.661	1.755	1.854	1.944	1.998	2.063	2.144	2.208	2.291
2019	2.355	2.392	2.436	2.445	2.449	2.428	2.379	2.341	2.280	2.190	2.103	2.043
2020	1.967	1.912	1.787	1.648	1.363	1.217	0.920	0.784	0.685	0.620	0.576	0.540
2021	0.458	0.407	0.357	0.339	0.315	0.262	0.221	0.221	0.206	0.203	0.203	0.212
2022	0.234	0.278	0.365	0.523	0.684	0.861	1.090	1.276	1.513	1.772	2.007	2.173



# CITY OF LOS ALTOS

## Investment Performance Review For the Quarter Ended December 31, 2022

### Client Management Team

Monique Spyke, Managing Director  
Wale Kajopaiye, Senior Managing Consultant

### PFM Asset Management LLC

1 California Street Ste. 1000  
San Francisco, CA 94111-5411  
415-393-7270

213 Market Street  
Harrisburg, PA 17101-2141  
717-232-2723

**NOT FDIC INSURED : NO BANK GUARANTEE : MAY LOSE VALUE**

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# Agenda

- Market Update
- Portfolio Review



# Market Update

## The Year in Review

Beginning in March, the Fed hiked rates by 425 basis points in 2022

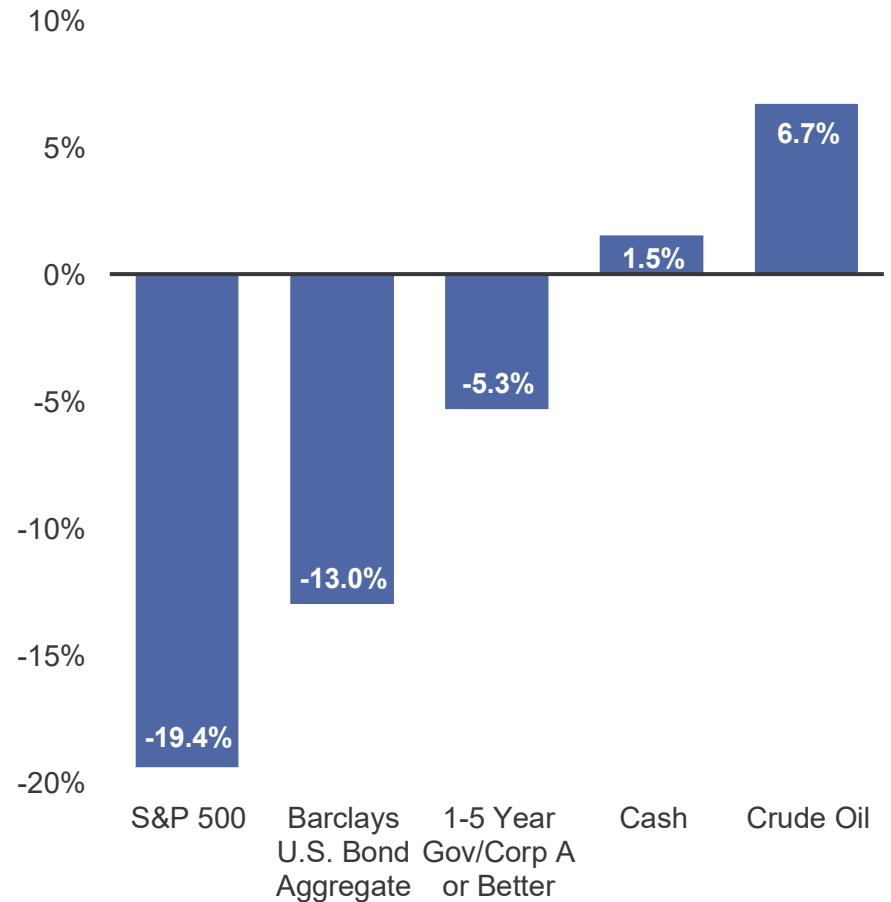
- The 2-year treasury yield rose just 370 bps through 2022

2022 saw an uncommon phenomenon of both stocks and bonds posting negative returns

Consumer spending remained resilient despite price pressures and extended credit levels

Energy prices surged due to uncertainty, geopolitical conflict (war in Ukraine), and storage challenges

### 2022 Asset Class Returns



Source: Bloomberg, as of 12/31/2022.

## Current Market Themes



- ▶ The U.S. economy is characterized by:
  - ▶ High inflation that shows signs of slowing
  - ▶ Continued strong labor market
  - ▶ Potentially declining health of U.S. household finances
  - ▶ Expectations for a modest yet broad economic downturn

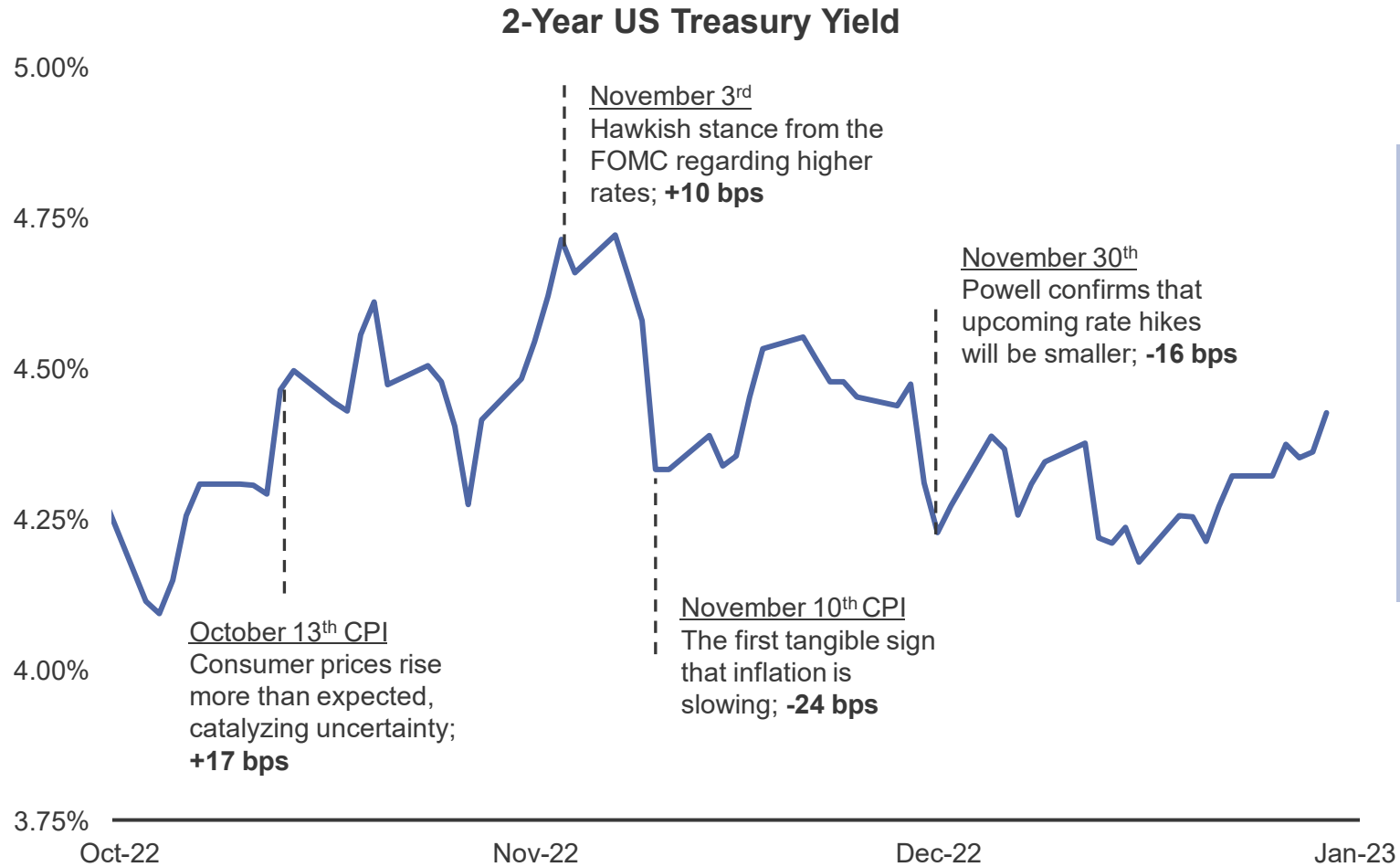


- ▶ The Federal Reserve is expected to wrap up their normalization process
  - ▶ Slowing pace of rate hikes
  - ▶ Fed projecting short-term fed funds rate to reach 5.00% to 5.25% by year-end, with markets expecting rate cuts in the second half of 2023
  - ▶ Fed officials reaffirm that restoring price stability is the utmost priority, despite risks of overtightening



- ▶ Volatile markets potentially calming
  - ▶ Treasury yields in the belly of the curve (3-7 years) ended the quarter slightly lower, while shorter and longer maturities ended higher
  - ▶ Yield curve inversion has deepened further since last quarter
  - ▶ While still elevated, volatility and liquidity challenges have begun subsiding

## Rates Remain Sensitive to Fed and Inflation

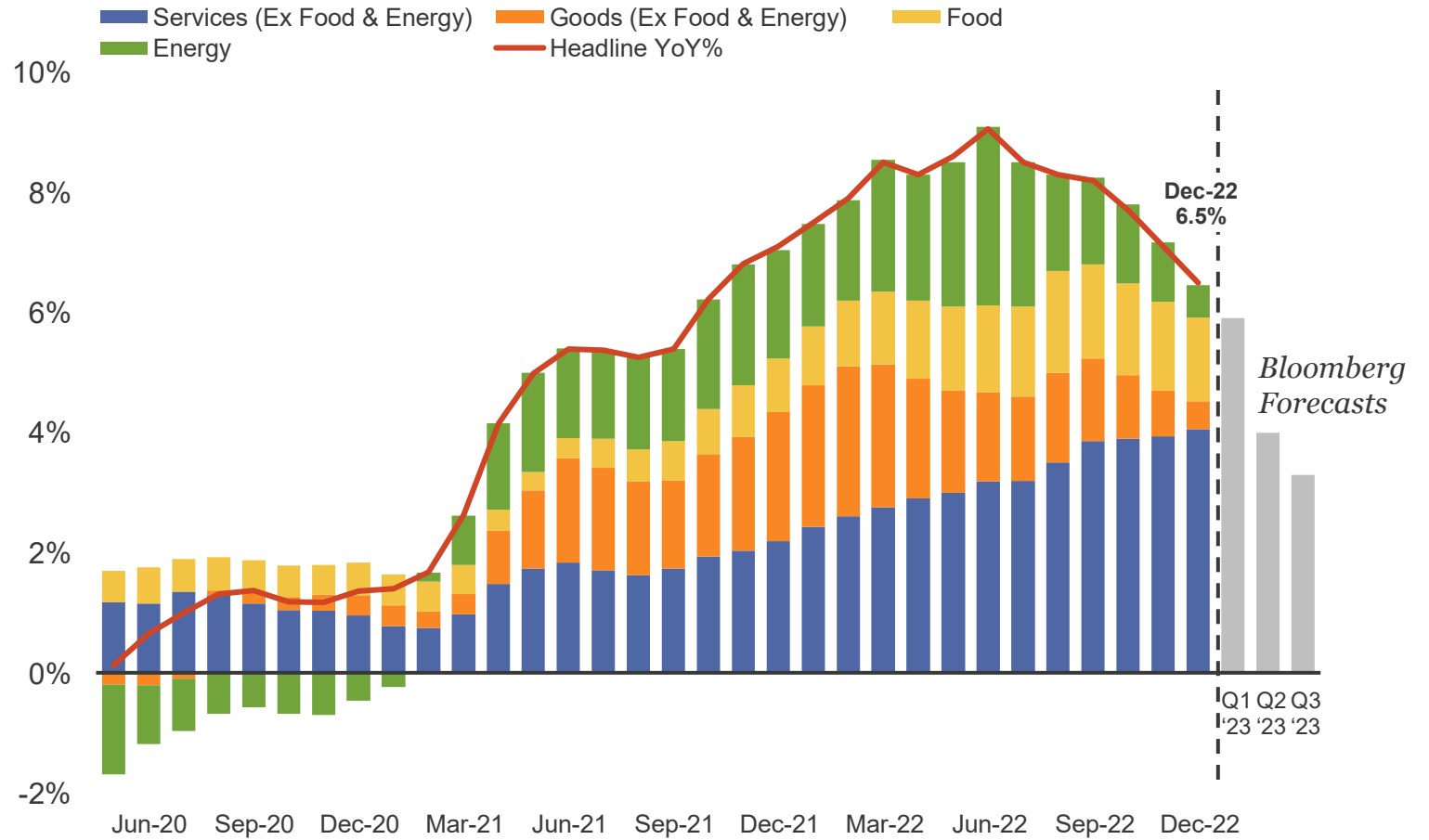


The 2-year Treasury is commonly used to gauge market reactions and near-term policy expectations

Source: Bloomberg, as of 12/31/2022.

### Inflation Now Trending Lower

#### Consumer Prices (CPI) Top-Line Contributions and Year-over-Year Reading

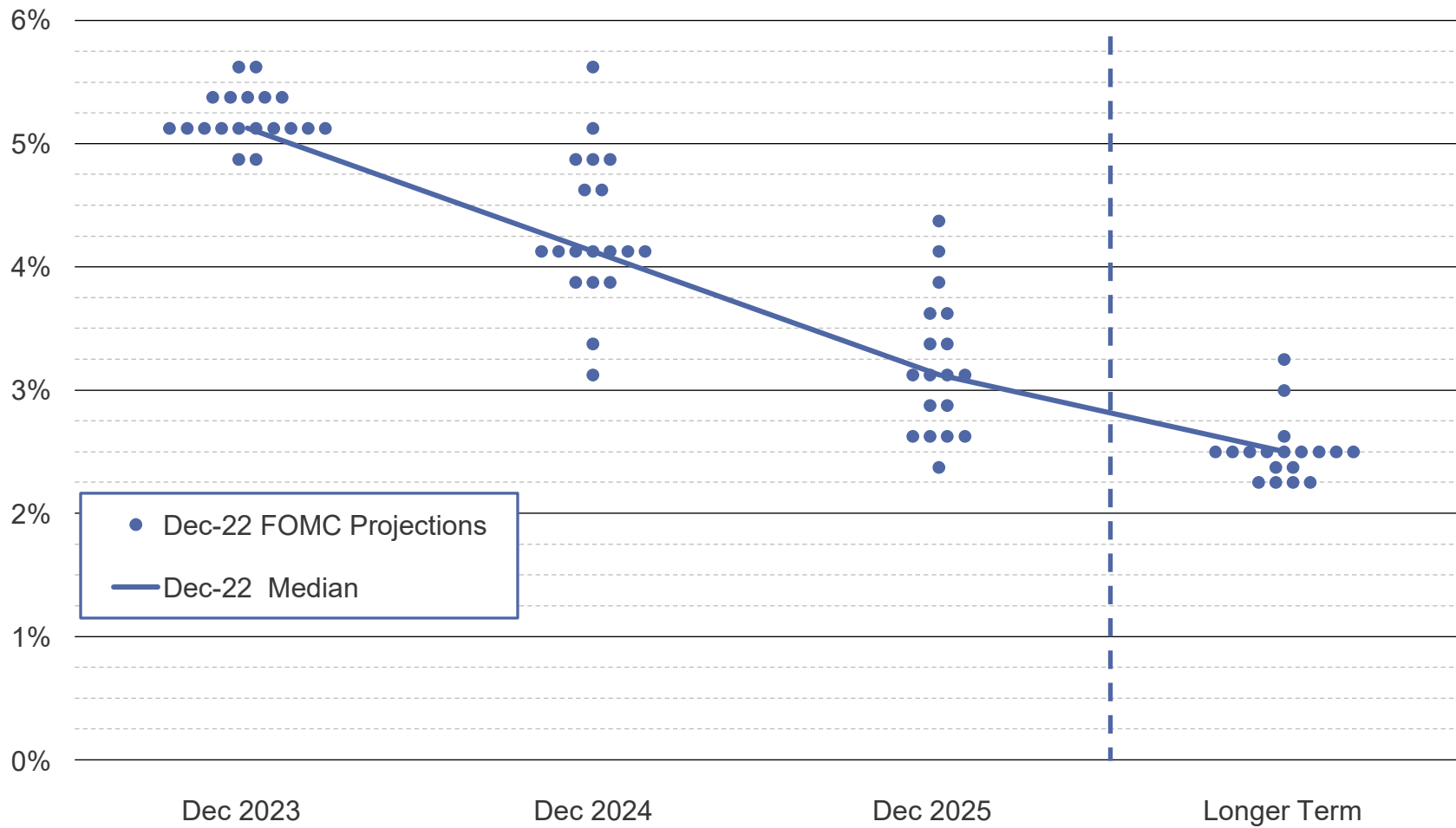


Lower energy and goods prices help to offset increases in wage-driven services costs

Source: Bloomberg, as of December 2022.

## Fed's "Dot Plot" Suggests Expectations for a Drawn Out Normalization of Policy

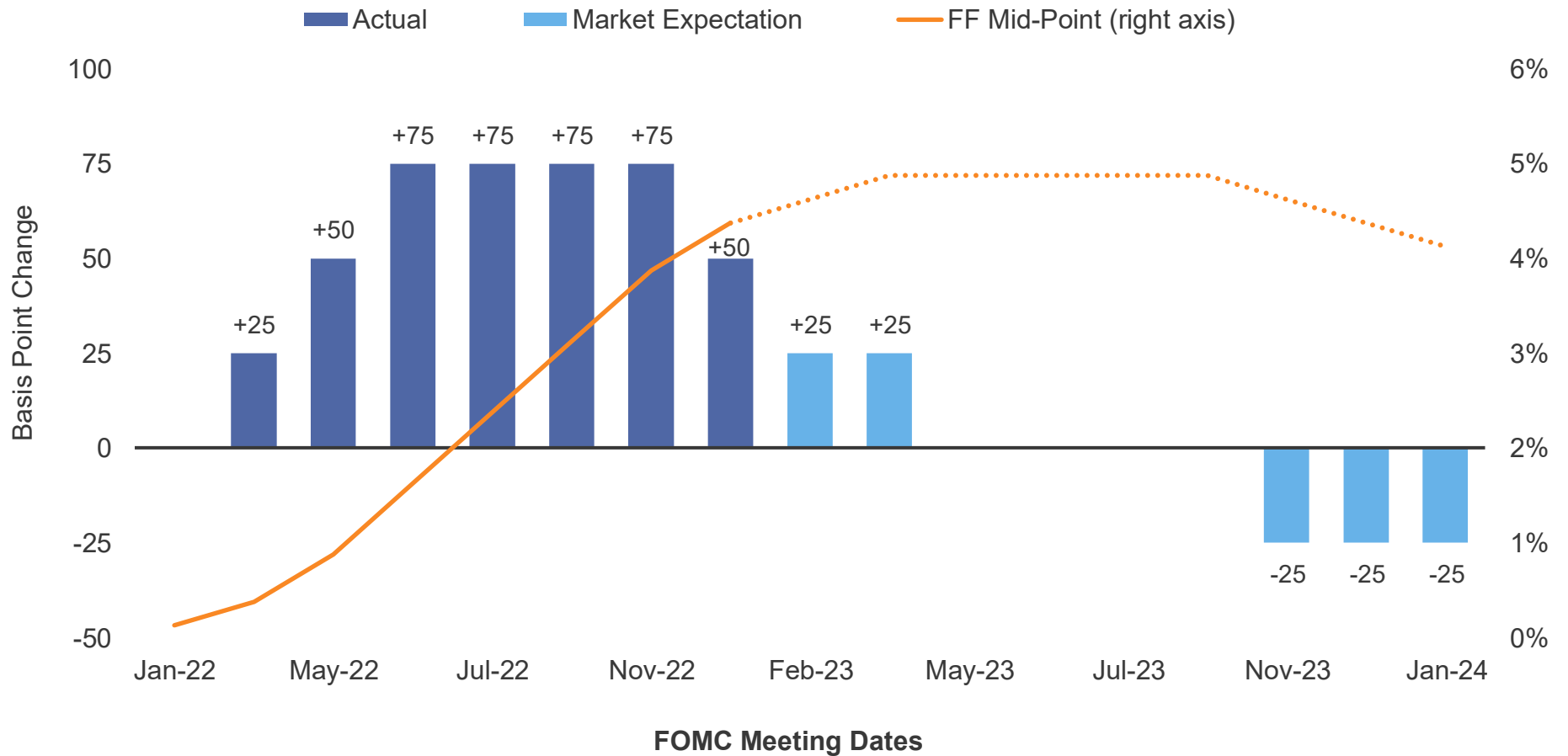
### Fed Participants' Assessments of 'Appropriate' Monetary Policy



Source: Federal Reserve and Bloomberg. Individual dots represent each Fed members' judgement of the midpoint of the appropriate target range for the federal funds rate at each year-end.

## What Could the Fed's Pivot Look Like?

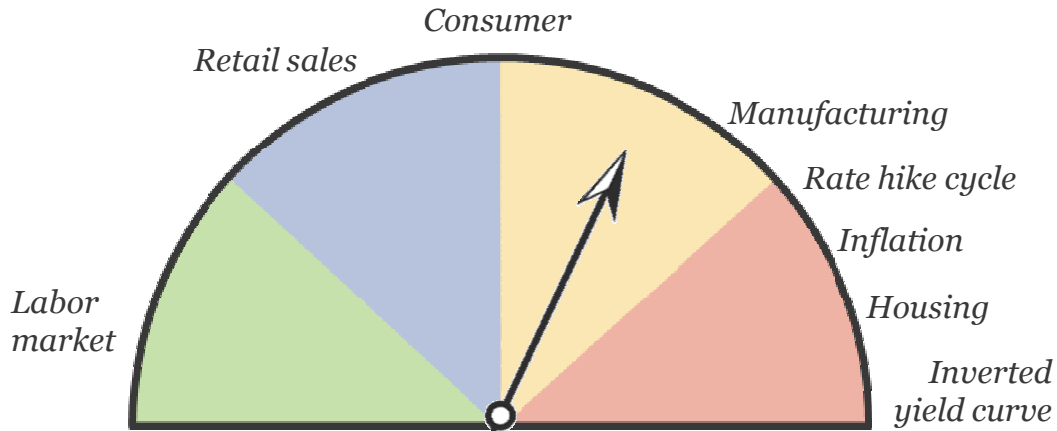
### Changes to the Target Fed Funds Rate



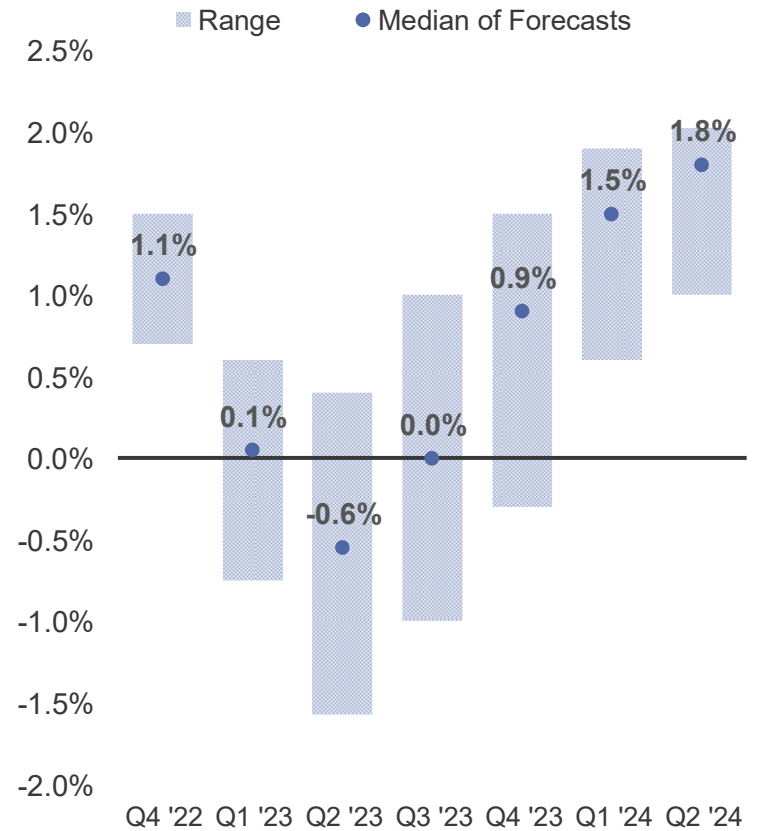
Source: Bloomberg WIRP Interest Rate Probability as of 1/9/2023.

## Recession Gauge Flashing Yellow, but GDP Expected to Grow by End of Year

**Recession Risk**



**U.S. GDP Forecasts**  
Annualized Rate

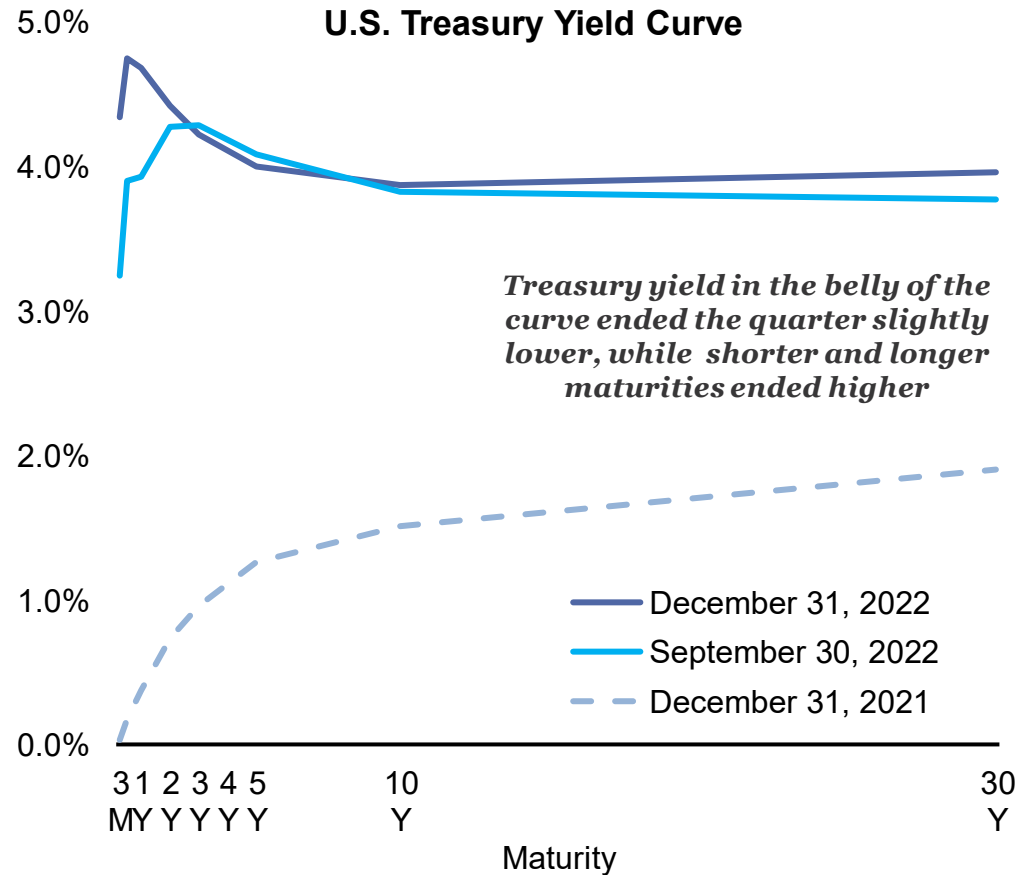


Source: Bloomberg, Economist Forecasts. Recession risk based on most recent economic data as of 1/9/2023.



### Yield Curve Inversion Deepens

	4Q2022 12/31/22	3Q2022 09/30/22	QoQ Change
3-month	4.34%	3.25%	+1.10%
1-year	4.69%	3.93%	+0.75%
2-year	4.43%	4.28%	+0.15%
3-year	4.22%	4.29%	-0.06%
5-year	4.00%	4.09%	-0.09%
10-year	3.87%	3.83%	+0.05%
30-year	3.96%	3.78%	+0.19%

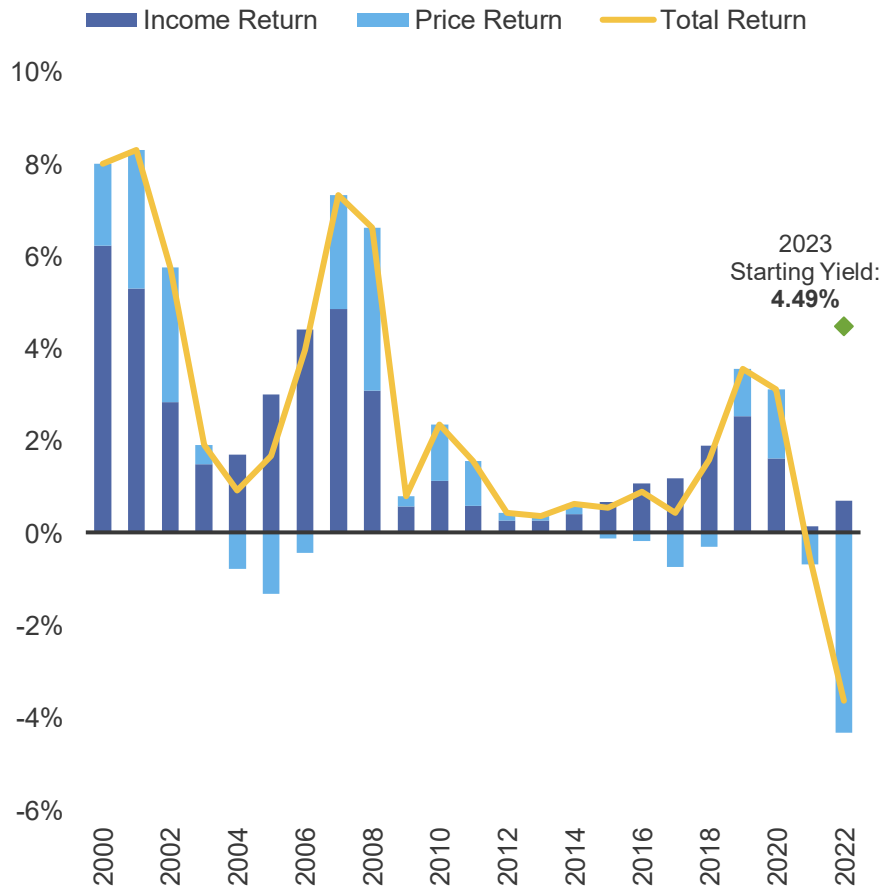


Source: Bloomberg, as of December 2022.

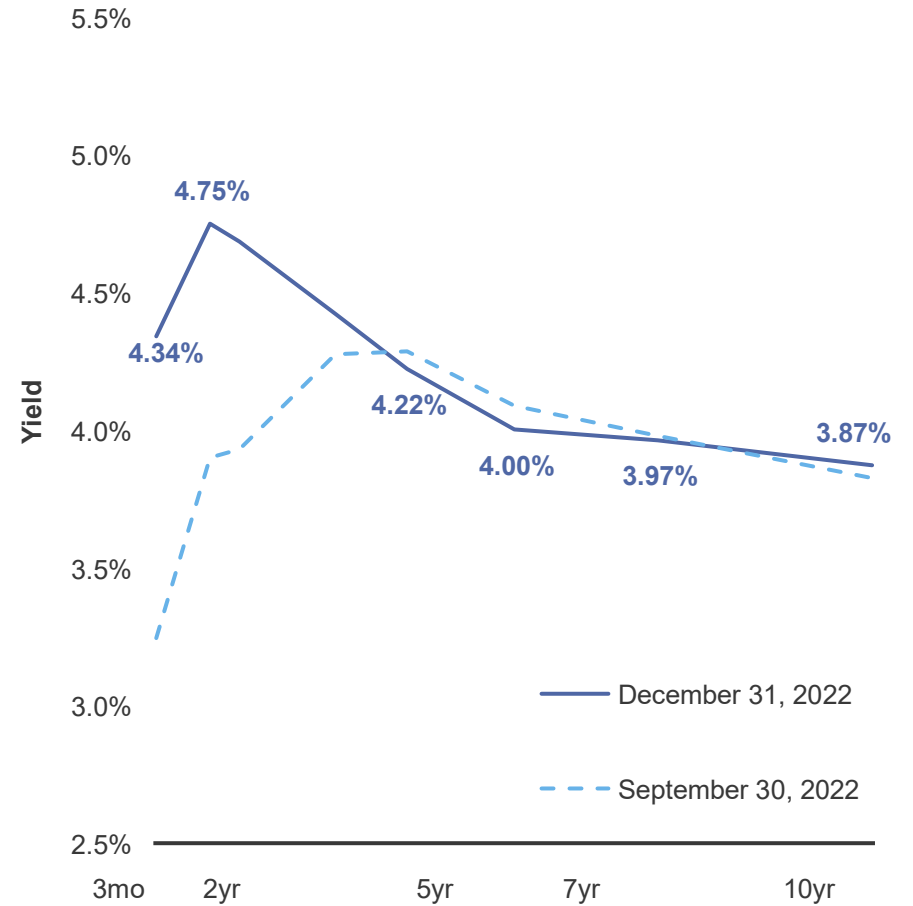
## Higher Yields Can Offset Some of the Price Depreciation Woes

### Annual Price & Income Returns

1-3 Year Treasury Index



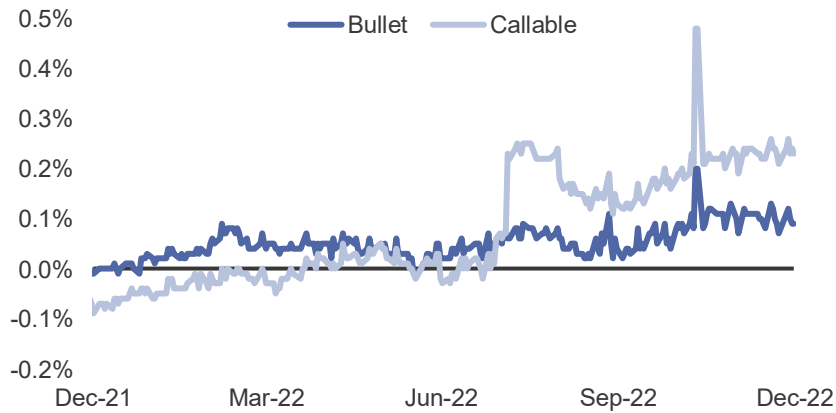
### U.S. Treasury Yield Curve



Source: ICE BofAML Indices via Bloomberg, as of 12/31/2022. PFMAM Calculations. Income return represents the yield of the benchmark index, as of the end of the prior calendar year, respective to the year of performance shown.

## Sector Yield Spreads

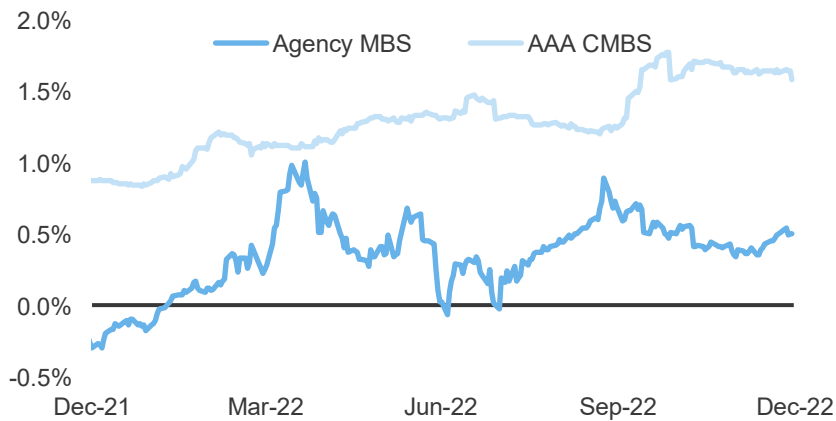
### Federal Agency Yield Spreads



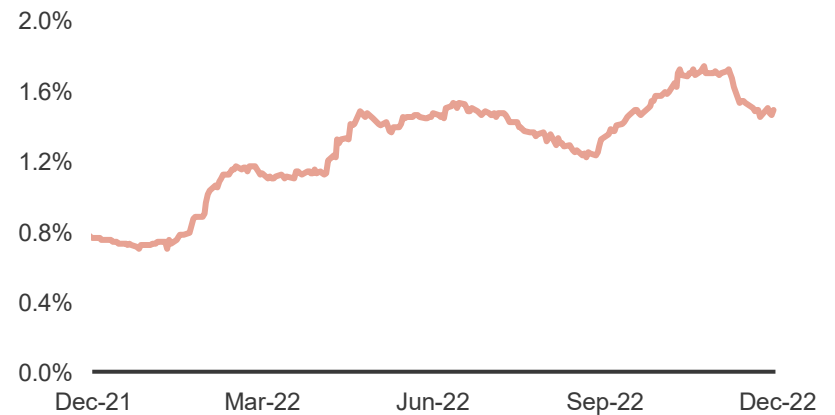
### Corporate Notes A-AAA Yield Spreads



### Mortgage-Backed Securities Yield Spreads

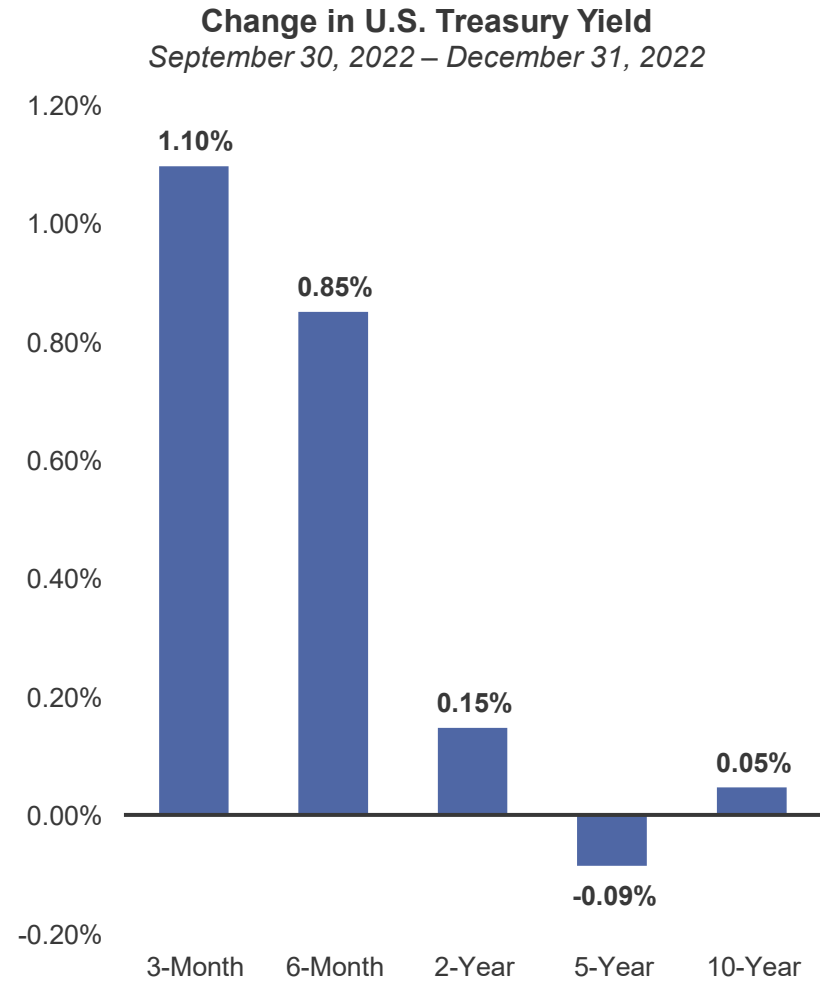
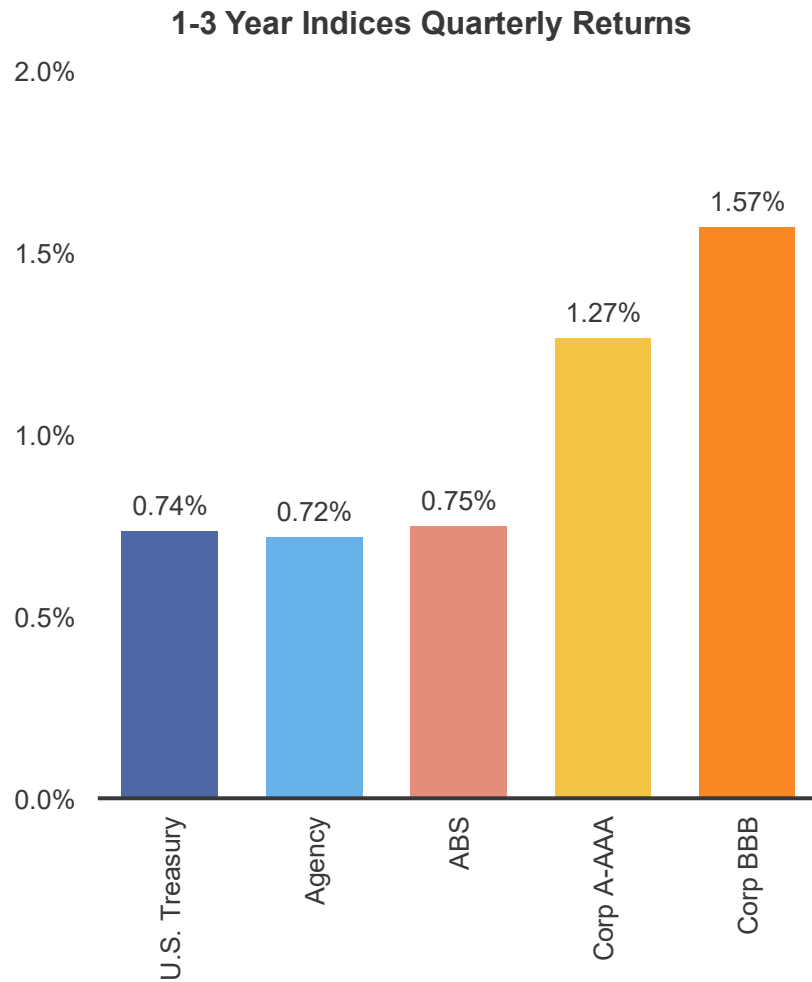


### Asset-Backed Securities AAA Yield Spreads



Source: ICE BofAML 1-3 year Indices via Bloomberg, MarketAxess and PFMAM as of 12/31/2022. Spreads on ABS and MBS are option-adjusted spreads of 0-3 year indices based on weighted average life; spreads on agencies are relative to comparable maturity Treasuries. CMBS is Commercial Mortgage-Backed Securities.

## Fixed-Income Markets in Q4 2022



Source: ICE BofAML Indices. ABS indices are 0-3 year, based on weighted average life. As of 12/31/2022.  
Right Chart: Generic US Treasury securities via Bloomberg, change in yield from 9/30/2022 to 12/31/2022.

## Fixed-Income Sector Commentary – 4Q 2022

- ▶ **U.S. Treasury** yields settled into a wide range after surging for the first three quarters of the year. The result of more stable yields was generally positive returns for the quarter.
- ▶ **Federal agency** bullet spreads finally broke single digits and climbed to the widest levels in the past 12 months for certain maturities. Callable structures were attractive early in the quarter as new issues came to market at wide levels on the heels of historically high bond volatility.
- ▶ **Supranational** issuance fell notably short of expectations in Q4 limiting new investment opportunities. Liquidity was better than that of federal agencies, which provided some ability to swap into other sectors which were more attractive.
- ▶ **Investment-Grade Corporate** yield spreads fluctuated in Q4 underscoring the historic levels of volatility experienced throughout the year. After reaching post-pandemic wides in late October, credit spreads reversed, ending the quarter modestly tighter. The sector generated strong excess returns in Q4 and buoyed portfolio returns relative to benchmarks.
- ▶ **Asset-Backed** yield spreads lagged the narrowing move in the corporate sector for much of Q4 but rallied into year end, ending the quarter only modestly wider than where they began. ABS and IG corporate spreads diverged markedly in November, growing to the widest margin since 2020 and leading to a year-end rally which brought performance just shy of matched-duration U.S. Treasuries.
- ▶ **Mortgage-Backed Securities** reversed course in Q4 after the dreadful negative returns for the first three quarters of 2022. Although still negative for the year, excess returns on MBS were near top-of-class amongst investment-grade options in Q4.
- ▶ **Taxable Municipal** issuance remained underwhelming as deals were heavily oversubscribed, dragging spreads lower, while secondary inventory at attractive levels was sparse.
- ▶ The **short-term credit** (commercial paper and CDs) yield curve was notably steep throughout the quarter as the market priced the expectation for further Fed rate increases. The aggressive pace of those rate hikes created valuable opportunities in floating-rate securities.

### Fixed-Income Sector Outlook – 1Q 2023

Sector	Our Investment Preferences
<b>COMMERCIAL PAPER / CD</b>	
<b>TREASURIES</b>	
<b>T-Bill</b>	
<b>T-Note</b>	
<b>FEDERAL AGENCIES</b>	
<b>Bullets</b>	
<b>Callables</b>	
<b>SUPRANATIONALS</b>	
<b>CORPORATES</b>	
<b>Financials</b>	
<b>Industrials</b>	
<b>SECURITIZED</b>	
<b>Asset-Backed</b>	
<b>Agency Mortgage-Backed</b>	
<b>Agency CMBS</b>	
<b>MUNICIPALS</b>	



# Portfolio Review: CITY OF LOS ALTOS INVESTMENT PORTFOLIO

## Certificate of Compliance

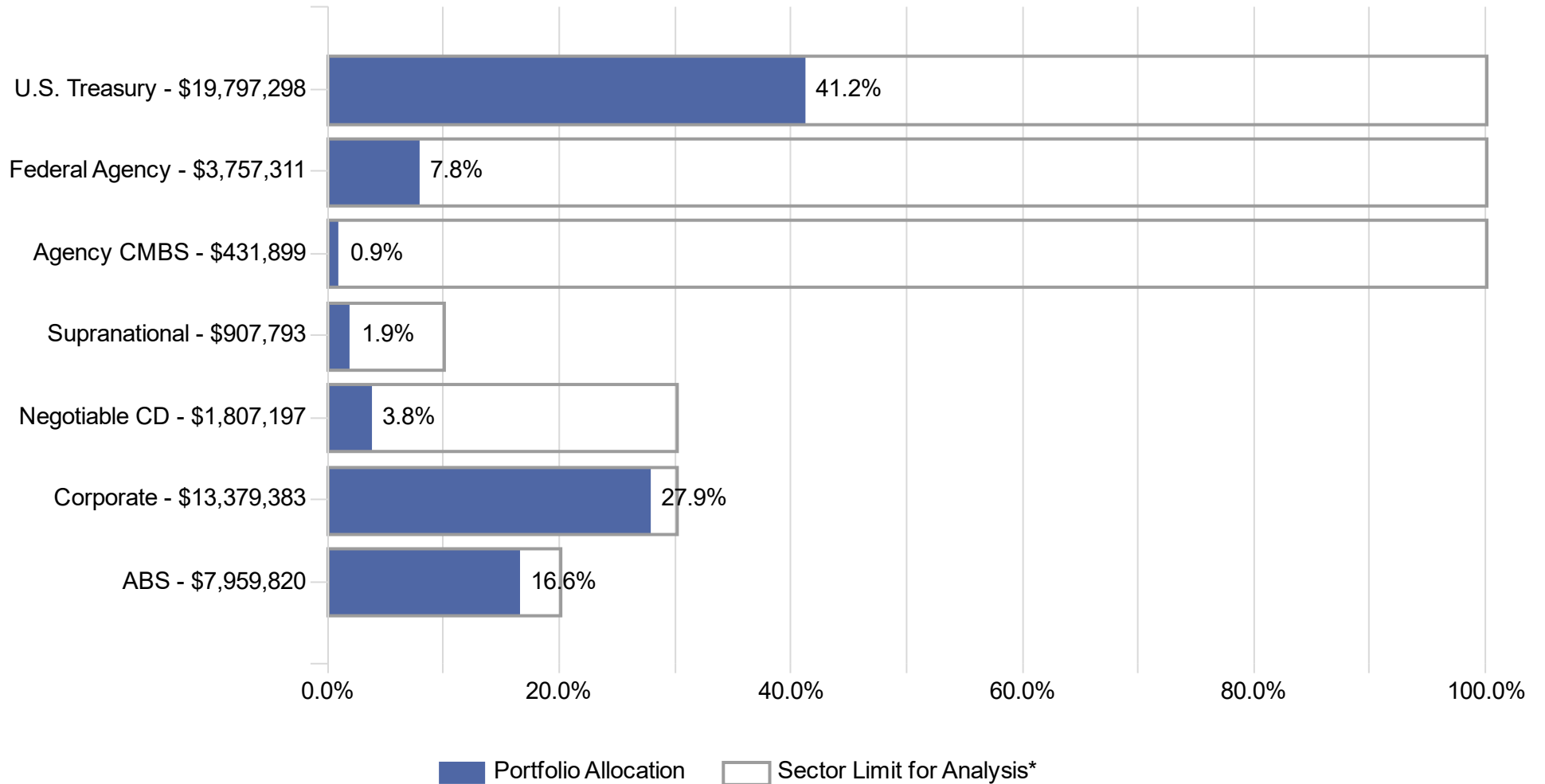
During the reporting period for the quarter ended December 31, 2022, the account(s) managed by PFM Asset Management ("PFMAM") were in compliance with the applicable investment policy and guidelines as furnished to PFMAM.

Acknowledged : *PFM Asset Management LLC*

*Note: Pre- and post-trade compliance for the account(s) managed by PFM Asset Management is provided via Bloomberg Asset and Investment Management ("AIM").*



### Sector Allocation Analytics



*For informational/analytical purposes only and is not provided for compliance assurance. Includes accrued interest.  
\*Sector Limit for Analysis is as derived from our interpretation of your most recent Investment Policy as provided.*

## Account Summary

CITY OF LOS ALTOS INVESTMENT PORTFOLIO			
Portfolio Values	<u>December 31, 2022</u>	Analytics <sup>1</sup>	<u>December 31, 2022</u>
PFMAM Managed Account	\$47,862,225	Yield at Market	4.49%
Amortized Cost	\$49,882,256	Yield on Cost	1.83%
Market Value	\$47,862,225	Portfolio Duration	1.66
Accrued Interest	\$178,477		
Cash	\$149,068		

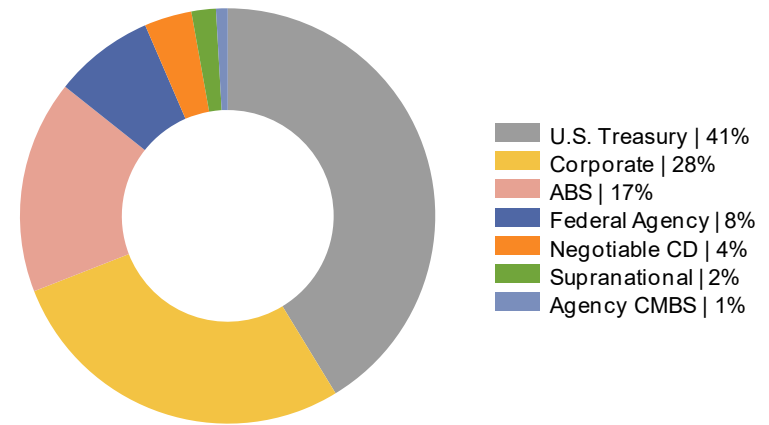
1. Yield at market, yield on cost, and portfolio duration only include investments held within the separately managed account(s), excludes balances invested in overnight funds.

## Portfolio Snapshot - CITY OF LOS ALTOS INVESTMENT PORTFOLIO<sup>1</sup>

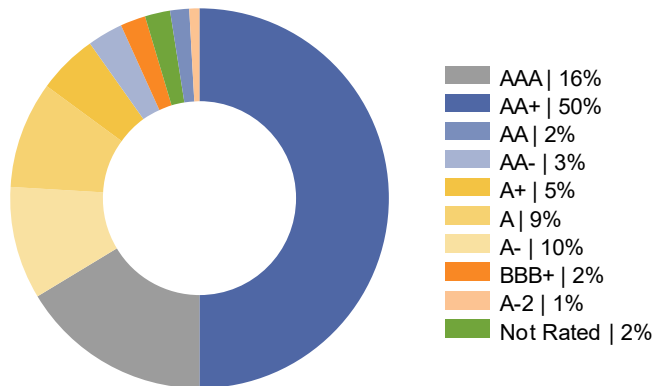
### Portfolio Statistics

<b>Total Market Value</b>	\$48,189,769.61
<i>Securities Sub-Total</i>	\$47,862,225.29
<i>Accrued Interest</i>	\$178,476.75
<i>Cash</i>	\$149,067.57
<b>Portfolio Effective Duration</b>	1.66 years
<b>Benchmark Effective Duration</b>	1.74 years
<b>Yield At Cost</b>	1.83%
<b>Yield At Market</b>	4.49%
<b>Portfolio Credit Quality</b>	AA

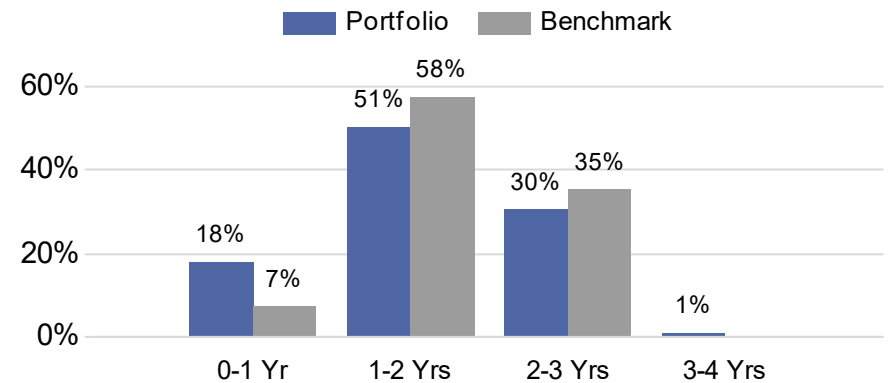
### Sector Allocation



### Credit Quality - S&P



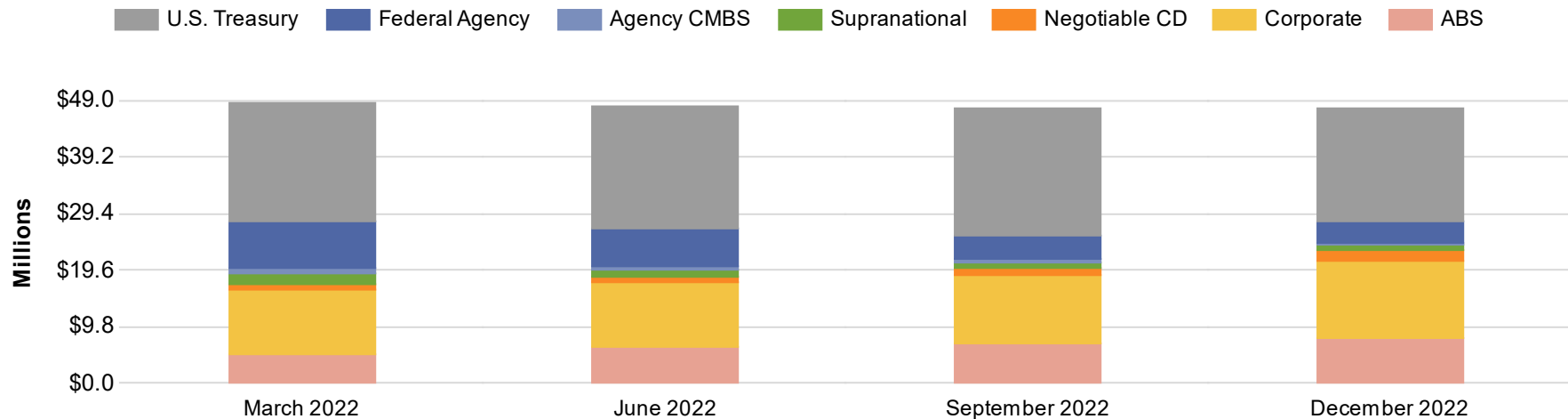
### Duration Distribution



1. Yield and duration calculations exclude cash and cash equivalents. Sector allocation includes market values and accrued interest. The portfolio's benchmark is the ICE BofAML 1-3 Year U.S. Treasury Index. Source: Bloomberg. An average of each security's credit rating was assigned a numeric value and adjusted for its relative weighting in the portfolio.

## Sector Allocation Review - CITY OF LOS ALTOS INVESTMENT PORTFOLIO

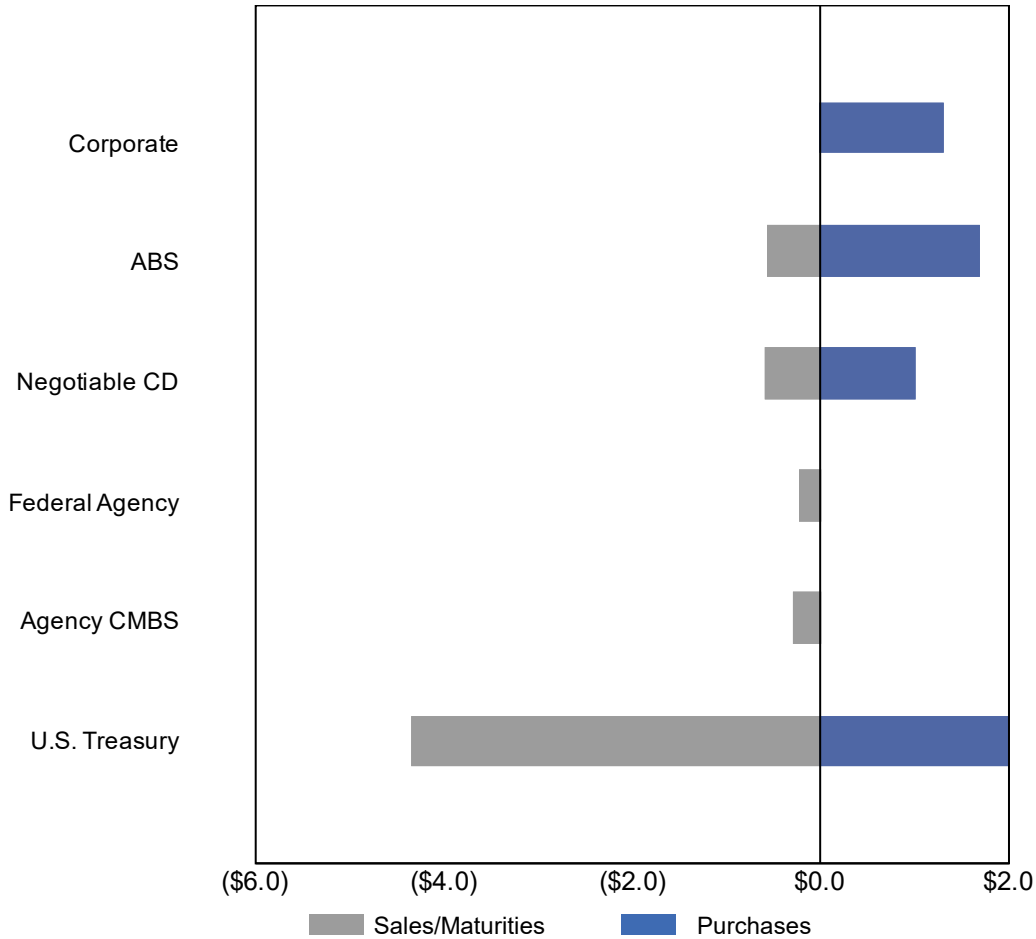
Security Type	Mar-22	% of Total	Jun-22	% of Total	Sep-22	% of Total	Dec-22	% of Total
U.S. Treasury	\$20.5	42.1%	\$21.3	44.3%	\$22.0	46.1%	\$19.7	41.3%
Federal Agency	\$8.1	16.8%	\$6.4	13.4%	\$4.0	8.3%	\$3.8	7.8%
Agency CMBS	\$0.9	1.8%	\$0.5	1.0%	\$0.7	1.5%	\$0.4	0.9%
Supranational	\$1.7	3.6%	\$1.3	2.8%	\$0.9	1.9%	\$0.9	1.9%
Negotiable CD	\$1.0	2.1%	\$1.0	2.1%	\$1.4	2.9%	\$1.8	3.7%
Corporate	\$11.4	23.4%	\$11.1	23.1%	\$11.9	25.0%	\$13.3	27.8%
ABS	\$4.9	10.2%	\$6.4	13.3%	\$6.8	14.3%	\$7.9	16.6%
<b>Total</b>	<b>\$48.5</b>	<b>100.0%</b>	<b>\$48.0</b>	<b>100.0%</b>	<b>\$47.6</b>	<b>100.0%</b>	<b>\$47.9</b>	<b>100.0%</b>



Market values, excluding accrued interest. Only includes fixed-income securities held within the separately managed account(s) and LGIPs managed by PFMAM. Detail may not add to total due to rounding.

## Portfolio Activity - CITY OF LOS ALTOS INVESTMENT PORTFOLIO

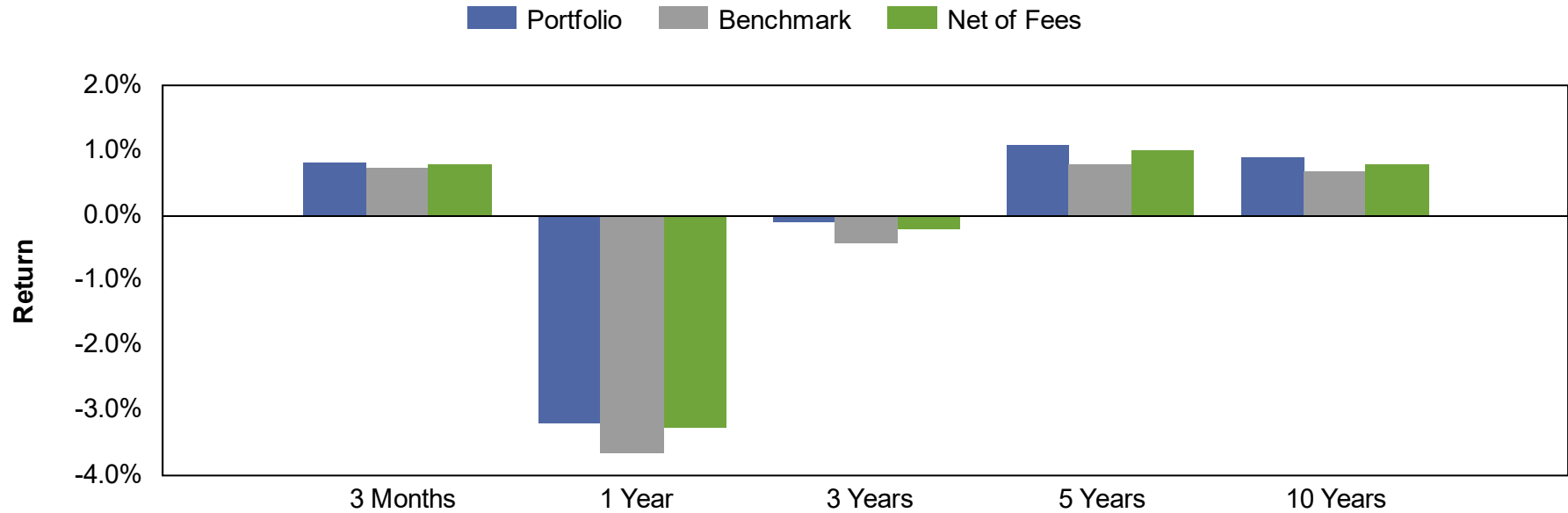
**Net Activity by Sector**  
(\$ millions)



Sector	Net Activity
Corporate	\$1,304,316
ABS	\$1,147,033
Negotiable CD	\$422,018
Federal Agency	(\$217,151)
Agency CMBS	(\$281,072)
U.S. Treasury	(\$2,331,118)
<b>Total Net Activity</b>	<b>\$44,025</b>

*Based on total proceeds (principal and accrued interest) of buys, sells, maturities, and principal paydowns. Detail may not add to total due to rounding.*

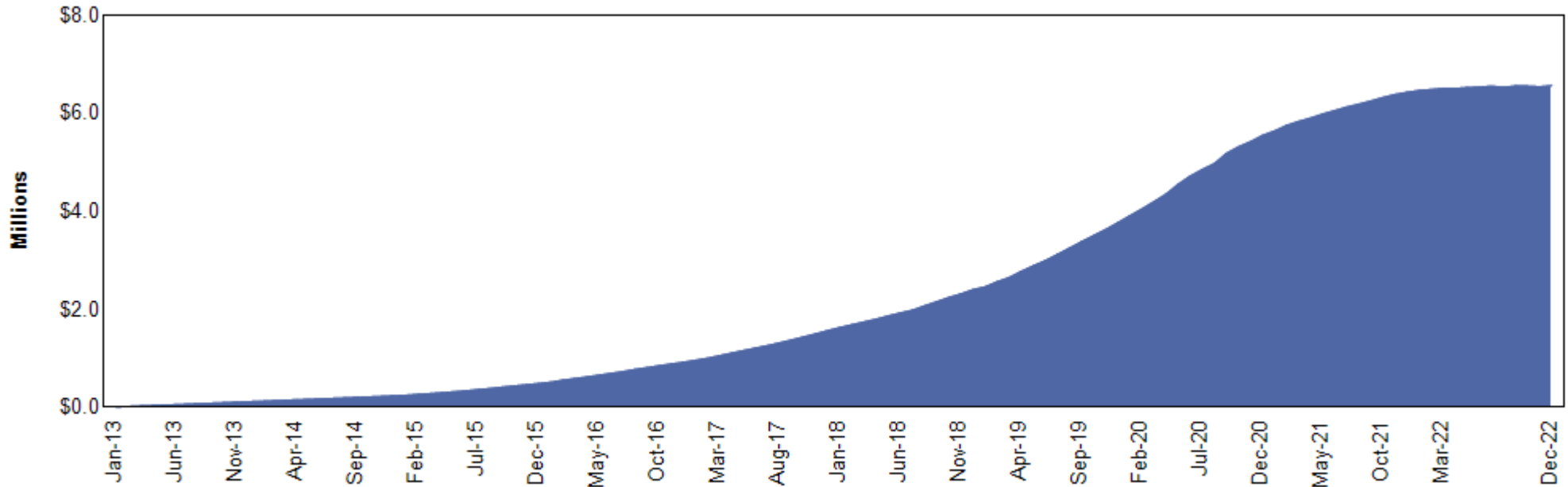
### Portfolio Performance



Market Value Basis Earnings	3 Months	1 Year	3 Years	5 Years	10 Years
Interest Earned <sup>2</sup>	\$201,363	\$580,143	\$2,335,334	\$4,789,433	\$6,448,590
Change in Market Value	\$183,654	(\$2,200,922)	(\$2,210,718)	(\$1,414,487)	(\$1,959,846)
<b>Total Dollar Return</b>	<b>\$385,017</b>	<b>(\$1,620,779)</b>	<b>\$124,616</b>	<b>\$3,374,946</b>	<b>\$4,488,744</b>
<b>Total Return<sup>3</sup></b>					
Portfolio	0.81%	-3.18%	-0.10%	1.08%	0.88%
Benchmark <sup>4</sup>	0.74%	-3.65%	-0.41%	0.77%	0.67%
<b>Basis Point Fee</b>	<b>0.02%</b>	<b>0.09%</b>	<b>0.09%</b>	<b>0.09%</b>	<b>0.09%</b>
<b>Net of Fee Return</b>	<b>0.78%</b>	<b>-3.27%</b>	<b>-0.19%</b>	<b>0.99%</b>	<b>0.79%</b>

1. The lesser of 10 years or since inception is shown. Since inception returns for periods one year or less are not shown. Performance inception date is June 30, 2010.  
 2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.  
 3. Returns for periods one year or less are presented on a periodic basis. Returns for periods greater than one year are presented on an annualized basis.  
 4. The portfolio's benchmark is the ICE BofAML 1-3 Year U.S. Treasury Index. Source: Bloomberg.

## Accrual Basis Earnings - CITY OF LOS ALTOS INVESTMENT PORTFOLIO



Accrual Basis Earnings	3 Months	1 Year	3 Years	5 Year	10 Year <sup>1</sup>
Interest Earned <sup>2</sup>	\$201,363	\$580,143	\$2,335,334	\$4,789,433	\$6,448,590
Realized Gains / (Losses) <sup>3</sup>	(\$187,692)	(\$372,956)	\$649,040	\$323,773	\$328,558
Change in Amortized Cost	(\$7,307)	(\$71,127)	(\$184,845)	(\$115,937)	(\$209,911)
<b>Total Earnings</b>	<b>\$6,364</b>	<b>\$136,060</b>	<b>\$2,799,529</b>	<b>\$4,997,269</b>	<b>\$6,567,237</b>

1. The lesser of 10 years or since inception is shown. Performance inception date is June 30, 2010.  
 2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.  
 3. Realized gains / (losses) are shown on an amortized cost basis.

# Portfolio Holdings and Transactions



## Issuer Diversification

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>U.S. Treasury</b>	<b>41.2%</b>	
UNITED STATES TREASURY	41.2%	AA / Aaa / AAA
<b>Federal Agency</b>	<b>7.8%</b>	
FEDERAL HOME LOAN BANKS	1.0%	AA / Aaa / NR
FREDDIE MAC	6.8%	AA / Aaa / AAA
<b>Agency CMBS</b>	<b>0.9%</b>	
FANNIE MAE	0.4%	AA / Aaa / AAA
FREDDIE MAC	0.5%	AA / Aaa / AAA
<b>Supranational</b>	<b>1.9%</b>	
INTER-AMERICAN DEVELOPMENT BANK	1.0%	AAA / Aaa / AAA
INTL BANK OF RECONSTRUCTION AND DEV	0.9%	AAA / Aaa / AAA
<b>Negotiable CD</b>	<b>3.8%</b>	
CREDIT AGRICOLE SA	0.8%	A / Aa / AA
CREDIT SUISSE GROUP RK	0.9%	BBB / A / BBB
NORDEA BANK ABP	1.0%	AA / Aa / AA
TORONTO-DOMINION BANK	1.1%	A / A / NR
<b>Corporate</b>	<b>27.9%</b>	
ABBOTT LABORATORIES	0.3%	AA / A / NR
AMAZON.COM INC	1.1%	AA / A / AA
AMERICAN EXPRESS CO	0.8%	BBB / A / A
AMERICAN HONDA FINANCE	0.9%	A / A / A
ANZ BANKING GROUP LTD	0.5%	AA / Aa / A
ASTRAZENECA PLC	0.6%	A / A / A
BANK OF AMERICA CO	1.4%	A / A / AA
BRISTOL-MYERS SQUIBB CO	0.4%	A / A / NR
BROWN-FORMAN CORP	0.2%	A / A / NR
BURLINGTON NORTHERN SANTA FE	0.3%	AA / A / NR

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>Corporate</b>	<b>27.9%</b>	
CATERPILLAR INC	0.8%	A / A / A
CHARLES SCHWAB	0.3%	A / A / A
CINTAS CORPORATION NO. 2	0.4%	A / A / NR
CITIGROUP INC	0.8%	BBB / A / A
COLGATE-PALMOLIVE COMPANY	0.1%	AA / Aa / NR
COMCAST CORP	0.8%	A / A / A
DEERE & COMPANY	0.7%	A / A / A
EXXON MOBIL CORP	0.3%	AA / Aa / NR
GENERAL DYNAMICS CORP	0.3%	A / A / NR
GOLDMAN SACHS GROUP INC	0.6%	BBB / A / A
HERSHEY COMPANY	0.2%	A / A / NR
HOME DEPOT INC	0.2%	A / A / A
HONEYWELL INTERNATIONAL	0.8%	A / A / A
HORMEL FOODS CORP	0.3%	A / A / NR
HSBC HOLDINGS PLC	0.8%	A / A / A
IBM CORP	0.8%	A / A / NR
JP MORGAN CHASE & CO	1.5%	A / A / AA
LOCKHEED MARTIN CORP	0.4%	A / A / A
MERCK & CO INC	0.3%	A / A / NR
MORGAN STANLEY	0.7%	A / A / A
NATIONAL AUSTRALIA BANK LTD	0.5%	AA / Aa / NR
NATIONAL RURAL UTILITIES CO FINANCE CORP	0.5%	A / A / A
PACCAR FINANCIAL CORP	0.8%	A / A / NR
PNC FINANCIAL SERVICES GROUP	0.7%	A / A / A
PRAXAIR INC	0.9%	A / A / NR
RABOBANK NEDERLAND	1.0%	A / Aa / AA

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.

## Issuer Diversification

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>Corporate</b>	<b>27.9%</b>	
STATE STREET CORPORATION	0.7%	A / A / AA
TARGET CORP	0.4%	A / A / A
TEXAS INSTRUMENTS INC	0.1%	A / Aa / NR
THE BANK OF NEW YORK MELLON CORPORATION	1.5%	A / A / AA
TOYOTA MOTOR CORP	0.8%	A / A / A
TRUIST FIN CORP	0.7%	A / A / A
UNILEVER PLC	0.5%	A / A / A
UNITEDHEALTH GROUP INC	0.5%	A / A / A
WAL-MART STORES INC	0.5%	AA / Aa / AA
<b>ABS</b>	<b>16.6%</b>	
ALLY AUTO RECEIVABLES TRUST	1.4%	AAA / Aaa / NR
AMERICAN EXPRESS CO	1.0%	AAA / NR / AAA
BMW FINANCIAL SERVICES NA LLC	0.1%	AAA / Aaa / NR
BMW VEHICLE OWNER TRUST	0.3%	AAA / Aaa / AAA
CAPITAL ONE FINANCIAL CORP	2.1%	AAA / Aaa / AAA
CARMAX AUTO OWNER TRUST	2.4%	AAA / Aaa / AAA
DISCOVER FINANCIAL SERVICES	1.4%	AAA / Aaa / AAA
FORD CREDIT AUTO OWNER TRUST	0.3%	AAA / NR / AAA
GM FINANCIAL CONSUMER AUTOMOBILE TRUST	1.2%	AAA / Aaa / AAA
GM FINANCIAL LEASINGTRUST	0.3%	AAA / NR / AAA
HARLEY-DAVIDSON MOTORCYCLE TRUST	0.5%	AAA / Aaa / NR
HONDA AUTO RECEIVABLES	0.5%	AAA / Aaa / AAA
HYUNDAI AUTO RECEIVABLES	1.5%	AAA / NR / AAA
MERCEDES-BENZ AUTO LEASE TRUST	0.0%	AAA / NR / AAA
MERCEDES-BENZ AUTO RECEIVABLES	0.8%	AAA / Aaa / NR

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>ABS</b>	<b>16.6%</b>	
NISSAN AUTO RECEIVABLES	0.6%	AAA / Aaa / NR
TOYOTA MOTOR CORP	0.9%	AAA / Aaa / AAA
VERIZON OWNER TRUST	0.4%	AAA / Aaa / AAA
VOLKSWAGEN AUTO LEASE TURST	0.2%	NR / Aaa / AAA
WORLD OMNI AUTO REC TRUST	0.5%	AAA / NR / AAA
<b>Total</b>	<b>100.0%</b>	

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.

**Issuer Distribution  
As of December 31, 2022**

Issuer	Market Value (\$)	% of Portfolio
UNITED STATES TREASURY	19,743,695	41.26%
FREDDIE MAC	3,525,943	7.38%
CARMAX AUTO OWNER TRUST	1,154,289	2.42%
CAPITAL ONE FINANCIAL CORP	1,000,842	2.10%
AMERICAN EXPRESS CO	838,481	1.76%
TOYOTA MOTOR CORP	801,036	1.68%
HYUNDAI AUTO RECEIVABLES	739,901	1.55%
THE BANK OF NEW YORK MELLON CORPORATION	729,703	1.52%
JP MORGAN CHASE & CO	701,501	1.47%
DISCOVER FINANCIAL SERVICES	695,441	1.45%
ALLY AUTO RECEIVABLES TRUST	685,483	1.43%
BANK OF AMERICA CO	680,619	1.42%
GM FINANCIAL CONSUMER AUTOMOBILE TRUST	563,858	1.18%
AMAZON.COM INC	549,909	1.15%
TORONTO-DOMINION BANK	499,779	1.04%
INTER-AMERICAN DEVELOPMENT BANK	498,526	1.04%
NORDEA BANK ABP	494,459	1.03%
RABOBANK NEDERLAND	479,189	1.00%
FEDERAL HOME LOAN BANKS	467,450	0.98%
CREDIT SUISSE GROUP RK	420,897	0.88%
PRAXAIR INC	418,226	0.87%
INTL BANK OF RECONSTRUCTION AND DEV	408,430	0.85%
AMERICAN HONDA FINANCE	407,322	0.85%
MERCEDES-BENZ AUTO RECEIVABLES	393,186	0.82%

Issuer	Market Value (\$)	% of Portfolio
CITIGROUP INC	384,962	0.80%
CATERPILLAR INC	380,536	0.80%
CREDIT AGRICOLE SA	375,000	0.78%
PACCAR FINANCIAL CORP	374,623	0.78%
COMCAST CORP	374,132	0.78%
HONEYWELL INTERNATIONAL	371,878	0.78%
IBM CORP	368,898	0.77%
HSBC HOLDINGS PLC	367,436	0.77%
MORGAN STANLEY	355,433	0.74%
PNC FINANCIAL SERVICES GROUP	352,094	0.74%
TRUIST FIN CORP	351,819	0.74%
DEERE & COMPANY	351,684	0.73%
STATE STREET CORPORATION	345,035	0.72%
GOLDMAN SACHS GROUP INC	292,459	0.61%
ASTRAZENECA PLC	273,754	0.57%
NISSAN AUTO RECEIVABLES	264,467	0.55%
NATIONAL RURAL UTILITIES CO FINANCE CORP	260,235	0.54%
UNITEDHEALTH GROUP INC	259,849	0.54%
HARLEY-DAVIDSON MOTORCYCLE TRUST	257,685	0.54%
WORLD OMNI AUTO REC TRUST	255,845	0.53%
ANZ BANKING GROUP LTD	250,945	0.52%
NATIONAL AUSTRALIA BANK LTD	246,980	0.52%
HONDA AUTO RECEIVABLES	235,398	0.49%
WAL-MART STORES INC	221,904	0.46%
UNILEVER PLC	215,249	0.45%
VERIZON OWNER TRUST	206,111	0.43%
TARGET CORP	195,890	0.41%

Issuer	Market Value (\$)	% of Portfolio
BRISTOL-MYERS SQUIBB CO	192,966	0.40%
FANNIE MAE	191,805	0.40%
LOCKHEED MARTIN CORP	176,151	0.37%
CINTAS CORPORATION NO. 2	169,444	0.35%
CHARLES SCHWAB	166,566	0.35%
BMW VEHICLE OWNER TRUST	166,539	0.35%
HORMEL FOODS CORP	164,780	0.34%
GENERAL DYNAMICS CORP	160,532	0.34%
ABBOTT LABORATORIES	160,012	0.33%
GM FINANCIAL LEASINGTRUST	149,032	0.31%
MERCK & CO INC	124,651	0.26%
EXXON MOBIL CORP	124,272	0.26%
FORD CREDIT AUTO OWNER TRUST	123,673	0.26%
BURLINGTON NORTHERN SANTA FE	120,193	0.25%
HERSHEY COMPANY	118,729	0.25%
BROWN-FORMAN CORP	112,067	0.23%
VOLKSWAGEN AUTO LEASE TURST	97,426	0.20%
HOME DEPOT INC	92,457	0.19%
TEXAS INSTRUMENTS INC	54,942	0.11%
COLGATE-PALMOLIVE COMPANY	53,160	0.11%
BMW FINANCIAL SERVICES NA LLC	40,938	0.09%
MERCEDES-BENZ AUTO LEASE TRUST	13,426	0.03%
<b>Grand Total</b>	<b>47,862,225</b>	<b>100.00%</b>

### Managed Account Detail of Securities Held

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY N/B NOTES DTD 11/30/2021 0.500% 11/30/2023	91282CDM0	600,000.00	AA+	Aaa	12/1/2021	12/3/2021	599,039.06	0.58	263.74	599,559.84	577,218.72
US TREASURY NOTES DTD 12/15/2020 0.125% 12/15/2023	91282CBA8	1,500,000.00	AA+	Aaa	1/6/2021	1/7/2021	1,496,425.78	0.21	87.57	1,498,839.71	1,436,718.75
US TREASURY NOTES DTD 01/15/2021 0.125% 01/15/2024	91282CBE0	2,300,000.00	AA+	Aaa	2/2/2021	2/3/2021	2,296,316.41	0.18	1,328.13	2,298,702.53	2,192,906.25
US TREASURY NOTES DTD 02/15/2021 0.125% 02/15/2024	91282CBM2	350,000.00	AA+	Aaa	2/23/2021	2/25/2021	349,015.63	0.22	165.25	349,628.03	332,500.00
US TREASURY NOTES DTD 02/15/2021 0.125% 02/15/2024	91282CBM2	1,250,000.00	AA+	Aaa	3/1/2021	3/3/2021	1,244,580.08	0.27	590.18	1,247,940.53	1,187,500.00
US TREASURY NOTES DTD 05/01/2017 2.000% 04/30/2024	912828X70	575,000.00	AA+	Aaa	4/1/2021	4/5/2021	603,547.85	0.37	1,969.61	587,351.21	554,785.19
US TREASURY N/B NOTES DTD 06/15/2021 0.250% 06/15/2024	91282CCG4	142,000.00	AA+	Aaa	6/22/2021	6/24/2021	141,173.52	0.45	16.58	141,596.26	133,280.32
US TREASURY N/B NOTES DTD 06/15/2021 0.250% 06/15/2024	91282CCG4	2,000,000.00	AA+	Aaa	7/1/2021	7/7/2021	1,987,031.25	0.47	233.52	1,993,588.08	1,877,187.60
US TREASURY N/B NOTES DTD 07/15/2021 0.375% 07/15/2024	91282CCL3	600,000.00	AA+	Aaa	8/9/2021	8/10/2021	599,367.19	0.41	1,039.40	599,668.22	561,937.50
US TREASURY N/B NOTES DTD 07/15/2021 0.375% 07/15/2024	91282CCL3	750,000.00	AA+	Aaa	8/4/2021	8/6/2021	750,878.91	0.33	1,299.25	750,459.10	702,421.88
US TREASURY N/B NOTES DTD 08/15/2021 0.375% 08/15/2024	91282CCT6	1,575,000.00	AA+	Aaa	9/1/2021	9/3/2021	1,573,277.34	0.41	2,230.89	1,574,053.10	1,471,394.61
US TREASURY N/B NOTES DTD 09/15/2021 0.375% 09/15/2024	91282CCX7	1,000,000.00	AA+	Aaa	10/1/2021	10/6/2021	995,937.50	0.51	1,118.78	997,645.64	931,718.80
US TREASURY NOTES DTD 10/31/2019 1.500% 10/31/2024	912828YM6	1,650,000.00	AA+	Aaa	5/4/2021	5/6/2021	1,710,263.67	0.44	4,238.95	1,681,645.52	1,562,859.38
US TREASURY NOTES DTD 11/30/2019 1.500% 11/30/2024	912828YV6	575,000.00	AA+	Aaa	6/15/2021	6/17/2021	595,911.13	0.44	758.24	586,582.31	544,003.93
US TREASURY NOTES DTD 11/30/2019 1.500% 11/30/2024	912828YV6	975,000.00	AA+	Aaa	6/2/2021	6/7/2021	1,011,181.64	0.42	1,285.72	994,882.84	922,441.46

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY N/B NOTES DTD 12/15/2021 1.000% 12/15/2024	91282CDN8	325,000.00	AA+	Aaa	1/3/2022	1/5/2022	324,771.48	1.02	151.79	324,848.22	304,078.13
US TREASURY NOTES DTD 06/30/2020 0.250% 06/30/2025	912828ZW3	1,000,000.00	AA+	Aaa	6/1/2022	6/3/2022	923,281.25	2.88	6.91	937,764.22	905,625.00
US TREASURY N/B NOTES DTD 07/15/2022 3.000% 07/15/2025	91282CEY3	1,200,000.00	AA+	Aaa	8/5/2022	8/8/2022	1,195,453.13	3.14	16,630.43	1,196,072.39	1,162,125.00
US TREASURY N/B NOTES DTD 07/15/2022 3.000% 07/15/2025	91282CEY3	425,000.00	AA+	Aaa	9/1/2022	9/6/2022	418,708.01	3.55	5,889.95	419,413.82	411,585.94
US TREASURY N/B NOTES DTD 09/15/2022 3.500% 09/15/2025	91282CFK2	600,000.00	AA+	Aaa	10/6/2022	10/11/2022	587,976.56	4.23	6,265.19	588,897.98	587,812.50
US TREASURY N/B NOTES DTD 11/15/2022 4.500% 11/15/2025	91282CFW6	1,375,000.00	AA+	Aaa	12/16/2022	12/16/2022	1,393,906.25	3.99	8,033.49	1,393,622.21	1,383,593.75
<b>Security Type Sub-Total</b>		<b>20,767,000.00</b>					<b>20,798,043.64</b>	<b>1.09</b>	<b>53,603.57</b>	<b>20,762,761.76</b>	<b>19,743,694.71</b>
<b>Supranational</b>											
INTL BK RECON & DEVELOP NOTES DTD 11/24/2020 0.250% 11/24/2023	459058JM6	425,000.00	AAA	Aaa	11/17/2020	11/24/2020	424,086.25	0.32	109.20	424,727.13	408,429.68
INTER-AMERICAN DEVEL BK NOTES DTD 09/23/2021 0.500% 09/23/2024	4581X0DZ8	535,000.00	AAA	Aaa	9/15/2021	9/23/2021	534,604.10	0.52	728.19	534,772.07	498,526.38
<b>Security Type Sub-Total</b>		<b>960,000.00</b>					<b>958,690.35</b>	<b>0.43</b>	<b>837.39</b>	<b>959,499.20</b>	<b>906,956.06</b>
<b>Negotiable CD</b>											
CREDIT SUISSE NEW YORK CERT DEPOS DTD 03/23/2021 0.590% 03/17/2023	22552G3C2	425,000.00	A-2	P-2	3/19/2021	3/23/2021	425,000.00	0.59	2,019.93	425,000.00	420,897.05
CREDIT AGRICOLE CIB NY CERT DEPOS DTD 08/19/2022 4.100% 08/16/2024	22536AZR8	375,000.00	A+	Aa3	8/17/2022	8/19/2022	375,000.00	4.07	5,765.63	375,000.00	375,000.00
TORONTO DOMINION BANK NY CERT DEPOS DTD 10/31/2022 5.600% 10/27/2025	89115B6K1	500,000.00	A	A1	10/27/2022	10/31/2022	500,000.00	5.58	4,822.22	500,000.00	499,778.90

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Negotiable CD</b>											
NORDEA BANK ABP NEW YORK CERT DEPOS DTD 11/03/2022 5.530% 11/03/2025	65558UYF3	500,000.00	AA-	Aa3	11/2/2022	11/3/2022	500,000.00	5.53	4,454.72	500,000.00	494,458.50
<b>Security Type Sub-Total</b>		<b>1,800,000.00</b>					<b>1,800,000.00</b>	<b>4.08</b>	<b>17,062.50</b>	<b>1,800,000.00</b>	<b>1,790,134.45</b>
<b>Federal Agency</b>											
FREDDIE MAC NOTES DTD 08/21/2020 0.250% 08/24/2023	3137EAEV7	675,000.00	AA+	Aaa	8/19/2020	8/21/2020	674,311.50	0.28	595.31	674,852.64	655,479.68
FREDDIE MAC NOTES DTD 09/04/2020 0.250% 09/08/2023	3137EAEW5	735,000.00	AA+	Aaa	9/2/2020	9/4/2020	734,757.45	0.26	576.77	734,944.82	712,429.62
FREDDIE MAC NOTES DTD 09/04/2020 0.250% 09/08/2023	3137EAEW5	625,000.00	AA+	Aaa	10/7/2020	10/8/2020	624,800.00	0.26	490.45	624,953.05	605,807.50
FREDDIE MAC NOTES DTD 09/04/2020 0.250% 09/08/2023	3137EAEW5	465,000.00	AA+	Aaa	9/2/2020	9/4/2020	465,084.91	0.24	364.90	465,019.32	450,720.78
FREDDIE MAC NOTES DTD 12/04/2020 0.250% 12/04/2023	3137EAFA2	900,000.00	AA+	Aaa	12/2/2020	12/4/2020	899,109.00	0.28	168.75	899,725.78	862,491.60
FEDERAL HOME LOAN BANK NOTES (CALLABLE) DTD 11/08/2021 1.000% 11/08/2024	3130APQ81	500,000.00	AA+	Aaa	8/5/2022	8/9/2022	474,207.91	3.40	736.11	478,757.61	467,450.00
<b>Security Type Sub-Total</b>		<b>3,900,000.00</b>					<b>3,872,270.77</b>	<b>0.66</b>	<b>2,932.29</b>	<b>3,878,253.22</b>	<b>3,754,379.18</b>
<b>Corporate</b>											
GOLDMAN SACHS CORP NOTES DTD 03/03/2014 4.000% 03/03/2024	38141GVM3	150,000.00	BBB+	A2	1/21/2021	1/25/2021	165,336.00	0.67	1,966.67	155,779.76	148,106.10
CHARLES SCHWAB CORP NOTES (CALLABLE) DTD 03/18/2021 0.750% 03/18/2024	808513BN4	175,000.00	A	A2	3/16/2021	3/18/2021	174,912.50	0.77	375.52	174,964.71	166,566.05
COMCAST CORP (CALLABLE) CORPORATE NOTES DTD 10/05/2018 3.700% 04/15/2024	20030NCR0	200,000.00	A-	A3	5/7/2020	5/11/2020	219,118.00	1.20	1,562.22	205,977.78	196,907.40
AMAZON.COM INC CORPORATE NOTES DTD 05/12/2021 0.450% 05/12/2024	023135BW5	225,000.00	AA	A1	5/10/2021	5/12/2021	224,671.50	0.50	137.81	224,851.04	212,260.73



Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
CITIGROUP INC (CALLABLE) CORPORATE NOTES DTD 05/14/2020 1.678% 05/15/2024	172967MR9	75,000.00	BBB+	A3	10/2/2020	10/6/2020	76,853.25	0.98	160.81	75,261.13	73,758.60
UNITEDHEALTH GROUP INC (CALLABLE) CORP N DTD 05/19/2021 0.550% 05/15/2024	91324PEB4	190,000.00	A+	A3	5/17/2021	5/19/2021	189,802.40	0.59	133.53	189,909.52	179,096.47
CITIGROUP INC (CALLABLE) CORPORATE NOTES DTD 05/14/2020 1.678% 05/15/2024	172967MR9	150,000.00	BBB+	A3	5/7/2020	5/14/2020	150,000.00	1.68	321.62	150,000.00	147,517.20
CATERPILLAR FINL SERVICE CORPORATE NOTES DTD 05/17/2021 0.450% 05/17/2024	14913R2L0	275,000.00	A	A2	5/10/2021	5/17/2021	274,631.50	0.50	151.25	274,831.22	258,975.20
HSBC USA INC CORPORATE NOTES DTD 05/24/2022 3.750% 05/24/2024	40428HTA0	375,000.00	A-	A1	5/17/2022	5/24/2022	374,985.00	3.75	1,445.31	374,989.56	367,435.88
ASTRAZENECA FINANCE LLC (CALLABLE) CORP DTD 05/28/2021 0.700% 05/28/2024	04636NAC7	290,000.00	A	A3	5/25/2021	5/28/2021	289,973.90	0.70	186.08	289,987.78	273,753.62
HORMEL FOODS CORP NOTES (CALLABLE) DTD 06/03/2021 0.650% 06/03/2024	440452AG5	175,000.00	A	A1	3/10/2022	3/14/2022	169,457.75	2.12	88.47	171,457.60	164,780.00
JOHN DEERE CAPITAL CORP CORPORATE NOTES DTD 06/10/2021 0.450% 06/07/2024	24422EVQ9	80,000.00	A	A2	6/7/2021	6/10/2021	79,900.00	0.49	24.00	79,952.15	75,201.68
TARGET CORP CORPORATE NOTES DTD 06/26/2014 3.500% 07/01/2024	87612EBD7	200,000.00	A	A2	11/23/2021	11/29/2021	212,528.00	1.04	3,500.00	207,251.66	195,889.80
BANK OF AMERICA (CALLABLE) CORP NOTES DTD 07/23/2018 3.864% 07/23/2024	06051GHL6	200,000.00	A-	A2	9/28/2020	10/1/2020	216,830.00	1.58	3,391.73	203,390.21	197,797.80
BRISTOL MYERS SQUIBB CO CORP NOTES (CALL DTD 01/26/2020 2.900% 07/26/2024	110122CM8	83,000.00	A+	A2	10/5/2020	10/7/2020	89,863.27	0.69	1,036.35	85,739.24	80,746.47
AMERICAN EXPRESS CO CORP NOTES (CALLABLE) DTD 07/30/2019 2.500% 07/30/2024	025816CG2	225,000.00	BBB+	A2	11/19/2021	11/23/2021	233,055.00	1.14	2,359.38	229,629.51	216,851.40

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
PACCAR FINANCIAL CORP CORPORATE NOTES DTD 08/09/2021 0.500% 08/09/2024	69371RR40	145,000.00	A+	A1	8/3/2021	8/9/2021	144,921.70	0.52	285.97	144,958.14	135,026.61
AMERICAN HONDA FINANCE CORPORATE NOTES DTD 09/09/2021 0.750% 08/09/2024	02665WDY4	185,000.00	A-	A3	9/7/2021	9/9/2021	184,877.90	0.77	547.29	184,932.82	173,164.07
UNILEVER CAPITAL CORP (CALLABLE) CORPORA DTD 08/12/2021 0.626% 08/12/2024	904764BN6	100,000.00	A+	A1	8/9/2021	8/12/2021	100,000.00	0.63	241.71	100,000.00	93,838.00
COOPERAT RABOBANK UA/NY CORPORATE NOTES DTD 08/22/2022 3.875% 08/22/2024	21688AAU6	250,000.00	A+	Aa2	8/15/2022	8/22/2022	249,885.00	3.90	3,471.35	249,905.77	245,813.25
GOLDMAN SACHS GROUP INC (CALLABLE) CORP DTD 06/10/2021 0.657% 09/10/2024	38141GYE8	150,000.00	BBB+	A2	6/7/2021	6/10/2021	150,000.00	0.66	303.86	150,000.00	144,353.10
TOYOTA MOTOR CREDIT CORP CORPORATE NOTES DTD 09/13/2021 0.625% 09/13/2024	89236TJN6	200,000.00	A+	A1	9/8/2021	9/13/2021	199,906.00	0.64	375.00	199,946.74	186,409.00
BANK OF AMERICA CORP (CALLABLE) CORPORAT DTD 10/21/2020 0.810% 10/24/2024	06051GJH3	275,000.00	A-	A2	10/16/2020	10/21/2020	275,000.00	0.81	414.56	275,000.00	263,751.95
HONEYWELL INTERNATIONAL CORPORATE NOTES DTD 11/02/2022 4.850% 11/01/2024	438516CH7	210,000.00	A	A2	10/28/2022	11/2/2022	209,964.30	4.86	1,669.21	209,967.23	210,015.54
TEXAS INSTRUMENTS INC CORPORATE NOTES DTD 11/18/2022 4.700% 11/18/2024	882508BR4	55,000.00	A+	Aa3	11/15/2022	11/18/2022	54,975.25	4.72	308.76	54,976.74	54,942.20
JOHN DEERE CAPITAL CORP CORPORATE NOTES DTD 01/10/2022 1.250% 01/10/2025	24422EVY2	220,000.00	A	A2	1/4/2022	1/10/2022	219,896.60	1.27	1,306.25	219,930.19	205,570.42
COOPERATIEVE RABOBANK UA CORPORATE NOTES DTD 01/12/2022 1.375% 01/10/2025	21688AAS1	250,000.00	A+	Aa2	1/19/2022	1/24/2022	248,020.00	1.65	1,632.81	248,645.84	233,376.00
AMERICAN HONDA FINANCE CORPORATE NOTES DTD 01/13/2022 1.500% 01/13/2025	02665WEA5	250,000.00	A-	A3	1/11/2022	1/13/2022	249,802.50	1.53	1,750.00	249,866.11	234,158.00

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
LINDE INC/CT (CALLABLE) CORPORATE NOTES DTD 02/05/2015 2.650% 02/05/2025	74005PBN3	175,000.00	A	A2	3/4/2022	3/8/2022	177,549.75	2.13	1,880.76	176,766.22	167,438.08
NATIONAL RURAL UTIL COOP CORPORATE NOTES DTD 02/07/2022 1.875% 02/07/2025	63743HFC1	65,000.00	A-	A2	2/22/2022	2/24/2022	64,400.70	2.20	487.50	64,573.44	60,913.13
NATIONAL RURAL UTIL COOP CORPORATE NOTES DTD 02/07/2022 1.875% 02/07/2025	63743HFC1	110,000.00	A-	A2	1/31/2022	2/7/2022	109,996.70	1.88	825.00	109,997.69	103,083.75
MERCK & CO INC CORP NOTES DTD 02/10/2015 2.750% 02/10/2025	58933YAR6	130,000.00	A+	A1	3/9/2021	3/11/2021	138,819.20	0.98	1,400.21	134,468.83	124,650.63
TOYOTA MOTOR CREDIT CORP CORP NOTES DTD 02/13/2020 1.800% 02/13/2025	89236TGT6	200,000.00	A+	A1	9/23/2021	9/27/2021	205,542.00	0.96	1,380.00	203,473.29	188,364.00
JPMORGAN CHASE & CO CORP NOTES (CALLABLE DTD 02/16/2021 0.563% 02/16/2025	46647PBY1	170,000.00	A-	A1	2/9/2021	2/16/2021	170,000.00	0.56	358.91	170,000.00	160,245.23
AMERICAN EXPRESS CO CORP NOTES (CALLABLE DTD 03/04/2022 2.250% 03/04/2025	025816CQ0	50,000.00	BBB+	A2	3/1/2022	3/4/2022	49,949.50	2.29	365.63	49,963.46	47,207.40
AMERICAN EXPRESS CO CORP NOTES (CALLABLE DTD 03/04/2022 2.250% 03/04/2025	025816CQ0	100,000.00	BBB+	A2	3/2/2022	3/4/2022	99,821.00	2.31	731.25	99,870.49	94,414.80
EXXON MOBIL CORP CORPORATE NT (CALLABLE) DTD 03/06/2015 2.709% 03/06/2025	30231GAF9	130,000.00	AA-	Aa2	3/26/2021	3/30/2021	138,049.60	1.10	1,124.99	134,213.04	124,272.07
JOHN DEERE CAPITAL CORP CORPORATE NOTES DTD 03/07/2022 2.125% 03/07/2025	24422EWB1	25,000.00	A	A2	3/2/2022	3/7/2022	24,989.25	2.14	168.23	24,992.19	23,637.18
JOHN DEERE CAPITAL CORP CORPORATE NOTES DTD 03/07/2022 2.125% 03/07/2025	24422EWB1	50,000.00	A	A2	3/3/2022	3/7/2022	50,100.00	2.06	336.46	50,072.63	47,274.35
ABBOTT LABORATORIES CORP NOTE (CALLABLE) DTD 03/10/2015 2.950% 03/15/2025	002824BB5	165,000.00	AA-	A1	3/10/2022	3/14/2022	167,547.60	2.41	1,433.21	166,806.34	160,012.05

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
UNILEVER CAPITAL CORP NOTES (CALLABLE) DTD 03/22/2018 3.375% 03/22/2025	904764BB2	125,000.00	A+	A1	2/22/2022	2/24/2022	129,088.75	2.27	1,160.16	127,393.28	121,411.25
BURLINGTN NORTH SANTA FE CORP NOTES (CAL DTD 03/09/2015 3.000% 04/01/2025	12189LAV3	125,000.00	AA-	A3	3/5/2021	3/9/2021	134,578.75	1.07	937.50	130,023.00	120,193.25
PACCAR FINANCIAL CORP CORPORATE NOTES DTD 04/07/2022 2.850% 04/07/2025	69371RR73	250,000.00	A+	A1	3/31/2022	4/7/2022	249,935.00	2.86	1,662.50	249,950.95	239,596.00
AMAZON.COM INC CORPORATE NOTES DTD 04/13/2022 3.000% 04/13/2025	023135CE4	350,000.00	AA	A1	4/11/2022	4/13/2022	349,443.50	3.06	2,275.00	349,577.04	337,648.50
BROWN-FORMAN CORP NOTES (CALLABLE) DTD 03/26/2018 3.500% 04/15/2025	115637AS9	115,000.00	A-	A1	2/24/2022	2/28/2022	119,465.45	2.21	849.72	118,199.62	112,066.58
HOME DEPOT INC (CALLABLE) CORPORATE NOTE DTD 03/28/2022 2.700% 04/15/2025	437076CM2	40,000.00	A	A2	3/24/2022	3/28/2022	39,930.00	2.76	228.00	39,947.53	38,270.64
BANK OF NY MELLON (CALLABLE) CORP NOTES DTD 04/24/2020 1.600% 04/24/2025	06406RAN7	125,000.00	A	A1	3/10/2022	3/14/2022	121,988.75	2.41	372.22	122,764.74	116,146.00
BANK OF NY MELLON (CALLABLE) CORP NOTES DTD 04/24/2020 1.600% 04/24/2025	06406RAN7	135,000.00	A	A1	3/9/2021	3/11/2021	138,202.20	1.01	402.00	136,766.21	125,437.68
BANK OF NY MELLON CORP (CALLABLE) CORP N DTD 04/26/2022 3.350% 04/25/2025	06406RBC0	250,000.00	A	A1	4/19/2022	4/26/2022	249,965.00	3.36	1,535.42	249,972.99	242,134.00
CINTAS CORPORATION NO. 2 CORP NOTE (CALL DTD 05/03/2022 3.450% 05/01/2025	17252MAP5	70,000.00	A-	A3	5/2/2022	5/4/2022	69,794.90	3.55	402.50	69,840.31	67,777.43
CITIGROUP INC (CALLABLE) CORPORATE NOTES DTD 05/04/2021 0.981% 05/01/2025	172967MX6	175,000.00	BBB+	A3	4/28/2021	5/4/2021	175,458.50	0.91	286.13	175,203.87	163,685.73
CINTAS CORPORATION NO. 2 CORP NOTE (CALL DTD 05/03/2022 3.450% 05/01/2025	17252MAP5	105,000.00	A-	A3	4/26/2022	5/3/2022	104,976.90	3.46	603.75	104,982.03	101,666.15

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
CATERPILLAR FINL SERVICE CORPORATE NOTES DTD 05/13/2022 3.400% 05/13/2025	14913R2V8	95,000.00	A	A2	5/10/2022	5/13/2022	94,879.35	3.44	430.67	94,905.00	92,386.17
CATERPILLAR FINL SERVICE CORPORATE NOTES DTD 05/13/2022 3.400% 05/13/2025	14913R2V8	30,000.00	A	A2	5/10/2022	5/13/2022	29,997.00	3.40	136.00	29,997.64	29,174.58
GENERAL DYNAMICS CORP (CALLABLE) CORP NO DTD 05/11/2018 3.500% 05/15/2025	369550BG2	165,000.00	A-	A3	3/4/2022	3/8/2022	171,512.55	2.21	737.92	169,747.14	160,532.13
JPMORGAN CHASE & CO (CALLABLE) CORP NOTE DTD 06/01/2021 0.824% 06/01/2025	46647PCH7	345,000.00	A-	A1	5/24/2021	6/1/2021	345,000.00	0.82	236.90	345,000.00	321,743.21
HONEYWELL INTL CORP NOTES (CALLABLE) DTD 05/18/2020 1.350% 06/01/2025	438516CB0	175,000.00	A	A2	3/2/2022	3/4/2022	171,234.00	2.04	196.88	172,196.95	161,862.05
PNC BANK NA CORP NOTE (CALLABLE) DTD 06/01/2015 3.250% 06/01/2025	69353REQ7	250,000.00	A	A2	8/23/2022	8/25/2022	245,665.00	3.92	677.08	246,218.13	241,013.50
HERSHEY CO CORP NOTES (CALLABLE) DTD 06/01/2020 0.900% 06/01/2025	427866BF4	130,000.00	A	A1	2/23/2022	2/25/2022	124,784.40	2.18	97.50	126,140.81	118,729.13
TRUIST FINANCIAL CORP NOTES (CALLABLE) DTD 06/05/2018 3.700% 06/05/2025	05531FBE2	231,000.00	A-	A3	2/7/2022	2/9/2022	242,822.58	2.10	617.28	239,559.11	224,278.36
NATIONAL AUSTRALIA BK/NY CORPORATE NOTES DTD 06/09/2022 3.500% 06/09/2025	63254ABD9	255,000.00	AA-	Aa3	5/31/2022	6/9/2022	255,000.00	3.50	545.42	255,000.00	246,979.74
NATIONAL RURAL UTIL COOP CORPORATE NOTES DTD 05/04/2022 3.450% 06/15/2025	63743HFE7	60,000.00	A-	A2	5/2/2022	5/4/2022	59,680.20	3.63	92.00	59,748.21	57,742.92
NATIONAL RURAL UTIL COOP CORPORATE NOTES DTD 05/04/2022 3.450% 06/15/2025	63743HFE7	40,000.00	A-	A2	4/27/2022	5/4/2022	39,989.20	3.46	61.33	39,991.50	38,495.28
JP MORGAN CHASE CORP NOTES (CALLABLE) DTD 07/21/2015 3.900% 07/15/2025	46625HMN7	225,000.00	A-	A1	3/10/2022	3/14/2022	232,026.75	2.91	4,046.25	230,201.54	219,512.48

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
MORGAN STANLEY CORP NOTES DTD 07/23/2015 4.000% 07/23/2025	6174468C6	85,000.00	A-	A1	6/22/2022	6/24/2022	84,900.55	4.04	1,492.22	84,917.43	82,961.19
IBM CORP CORPORATE NOTES DTD 07/27/2022 4.000% 07/27/2025	459200KS9	375,000.00	A-	A3	7/20/2022	7/27/2022	375,000.00	4.00	6,416.67	375,000.00	368,898.38
BANK OF AMERICA CORP NOTES DTD 07/30/2015 3.875% 08/01/2025	06051GFS3	225,000.00	A-	A2	3/10/2022	3/14/2022	232,420.50	2.84	3,632.81	230,661.43	219,069.68
COLGATE-PALMOLIVE CO CORPORATE NOTES DTD 08/09/2022 3.100% 08/15/2025	194162AM5	55,000.00	AA-	Aa3	8/1/2022	8/9/2022	54,949.40	3.13	672.53	54,956.06	53,160.47
WALMART INC CORPORATE NOTES DTD 09/09/2022 3.900% 09/09/2025	931142EW9	225,000.00	AA	Aa2	9/6/2022	9/9/2022	224,842.50	3.93	2,730.00	224,858.88	221,903.55
HOME DEPOT INC NOTES (CALLABLE) DTD 09/19/2022 4.000% 09/15/2025	437076CR1	55,000.00	A	A2	9/12/2022	9/19/2022	54,980.20	4.01	623.33	54,982.09	54,186.83
UNITEDHEALTH GROUP INC CORPORATE NOTES DTD 10/28/2022 5.150% 10/15/2025	91324PEN8	80,000.00	A+	A3	10/25/2022	10/28/2022	79,992.80	5.15	721.00	79,993.23	80,752.24
LOCKHEED MARTIN CORP NOTES (CALLABLE) DTD 10/24/2022 4.950% 10/15/2025	539830BU2	80,000.00	A-	A3	10/19/2022	10/24/2022	79,772.00	5.05	737.00	79,786.47	80,526.00
LOCKHEED MARTIN CORP NOTES (CALLABLE) DTD 10/24/2022 4.950% 10/15/2025	539830BU2	95,000.00	A-	A3	11/1/2022	11/3/2022	95,046.55	4.93	875.19	95,043.93	95,624.63
PNC FINANCIAL SERVICES CORP NOTE (CALLAB DTD 10/28/2022 5.671% 10/28/2025	693475BH7	110,000.00	A-	A3	10/25/2022	10/28/2022	110,000.00	5.67	1,091.67	110,000.00	111,080.20
COMCAST CORP CORPORATE NOTES DTD 11/07/2022 5.250% 11/07/2025	20030NDZ1	110,000.00	A-	A3	11/3/2022	11/7/2022	109,734.90	5.34	866.25	109,748.20	111,398.54
COMCAST CORP CORPORATE NOTES DTD 11/07/2022 5.250% 11/07/2025	20030NDZ1	65,000.00	A-	A3	10/31/2022	11/7/2022	64,982.45	5.26	511.88	64,983.33	65,826.41
BRISTOL-MYERS SQUIBB CO CORPORATE NOTES DTD 11/13/2020 0.750% 11/13/2025	110122DN5	125,000.00	A+	A2	2/22/2022	2/24/2022	118,435.00	2.23	125.00	119,938.47	112,219.75
LINDE INC/CT CORPORATE NOTES (CALLABLE) DTD 12/05/2022 4.700% 12/05/2025	53522KAB9	250,000.00	A	A2	11/28/2022	12/5/2022	249,730.00	4.74	848.61	249,736.65	250,788.00

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
AUST & NZ BANKING GRP NY CORPORATE NOTES DTD 12/08/2022 5.088% 12/08/2025	05254JAA8	250,000.00	AA-	Aa3	11/29/2022	12/8/2022	250,000.00	5.09	812.67	250,000.00	250,945.00
STATE STREET CORP (CALLABLE) CORPORATE N DTD 02/07/2022 1.746% 02/06/2026	857477BR3	110,000.00	A	A1	2/2/2022	2/7/2022	110,000.00	1.75	773.58	110,000.00	102,773.55
MORGAN STANLEY CORP NOTES (CALLABLE) DTD 02/18/2022 2.630% 02/18/2026	61747YEM3	290,000.00	A-	A1	2/16/2022	2/18/2022	290,000.00	2.63	2,817.75	290,000.00	272,471.53
STATE STREET CORP NOTES (CALLABLE) DTD 10/29/2020 2.901% 03/30/2026	857477BM4	255,000.00	A	A1	2/17/2022	2/22/2022	260,133.15	2.38	1,869.94	258,713.82	242,261.22
BANK OF NEW YORK MELLON CORP NOTES (CALL DTD 07/26/2022 4.414% 07/24/2026	06406RBJ5	170,000.00	A	A1	7/20/2022	7/26/2022	170,554.20	4.32	3,230.80	170,473.65	167,269.80
BANK OF NEW YORK MELLON CORP NOTES (CALL DTD 07/26/2022 4.414% 07/24/2026	06406RBJ5	80,000.00	A	A1	7/19/2022	7/26/2022	80,000.00	4.41	1,520.38	80,000.00	78,715.20
TRUIST FIN CORP NOTES (CALLABLE) DTD 07/28/2022 4.260% 07/28/2026	89788MAH5	65,000.00	A-	A3	7/26/2022	7/28/2022	65,065.00	4.23	1,176.83	65,055.69	63,770.26
TRUIST FIN CORP NOTES (CALLABLE) DTD 07/28/2022 4.260% 07/28/2026	89788MAH5	65,000.00	A-	A3	7/25/2022	7/28/2022	65,000.00	4.26	1,176.83	65,000.00	63,770.27
<b>Security Type Sub-Total</b>		<b>13,814,000.00</b>					<b>13,946,890.55</b>	<b>2.38</b>	<b>92,952.74</b>	<b>13,874,477.00</b>	<b>13,286,430.67</b>
<b>Agency CMBS</b>											
FHMS K053 A2 DTD 03/29/2016 2.995% 12/01/2025	3137BN6G4	250,000.00	AA+	Aaa	8/4/2022	8/9/2022	247,119.14	3.36	623.96	247,119.14	239,013.76
FNA 2016-M3 A2 DTD 03/31/2016 2.702% 02/01/2026	3136ARTE8	202,549.48	AA+	Aaa	8/31/2022	9/6/2022	195,689.69	3.76	456.07	195,689.69	191,805.01
<b>Security Type Sub-Total</b>		<b>452,549.48</b>					<b>442,808.83</b>	<b>3.54</b>	<b>1,080.03</b>	<b>442,808.83</b>	<b>430,818.77</b>

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>ABS</b>											
MBALT 2020-B A3 DTD 09/23/2020 0.400% 11/15/2023	58769EAC2	13,451.51	AAA	NR	9/15/2020	9/23/2020	13,450.83	0.40	2.39	13,451.32	13,426.45
BMWLT 2021-1 A3 DTD 03/10/2021 0.290% 01/25/2024	05591RAC8	41,256.98	AAA	Aaa	3/2/2021	3/10/2021	41,255.67	0.29	1.99	41,256.50	40,938.31
VZOT 2019-C A1A DTD 10/08/2019 1.940% 04/22/2024	92348AAA3	12,741.95	AAA	NR	10/1/2019	10/8/2019	12,740.96	1.94	7.55	12,741.67	12,722.89
GMALT 2021-2 A3 DTD 05/26/2021 0.340% 05/20/2024	380144AC9	150,866.82	AAA	NR	5/18/2021	5/26/2021	150,843.13	0.35	15.67	150,855.84	149,031.86
NAROT 2019-C A3 DTD 10/23/2019 1.930% 07/15/2024	65479JAD5	32,490.79	AAA	Aaa	10/16/2019	10/23/2019	32,489.07	1.93	27.87	32,490.23	32,328.72
VZOT 2020-A A1A DTD 01/29/2020 1.850% 07/22/2024	92348TAA2	22,045.01	AAA	Aaa	1/21/2020	1/29/2020	22,042.43	1.85	12.46	22,044.11	21,942.25
TAOT 2020-C A3 DTD 07/27/2020 0.440% 10/15/2024	89237VAB5	73,822.57	AAA	Aaa	7/21/2020	7/27/2020	73,816.89	0.44	14.44	73,820.16	72,668.30
HDMOT 2020-A A3 DTD 01/29/2020 1.870% 10/15/2024	41284UAD6	9,817.15	AAA	Aaa	1/21/2020	1/29/2020	9,815.01	1.87	8.16	9,816.34	9,801.09
HAROT 2020-3 A3 DTD 09/29/2020 0.370% 10/18/2024	43813KAC6	90,284.29	AAA	NR	9/22/2020	9/29/2020	90,271.04	0.37	12.06	90,278.42	88,296.28
BMWOT 2020-A A3 DTD 07/15/2020 0.480% 10/25/2024	09661RAD3	35,478.96	AAA	NR	7/8/2020	7/15/2020	35,476.28	0.48	2.84	35,477.82	34,978.14
HART 2020-B A3 DTD 07/22/2020 0.480% 12/16/2024	44933FAC0	61,852.55	AAA	NR	7/14/2020	7/22/2020	61,840.97	0.48	13.20	61,847.40	60,998.74
CARMX 2020-1 A3 DTD 01/22/2020 1.890% 12/16/2024	14315XAC2	52,200.88	AAA	NR	1/14/2020	1/22/2020	52,190.64	1.89	43.85	52,196.79	51,576.53
VZOT 2020-B A DTD 08/12/2020 0.470% 02/20/2025	92290BAA9	174,132.05	NR	Aaa	8/4/2020	8/12/2020	174,095.48	0.47	25.01	174,114.77	171,445.38
GMCAR 2020-3 A3 DTD 08/19/2020 0.450% 04/16/2025	362590AC5	95,049.09	NR	Aaa	8/11/2020	8/19/2020	95,027.34	0.46	17.82	95,038.40	92,853.51
WOART 2020-B A3 DTD 06/24/2020 0.630% 05/15/2025	98163WAC0	76,935.13	AAA	NR	6/16/2020	6/24/2020	76,929.10	0.63	21.54	76,932.21	75,200.82
VWALT 2022-A A3 DTD 06/14/2022 3.440% 07/21/2025	92868AAC9	100,000.00	NR	Aaa	6/7/2022	6/14/2022	99,992.04	3.44	105.11	99,993.45	97,426.15
HART 2021-A A3 DTD 04/28/2021 0.380% 09/15/2025	44933LAC7	107,455.87	AAA	NR	4/20/2021	4/28/2021	107,444.56	0.38	18.15	107,448.89	103,927.70



Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>ABS</b>											
HAROT 2021-4 A3 DTD 11/24/2021 0.880% 01/21/2026	43815GAC3	155,000.00	NR	Aaa	11/16/2021	11/24/2021	154,967.33	0.89	37.89	154,976.00	147,101.96
CARMX 2021-2 A3 DTD 04/21/2021 0.520% 02/17/2026	14314QAC8	120,404.71	AAA	NR	4/13/2021	4/21/2021	120,378.76	0.52	27.83	120,387.89	115,892.07
HART 2021-C A3 DTD 11/17/2021 0.740% 05/15/2026	44935FAD6	120,000.00	AAA	NR	11/9/2021	11/17/2021	119,973.22	0.75	39.47	119,979.92	113,078.26
FORDO 2022-A A3 DTD 01/24/2022 1.290% 06/15/2026	345286AC2	130,000.00	AAA	NR	1/19/2022	1/24/2022	129,984.56	1.29	74.53	129,987.85	123,672.72
CARMX 2021-3 A3 DTD 07/28/2021 0.550% 06/15/2026	14317DAC4	260,000.00	AAA	Aaa	7/21/2021	7/28/2021	259,957.23	0.55	63.56	259,969.75	247,275.60
BMWOT 2022-A A3 DTD 05/18/2022 3.210% 08/25/2026	05602RAD3	135,000.00	AAA	Aaa	5/10/2022	5/18/2022	134,992.98	3.21	72.23	134,994.01	131,560.74
TAOT 2022-B A3 DTD 04/13/2022 2.930% 09/15/2026	89238FAD5	145,000.00	AAA	Aaa	4/7/2022	4/13/2022	144,996.61	2.93	188.82	144,997.16	140,279.54
COPAR 2021-1 A3 DTD 10/27/2021 0.770% 09/15/2026	14044CAC6	160,000.00	AAA	Aaa	10/19/2021	10/27/2021	159,996.98	0.77	54.76	159,997.71	150,513.60
DCENT 2021-A1 A1 DTD 09/27/2021 0.580% 09/15/2026	254683CP8	155,000.00	AAA	Aaa	9/20/2021	9/27/2021	154,966.81	0.58	39.96	154,975.24	144,270.08
GMCAR 2021-4 A3 DTD 10/21/2021 0.680% 09/16/2026	362554AC1	100,000.00	AAA	Aaa	10/13/2021	10/21/2021	99,997.45	0.68	28.33	99,998.07	94,155.83
WOART 2021-D A3 DTD 11/03/2021 0.810% 10/15/2026	98163KAC6	190,000.00	AAA	NR	10/26/2021	11/3/2021	189,974.12	0.81	68.40	189,980.19	180,644.31
HART 2022-A A3 DTD 03/16/2022 2.220% 10/15/2026	448977AD0	140,000.00	AAA	NR	3/9/2022	3/16/2022	139,994.61	2.22	138.13	139,995.55	133,341.05
ALLYA 2022-1 A3 DTD 05/18/2022 3.310% 11/15/2026	02008JAC0	245,000.00	AAA	Aaa	5/10/2022	5/18/2022	244,952.57	3.31	360.42	244,959.16	238,224.06
COMET 2021-A3 A3 DTD 11/30/2021 1.040% 11/15/2026	14041NFY2	305,000.00	AAA	NR	11/18/2021	11/30/2021	304,957.97	1.04	140.98	304,967.18	284,781.86
GMCAR 2022-1 A3 DTD 01/19/2022 1.260% 11/16/2026	380146AC4	110,000.00	AAA	NR	1/11/2022	1/19/2022	109,990.44	1.26	57.75	109,992.32	104,098.03
HDMOT 2022-A A3 DTD 04/20/2022 3.060% 02/15/2027	41284YAD8	255,000.00	AAA	Aaa	4/12/2022	4/20/2022	254,957.54	3.06	346.80	254,963.71	247,884.28
CARMX 2022-2 A3 DTD 04/28/2022 3.490% 02/16/2027	14317HAC5	190,000.00	AAA	Aaa	4/21/2022	4/28/2022	189,971.10	3.49	294.71	189,975.18	184,774.24

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>ABS</b>											
GMCAR 2022-2 A3 DTD 04/13/2022 3.100% 02/16/2027	362585AC5	125,000.00	AAA	Aaa	4/5/2022	4/13/2022	124,973.88	3.10	161.46	124,977.76	121,217.85
COMET 2022-A1 A1 DTD 03/30/2022 2.800% 03/15/2027	14041NFZ9	250,000.00	AAA	NR	3/23/2022	3/30/2022	249,981.15	2.80	311.11	249,984.03	239,742.90
TAOT 2022-C A3 DTD 08/16/2022 3.760% 04/15/2027	89231CAD9	105,000.00	AAA	NR	8/8/2022	8/16/2022	104,982.45	3.76	175.47	104,983.87	101,992.26
CARMX 2022-3 A3 DTD 07/20/2022 3.970% 04/15/2027	14318MAD1	265,000.00	AAA	NR	7/12/2022	7/20/2022	264,993.75	3.97	467.58	264,994.35	257,379.40
GMCAR 2022-3 A3 DTD 07/13/2022 3.640% 04/16/2027	36265WAD5	155,000.00	NR	Aaa	7/6/2022	7/13/2022	154,998.93	3.64	235.08	154,999.04	151,532.93
COMET 2022-A2 A DTD 06/14/2022 3.490% 05/15/2027	14041NGA3	335,000.00	AAA	NR	6/6/2022	6/14/2022	334,946.47	3.49	519.62	334,952.46	325,803.41
ALLYA 2022-2 A3 DTD 10/12/2022 4.760% 05/17/2027	02008MAC3	450,000.00	AAA	Aaa	10/4/2022	10/12/2022	449,994.42	4.76	952.00	449,994.69	447,258.60
DCENT 2022-A2 A DTD 05/26/2022 3.320% 05/17/2027	254683CS2	270,000.00	NR	Aaa	5/19/2022	5/26/2022	269,978.05	3.32	398.40	269,980.71	260,403.88
AMXCA 2022-2 A DTD 05/24/2022 3.390% 05/17/2027	02582JJT8	370,000.00	AAA	NR	5/17/2022	5/24/2022	369,918.16	3.39	557.47	369,928.15	359,175.98
NAROT 2022-B A3 DTD 09/28/2022 4.460% 05/17/2027	65480JAC4	235,000.00	AAA	Aaa	9/20/2022	9/28/2022	234,951.38	4.46	465.82	234,954.11	232,137.94
HART 2022-C A3 DTD 11/09/2022 5.390% 06/15/2027	44933DAD3	325,000.00	AAA	NR	11/1/2022	11/9/2022	324,998.44	5.39	778.56	324,998.49	328,555.50
DCENT 2022-A3 A3 DTD 08/09/2022 3.560% 07/15/2027	254683CW3	300,000.00	AAA	Aaa	8/2/2022	8/9/2022	299,962.77	3.56	474.67	299,965.77	290,767.14
MBART 2022-1 A3 DTD 11/22/2022 5.210% 08/16/2027	58768PAC8	390,000.00	AAA	Aaa	11/15/2022	11/22/2022	389,922.86	5.21	903.07	389,924.65	393,186.22
CARMX 2022-4 A3 DTD 10/31/2022 5.340% 08/16/2027	14318UAD3	295,000.00	AAA	NR	10/26/2022	10/31/2022	294,930.82	5.35	700.13	294,933.27	297,391.57
TAOT 2022-D A3 DTD 11/08/2022 5.300% 09/15/2027	89239HAD0	110,000.00	NR	Aaa	11/1/2022	11/8/2022	109,989.14	5.30	259.11	109,989.47	111,322.63

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>ABS</b>											
AMXCA 2022-4 A DTD 11/03/2022 4.950% 10/15/2027	02582JJX9	120,000.00	AAA	NR	10/27/2022	11/3/2022	119,994.05	4.95	264.00	119,994.24	120,831.89
<b>Security Type Sub-Total</b>		<b>8,165,286.31</b>					<b>8,164,248.44</b>	<b>2.86</b>	<b>10,008.23</b>	<b>8,164,456.27</b>	<b>7,949,811.45</b>
<b>Managed Account Sub Total</b>		<b>49,858,835.79</b>					<b>49,982,952.58</b>	<b>1.83</b>	<b>178,476.75</b>	<b>49,882,256.28</b>	<b>47,862,225.29</b>
<b>Securities Sub Total</b>		<b>\$49,858,835.79</b>					<b>\$49,982,952.58</b>	<b>1.83%</b>	<b>\$178,476.75</b>	<b>\$49,882,256.28</b>	<b>\$47,862,225.29</b>
<b>Accrued Interest</b>											<b>\$178,476.75</b>
<b>Total Investments</b>											<b>\$48,040,702.04</b>

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>BUY</b>									
10/4/2022	10/12/2022	450,000.00	02008MAC3	ALLYA 2022-2 A3	4.76%	5/17/2027	449,994.42	4.76%	
10/6/2022	10/11/2022	600,000.00	91282CFK2	US TREASURY N/B NOTES	3.50%	9/15/2025	589,484.85	4.23%	
10/19/2022	10/24/2022	80,000.00	539830BU2	LOCKHEED MARTIN CORP NOTES (CALLABLE)	4.95%	10/15/2025	79,772.00	5.05%	
10/25/2022	10/28/2022	80,000.00	91324PEN8	UNITEDHEALTH GROUP INC CORPORATE NOTES	5.15%	10/15/2025	79,992.80	5.15%	
10/25/2022	10/28/2022	110,000.00	693475BH7	PNC FINANCIAL SERVICES CORP NOTE (CALLAB	5.67%	10/28/2025	110,000.00	5.67%	
10/26/2022	10/31/2022	295,000.00	14318UAD3	CARMX 2022-4 A3	5.34%	8/16/2027	294,930.82	5.35%	
10/27/2022	10/31/2022	500,000.00	89115B6K1	TORONTO DOMINION BANK NY CERT DEPOS	5.60%	10/27/2025	500,000.00	5.58%	
10/27/2022	11/3/2022	120,000.00	02582JJX9	AMXCA 2022-4 A	4.95%	10/15/2027	119,994.05	4.95%	
10/28/2022	11/2/2022	210,000.00	438516CH7	HONEYWELL INTERNATIONAL CORPORATE NOTES	4.85%	11/1/2024	209,964.30	4.86%	
10/31/2022	11/7/2022	65,000.00	20030NDZ1	COMCAST CORP CORPORATE NOTES	5.25%	11/7/2025	64,982.45	5.26%	
11/1/2022	11/8/2022	110,000.00	89239HAD0	TAOT 2022-D A3	5.30%	9/15/2027	109,989.14	5.30%	
11/1/2022	11/9/2022	325,000.00	44933DAD3	HART 2022-C A3	5.39%	6/15/2027	324,998.44	5.39%	
11/1/2022	11/3/2022	95,000.00	539830BU2	LOCKHEED MARTIN CORP NOTES (CALLABLE)	4.95%	10/15/2025	95,164.11	4.93%	
11/2/2022	11/3/2022	500,000.00	65558UYF3	NORDEA BANK ABP NEW YORK CERT DEPOS	5.53%	11/3/2025	500,000.00	5.53%	
11/3/2022	11/7/2022	110,000.00	20030NDZ1	COMCAST CORP CORPORATE NOTES	5.25%	11/7/2025	109,734.90	5.34%	
11/15/2022	11/18/2022	55,000.00	882508BR4	TEXAS INSTRUMENTS INC CORPORATE NOTES	4.70%	11/18/2024	54,975.25	4.72%	
11/15/2022	11/22/2022	390,000.00	58768PAC8	MBART 2022-1 A3	5.21%	8/16/2027	389,922.86	5.21%	

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>BUY</b>									
11/28/2022	12/5/2022	250,000.00	53522KAB9	LINDE INC/CT CORPORATE NOTES (CALLABLE)	4.70%	12/5/2025	249,730.00	4.74%	
11/29/2022	12/8/2022	250,000.00	05254JAA8	AUST & NZ BANKING GRP NY CORPORATE NOTES	5.08%	12/8/2025	250,000.00	5.09%	
12/16/2022	12/16/2022	1,375,000.00	91282CFW6	US TREASURY N/B NOTES	4.50%	11/15/2025	1,399,204.94	3.99%	
<b>Total BUY</b>		<b>5,970,000.00</b>					<b>5,982,835.33</b>		<b>0.00</b>
<b>INTEREST</b>									
10/1/2022	10/1/2022	125,000.00	12189LAV3	BURLINGTN NORTH SANTA FE CORP NOTES (CAL	3.00%	4/1/2025	1,875.00		
10/1/2022	10/25/2022	250,000.00	3137BN6G4	FHMS K053 A2	2.99%	12/1/2025	623.96		
10/1/2022	10/25/2022	1,236.72	3137FQ3V3	FHMS KJ27 A1	2.09%	7/1/2024	2.16		
10/1/2022	10/25/2022	7,400.02	3137FKK39	FHMS KP05 A	3.20%	7/1/2023	19.75		
10/1/2022	10/25/2022	224,625.81	3136ARTE8	FNA 2016-M3 A2	2.70%	2/1/2026	505.78		
10/1/2022	10/25/2022	78,986.88	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	150.08		
10/1/2022	10/25/2022	171,253.93	3137B1BS0	FHLMC MULTIFAMILY STRUCTURED P	2.51%	11/1/2022	358.21		
10/3/2022	10/3/2022		MONEY0002	MONEY MARKET FUND			192.50		
10/7/2022	10/7/2022	250,000.00	69371RR73	PACCAR FINANCIAL CORP CORPORATE NOTES	2.85%	4/7/2025	3,562.50		
10/13/2022	10/13/2022	350,000.00	023135CE4	AMAZON.COM INC CORPORATE NOTES	3.00%	4/13/2025	5,250.00		
10/15/2022	10/15/2022	71,262.60	14315XAC2	CARMX 2020-1 A3	1.89%	12/16/2024	112.24		
10/15/2022	10/15/2022	260,000.00	14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	119.17		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
10/15/2022	10/15/2022	145,000.00	89238FAD5	TAOT 2022-B A3	2.93%	9/15/2026	354.04		
10/15/2022	10/15/2022	89,659.80	44933FAC0	HART 2020-B A3	0.48%	12/16/2024	35.86		
10/15/2022	10/15/2022	250,000.00	14041NFZ9	COMET 2022-A1 A1	2.80%	3/15/2027	583.33		
10/15/2022	10/15/2022	305,000.00	14041NFY2	COMET 2021-A3 A3	1.04%	11/15/2026	264.33		
10/15/2022	10/15/2022	115,000.00	44933LAC7	HART 2021-A A3	0.38%	9/15/2025	36.42		
10/15/2022	10/15/2022	102,143.93	89237VAB5	TAOT 2020-C A3	0.44%	10/15/2024	37.45		
10/15/2022	10/15/2022	15,523.79	14316LAC7	CARMX 2019-2 A3	2.68%	3/15/2024	34.67		
10/15/2022	10/15/2022	60,974.84	65479JAD5	NAROT 2019-C A3	1.93%	7/15/2024	98.07		
10/15/2022	10/15/2022	270,000.00	254683CS2	DCENT 2022-A2 A	3.32%	5/17/2027	747.00		
10/15/2022	10/15/2022	190,000.00	14317HAC5	CARMX 2022-2 A3	3.49%	2/16/2027	552.58		
10/15/2022	10/15/2022	200,000.00	20030NCR0	COMCAST CORP (CALLABLE) CORPORATE NOTES	3.70%	4/15/2024	3,700.00		
10/15/2022	10/15/2022	190,000.00	98163KAC6	WOART 2021-D A3	0.81%	10/15/2026	128.25		
10/15/2022	10/15/2022	22,944.13	41284UAD6	HDMOT 2020-A A3	1.87%	10/15/2024	35.75		
10/15/2022	10/15/2022	140,000.00	448977AD0	HART 2022-A A3	2.22%	10/15/2026	259.00		
10/15/2022	10/15/2022	130,000.00	345286AC2	FORDO 2022-A A3	1.29%	6/15/2026	139.75		
10/15/2022	10/15/2022	37,953.27	58769EAC2	MBALT 2020-B A3	0.40%	11/15/2023	12.65		
10/15/2022	10/15/2022	160,000.00	14044CAC6	COPAR 2021-1 A3	0.77%	9/15/2026	102.67		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
10/15/2022	10/15/2022	370,000.00	02582JJT8	AMXCA 2022-2 A	3.39%	5/17/2027	1,045.25		
10/15/2022	10/15/2022	245,000.00	02008JAC0	ALLYA 2022-1 A3	3.31%	11/15/2026	675.79		
10/15/2022	10/15/2022	115,000.00	115637AS9	BROWN-FORMAN CORP NOTES (CALLABLE)	3.50%	4/15/2025	2,012.50		
10/15/2022	10/15/2022	155,000.00	254683CP8	DCENT 2021-A1 A1	0.58%	9/15/2026	74.92		
10/15/2022	10/15/2022	99,015.13	98163WAC0	WOART 2020-B A3	0.63%	5/15/2025	51.98		
10/15/2022	10/15/2022	300,000.00	254683CW3	DCENT 2022-A3 A3	3.56%	7/15/2027	890.00		
10/15/2022	10/15/2022	40,000.00	437076CM2	HOME DEPOT INC (CALLABLE) CORPORATE NOTE	2.70%	4/15/2025	591.00		
10/15/2022	10/15/2022	120,000.00	44935FAD6	HART 2021-C A3	0.74%	5/15/2026	74.00		
10/15/2022	10/15/2022	235,000.00	65480JAC4	NAROT 2022-B A3	4.46%	5/17/2027	494.94		
10/15/2022	10/15/2022	125,000.00	14314QAC8	CARMX 2021-2 A3	0.52%	2/17/2026	54.17		
10/15/2022	10/15/2022	335,000.00	14041NGA3	COMET 2022-A2 A	3.49%	5/15/2027	974.29		
10/15/2022	10/15/2022	105,000.00	89231CAD9	TAOT 2022-C A3	3.76%	4/15/2027	329.00		
10/15/2022	10/15/2022	255,000.00	41284YAD8	HDMOT 2022-A A3	3.06%	2/15/2027	650.25		
10/15/2022	10/15/2022	265,000.00	14318MAD1	CARMX 2022-3 A3	3.97%	4/15/2027	876.71		
10/16/2022	10/16/2022	100,000.00	362554AC1	GMCAR 2021-4 A3	0.68%	9/16/2026	56.67		
10/16/2022	10/16/2022	125,000.00	362585AC5	GMCAR 2022-2 A3	3.10%	2/16/2027	322.92		
10/16/2022	10/16/2022	110,000.00	380146AC4	GMCAR 2022-1 A3	1.26%	11/16/2026	115.50		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
10/16/2022	10/16/2022	121,781.81	362590AC5	GMCAR 2020-3 A3	0.45%	4/16/2025	45.67		
10/16/2022	10/16/2022	155,000.00	36265WAD5	GMCAR 2022-3 A3	3.64%	4/16/2027	470.17		
10/18/2022	10/18/2022	118,702.47	43813KAC6	HAROT 2020-3 A3	0.37%	10/18/2024	36.60		
10/20/2022	10/20/2022	47,189.61	92348TAA2	VZOT 2020-A A1A	1.85%	7/22/2024	72.75		
10/20/2022	10/20/2022	18,279.21	362569AC9	GMALT 2020-3 A3	0.45%	8/21/2023	6.85		
10/20/2022	10/20/2022	61,763.72	92348AAA3	VZOT 2019-C A1A	1.94%	4/22/2024	99.85		
10/20/2022	10/20/2022	272,780.64	92290BAA9	VZOT 2020-B A	0.47%	2/20/2025	106.84		
10/20/2022	10/20/2022	100,000.00	92868AAC9	VWALT 2022-A A3	3.44%	7/21/2025	286.67		
10/20/2022	10/20/2022	209,998.35	380144AC9	GMALT 2021-2 A3	0.34%	5/20/2024	59.50		
10/21/2022	10/21/2022	155,000.00	43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	113.67		
10/24/2022	10/24/2022	260,000.00	06406RAN7	BANK OF NY MELLON (CALLABLE) CORP NOTES	1.60%	4/24/2025	2,080.00		
10/24/2022	10/24/2022	275,000.00	06051GJH3	BANK OF AMERICA CORP (CALLABLE) CORPORAT	0.81%	10/24/2024	1,113.75		
10/25/2022	10/25/2022	52,073.92	09661RAD3	BMWOT 2020-A A3	0.48%	10/25/2024	20.83		
10/25/2022	10/25/2022	135,000.00	05602RAD3	BMWOT 2022-A A3	3.21%	8/25/2026	361.13		
10/25/2022	10/25/2022	71,035.66	05591RAC8	BMWLT 2021-1 A3	0.29%	1/25/2024	17.17		
10/25/2022	10/25/2022	250,000.00	06406RBC0	BANK OF NY MELLON CORP (CALLABLE) CORP N	3.35%	4/25/2025	4,164.24		
10/31/2022	10/31/2022	1,650,000.00	912828YM6	US TREASURY NOTES	1.50%	10/31/2024	12,375.00		



### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
10/31/2022	10/31/2022	1,425,000.00	91282CDD0	US TREASURY N/B NOTES	0.37%	10/31/2023	2,671.88		
10/31/2022	10/31/2022	575,000.00	912828X70	US TREASURY NOTES	2.00%	4/30/2024	5,750.00		
11/1/2022	11/25/2022	7,378.51	3137FKK39	FHMS KP05 A	3.20%	7/1/2023	19.69		
11/1/2022	11/25/2022	1,140.59	3137FQ3V3	FHMS KJ27 A1	2.09%	7/1/2024	1.99		
11/1/2022	11/25/2022	47,467.17	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	90.19		
11/1/2022	11/25/2022	250,000.00	3137BN6G4	FHMS K053 A2	2.99%	12/1/2025	623.96		
11/1/2022	11/25/2022	224,376.25	3136ARTE8	FNA 2016-M3 A2	2.70%	2/1/2026	505.22		
11/1/2022	11/1/2022	175,000.00	172967MX6	CITIGROUP INC (CALLABLE) CORPORATE NOTES	0.98%	5/1/2025	858.38		
11/1/2022	11/1/2022	175,000.00	17252MAP5	CINTAS CORPORATION NO. 2 CORP NOTE (CALL	3.45%	5/1/2025	2,985.21		
11/1/2022	11/1/2022		MONEY0002	MONEY MARKET FUND			276.11		
11/8/2022	11/8/2022	500,000.00	3130APQ81	FEDERAL HOME LOAN BANK NOTES (CALLABLE)	1.00%	11/8/2024	2,500.00		
11/12/2022	11/12/2022	225,000.00	023135BW5	AMAZON.COM INC CORPORATE NOTES	0.45%	5/12/2024	506.25		
11/13/2022	11/13/2022	125,000.00	110122DN5	BRISTOL-MYERS SQUIBB CO CORPORATE NOTES	0.75%	11/13/2025	468.75		
11/13/2022	11/13/2022	125,000.00	14913R2V8	CATERPILLAR FINL SERVICE CORPORATE NOTES	3.40%	5/13/2025	2,125.00		
11/15/2022	11/15/2022	155,000.00	254683CP8	DCENT 2021-A1 A1	0.58%	9/15/2026	74.92		
11/15/2022	11/15/2022	265,000.00	14318MAD1	CARMX 2022-3 A3	3.97%	4/15/2027	876.71		
11/15/2022	11/15/2022	300,000.00	254683CW3	DCENT 2022-A3 A3	3.56%	7/15/2027	890.00		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
11/15/2022	11/15/2022	50,928.15	65479JAD5	NAROT 2019-C A3	1.93%	7/15/2024	81.91		
11/15/2022	11/15/2022	305,000.00	14041NFY2	COMET 2021-A3 A3	1.04%	11/15/2026	264.33		
11/15/2022	11/15/2022	255,000.00	41284YAD8	HDMOT 2022-A A3	3.06%	2/15/2027	650.25		
11/15/2022	11/15/2022	105,000.00	89231CAD9	TAOT 2022-C A3	3.76%	4/15/2027	329.00		
11/15/2022	11/15/2022	125,000.00	14314QAC8	CARMX 2021-2 A3	0.52%	2/17/2026	54.17		
11/15/2022	11/15/2022	120,000.00	44935FAD6	HART 2021-C A3	0.74%	5/15/2026	74.00		
11/15/2022	11/15/2022	270,000.00	254683CS2	DCENT 2022-A2 A	3.32%	5/17/2027	747.00		
11/15/2022	11/15/2022	115,000.00	44933LAC7	HART 2021-A A3	0.38%	9/15/2025	36.42		
11/15/2022	11/15/2022	190,000.00	91324PEB4	UNITEDHEALTH GROUP INC (CALLABLE) CORP N	0.55%	5/15/2024	522.50		
11/15/2022	11/15/2022	79,773.68	44933FAC0	HART 2020-B A3	0.48%	12/16/2024	31.91		
11/15/2022	11/15/2022	92,287.62	89237VAB5	TAOT 2020-C A3	0.44%	10/15/2024	33.84		
11/15/2022	11/15/2022	190,000.00	98163KAC6	WOART 2021-D A3	0.81%	10/15/2026	128.25		
11/15/2022	11/15/2022	165,000.00	369550BG2	GENERAL DYNAMICS CORP (CALLABLE) CORP NO	3.50%	5/15/2025	2,887.50		
11/15/2022	11/15/2022	91,320.37	98163WAC0	WOART 2020-B A3	0.63%	5/15/2025	47.94		
11/15/2022	11/15/2022	64,425.43	14315XAC2	CARMX 2020-1 A3	1.89%	12/16/2024	101.47		
11/15/2022	11/15/2022	145,000.00	89238FAD5	TAOT 2022-B A3	2.93%	9/15/2026	354.04		
11/15/2022	11/15/2022	250,000.00	14041NFZ9	COMET 2022-A1 A1	2.80%	3/15/2027	583.33		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
11/15/2022	11/15/2022	140,000.00	448977AD0	HART 2022-A A3	2.22%	10/15/2026	259.00		
11/15/2022	11/15/2022	235,000.00	65480JAC4	NAROT 2022-B A3	4.46%	5/17/2027	873.42		
11/15/2022	11/15/2022	225,000.00	172967MR9	CITIGROUP INC (CALLABLE) CORPORATE NOTES	1.67%	5/15/2024	1,887.75		
11/15/2022	11/15/2022	8,875.91	14316LAC7	CARMX 2019-2 A3	2.68%	3/15/2024	19.82		
11/15/2022	11/15/2022	260,000.00	14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	119.17		
11/15/2022	11/15/2022	450,000.00	02008MAC3	ALLYA 2022-2 A3	4.76%	5/17/2027	1,963.50		
11/15/2022	11/15/2022	2,015,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	2,518.75		
11/15/2022	11/15/2022	335,000.00	14041NGA3	COMET 2022-A2 A	3.49%	5/15/2027	974.29		
11/15/2022	11/15/2022	130,000.00	345286AC2	FORDO 2022-A A3	1.29%	6/15/2026	139.75		
11/15/2022	11/15/2022	245,000.00	02008JAC0	ALLYA 2022-1 A3	3.31%	11/15/2026	675.79		
11/15/2022	11/15/2022	160,000.00	14044CAC6	COPAR 2021-1 A3	0.77%	9/15/2026	102.67		
11/15/2022	11/15/2022	30,137.60	58769EAC2	MBALT 2020-B A3	0.40%	11/15/2023	10.05		
11/15/2022	11/15/2022	190,000.00	14317HAC5	CARMX 2022-2 A3	3.49%	2/16/2027	552.58		
11/15/2022	11/15/2022	17,972.50	41284UAD6	HDMOT 2020-A A3	1.87%	10/15/2024	28.01		
11/15/2022	11/15/2022	370,000.00	02582JJT8	AMXCA 2022-2 A	3.39%	5/17/2027	1,045.25		
11/15/2022	11/15/2022	295,000.00	14318UAD3	CARMX 2022-4 A3	5.34%	8/16/2027	656.38		
11/16/2022	11/16/2022	100,000.00	362554AC1	GMCAR 2021-4 A3	0.68%	9/16/2026	56.67		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
11/16/2022	11/16/2022	112,082.71	362590AC5	GMCAR 2020-3 A3	0.45%	4/16/2025	42.03		
11/16/2022	11/16/2022	110,000.00	380146AC4	GMCAR 2022-1 A3	1.26%	11/16/2026	115.50		
11/16/2022	11/16/2022	125,000.00	362585AC5	GMCAR 2022-2 A3	3.10%	2/16/2027	322.92		
11/16/2022	11/16/2022	155,000.00	36265WAD5	GMCAR 2022-3 A3	3.64%	4/16/2027	470.17		
11/17/2022	11/17/2022	275,000.00	14913R2L0	CATERPILLAR FINL SERVICE CORPORATE NOTES	0.45%	5/17/2024	618.75		
11/18/2022	11/18/2022	108,720.90	43813KAC6	HAROT 2020-3 A3	0.37%	10/18/2024	33.52		
11/20/2022	11/20/2022	189,603.81	380144AC9	GMALT 2021-2 A3	0.34%	5/20/2024	53.72		
11/20/2022	11/20/2022	236,113.15	92290BAA9	VZOT 2020-B A	0.47%	2/20/2025	92.48		
11/20/2022	11/20/2022	38,217.74	92348TAA2	VZOT 2020-A A1A	1.85%	7/22/2024	58.92		
11/20/2022	11/20/2022	5,081.25	362569AC9	GMALT 2020-3 A3	0.45%	8/21/2023	1.91		
11/20/2022	11/20/2022	43,738.49	92348AAA3	VZOT 2019-C A1A	1.94%	4/22/2024	70.71		
11/20/2022	11/20/2022	100,000.00	92868AAC9	VWALT 2022-A A3	3.44%	7/21/2025	286.67		
11/21/2022	11/21/2022	155,000.00	43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	113.67		
11/24/2022	11/24/2022	375,000.00	40428HTA0	HSBC USA INC CORPORATE NOTES	3.75%	5/24/2024	7,031.25		
11/24/2022	11/24/2022	425,000.00	459058JM6	INTL BK RECON & DEVELOP NOTES	0.25%	11/24/2023	531.25		
11/25/2022	11/25/2022	60,391.23	05591RAC8	BMWLT 2021-1 A3	0.29%	1/25/2024	14.59		
11/25/2022	11/25/2022	135,000.00	05602RAD3	BMWOT 2022-A A3	3.21%	8/25/2026	361.13		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
11/25/2022	11/25/2022	46,193.06	09661RAD3	BMWOT 2020-A A3	0.48%	10/25/2024	18.48		
11/28/2022	11/28/2022	290,000.00	04636NAC7	ASTRAZENECA FINANCE LLC (CALLABLE) CORP	0.70%	5/28/2024	1,015.00		
11/30/2022	11/30/2022	1,550,000.00	912828YV6	US TREASURY NOTES	1.50%	11/30/2024	11,625.00		
11/30/2022	11/30/2022	600,000.00	91282CDM0	US TREASURY N/B NOTES	0.50%	11/30/2023	1,500.00		
12/1/2022	12/25/2022	210,590.23	3136ARTE8	FNA 2016-M3 A2	2.70%	2/1/2026	474.18		
12/1/2022	12/25/2022	250,000.00	3137BN6G4	FHMS K053 A2	2.99%	12/1/2025	623.96		
12/1/2022	12/25/2022	7,358.16	3137FKK39	FHMS KP05 A	3.20%	7/1/2023	19.64		
12/1/2022	12/1/2022	345,000.00	46647PCH7	JPMORGAN CHASE & CO (CALLABLE) CORP NOTE	0.82%	6/1/2025	1,421.40		
12/1/2022	12/1/2022		MONEY0002	MONEY MARKET FUND			189.97		
12/1/2022	12/1/2022	130,000.00	427866BF4	HERSHEY CO CORP NOTES (CALLABLE)	0.90%	6/1/2025	585.00		
12/1/2022	12/1/2022	175,000.00	438516CB0	HONEYWELL INTL CORP NOTES (CALLABLE)	1.35%	6/1/2025	1,181.25		
12/1/2022	12/1/2022	250,000.00	69353REQ7	PNC BANK NA CORP NOTE (CALLABLE)	3.25%	6/1/2025	4,062.50		
12/3/2022	12/3/2022	175,000.00	440452AG5	HORMEL FOODS CORP NOTES (CALLABLE)	0.65%	6/3/2024	568.75		
12/4/2022	12/4/2022	900,000.00	3137EAFA2	FREDDIE MAC NOTES	0.25%	12/4/2023	1,125.00		
12/5/2022	12/5/2022	231,000.00	05531FBE2	TRUIST FINANCIAL CORP NOTES (CALLABLE)	3.70%	6/5/2025	4,273.50		
12/7/2022	12/7/2022	80,000.00	24422EVQ9	JOHN DEERE CAPITAL CORP CORPORATE NOTES	0.45%	6/7/2024	180.00		
12/9/2022	12/9/2022	255,000.00	63254ABD9	NATIONAL AUSTRALIA BK/NY CORPORATE NOTES	3.50%	6/9/2025	4,462.50		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
12/15/2022	12/15/2022	270,000.00	254683CS2	DCENT 2022-A2 A	3.32%	5/17/2027	747.00		
12/15/2022	12/15/2022	235,000.00	65480JAC4	NAROT 2022-B A3	4.46%	5/17/2027	873.42		
12/15/2022	12/15/2022	22,208.27	58769EAC2	MBALT 2020-B A3	0.40%	11/15/2023	7.40		
12/15/2022	12/15/2022	160,000.00	14044CAC6	COPAR 2021-1 A3	0.77%	9/15/2026	102.67		
12/15/2022	12/15/2022	260,000.00	14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	119.17		
12/15/2022	12/15/2022	145,000.00	89238FAD5	TAOT 2022-B A3	2.93%	9/15/2026	354.04		
12/15/2022	12/15/2022	325,000.00	44933DAD3	HART 2022-C A3	5.39%	6/15/2027	1,751.75		
12/15/2022	12/15/2022	255,000.00	41284YAD8	HDMOT 2022-A A3	3.06%	2/15/2027	650.25		
12/15/2022	12/15/2022	265,000.00	14318MAD1	CARMX 2022-3 A3	3.97%	4/15/2027	876.71		
12/15/2022	12/15/2022	120,000.00	02582JJX9	AMXCA 2022-4 A	4.95%	10/15/2027	693.00		
12/15/2022	12/15/2022	83,931.29	98163WAC0	WOART 2020-B A3	0.63%	5/15/2025	44.06		
12/15/2022	12/15/2022	300,000.00	254683CW3	DCENT 2022-A3 A3	3.56%	7/15/2027	890.00		
12/15/2022	12/15/2022	41,628.52	65479JAD5	NAROT 2019-C A3	1.93%	7/15/2024	66.95		
12/15/2022	12/15/2022	114,193.79	44933LAC7	HART 2021-A A3	0.38%	9/15/2025	36.16		
12/15/2022	12/15/2022	190,000.00	98163KAC6	WOART 2021-D A3	0.81%	10/15/2026	128.25		
12/15/2022	12/15/2022	100,000.00	63743HFE7	NATIONAL RURAL UTIL COOP CORPORATE NOTES	3.45%	6/15/2025	2,117.92		
12/15/2022	12/15/2022	2,142,000.00	91282CCG4	US TREASURY N/B NOTES	0.25%	6/15/2024	2,677.50		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
12/15/2022	12/15/2022	2,438.16	14316LAC7	CARMX 2019-2 A3	2.68%	3/15/2024	5.45		
12/15/2022	12/15/2022	1,500,000.00	91282CBA8	US TREASURY NOTES	0.12%	12/15/2023	937.50		
12/15/2022	12/15/2022	250,000.00	14041NFZ9	COMET 2022-A1 A1	2.80%	3/15/2027	583.33		
12/15/2022	12/15/2022	325,000.00	91282CDN8	US TREASURY N/B NOTES	1.00%	12/15/2024	1,625.00		
12/15/2022	12/15/2022	140,000.00	448977AD0	HART 2022-A A3	2.22%	10/15/2026	259.00		
12/15/2022	12/15/2022	82,879.56	89237VAB5	TAOT 2020-C A3	0.44%	10/15/2024	30.39		
12/15/2022	12/15/2022	110,000.00	89239HAD0	TAOT 2022-D A3	5.30%	9/15/2027	599.19		
12/15/2022	12/15/2022	105,000.00	89231CAD9	TAOT 2022-C A3	3.76%	4/15/2027	329.00		
12/15/2022	12/15/2022	120,000.00	44935FAD6	HART 2021-C A3	0.74%	5/15/2026	74.00		
12/15/2022	12/15/2022	390,000.00	58768PAC8	MBART 2022-1 A3	5.21%	8/16/2027	1,298.16		
12/15/2022	12/15/2022	125,000.00	14314QAC8	CARMX 2021-2 A3	0.52%	2/17/2026	54.17		
12/15/2022	12/15/2022	155,000.00	254683CP8	DCENT 2021-A1 A1	0.58%	9/15/2026	74.92		
12/15/2022	12/15/2022	370,000.00	02582JJT8	AMXCA 2022-2 A	3.39%	5/17/2027	1,045.25		
12/15/2022	12/15/2022	305,000.00	14041NFY2	COMET 2021-A3 A3	1.04%	11/15/2026	264.33		
12/15/2022	12/15/2022	335,000.00	14041NGA3	COMET 2022-A2 A	3.49%	5/15/2027	974.29		
12/15/2022	12/15/2022	70,477.93	44933FAC0	HART 2020-B A3	0.48%	12/16/2024	28.19		
12/15/2022	12/15/2022	13,638.31	41284UAD6	HDMOT 2020-A A3	1.87%	10/15/2024	21.25		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
12/15/2022	12/15/2022	130,000.00	345286AC2	FORDO 2022-A A3	1.29%	6/15/2026	139.75		
12/15/2022	12/15/2022	58,112.41	14315XAC2	CARMX 2020-1 A3	1.89%	12/16/2024	91.53		
12/15/2022	12/15/2022	450,000.00	02008MAC3	ALLYA 2022-2 A3	4.76%	5/17/2027	1,785.00		
12/15/2022	12/15/2022	190,000.00	14317HAC5	CARMX 2022-2 A3	3.49%	2/16/2027	552.58		
12/15/2022	12/15/2022	245,000.00	02008JAC0	ALLYA 2022-1 A3	3.31%	11/15/2026	675.79		
12/15/2022	12/15/2022	295,000.00	14318UAD3	CARMX 2022-4 A3	5.34%	8/16/2027	1,312.75		
12/16/2022	12/16/2022	110,000.00	380146AC4	GMCAR 2022-1 A3	1.26%	11/16/2026	115.50		
12/16/2022	12/16/2022	155,000.00	36265WAD5	GMCAR 2022-3 A3	3.64%	4/16/2027	470.17		
12/16/2022	12/16/2022	125,000.00	362585AC5	GMCAR 2022-2 A3	3.10%	2/16/2027	322.92		
12/16/2022	12/16/2022	103,616.77	362590AC5	GMCAR 2020-3 A3	0.45%	4/16/2025	38.86		
12/16/2022	12/16/2022	100,000.00	362554AC1	GMCAR 2021-4 A3	0.68%	9/16/2026	56.67		
12/18/2022	12/18/2022	99,275.07	43813KAC6	HAROT 2020-3 A3	0.37%	10/18/2024	30.61		
12/20/2022	12/20/2022	29,589.16	92348TAA2	VZOT 2020-A A1A	1.85%	7/22/2024	45.62		
12/20/2022	12/20/2022	201,899.48	92290BAA9	VZOT 2020-B A	0.47%	2/20/2025	79.08		
12/20/2022	12/20/2022	26,987.96	92348AAA3	VZOT 2019-C A1A	1.94%	4/22/2024	43.63		
12/20/2022	12/20/2022	169,384.92	380144AC9	GMALT 2021-2 A3	0.34%	5/20/2024	47.99		
12/20/2022	12/20/2022	100,000.00	92868AAC9	VWALT 2022-A A3	3.44%	7/21/2025	286.67		



### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
12/21/2022	12/21/2022	155,000.00	43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	113.67		
12/25/2022	12/25/2022	135,000.00	05602RAD3	BMWOT 2022-A A3	3.21%	8/25/2026	361.13		
12/25/2022	12/25/2022	40,801.30	09661RAD3	BMWOT 2020-A A3	0.48%	10/25/2024	16.32		
12/25/2022	12/25/2022	50,620.39	05591RAC8	BMWLT 2021-1 A3	0.29%	1/25/2024	12.23		
12/31/2022	12/31/2022	1,000,000.00	912828ZW3	US TREASURY NOTES	0.25%	6/30/2025	1,250.00		
<b>Total INTEREST</b>		<b>45,205,444.04</b>					<b>162,382.18</b>		<b>0.00</b>
<b>MATURITY</b>									
11/1/2022	11/1/2022	33,357.47	3137B1BS0	FHLMC MULTIFAMILY STRUCTURED P	2.51%	11/1/2022	33,427.24		
12/1/2022	12/1/2022	11,048.14	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	11,069.13		
12/1/2022	12/1/2022	14,526.25	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	14,553.85		
<b>Total MATURITY</b>		<b>58,931.86</b>					<b>59,050.22</b>		<b>0.00</b>
<b>PAYDOWNS</b>									
10/1/2022	10/25/2022	17,903.20	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	17,903.20		
10/1/2022	10/25/2022	249.56	3136ARTE8	FNA 2016-M3 A2	2.70%	2/1/2026	249.56		8.45
10/1/2022	10/25/2022	96.13	3137FQ3V3	FHMS KJ27 A1	2.09%	7/1/2024	96.13		
10/1/2022	10/25/2022	13,616.51	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	13,616.51		
10/1/2022	10/25/2022	137,896.46	3137B1BS0	FHLMC MULTIFAMILY STRUCTURED P	2.51%	11/1/2022	137,896.46		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>PAYDOWNS</b>									
10/11/2022	10/25/2022	21.51	3137FKK39	FHMS KP05 A	3.20%	7/1/2023	21.51		
10/15/2022	10/15/2022	10,046.69	65479JAD5	NAROT 2019-C A3	1.93%	7/15/2024	10,046.69		
10/15/2022	10/15/2022	7,815.67	58769EAC2	MBALT 2020-B A3	0.40%	11/15/2023	7,815.67		
10/15/2022	10/15/2022	4,971.63	41284UAD6	HDMOT 2020-A A3	1.87%	10/15/2024	4,971.63		
10/15/2022	10/15/2022	9,856.31	89237VAB5	TAOT 2020-C A3	0.44%	10/15/2024	9,856.31		
10/15/2022	10/15/2022	9,886.12	44933FAC0	HART 2020-B A3	0.48%	12/16/2024	9,886.12		
10/15/2022	10/15/2022	7,694.76	98163WAC0	WOART 2020-B A3	0.63%	5/15/2025	7,694.76		
10/15/2022	10/15/2022	6,647.88	14316LAC7	CARMX 2019-2 A3	2.68%	3/15/2024	6,647.88		
10/15/2022	10/15/2022	6,837.17	14315XAC2	CARMX 2020-1 A3	1.89%	12/16/2024	6,837.17		
10/16/2022	10/16/2022	9,699.10	362590AC5	GMCAR 2020-3 A3	0.45%	4/16/2025	9,699.10		
10/18/2022	10/18/2022	9,981.57	43813KAC6	HAROT 2020-3 A3	0.37%	10/18/2024	9,981.57		
10/20/2022	10/20/2022	36,667.49	92290BAA9	VZOT 2020-B A	0.47%	2/20/2025	36,667.49		
10/20/2022	10/20/2022	18,025.23	92348AAA3	VZOT 2019-C A1A	1.94%	4/22/2024	18,025.23		
10/20/2022	10/20/2022	8,971.87	92348TAA2	VZOT 2020-A A1A	1.85%	7/22/2024	8,971.87		
10/20/2022	10/20/2022	13,197.96	362569AC9	GMALT 2020-3 A3	0.45%	8/21/2023	13,197.96		
10/20/2022	10/20/2022	20,394.54	380144AC9	GMALT 2021-2 A3	0.34%	5/20/2024	20,394.54		
10/25/2022	10/25/2022	5,880.86	09661RAD3	BMWOT 2020-A A3	0.48%	10/25/2024	5,880.86		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>PAYDOWNS</b>									
10/25/2022	10/25/2022	10,644.43	05591RAC8	BMWLT 2021-1 A3	0.29%	1/25/2024	10,644.43		
11/1/2022	11/25/2022	12,435.10	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	12,435.10		
11/1/2022	11/25/2022	1,140.59	3137FQ3V3	FHMS KJ27 A1	2.09%	7/1/2024	1,140.59		
11/1/2022	11/25/2022	13,786.02	3136ARTE8	FNA 2016-M3 A2	2.70%	2/1/2026	13,786.02		466.89
11/1/2022	11/25/2022	20.35	3137FKK39	FHMS KP05 A	3.20%	7/1/2023	20.35		
11/1/2022	11/25/2022	9,457.68	3136AEGQ4	FNA 2013-M7 A2	2.28%	12/1/2022	9,457.68		
11/15/2022	11/15/2022	806.21	44933LAC7	HART 2021-A A3	0.38%	9/15/2025	806.21		
11/15/2022	11/15/2022	7,389.08	98163WAC0	WOART 2020-B A3	0.63%	5/15/2025	7,389.08		
11/15/2022	11/15/2022	9,295.75	44933FAC0	HART 2020-B A3	0.48%	12/16/2024	9,295.75		
11/15/2022	11/15/2022	4,334.19	41284UAD6	HDMOT 2020-A A3	1.87%	10/15/2024	4,334.19		
11/15/2022	11/15/2022	9,408.06	89237VAB5	TAOT 2020-C A3	0.44%	10/15/2024	9,408.06		
11/15/2022	11/15/2022	6,313.02	14315XAC2	CARMX 2020-1 A3	1.89%	12/16/2024	6,313.02		
11/15/2022	11/15/2022	6,437.75	14316LAC7	CARMX 2019-2 A3	2.68%	3/15/2024	6,437.75		
11/15/2022	11/15/2022	9,299.63	65479JAD5	NAROT 2019-C A3	1.93%	7/15/2024	9,299.63		
11/15/2022	11/15/2022	7,929.33	58769EAC2	MBALT 2020-B A3	0.40%	11/15/2023	7,929.33		
11/16/2022	11/16/2022	8,465.94	362590AC5	GMCAR 2020-3 A3	0.45%	4/16/2025	8,465.94		
11/18/2022	11/18/2022	9,445.83	43813KAC6	HAROT 2020-3 A3	0.37%	10/18/2024	9,445.83		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>PAYDOWNS</b>									
11/20/2022	11/20/2022	16,750.53	92348AAA3	VZOT 2019-C A1A	1.94%	4/22/2024	16,750.53		
11/20/2022	11/20/2022	34,213.67	92290BAA9	VZOT 2020-B A	0.47%	2/20/2025	34,213.67		
11/20/2022	11/20/2022	20,218.89	380144AC9	GMALT 2021-2 A3	0.34%	5/20/2024	20,218.89		
11/20/2022	11/20/2022	8,628.58	92348TAA2	VZOT 2020-A A1A	1.85%	7/22/2024	8,628.58		
11/20/2022	11/20/2022	5,081.25	362569AC9	GMALT 2020-3 A3	0.45%	8/21/2023	5,081.25		
11/25/2022	11/25/2022	5,391.76	09661RAD3	BMWOT 2020-A A3	0.48%	10/25/2024	5,391.76		
11/25/2022	11/25/2022	9,770.84	05591RAC8	BMWLT 2021-1 A3	0.29%	1/25/2024	9,770.84		
12/1/2022	12/25/2022	8,040.75	3136ARTE8	FNA 2016-M3 A2	2.70%	2/1/2026	8,040.75		272.32
12/1/2022	12/25/2022	7,358.16	3137FKK39	FHMS KP05 A	3.20%	7/1/2023	7,358.16		
12/15/2022	12/15/2022	4,595.29	14314QAC8	CARMX 2021-2 A3	0.52%	2/17/2026	4,595.29		
12/15/2022	12/15/2022	8,625.38	44933FAC0	HART 2020-B A3	0.48%	12/16/2024	8,625.38		
12/15/2022	12/15/2022	6,996.16	98163WAC0	WOART 2020-B A3	0.63%	5/15/2025	6,996.16		
12/15/2022	12/15/2022	9,056.99	89237VAB5	TAOT 2020-C A3	0.44%	10/15/2024	9,056.99		
12/15/2022	12/15/2022	2,438.16	14316LAC7	CARMX 2019-2 A3	2.68%	3/15/2024	2,438.16		
12/15/2022	12/15/2022	8,756.76	58769EAC2	MBALT 2020-B A3	0.40%	11/15/2023	8,756.76		
12/15/2022	12/15/2022	3,821.16	41284UAD6	HDMOT 2020-A A3	1.87%	10/15/2024	3,821.16		
12/15/2022	12/15/2022	5,911.53	14315XAC2	CARMX 2020-1 A3	1.89%	12/16/2024	5,911.53		

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>PAYDOWNS</b>									
12/15/2022	12/15/2022	6,737.92	44933LAC7	HART 2021-A A3	0.38%	9/15/2025	6,737.92		
12/15/2022	12/15/2022	9,137.73	65479JAD5	NAROT 2019-C A3	1.93%	7/15/2024	9,137.73		
12/16/2022	12/16/2022	8,567.68	362590AC5	GMCAR 2020-3 A3	0.45%	4/16/2025	8,567.68		
12/18/2022	12/18/2022	8,990.78	43813KAC6	HAROT 2020-3 A3	0.37%	10/18/2024	8,990.78		
12/20/2022	12/20/2022	14,246.01	92348AAA3	VZOT 2019-C A1A	1.94%	4/22/2024	14,246.01		
12/20/2022	12/20/2022	7,544.15	92348TAA2	VZOT 2020-A A1A	1.85%	7/22/2024	7,544.15		
12/20/2022	12/20/2022	27,767.43	92290BAA9	VZOT 2020-B A	0.47%	2/20/2025	27,767.43		
12/20/2022	12/20/2022	18,518.10	380144AC9	GMALT 2021-2 A3	0.34%	5/20/2024	18,518.10		
12/25/2022	12/25/2022	5,322.34	09661RAD3	BMWOT 2020-A A3	0.48%	10/25/2024	5,322.34		
12/25/2022	12/25/2022	9,363.41	05591RAC8	BMWLT 2021-1 A3	0.29%	1/25/2024	9,363.41		
<b>Total PAYDOWNS</b>		<b>764,818.59</b>					<b>764,818.59</b>		<b>747.66</b>
<b>SELL</b>									
10/4/2022	10/12/2022	450,000.00	91282CDA6	US TREASURY NOTES	0.25%	9/30/2023	432,951.15		-16,965.95
10/6/2022	10/11/2022	575,000.00	23341VZT1	DNB BANK ASA/NY LT CD	2.04%	12/2/2022	577,982.29		-1,286.13
10/11/2022	10/12/2022	10,000.00	91282CDA6	US TREASURY NOTES	0.25%	9/30/2023	9,614.49		-383.66
10/26/2022	10/28/2022	165,000.00	91282CDA6	US TREASURY NOTES	0.25%	9/30/2023	158,689.54		-6,300.19
10/27/2022	10/31/2022	225,000.00	3137EAEV7	FREDDIE MAC NOTES	0.25%	8/24/2023	217,150.94		-7,891.67

### Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>SELL</b>									
10/27/2022	11/3/2022	125,000.00	91282CDD0	US TREASURY N/B NOTES	0.37%	10/31/2023	120,042.94		-4,781.02
10/27/2022	10/31/2022	300,000.00	91282CDA6	US TREASURY NOTES	0.25%	9/30/2023	288,626.37		-11,361.81
10/28/2022	11/2/2022	225,000.00	91282CDD0	US TREASURY N/B NOTES	0.37%	10/31/2023	215,881.61		-8,798.30
11/1/2022	11/3/2022	125,000.00	91282CDD0	US TREASURY N/B NOTES	0.37%	10/31/2023	119,764.62		-5,059.34
11/2/2022	11/8/2022	450,000.00	91282CDD0	US TREASURY N/B NOTES	0.37%	10/31/2023	431,246.27		-18,152.26
11/2/2022	11/3/2022	500,000.00	91282CDD0	US TREASURY N/B NOTES	0.37%	10/31/2023	478,960.85		-20,335.02
11/2/2022	11/3/2022	25,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	23,913.98		-1,123.44
11/3/2022	11/7/2022	110,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	105,164.33		-5,002.91
11/16/2022	11/22/2022	290,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	277,938.24		-12,166.15
11/28/2022	12/5/2022	150,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	143,798.06		-6,267.71
11/30/2022	12/7/2022	275,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	263,515.41		-11,608.48
12/13/2022	12/16/2022	1,300,000.00	91282CAW1	US TREASURY NOTES	0.25%	11/15/2023	1,249,700.19		-50,956.08
<b>Total SELL</b>		<b>5,300,000.00</b>					<b>5,114,941.28</b>		<b>-188,440.12</b>

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- In accordance with generally accepted accounting principles, information is presented on a trade date basis; forward settling purchases are included in the monthly balances, and forward settling sales are excluded.
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- Bank of America/Merrill Lynch Indices provided by Bloomberg Financial Markets.
- Money market fund/cash balances are included in performance and duration computations.
- Standard & Poor's is the source of the credit ratings. Distribution of credit rating is exclusive of money market fund/LGIP holdings.
- Callable securities in the portfolio are included in the maturity distribution analysis to their stated maturity date, although, they may be called prior to maturity.
- MBS maturities are represented by expected average life.



## Glossary

- **Accrued Interest:** Interest that is due on a bond or other fixed income security since the last interest payment was made.
- **Agencies:** Federal agency securities and/or Government-sponsored enterprises.
- **Amortized Cost:** The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short-term securities (those with less than one year to maturity at time of issuance) is amortized on a straight line basis. Such discount or premium with respect to longer-term securities is amortized using the constant yield basis.
- **Asset-Backed Security:** A financial instrument collateralized by an underlying pool of assets – usually ones that generate a cash flow from debt, such as loans, leases, credit card balances, and receivables.
- **Bankers' Acceptance:** A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill as well as the insurer.
- **Commercial Paper:** An unsecured obligation issued by a corporation or bank to finance its short-term credit needs, such as accounts receivable and inventory.
- **Contribution to Total Return:** The weight of each individual security multiplied by its return, then summed for each sector to determine how much each sector added or subtracted from the overall portfolio performance.
- **Effective Duration:** A measure of the sensitivity of a security's price to a change in interest rates, stated in years.
- **Effective Yield:** The total yield an investor receives in relation to the nominal yield or coupon of a bond. Effective yield takes into account the power of compounding on investment returns, while nominal yield does not.
- **FDIC:** Federal Deposit Insurance Corporation. A federal agency that insures bank deposits to a specified amount.
- **Interest Rate:** Interest per year divided by principal amount and expressed as a percentage.
- **Market Value:** The value that would be received or paid for an investment in an orderly transaction between market participants at the measurement date.
- **Maturity:** The date upon which the principal or stated value of an investment becomes due and payable.
- **Negotiable Certificates of Deposit:** A CD with a very large denomination, usually \$1 million or more, that can be traded in secondary markets.
- **Par Value:** The nominal dollar face amount of a security.
- **Pass-through Security:** A security representing pooled debt obligations that passes income from debtors to its shareholders. The most common type is the mortgage-backed security.

## Glossary

- Repurchase Agreements: A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.
- Settle Date: The date on which the transaction is settled and monies/securities are exchanged. If the settle date of the transaction (i.e., coupon payments and maturity proceeds) occurs on a non-business day, the funds are exchanged on the next business day.
- Supranational: A multinational union or association in which member countries cede authority and sovereignty on at least some internal matters to the group, whose decisions are binding on its members.
- Trade Date: The date on which the transaction occurred; however, the final consummation of the security transaction and payment has not yet taken place.
- Unsettled Trade: A trade which has been executed; however, the final consummation of the security transaction and payment has not yet taken place.
- U.S. Treasury: The department of the U.S. government that issues Treasury securities.
- Yield: The rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.
- YTM at Cost: The yield to maturity at cost is the expected rate of return based on the original cost, the annual interest receipts, maturity value, and the time period from purchase date to maturity, stated as a percentage on an annualized basis.
- YTM at Market: The yield to maturity at market is the rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.



**AGENDA REPORT SUMMARY**

**Meeting Date:** March 14, 2023

**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

**Prepared by:** Nick Zornes, Development Services Director

**Reviewed by:** Jolie Houston, City Attorney

**Approved by:** Jon Maginot, Assistant City Manager

**Attachment(s):** 1. Draft City Council Ordinance with Appendix A, B, C, and D  
2. CSC Comprehensive Review

**Initiated by:** Adopted 6<sup>th</sup> Cycle Housing Element 2023-2031 Program 3.H and 3.K

**Fiscal Impact**

No fiscal impacts to the City of Los Altos are associated with the draft ordinance. However, it is important to note that should the adoption of this ordinance not take place the City of Los Altos runs the risk of losing State funding (grants, etc.), and potential legal fees and penalties associated with housing element noncompliance.

**Environmental Review**

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

**Staff Recommendation**

1. Adopt, An Ordinance of the City Council of the City of Los Altos Amending Chapters 2.08, 12.44, 13.04, 14.76, and 14.78 of the Los Altos Municipal Code to Implement Certain Provisions of Program 3.H of the Sixth Cycle Housing Element Update and consider findings that the City Council’s action in adopting the ordinance exempt from review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and that none of the circumstances in CEQA Guidelines Section 15300.2 applies.

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**Prepared By:**

Development Services Director

**NZ**



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

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**Summary and Key Considerations**

The draft ordinance before the City Council is to implement adopted programs from the City’s 6<sup>th</sup> Cycle Housing Element 2023-2031. These actions are called out in the adopted housing element and were designed to remove any barriers or impediments to the creation of new housing within Los Altos. Additionally, there are amendments to the municipal which further clean up each Chapter which is required to be amended in order to implement the housing program.

**Background**

On January 24, 2023, the Los Altos City Council adopted the City’s 6<sup>th</sup> Cycle Housing Element 2023-2031. As required by law the adopted housing element has several housing programs contained within. The City of Los Altos identified specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives.

Programs must include specific action steps the City will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the city’s specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

**Analysis**

The City’s adopted 6<sup>th</sup> Cycle Housing Element 2023-2031, included Program 3.H. The housing program contains several deliverables of those the following necessitate the proposed ordinance amendments: 1. Consolidation of the Design Review Commission and Planning Commission, 2. Designate the Development Services Director as the review authority for projects of five or fewer residential units, 3. Limit the Number of Public Hearing to no more than three (3) for Design Review projects only, 4. Designate the City Council only as the Appeal Authority for Land Use decisions, 5. Clarify that appeal of decisions on housing developments shall be only on objective standards and must be filed within 14 calendar days (this has been highlighted in yellow below). The draft ordinance included in this agenda packet effectively completes these deliverables as explicitly called out within the housing program.



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

**Program 3.H: Amend design review process and requirements.**

*The City’s Design Review Commission and Planning Commission had previously been one commission with a Design Review Committee comprised of two assigned Planning Commissioners. In recent years the purview of land use and design review was split into two separate commissions, currently the Planning Commission and Design Review Commission. The current structure of the Design Review Commission is a five-person body appointed by the City Council, while the Planning Commission is a seven-person body. Recent changes in State law drastically reduced the Design Review Commission’s purview, and the City’s well-developed objective design standards for a variety of development types (adopted in 2021) effectively created an Administrative Design Review that has been well implemented by City staff. In order to remove constraints arising from design review, the City will:*

- *Consolidate the Design Review Commission and Planning Commission into one body comprised of a maximum of seven appointed residents which will review mixed-use, multi-family and commercial developments, consistent with the majority of jurisdictions throughout the County of Santa Clara;*
- *Eliminate 3rd party independent architect review (which applies to projects in the downtown);*
- *Amend its Zoning Code to allow any design review and discretionary approvals for a project of five or fewer units to be approved by the Development Services Director;*
- *When hearings are required, limit the number of hearings for solely design review approval (i.e., not including subdivision maps or other applications that may be involved) to no more than three hearings;*
- *Develop standard conditions of approval to provide consistency and certainty to applicants and approving bodies;*
- *Modify its design review process and applicability thresholds so that City Council serves only as the decision-making authority for appeal of design review and land use decisions, consistent with the majority of jurisdictions throughout the County of Santa Clara;*
- *Clarify that decisions on appeals of housing developments must be based on objective standards consistent with State law and any appeal filed with the City shall be done within 14 calendar days post project approval; and*
- *Amend its Zoning Code to ensure that housing developments and emergency shelters are only subject to objective design standards consistent with State law.*



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

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**Responsible Body:** *Development Services Department, Planning Commission, City Council*

**Funding Source:** *General Fund*

**Time Frame:** *Any code amendments required to be completed by December 2023; Design Review Commission to be dismissed and duties reassigned to Development Services Director upon local adoption of the 6<sup>th</sup> Cycle Los Altos Housing Element or sooner. Evaluate progress and take additional action if improvements in the design review process have not resulted by January 2027.*

**Objective:** *The time for City review of and action on residential, mixed-use and multi-family developments will be shortened compared to typical processing times (see Appendix C, Table C-8) with the reduction of discretionary reviews and commissions.*

Additionally, the City’s adopted 6<sup>th</sup> Cycle Housing Element 2023-2031, included Program 3.K. The housing program contains one overarching goal of streamlining the development review for multimodal transportation requirements. The proposed zoning ordinance implements the city’s adopted 6<sup>th</sup> Cycle Housing Element Program 3.K as the adopted program explicitly commits the City of Los Altos that housing developments will no longer undergo review by the Complete Streets Commission.

***Program 3.K: Standardize multimodal transportation requirements.***

*An application for City Council design review is subject to a multimodal transportation review by the Complete Streets Commission as part of the approval process in order to assess potential project impacts to various modes of transportation. The City will streamline the Development Review process for multi-family housing projects by adoption of Development Standards for multimodal transportation such as bicycle, pedestrian, parking traffic and public transportation issues. **The development of standards will no longer require housing development projects to be reviewed by the Complete Streets Commission.** The City Council will utilize previous recommendations and approvals as a basis for the creation of the development standards in consultation with the appointed Complete Streets Commission. A recommendation by the Complete Streets Commission on Bicycle Stall, Storage and Charging shall be made timely and considered at no more than two hearings; final recommendation to the City Council shall be made no later than May 2023.*

**Responsible Body:** *Development Services Department, Complete Streets Commission, City Council*



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

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***Funding Source:*** General Fund

***Time Frame:*** December 2023

***Objective:*** See Program 3.H.

**Discussion**

The actions included within the attached draft ordinance are requirements pursuant to the City’s adopted 6<sup>th</sup> Cycle Housing Element. Once a jurisdiction takes final action by adopting its housing element this requires immediate action in order to remain compliant with State housing law. The City of Los Altos Housing Element contains **26** major action items or milestones that must be completed within the first 12-months post adoption. The draft ordinance will effectively accomplish the majority of 2 of the 26 items or milestones to be achieved in the first 12-months. Some of the action items to be completed are quicker than others which is why these items are before the City Council now for adoption. The City of Los Altos does not have a robust or large Planning Division and several of the items to be completed within the first year will take a great amount of time; all items included in the draft ordinance are required to maintain compliance with HCD.

**February 28, 2023, City Council Ordinance Introduction**

On February 28, 2023, at the City Council public hearing the draft ordinance was introduced. The item was well discussed by the City Council and commented on by the public. The Development Services Director provided extensive analysis of the potential modifications to the draft ordinance and advised the City Council that in order to remain consistent with the recently adopted housing element and compliant with housing law they should introduce the draft ordinance as proposed. The City Council requested to modify the draft ordinance to allow for the effectiveness of the multimodal transportation review to begin on January 1, 2024.

Following additional discussion regarding multimodal transportation review the City Council was advised that the Complete Streets Commission **does not** have purview to review housing developments. The Complete Streets Commission serves as an advisory body appointed by the City Council and **does not** have quasi-judicial powers and duties as established in the Los Altos Municipal Code Section 2.08.160.



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

The Complete Street Commission was formed in late 2017 after it concurrently dissolved the Bicycle & Pedestrian Advisory Commission while also restructuring the purview of the Planning & Transportation Commission to only serve as a traditional Planning Commission. At that time the purview of the Complete Streets Commission was established by ordinance and assigned its powers and duties in Chapter 2.08.

In 2019, City Staff initiated a code amendment to clarify the role of the Complete Streets Commission within the Zoning Code as reflected in Section 14.78.090 however did not concurrently amend the powers and duties authorized within the municipal code. This has created an inconsistent municipal and zoning code.

Shortly after the above mentioned amendments were processed by staff, the governor signed into law Senate Bill No. 330 (SB330). In short SB330 does not allow any public agency to enforce a subjective standard, condition or policy on any housing development. In order to be applied equally and fairly to all housing projects a standard must be objective and in place prior to the initial submittal. *“Objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.* (Government Code Section 65589.5(h)(8)). As extended by Senate Bill No. 8, all requirements of SB330 are in effect until January 1, 2030, which means that in order for the City of Los Altos to legally enforce requirements against any housing development the city must create objective standards to be equally applied to all projects.

As it remains today the City of Los Altos has very few adopted multimodal transportation standards which have been requested by the Complete Streets Commission at a public hearing. After review of all 57 meeting agendas of the Complete Streets Commission since the first meeting in January 2018 the commission has reviewed 15 different housing developments; 3 of the 15 were pre-application reviews which would allow the consideration and input of the Complete Streets Commission. After further analysis there is a clear trend of what the commission has “requested” or “recommended” of housing developments which includes: 1. Additional Bike Parking/Storage above the recommended amount by VTA, 2. Provide electrical outlets for e-Bike charging, 3. Increased Sidewalk Width adjacent to developments, 4. Additional EV Parking. Of the four main requested modifications to housing developments two (2) are being presented to the Complete Streets and Planning Commission on March 16, 2023. Of the remaining two items that are most frequently requested by the commission one (sidewalk widths) would be a modification of





**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

standards with the Public Works Department to require in the early design and development phases of a project, while the other (Number of EV Stalls) does not fall under the purview of the Complete Streets Commission and is something that is established by the Building Code, and local amendments recommended by the Environmental Commission. Attachment #2 provides a comprehensive review of what the Complete Streets Commission has reviewed over the last 5-years, while also providing detail of the requests or recommendations they have made of housing developments within the City of Los Altos.

As mentioned previously the Zoning Code Amendment for Bicycle Parking/Storage is set for hearing on March 16, 2023, and is two of the four main requests of the commission; one of the four (EV Stalls) is not of the purview of the commission. Until standards are codified into the Los Altos Municipal Code any recommendation or request of the Complete Streets Commission is unenforceable.

**Penalties for Noncompliance of Adopted Housing Element:**

Should the Los Altos City Council not introduce the draft ordinance the City will be vulnerable to penalties and consequences of housing element noncompliance. HCD is authorized to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local governments actions do not comply with state law. Examples of penalties and consequence of housing element noncompliance:

- **General Plan Inadequacy:** the housing element is a mandatory element of the General Plan. When a jurisdictions housing element is found to be out of compliance, its General Plan could be found inadequate, and therefore invalid. Local governments with an invalid General Plan can no longer make permitting decisions.
- **Legal Suites and Attorney Fees:** local governments with noncompliant housing elements are vulnerable to litigation from housing rights’ organization, developers, and HCD. If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff’s attorneys in addition to the fees paid by its own attorneys. Potential consequences of lawsuits include: mandatory compliance within 120 days, suspension of local control on building matters, and court approval of housing developments.



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

- **Loss of Permitting Authority:** courts have authority to take local government residential and nonresidential permit authority to bring the jurisdiction’s General Plan and housing element into substantial compliance with State law. The court may suspend the locality’s authority to issue building permits or grant zoning changes, variances, or subdivision map approvals – giving local governments a strong incentive to bring its housing element into compliance.
- **Financial Penalties:** court-issued judgement directing the jurisdictions to bring its housing element into substantial compliance with state housing element law. If a jurisdictions housing element continues to be found out of compliance, courts can multiply financial penalties by a factor of six.
- **Court Receivership:** courts may appoint an agent with all powers necessary to remedy identified housing element deficiencies and bring the jurisdiction’s housing element into substantial compliance with housing element law.

Petition for Writ of Mandate – California Housing Defense Fund, Yes In My Back Yard v. City of Cupertino.

So that the City Council and public are well-informed the City of Los Altos has included this information with this agenda item so that all circumstances are understood as housing law is rapidly evolving.

As of Friday, February 3, 2023, Californians for Homeownership, California Housing Defense Fund, and YIMBY Law had filed 12 lawsuits in Contra Costa, Santa Clara, Marin, and San Mateo County Superior Courts with the intention to file more in the coming weeks. The cities and counties sued include: Belvedere, Burlingame, Cupertino, Daly City, Fairfax, Martinez, Novato, Palo Alto, Pinole, Pleasant Hill, Richmond, and Santa Clara County. Each municipality has been sued by one or two of the non-profits.

With the Bay Area’s 109 cities and counties at widely varied stages in the process of Housing Element adoption and compliance, these twelve lawsuits mark the first round of what will likely be many rounds of judicial review for noncompliance with state housing law in the Bay Area. The initial lawsuits focus on cities with a long history of exclusionary housing practices, cities that adopted housing elements unlawfully, and localities that have made little progress in developing their draft housing elements. The organizations will continue to file suits in the coming weeks, prioritizing cities with the most egregious violations in each organization’s judgment.

A Petition for Writ of Mandate in the State of California is used by superior courts, courts of appeal and the Supreme Court to command lower bodies (such as lower level of government agencies, in



**Subject:** Housing Element implementing ordinance for certain provisions of Housing Program 3.H and 3.K of the Adopted 6<sup>th</sup> Cycle Housing Element.

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this case a city) to do or not do specific actions. In this case, a Writ of Mandate can result in the city being directed to adopt a compliant housing element or other associated actions in order to comply with State law. A Writ of Mandate could also be petitioned for and direct a city to specifically implement programs that were included in their adopted housing element.

Given the current legal climate around housing element law it is vital for the City of Los Altos to expeditiously implement the adopted 6<sup>th</sup> Cycle Housing Element 2023-2031. As noted above the potential legal risks associated with housing element noncompliance could be further enforced by similar legal actions.

**Planning Commission Recommendation (February 16, 2023)**

The Planning Commission considered this item on February 16, 2023, at its regularly scheduled meeting. During the consideration of this item the Planning Commission accepted the draft ordinance with staff recommended amendments as well as providing further clarifying amendments which have been incorporated into the draft ordinance. At that time no public comments were received which spoke in opposition to the adoption of the changes presented within the draft ordinance.

**Next Steps**

The Draft Ordinance becomes effective 30-days post adoption.

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING CHAPTERS 2.08, 12.44, 13.04, 14.76, AND 14.78 OF THE LOS ALTOS  
MUNICIPAL CODE TO IMPLEMENT CERTAIN PROVISIONS OF PROGRAM 3.H  
AND 3.K OF THE SIXTH CYCLE HOUSING ELEMENT UPDATE**

**WHEREAS**, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, on January 24, 2023, the City Council approved the City’s Sixth Cycle Housing Element Update; and

**WHEREAS**, the Housing Element Update includes programs to eliminate unnecessary governmental constraints to housing development within the City of Los Altos; and

**WHEREAS**, Program 3.H of the Housing Element Update calls for the dissolution of the Design Review Commission, and indicates that housing development projects of five or fewer units should be subject to staff-level review and approval; and

**WHEREAS**, Program 3.H of the Housing Element Update calls for the modification of the design review process and applicability so that City Council serves only as the decision-making authority for appeal of design review and land use decisions; and

**WHEREAS**, Program 3.H of the Housing Element Update sets a maximum of 14 calendar days post project approval to file an appeal on decisions of housing developments, and sets forth that any appeal filed shall be on the basis of objective standards consistent with State law; and

**WHEREAS**, Program 3.K of the Housing Element Update calls for the standardization of multimodal transportation review to be incorporated into the Los Altos Zoning Code allowing for transparent and consistent application of the code; and

**WHEREAS**, Public Hearing Notice shall be consistent with Government Code Section 65091 to effectively further implement the Housing Element Update by eliminating impediments in the creation of housing; and

**WHEREAS**, having committed itself to implement Housing Element Update in its entirety, the City Council now desires to adopt this Ordinance; 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

**WHEREAS**, this Ordinance and Design Review Regulations shall be reviewed for its effectiveness no later than two (2) years post adoption;

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

**SECTION 1. AMENDMENT OF CHAPTER 2.08 OF THE MUNICIPAL CODE.** Certain provisions of Chapter 2.08 of the Los Altos Municipal Code are hereby amended as set forth in Appendix D to this Ordinance, ~~strikeout~~ indicating deletion and underline indicating addition.

**SECTION 2. AMENDMENT OF CHAPTER 12.44 OF THE MUNICIPAL CODE.** Certain provisions of Chapter 12.44 of the Los Altos Municipal Code are hereby amended as set forth in Appendix A to this Ordinance, ~~strikeout~~ indicating deletion and underline indicating addition. Except as otherwise shown in Appendix A, no other provision of Chapter 12.44 is amended hereby.

**SECTION 3. AMENDMENT OF CHAPTER 13.04 OF THE MUNICIPAL CODE.** Section 13.04.030 are hereby added to the Los Altos Municipal Code to read as follows: “Notwithstanding any other provision of this title, the approval authority for any tentative or parcel map for a housing development project of five or fewer units shall be the zoning administrator, as further set forth in section 14.78.020.D of this code.”

**SECTION 4. AMENDMENT OF CHAPTER 14.76 OF THE MUNICIPAL CODE.** Chapter 14.76 of the Los Altos Municipal Code are hereby amended as set forth in Appendix B to this Ordinance, ~~strikeout~~ indicating deletion and underline indicating addition.

**SECTION 5. AMENDMENT OF CHAPTER 14.78 OF THE MUNICIPAL CODE.** Chapter 14.78 of the Los Altos Municipal Code are hereby amended as set forth in Appendix C to this Ordinance, ~~strikeout~~ indicating deletion and underline indicating addition.

**SECTION 6. 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 Director of Development Services, in their reasonable discretion, after consulting the City Attorney.

**SECTION 7. PUBLICATION.** This Ordinance shall be published as provided in Government Code Section 36933.

**SECTION 8. 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 \_\_, 2023, and was thereafter, at a regular meeting held on \_\_, 2023, passed and adopted by the following vote:

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

\_\_\_\_\_  
Sally Meadows, MAYOR

Attest:

Angel Rodriguez, INTERIM City Clerk

**APPENDIX A  
AMENDMENTS TO CHAPTER 12.44**

**APPENDIX B  
AMENDMENTS TO CHAPTER 14.76**



**APPENDIX C  
AMENDMENTS TO CHAPTER 14.78**

**APPENDIX D  
AMENDMENTS TO CHAPTER 2.08**



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## Chapter 12.44 HISTORIC PRESERVATION<sup>1</sup>

### Sections:

### *Article 1. General Provisions*

#### **12.44.010 Purpose.**

It is hereby declared as a matter of public policy that the recognition, preservation, enhancement and use of historic resources within the City of Los Altos is required in the interest of health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this chapter is to:

- A. Safeguard the heritage of the city by providing for the protection of irreplaceable historic resources representing significant elements of its history;
- B. Enhance the visual character of the city by encouraging the compatibility of architectural styles which reflect established architectural traditions;
- C. Encourage public knowledge, understanding and appreciation of the city's past, and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the city's historic resources;
- D. Stabilize and improve property values within the city and increase the economic and financial benefits to the city and its inhabitants derived from the preservation, rehabilitation, and use of historic resources;
- E. Integrate the conservation of historic resources into the public and private development process and identify as early as possible and resolve conflicts between the preservation of such resources and alternative land uses; and
- F. Fulfill the city's responsibilities for Federal Section 106 reviews and for the California Environmental Quality Act.

(Ord. No. 2011-363, § 1, 3-8-2011)

#### **12.44.020 Area of application.**

This chapter shall apply to all historic resources listed in the historic resources inventory, historic landmarks and properties, and structures.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437, § 1, 3-13-2018)

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<sup>1</sup>Editor's note(s)—Ord. No. 2011-363, § 1, adopted March 8, 2011, amended Ch. 12.44 in its entirety to read as herein set out. The former Ch. 12.44, §§ 12.44.010—12.44.220, pertained to similar subject matter and derived from Ord. No. 04-257, § 1(part) and Ord. No. 08-324, § 2(part). Previously, said chapter derived from §§ 2-8.101, 2-8.102 and 2-8.301—2-8.504 of the prior code.

**12.44.030 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

"Alteration" means any act or process that changes any portion of the exterior architectural appearance of a structure or object, including, but not limited to, the erection, construction, reconstruction, removal of exterior architectural features or details, or the addition of new structures, but does not include painting, ordinary maintenance and landscaping.

"California Historical Building Code" is Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historic structures and sites, designated under federal, state and local authority. It provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as qualified historic buildings.

"California Office of Historic Preservation" means the governmental agency primarily responsible for the statewide administration of the historic preservation program in California.

"California Register of Historical Resources" is a comprehensive listing of California's historical resources, including those of local, state and national significance.

"Character defining features" means the defining elements, such as prominent architectural features, materials, craftsmanship or other elements, that, individually or in combination, identify a historic property, building or landscape.

"Commission staff" means the staff liaison assigned to the historical commission.

"DPR 523" means the California Department of Parks and Recreation Historic Resource Inventory Forms used for historic evaluations. The DPR 523A form provides descriptive information about a resource. The DPR 523B form provides an evaluation of the resources and includes a determination as to whether the resource is eligible for the National or State Register of Historic Places or listing on the Los Altos Historic Resources Inventory.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement, including but not limited to, the kind, size, shape and texture of building materials, and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Historic landmark" means a building, improvement, structure, natural feature, site or area of land, under single or common ownership that has significant historical, architectural, cultural, and/or aesthetic interest or value, and is designated as a historic landmark by the city council.

"Historic resource" is a property or structure that has been determined to be over fifty (50) years old, retains its physical integrity, has historical, architectural, cultural, and/or aesthetic value, and is listed on the historic resources inventory.

"Historic resources inventory" means the city's official inventory of the historic resources, as adopted and amended from time to time by resolution of the historical commission and/or the city council. A property or structure must be designated as a historic landmark or a historic resource in order to be listed.

"Historical commission" is a seven-member advisory commission appointed by the city council that is tasked with maintaining the historic resources inventory, making recommendations on historic landmarks, working with property owners on preservation, maintenance and other development activities related to historic resources, and other activities as identified in the municipal code.

"Improvement" means any building, structure, parking facility, wall, work of art or other appurtenance or addition thereto constituting a physical betterment of real property or any part of such betterment.

"Integrity" is the authenticity of the characteristics, also referred to as character defining features, from which resources derive their significance. Integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

"Mills Act" is an economic incentive program in California for the restoration and preservation of qualified historic structures. Enacted in 1972, the Mills Act grants participating local governments the authority to enter into contracts with owners of qualified historic properties to reduce the property tax assessment in exchange for the restoration and maintenance of the historic resource.

"National Register of Historic Places" is the official inventory of districts, sites, buildings, structures and objects significant in American history, architectural, archeology and culture, maintained by the Secretary of Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

"Preservation" means the act of identification, study, protection, reconstruction, restoration, rehabilitation or enhancement of historic and/or cultural resources.

"Reconstruction" means the act or process of reproducing by new construction, the exact form and detail of a vanished building, structure or any part thereof, as it appeared at a specific period of time.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural value.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

"Secretary of Interior's Standards" are the Federal Standards for the Treatment of Historic Properties that are utilized in the identification, evaluation, registration and treatment of historic properties. The list of ten (10) Rehabilitation Standards, published as the Secretary of the Interior's Standards, is aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

## **Article 2. Designation of Historic Resources**

### **12.44.040 Criteria for designation.**

A structure, property or object may be eligible for designation as a historic resource or historic landmark, if it/they satisfy each of the three criteria listed below:

- A. Age. A structure or property should be more than fifty (50) years in age. (Exceptions can be made to this rule if the building(s) or site(s) is/are truly remarkable for some reason - such as being associated with an outstanding architect, personage, usage or event).
- B. Determination of Integrity. A structure or property should retain sufficient historic integrity in most of the following areas:
  - 1. Design: The combination of elements that create the form, plan, space, structure and style of a property.
  - 2. Setting: The physical environment of a historic property.
  - 3. Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

- 4. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- 5. Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.
- C. Historic Significance. A structure or property should be clearly associated with one or more of the following areas of significance:
  - 1. Event: Associated with a single significant event or a pattern of events that have made a significant contribution to broad patterns of local or regional history, or cultural heritage of California or the United States;
  - 2. Person/People: Associated with the lives of persons important to the local, California or national history;
  - 3. Architecture/Design: Embodies the distinctive characteristics of a design-type, period, region or method of construction, or represents the work of a master or possesses high artistic value; or
  - 4. Archaeology: Yields important information about prehistory or history of the local area, California or the nation.

The city's historic resource evaluation methodology, which provides more details about the above listed criteria, is available from the planning division.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

#### **12.44.050 Applications for designation.**

- A. Applications for designation as a historic landmark, or listing a historic resource on the historic resources inventory may be initiated by the owner or owners of a building, improvement, structure, natural feature, site or area of land, requesting designation of their property as a historic resource or historic landmark.
- B. The city council or the planning commission may, by resolution or motion, refer a proposed designation to the historical commission. The historical commission may also consider a proposed designation upon its own initiative or by referral by the ~~community~~ development services director.
- C. Applications for designation as a historic landmark, or listing a historic resource on the historic resources inventory shall be made to the historical commission. Applications must be accompanied by such historical and architectural information as is required by the historical commission in order to make an informed recommendation concerning the request.

Applications for designation shall be acted on as set forth in sections 12.44.050, 12.44.060 and 12.44.070 of this chapter.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

#### **12.44.060 Historic resource listing.**

- A. Once the application for designating a property as a historic resource and listing it on the historic resources inventory has been received, the historical commission shall consider the request at its next available scheduled meeting.
- B. The commission shall conduct a public hearing to consider the proposed listing. Notice of the hearing shall be given at least ten (10) days prior to the date of the hearing by mail to the applicant, to the owner or owners of the property and to the owners of abutting properties, and by posting a notice on the property near the front property line in accordance with the standards set by commission staff.

- C. The commission shall consider the proposed historic resource and determine whether or not the property satisfies the three criteria outlined in Section 12.44.040. The commission shall by motion either approve or disapprove the designation of the property as a historic resource and listing it in the historic resources inventory.
- D. If the commission approves the historic resource for listing on the historic resources inventory, the listing shall become effective immediately and the designated property shall be subject to the regulations set forth in this chapter.
- E. Until final action has been taken by the commission on the request to list a property, no building, alteration, grading, demolition or tree removal permit(s) shall be issued for any work to be performed upon or within the subject property, unless approved by the historical commission or the community development services director. This restriction shall become effective as of the time the application is submitted, and shall extend until the commission has taken action.
- F. Within fifteen (15) days of the action taken by the historical commission, the decision may be appealed to the city council. The appeal may be filed by the applicant or any interested party.

(Ord. No. 2011-363, § 1, 3-8-2011)

**12.44.070 Historic landmark designation.**

- A. Once the application for the proposed designation has been received, the historical commission shall consider the request at its next available scheduled meeting.
- B. The commission shall conduct a public hearing to consider the proposed designation. Notice of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication in at least one newspaper of general circulation within the city, by mail to the applicant, to the owner or owners of the property, and to the owners of abutting properties, and by posting a notice on the property near the front property line in accordance with the standards set by commission staff.
- C. The commission shall make a recommendation to the city council on the proposed designation. In order to make a positive recommendation, the commission shall make the following findings:
  - 1. That the proposed historic landmark satisfies the three criteria outlined in Section 12.44.040; and
  - 2. That the proposed landmark has special historical, cultural, archeological, scientific, architectural or aesthetic interest or value as part of the heritage or history of the city, the county, the state or the nation.
- D. The city council shall consider the proposed designation at its next available regular meeting and determine whether or not to accept the historical commission's recommendation. The city council shall by resolution either approve the proposed designation, in whole or in part or as modified, or shall, by motion, disapprove the proposal in its entirety.
- E. If the city council approves the landmark designation, the resolution shall become effective immediately and the designated property shall be subject to the regulations set forth in this chapter and to such further restrictions or controls as may be specified in the designating resolution.
- F. Adoption of a designating resolution by the city council shall be based upon the findings outlined in subsection (C) of this section.
- G. Until final action has been taken by the city council on the proposed landmark, no building, alteration, grading, demolition or tree removal permit(s) shall be issued for any work to be performed upon or within the subject property, unless approved by the historical commission or the city council. This restriction shall



become effective as of the time the application is submitted, and shall extend until the designating resolution becomes effective.

(Ord. No. 2011-363, § 1, 3-8-2011)

**12.44.080 Notice of designation.**

- A. Following adoption by the city council of a resolution designating a historic landmark, the commission staff shall send notice of the designation, together with a copy of the resolution or ordinance, to the owner or owners of the designated historic landmark. The city council also shall send notice of the designation to:
  - 1. The Santa Clara County Historical Heritage Commission; and
  - 2. The California State Historic Preservation Officer.
- B. The designating resolution or ordinance shall be recorded with the county clerk-recorder.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Ord. No. 2017-437 , § 1, adopted March 13, 2018, repealed § 12.44.080, which pertained to historic district designation, and derived from Ord. No. 2011-363, § 1, adopted March 8, 2011, and subsequently renumbered the remaining sections 12.44.090—12.44.220 as 12.44.080—12.44.210. Historical notations for former sections have been retained for reference.

**12.44.090 Termination of designation.**

The only legitimate reason for terminating the designation of a historic resource or historic landmark is when clear evidence is presented that shows the resource no longer meets the criteria of Section 12.44.040 due to loss of integrity and/or historic significance.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.100, see editor's note § 12.44.080.

**Article 3. Permits**

**12.44.100 Applicability.**

- A. For historic landmark properties, a historical alteration permit (Section 12.44.150) is required in order to alter, demolish, remove, relocate or change any exterior architectural features of the designated landmark structure(s), or remove or relocate any improvements, structures or natural features that contribute to the integrity or the historic significance of the historic landmark.
- B. For historic resources listed on the historic resources inventory, an advisory review (Section 12.44.140) is required in order to alter, demolish, remove, relocate or otherwise change in any manner any exterior architectural feature or natural feature that contributes to the integrity or the historic significance of a historic resource.
- C. For subsection (B) of this section, the historical commission's review will take into account whether or not the proposed work adversely affects the physical integrity or the historic significance of the resource. The historical commission's recommendation to the ~~community~~ development services director, ~~design review commission~~, planning commission, or city council, shall be advisory only.

- D. For non-residential properties that are historic landmarks or historic resources, non-permanent improvements such as signage, awnings and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from historical commission review by the community development services director.
- E. For residential properties that are historic landmarks or historic resources, improvements such as swimming pools, fences, minor accessory structures such as trellises or barbecues, and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from historical commission review by the community development services director.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.110, see editor's note § 12.44.080.

**12.44.110 Applications.**

Applications for historical alteration permits or advisory review shall be submitted to the community development services director. Applications shall include the following information:

- A. A clear statement of the proposed work;
- B. A site plan showing all existing buildings, structures, trees over six inches in diameter, property lines, easements and the proposed work;
- C. Detailed plans showing both the existing and proposed exterior elevations, including a street elevation, photographs of windows and/or special features, materials and grading;
- D. Specifications describing all materials to be used and all processes that would affect the appearance or nature of the materials;
- E. Notes indicating any deviation from the Secretary of the Interior's Standards for Historic Rehabilitation; and
- F. Such other information or documents as may be requested by the community development services director or the historical commission.

Applications shall be noticed as set forth in section 12.44.120 and shall be acted on as set forth in section 12.44.130 and 12.44.140 of this chapter.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.120, see editor's note § 12.44.080.

**12.44.120 Notice of public meetings.**

- A. Notification shall be provided when an application for a historical alteration permit is required for a historic landmark. Applicants shall be responsible for providing notification via first class mail to the adjoining property owners, in the manner set forth by the commission staff, at least ten (10) days prior to the meeting at which the application is to be reviewed. The property owners who shall be mailed notice include, but are not limited to, the following:
  - 1. The two adjoining property owners on each side;
  - 2. The three adjoining rear property owners; and
  - 3. The five adjoining front property owners across the street.

- 4. As deemed appropriate or necessary, the commission staff may require that notification be mailed to a greater or lesser number of property owner(s) than are identified above based on the configuration of the properties adjoining the site of the application.
- 5. Notice shall also be posted on the project site near the front property line in accordance with the standards set by the commission staff.
- B. Notice shall be provided when an application for an advisory review is required for a historic resource. Applicants shall be responsible for posting a notice on the project site near the front property line in accordance with the standards set by the commission staff.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.130, see editor's note § 12.44.080.

**12.44.130 Advisory review.**

- A. For projects that require an advisory review, the historical commission shall complete its review and issue a recommendation at its next available scheduled meeting. In order to recommend approval, the commission shall find that:
  - 1. The project complies with all provisions of this chapter; and
  - 2. The project does not adversely affect the physical integrity or the historic significance of the subject property.
- B. The historical commission recommendation shall be forwarded to the ~~community~~ development services director, ~~the design review commission~~, the planning commission, or the city council to be considered as part of their decision.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.140, see editor's note § 12.44.080.

**12.44.140 Historical alteration permit.**

- A. For projects that require a historical alteration permit, the historical commission shall complete its review and issue a decision at its next available scheduled meeting. In order to approve a permit, the commission shall find that:
  - 1. The project complies with all provisions of this chapter; and
  - 2. The project does not adversely affect the physical integrity or the historic significance of the subject property.
  - 3. The project is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B. If the historical commission approves the historical alteration permit, or approves such permit subject to conditions, the ~~community~~ development services director shall issue the permit in accordance with the recommendation, provided that no other approval is required under this code. In the event the historical commission recommends denial of the permit, the ~~community~~ development services director shall notify the applicant that the requested permit will not be granted.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.1500, see editor's note § 12.44.080.

**12.44.150 Appeal.**

Within ~~fifteen~~fourteen (154) days of any approval or denial by the historical commission, the decision may be appealed to the city council. The appeal may be filed by the applicant or any interested party and shall be accompanied by a fee to cover the administrative cost of handling the appeal as set by city council resolution.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.160, see editor's note § 12.44.080.

**Article 4. Miscellaneous Provisions**

**12.44.160 Incentives for preserving historic resources.**

- A. California Historical Building Code. It is the purpose of the state historical building code to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation as applicable to all historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. Such standards and regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored elements and features, to encourage energy conservation and a cost effective approach to preservation, and to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such "buildings, structures and properties" and to provide reasonable availability and usability by the physically disabled. The state historical building code is defined in sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code (H&SC) Health and Safety Code, a part of California Law.
- B. Economic incentives. In order to carry out more effectively and equitably the purposes of this chapter, the city council may, by resolution, adopt a program of economic (i.e., Mills Act contracts) and other incentives to support the preservation, maintenance and appropriate rehabilitation of the city's historic resources.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.170, see editor's note § 12.44.080.

**12.44.170 Hardship.**

Notwithstanding the criteria of this chapter, the ~~community~~ development ~~services~~ director, on the recommendation of the historical commission ~~or design review commission~~, or the planning commission or city council on appeal, may approve an application for a permit to conduct any proposed work upon or within a historic resource or historic landmark if the applicant presents clear and convincing evidence demonstrating that a disapproval of the application will cause immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work or because of conditions peculiar to the particular improvement, building, structure, topography or other feature involved. If a hardship is found to exist under this section, the historical commission ~~or the design review commission~~ or the planning commission or city council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.180, see editor's note § 12.44.080.

**12.44.180 Fees.**

- A. No fee shall be charged for the filing, processing or public noticing of any application for designation.
- B. The city council shall by resolution adopt a schedule of fees to be charged for any application for termination of a designation, for the filing and processing of applications for any permit required under this chapter, and for appeals pursuant to this chapter.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.190, see editor's note § 12.44.080.

**12.44.190 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance, painting, landscaping or repair of any exterior feature in or upon any historic resource or historic landmark that does not involve a change in design, material or the external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any historic resource or historic landmark which has been certified by the city building inspector, or fire chief, or other code enforcement officer as being in unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.200, see editor's note § 12.44.080.

**12.44.200 Duty to keep in good repair.**

- A. The owner, occupant or the person in actual charge of a historic resource or a historic landmark shall keep and maintain in good condition and repair all exterior portions of the improvement or structure, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature or natural feature.
- B. It shall be the duty of the ~~development services director or their designee~~ building official to enforce this section.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.210, see editor's note § 12.44.080.

**12.44.210 Enforcement.**

The violation of any provision contained in this chapter is hereby declared to be unlawful and shall constitute a misdemeanor, subject to the penalties as prescribed in Title 1, Chapter 1.20 of this code.

(Ord. No. 2011-363, § 1, 3-8-2011; Ord. No. 2017-437 , § 1, 3-13-2018)

Editor's note(s)—Former § 12.44.220, see editor's note § 12.44.080.

**Chapter 14.76 DESIGN REVIEW—SINGLE-FAMILY DISTRICTS<sup>1</sup>**

**14.76.010 Purpose.**

~~It is the policy of the city to review the proposed construction or exterior alterations of single family dwellings and accessory structures under circumstances which include, but are not limited to, where such structures might constitute an unreasonable invasion of privacy, unreasonable interference with views, light and air, or create adverse impacts upon the aesthetic character of neighboring residential structures.~~ The purpose of this section is to establish a set of criteria, objectives and procedures to be followed with respect to the design review of any proposed single-family main or accessory structure, or addition or alteration thereto, and to insure that the new development occurs in a manner which is consistent with the objectives of this chapter, the objective design criteria of single-family residential objective design guidelines, and the goals and policies of the general plan.

(Ord. No. 2012-381, § 1, 5-22-2012)

**14.76.020 Single-family residential objective design guidelines.**

Any new main or accessory structure, or addition or alteration thereto, shall be consistent with the policies and implementation techniques described in the single-family residential objective design guidelines as adopted by the city council.

(Ord. No. 2012-381, § 1, 5-22-2012)

**14.76.030 Requirement for administrative design review.**

No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto within a single-family district, until such construction has received administrative design review approval by the community development services director or their designee. Window replacements, reroofing and rooftop venting and exhausting equipment, ~~and~~ mechanical equipment, attached or detached accessory dwelling unit(s) and junior accessory dwelling unit(s) are exempt from this requirement.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 1, 2, 9-27-2016)

**14.76.040 Requirement for zoning administrator design review ~~commission design review.~~**

In each of the following cases, no building permit shall be issued for the construction, addition or alteration of any main or accessory structure within a single-family district until the zoning administrator has approved such structure following a noticed public hearing, ~~has received design review approval by the design review commission~~ pursuant to this chapter:

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-381, § 1, adopted May 22, 2012, amended Ch. 14.76 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. Former Ch. 14.76, §§ 14.76.010—14.76.100, pertained to similar subject matter and derived from Ord. No. 04-261, § 1; Ord. No. 08-323, § 2; and Ord. No. 2011-368, § 1, adopted July 26, 2011.

- A. Any new two-story structure;
- B. Any conversion of a one-story structure to a two-story structure;
- ~~C. Any addition of habitable area to the second floor of an existing two-story structure;~~
- ~~D.C.~~ Any new one-story structure over twenty (20) feet in height;
- ~~E.D.~~ Whenever design review is specifically required under the terms or conditions of any tentative subdivision map, use permit, variance or conditional rezoning; and
- ~~F.E.~~ Whenever, as determined by the **community** development services director or their designee, the construction or expansion of a main or accessory structure may be in conflict with the design review findings contained in Section 14.76.050 of this chapter.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 1, 2, 9-27-2016)

**14.76.050 Initial application review.**

All applications filed with the **community** development services department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:

- A. ~~Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as proscribed in the "submittal requirements" documents provided by the community development department.~~
- ~~B. Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date. The application shall be reviewed for completeness and processed in accordance with the Permit Streamlining Act, Government Code Section 65920, et seq.~~
- C. Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).
- D. Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.
- E. Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the **community** development services director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.
- F. Environmental information. After an application has been accepted as complete, the **community** development services director or their designee may require additional information as necessary for the project's environmental review.

(Ord. No. 2016-423 , § 3, 9-27-2016)

**14.76.060 Design review findings.**

In approving an application for design review, the approving authority shall make the following findings:

- A. The proposed structure or alteration complies with all provisions of this chapter;
- B. The height, elevations and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, ~~will avoid unreasonable interference with views and privacy,~~ and will consider the topographic and geologic constraints imposed by particular building site conditions;
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized ~~and will be in keeping with the general appearance of neighboring developed areas;~~
- D. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize ~~the perception of~~ excessive bulk;
- E. General architectural considerations, including the ~~character,~~ size, ~~and~~ scale ~~and quality of the design,~~ the architectural relationship with the site and other buildings, building materials and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings ~~on the same project site;~~ and
- F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection. A stepped foundation shall ~~generally~~ be required where the average slope beneath the proposed structure is ten (10) percent or greater.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 3, 9-27-2016)

Editor's note(s)—Ord. No. 2016-423, § 3, adopted September 27, 2016, enacted a new § 14.76.050 and renumbered §§ 14.76.050 and 14.76.060 as §§ 14.76.060 and 14.76.070. The historical notation has been retained with the amended provisions for reference purposes.

**14.76.070 Variance findings.**

- A. In order to avoid such practical difficulties, unnecessary physical hardships and results inconsistent with the objectives of the zoning plans stated in Article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the ~~design review planning~~ commission may grant variances to the regulations controlling site area, width, depth and coverage, yards and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area and fences for those properties located in single-family zoning districts.
- B. The ~~design review planning~~ commission may grant a variance as applied for if, on the basis of the application and the evidence submitted, the commission makes the following positive findings:
  - 1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
  - 2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and



- 3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- C. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 3, 9-27-2016)

Editor's note(s)—See editor's note, § 14.76.060.

**14.76.080 Notification.**

Notification shall be provided whenever an application for ~~design review commission zoning administrator~~ design review or variance is required pursuant to this chapter via first-class mail to the adjoining property owners, in the manner set forth by the ~~community~~ development services director or their designee, at least ten (10) days prior to the meeting at which the application is to be reviewed. The property owners who shall be mailed notice include, but are not limited to, the following:

- A. The two adjoining property owners on each side;
- B. The three adjoining rear property owners; and
- C. The five adjoining front property owners across the street.
- D. As deemed appropriate or necessary, the ~~community~~ development services director ~~or their designee~~ may require that notification be mailed to a greater or lesser number of property owner(s) than are identified above based on the configuration of the properties adjoining the site of the application.
- E. Notice shall also be posted on the project site near the front property line in accordance with the standards set by the ~~community~~ development services director ~~or their designee~~.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 9-27-2016)

**14.76.090 Expiration of design review and/or variance approval—Extensions.**

- A. Design review and/or variance approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the design review and/or variance approval and construction thereof is commenced and prosecuted diligently toward completion.
- B. Design review and/or variance approvals may be granted a one-time extension~~ed~~ for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the city council. Extensions of design review and/or variance approval are contingent on the ~~community~~ development services director ~~or their designee~~ finding that the project complies with all current zoning ordinance regulations.

(Ord. No. 2012-381, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 9-27-2016)

**14.76.100 Appeals.**

The basis for any appeal of a housing development shall only be allowed and based on objective standards consistent with State law.

- A. Within ~~fifteen~~fourteen (154) days of any denial of an administrative design review request, or of the approval or denial of a zoning administrator design review request, the decision may be appealed to the ~~design review planning~~ commission. Within fourteen (14) calendar days of the announcement of the planning commission’s decision on the record, the decision may be appealed to the city council.
- B. Within ~~fifteen~~fourteen (154) days of any approval or denial of a ~~design review commission design review and/or~~ variance request, the decision may be appealed to the city council.

**14.76.110 Number of Hearings Allowed.**

A. When public hearings are required, the number of hearings for solely design review approval shall be no more than three (3) public hearings.

(Ord. No. 2012-381, § 1, 5-22-2012)

## Chapter 14.78 DESIGN AND TRANSPORTATION REVIEW—MULTIPLE-FAMILY, PUBLIC AND COMMUNITY FACILITIES, OFFICE AND ADMINISTRATIVE, AND COMMERCIAL DISTRICTS<sup>1</sup>

### 14.78.010 Purpose.

The purpose of this chapter is to preserve and protect ~~the character and~~ public safety of the city and to enhance the aesthetic qualities and bicycle and pedestrian safety and functionality of its multiple-family, public and community facilities, office and administrative and commercial districts by requiring design and transportation review of new structures and certain expansions of existing structures.

(Ord. No. 2012-382, § 1, 5-22-2012)

### 14.78.020 Requirement for design review.

Any work that requires a building permit, including new building construction, existing building alterations and expansions, and site improvements, but excluding properties in an R1 or R3-4.5 district, shall be subject to design review pursuant to this chapter as follows:

- A. Administrative design review.
  - 1. Site improvements, exterior alterations or modification, or additions to existing buildings of up to five hundred (500) square feet require approval by the ~~community~~ development services director or their designee.
- B. Planning commission design review.
  - 1. ~~Additions to existing buildings that exceed five hundred (500) square feet but are equal to or less than 50 percent of the total floor area on the subject site and do not increase the existing height of the building(s) require approval by the planning commission at a public meeting.~~
- ~~C. City Council Design Review.~~
  - 1. ~~All new buildings, and additions to existing buildings that exceed five hundred (500) square feet or fifty (50) percent of the total floor area on the subject site and/or increase the height of the existing building(s), require approval by the ~~city council~~ planning commission at a public meeting.~~
  - 2. ~~Prior to consideration by the city council, the planning commission shall review the application at a public meeting and provide a recommendation to the city council.~~
- C. Zoning Administrator design review.

<sup>1</sup>Editor's note(s)—Ord. No. 2012-382, § 1, adopted May 22, 2012, amended Ch. 14.78 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. Former Ch. 14.79, §§ 14.78.010—14.78.050, pertained to similar subject matter and derived from Ord. No. 04-260, § 1; and Ord. No. 07-306, § 9.

Notwithstanding the foregoing, the development of a housing development of five or fewer units that is not otherwise subject to design review pursuant to chapter 14.76 and 14.78 of this code or subsection (A) of this section shall be subject to design review by the zoning administrator following a noticed public hearing. Notwithstanding any other provision of this code, and unless otherwise required by state law, any additional planning applications for such a project including, without limitation, tentative or parcel maps, variance requests, or conditional use permits, shall be heard and decided by the zoning administrator concurrently with the design permit application. As used in this subsection, a "housing development project" includes a project to construct one or more dwelling units, including a mixed-use development project for which not more than one-third of total floor area is dedicated for commercial use.

D. Exempt from the requirements of Design Review.

1. Site improvements, exterior alterations or modification, or additions to existing buildings of up to one thousand (1,000) square feet in the Public/Community Facilities (PCF) District shall be exempt from the requirement of Design Review.

E. Authority of the Development Services Director.

1. The Development Services Director shall have the authority to require administrative design review to any improvement to a property or parcel of land that is determined to have special circumstances or potentially negative impacts on the community.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 5, 9-27-2016; Ord. No. 2019-457 , § 1, 1-28-2020)

**14.78.030 Public meeting requirements.**

Notice of public meetings before the zoning administrator shall be provided pursuant to Government Code Section 65091. Notice of public meetings before the planning commission and/or city council shall be given at least ten (10) days prior to the date of the meeting by all of the following methods:

- A. Mailing of notices via first-class mail to all property owners within one thousand three hundred (1,0300) feet of the project site at the mailing address on record with the county assessor; and
- B. Mailing of notices via first-class mail to all commercial business tenants within one thousand three hundred (1,0300) feet of the project site at the addresses shown on the latest city business license records; and
- C. Posting of a notice on the project site in accordance with the standards set by the city council and community development services director or their designee; and
- D. All meetings before the planning commission and/or city council conducted under this section, excluding study sessions, shall be noticed separately and conducted as public hearings and shall satisfy all notification requirements applicable to public hearings, including a notice published in a newspaper of general circulation within the city.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 5, 9-27-2016; Ord. No. 2019-457 , § 1, 1-28-2020)

**14.78.040 Recommendation for pre-application study session design review.**

Projects subject to design review pursuant to Section 14.78.030 of this chapter are eligible for pre-application design review before the planning and transportation commission. This review is in a study session format and is best served early in the design preparation process. This review is encouraged to receive early design

input from the commission. Study session review is also available at any point in the application process, and may be requested by an applicant or, subject to applicable state law, may be required by the community development services director ~~or their designee~~.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 1, 9-27-2016)

**14.78.050 Initial application review.**

All applications filed with the community development services department in compliance with this zoning code shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council and initially processed as follows:

- A. ~~The application shall be reviewed for completeness and processed in accordance with the Permit Streamlining Act, Government Code Section 95920, et seq. Review for completeness. The community development director or their designee shall review all applications for completeness and accuracy before accepting them as complete. The determination of completeness shall be based on the city's list of required application contents as proscribed in the "submittal requirements" documents provided by the community development department.~~
- ~~B. — Notification of applicant. The community development director or their designee shall notify the applicant in writing within thirty (30) days of the filing of the application with the community development department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, as specified in the letter, shall be provided. If subsequent written comments from the community development director or their designee identify deficiencies not initially raised within thirty (30) days of the filing of the application, then this subsequent letter will be considered the notification of incompleteness for the purposes of determining the application expiration date.~~
- ~~CB.~~ Appeals of administrative decisions. Determinations of incompleteness or denials of an extension request may be appealed to the city council pursuant to Chapter 1.12 (Appeals).
- ~~DC.~~ Expiration of application. If the applicant does not provide the information and materials necessary for a complete application within one hundred eighty (180) days after notification of incompleteness, the application shall be deemed expired. After expiration of the application or extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.
- ~~ED.~~ Extensions. The applicant may request, in writing, within the one hundred eighty (180) day time period, an extension of up to one hundred eighty (180) days to the community development director or their designee. Approval of the extension is contingent on the applicant demonstrating that there are extenuating circumstances that have caused a delay in the submittal of the required information.
- ~~FE.~~ Environmental information. After an application has been accepted as complete, the community development director or their designee may require additional information as necessary for the project's environmental review.

(Ord. No. 2016-423 , § 6, 9-27-2016)

**14.78.060 Design review findings.**

In approving applications for design review approval under this chapter, the ~~community development director or their designee, planning commission and the city council approving authority~~ shall make the following findings:

- A. The proposal meets the goals, policies and objectives of the general plan and any specific plan, objective design guidelines and ordinance design criteria adopted for the specific district or area.
- B. The proposal has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design.
- C. Building mass is articulated to relate to the human scale, both horizontally and vertically. Building elevations have variation and depth and avoid large blank wall surfaces. Residential or mixed-use residential projects incorporate elements that signal habitation, such as identifiable entrances, stairs, porches, bays and balconies.
- D. Exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements such as base, body, parapets, bays, arcades and structural elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.
- E. Landscaping is generous and inviting, and landscape and hardscape features are designed to complement the building and parking areas, and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy, either in the public right-of-way or within the project frontage.
- F. Signage is designed to complement the building architecture in terms of style, materials, colors and proportions.
- G. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing.
- H. Service, trash and utility areas are screened from public view, or are enclosed in structures that are consistent with the building architecture in materials and detailing.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 6, 9-27-2016; Ord. No. 2016-427 , § 3, 11-8-2016; Ord. No. 2019-457 , § 2, 1-28-2020)

Editor's note(s)—Ord. No. 2016-423, § 6, adopted September 27, 2016, enacted a new § 14.78.050 and renumbered the remaining §§ 14.78.050—14.78.080 as §§ 14.76.060—14.76.090. The historical notation has been retained with the amended provisions for reference purposes.

**14.78.070 Variances.**

- A. Purpose. In order to avoid such practical difficulties, unnecessary physical hardships and results inconsistent with the objectives of the zoning plans stated in article 1 of Chapter 14.02, as would result from a strict or literal application of the provisions of this chapter, the planning commission may approve or recommend variances to the regulations controlling site area, width, depth and coverage, yards, and other open spaces, parking spaces, loading spaces, height of structures, allowable building floor area and fences for a property located in any district, except for those located in an R1 or R3-4.5 district.
- B. Procedure. The approving authority for variance applications shall be as follows:
  - 1. The planning commission shall be the approving authority for all variance applications ~~that are not subject to city council design review~~ pursuant to Section 14.78.020.C.
  - 2. A public hearing shall be required. Notice of the meeting shall be given not less than ten (10) days prior to the date of the meeting by the methods required in Section 14.78.030

~~23. The city council shall be the approving authority for all variance applications that are subject to city council design review pursuant to Section 14.78.020.C. of the application and A variance request shall be granted if, based upon~~ the evidence submitted, the following positive findings can be made:

- a. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
  - b. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
  - c. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- D. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 6, 7, 9-27-2016; Ord. No. 2019-457 , § 2, 1-28-2020)

Editor's note(s)—See editor's note, § 14.78.060.

**14.78.080 Expiration of design review and/or variance approval—Extensions.**

- A. Design review and/or variance approvals granted pursuant to this chapter shall expire twenty-four (24) months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the approval and construction thereof is commenced and prosecuted diligently toward completion.
- B. Design review and/or variance approvals may be extended for a period of time not exceeding twelve (12) months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the city council. Extensions of the approval are contingent on the community development director or their designee finding that the project complies with all current zoning ordinance regulations.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , §§ 6, 8, 9-27-2016)

Editor's note(s)—See editor's note, § 14.78.060.

**14.78.090 Multimodal transportation review.**

- A. An application for ~~city council~~ city council planning commission design review pursuant to Section 14.78.020.C shall be subject to a multimodal transportation review as part of the approval process in order to assess potential project impacts to various modes of transportation such as but not limited to bicycle, pedestrian, parking, traffic impacts on public streets, and/or public transportation.
- B. Projects subject to a multimodal transportation review pursuant to this section shall be reviewed by the complete streets commission at a public meeting with the commission providing a recommendation to the planning commission ~~and the city council~~ on the multimodal transportation impact analysis and on the elements of the project that pertain to bicycle, pedestrian, parking, traffic and public transportation issues.

1. When a multimodal transportation review is required by this code the complete streets commission shall provide their recommendations to the planning commission at a joint meeting.

C. Notice of an agenda item before the complete streets commission at which multimodal transportation review is conducted shall be per the public notice meeting requirements of Subsection 14.78.030.

D. EXCEPTIONS. All housing developments shall be exempt from review of the complete streets commission. No multimodal transportation review before the complete streets commission shall be required of any housing development.

(Ord. No. 2012-382, § 1, 5-22-2012; Ord. No. 2016-423 , § 6, 9-27-2016; Ord. No. 2019-457 , § 3, 1-28-2020)

Editor's note(s)—See editor's note, § 14.78.060.

**14.78.100 Appeals.**

The basis for any appeal of a housing development shall only be allowed and based on objective standards consistent with State law.

- A. Within ~~fifteen~~fourteen (154) days of an action (approval or denial) on an administrative or zoning administrator design review application, the decision may be appealed to the planning commission by any interested party.
- B. Within ~~fifteen~~fourteen (154) days of an action (approval or denial) on a design review and/or variance application by the planning commission, the decision may be appealed to the city council by any interested party.
- C. Within ~~fifteen~~fourteen (154) days of an action (approval or denial) on a design review and/or variance application by the planning commission may be called up for review by the city council if two members of the city council submit requests to the city clerk pursuant to Section 1.12.040.

**14.78.110 Number of Hearings Allowed.**

A. When public hearings are required, the number of hearings for solely design review approval shall be no more than three (3) public hearings.

(Ord. No. 2016-423 , § 9, 9-27-2016; Ord. No. 2019-457 , § 3, 1-28-2020)



## Chapter 2.08 CITY COMMISSIONS GENERALLY

**Sections:**

**2.08.010 Creation of commissions.**

There are hereby established the following commissions in the city, with the following regular voting members:

- A. Environmental commission: Seven members;
- B. Financial commission: Seven members;
- C. Historical commission: Seven members;
- D. Library commission: Seven members;
- E. Parks and recreation commission: Seven members;
- F. Planning ~~and transportation~~ commission: Seven members;
- G. ~~Design review commission: Five members;~~ Complete streets commission: Seven members;
- H. Youth commission: Eleven (11) members; from school grades seven through twelve (12);
- I. Senior Commission: Seven members, age fifty-five (55) or older. Exceptions may be made for individuals with special skills which may benefit seniors; and,
- J. Public arts commission: Seven members; ~~and,~~
- K. ~~Bicycle and pedestrian advisory commission: Seven members.~~

(Ord. 08-326 § 1)

(Ord. No. 2011-369, § 1, 8-23-2011; Ord. No. 2011-374, §§ 1, 2, 11-22-2011; Ord. No. 2012-379, §§ 1, 2, 5-22-2012; Ord. No. 2013-391, § 1, 3-26-2013; Ord. No. 2016-420, § 1, 6-28-2016)

**2.08.020 Membership.**

- A. All voting members shall be appointed by the council, with the following exceptions:
  - 1. Five members of the library commission shall be appointed by the council and two members of the library commission shall be appointed by the Town of Los Altos Hills city council; and
  - 2. Five members of the senior commission shall be appointed by the council and two members of the senior commission shall be appointed by the Town of Los Altos Hills City Council.
- B. All voting commissioners shall be residents of the city, except that:
  - 1. Three voting members of the library commission need not be residents;
  - 2. Two voting members of the historical commission need not be residents provided the criteria of Section 2.12.010 are met; and
  - 3. Two voting members of the senior commission need not be residents.

(Prior code § 2-5.02)

(Ord. No. 2011-369, § 2, 8-23-2011; Ord. No. 2013-391, §§ 2, 3, 3-26-2013)

**2.08.030 Terms, appointments, and vacancies.**

- A. Commissioners, with the exception of senior and youth commissioners, shall serve for a term of four years and may be reappointed to one additional four-year term. Terms shall be staggered and expire on the last day of March or September. A commissioner shall be appointed by a majority vote of the Council and may be removed prior to the expiration of his or her term by a majority vote of the Council, and such removal may be with or without cause.
- B. Senior commissioners shall serve two-year terms with incumbents eligible to serve a total of four, two-year terms, in addition to an unexpired term. Terms shall be staggered and expire on the last day of March.
- C. Youth commissioners shall be appointed from school grades seven through twelve (12) and shall serve two-year terms with incumbents eligible to reapply for appointment for terms through and including their senior year. Terms shall be staggered and expire on June 30th.
- D. A commissioner appointed to fill an unexpired term may be eligible for reappointment to an additional two terms.
- E. The two term limit shall apply to consecutive terms only. After a lapse of two years, a former commissioner may reapply for an appointment to any commission desired as a new applicant. The two-year lapse between appointments shall apply only to service on one commission. Upon leaving one commission, an individual may apply for an appointment to any other commission at any time.
- F. Appointments to each commission shall be made as terms expire or when unanticipated vacancies occur.
- G. Vacancies on any commission shall be filled by a majority vote of the council, except that the Town of Los Altos Hills City Council may fill two vacancies on the library commission and two vacancies on the senior commission. An individual appointed to fill a vacancy prior to the expiration of the term for which his or her predecessor was appointed shall serve for such unexpired term.

(Prior code § 2-5.03)

(Ord. No. 2011-369, § 3, 8-23-2011; Ord. No. 2013-391, § 4, 3-26-2013; Ord. No. 2016-420, § 2, 6-28-2016)

**2.08.040 Compensation.**

Commissioners shall serve without compensation. The council may approve payment to commissioners of expenses incurred by them in their official capacity.

(Prior code § 2-5.04)

**2.08.050 Organization.**

Annually, each commission shall elect one of its members as chair and one as vice-chair, each to serve a one-year term. Each commission shall provide the time, place, and manner for holding regular and special meetings. A majority of the authorized membership of a commission shall constitute a quorum of that commission. All meetings of the commission as a whole, or any standing subcommittees, shall be open to the public and noticed in accordance with the California "Ralph M. Brown Act."

(Prior code § 2-5.05)

(Ord. No. 2011-369, § 4, 8-23-2011)

**2.08.060 Powers and duties of the planning commission.**

The planning commission shall have those powers and duties given it by the State Planning Act (Title 7 of Chapter 3 of the Government Code of the state, commencing with Section 65100), as amended from time to time, and such other powers as granted it by the other provisions of this Municipal Code, or as may be entrusted to it by the council from time to time, and shall submit an annual report to the council.

(Prior code § 2-5.06)

(Ord. No. 2012-379, § 3, 5-22-2012; Ord. No. 2017-434 , § 1, 9-26-2017)

**2.08.070 Powers and duties of the library commission.**

The library commission shall act in an advisory capacity to the council in all matters pertaining to the city library, shall cooperate with other governmental agencies and civic groups in the promotion of adequate and efficient library service to the citizens of the community, shall make budget recommendations to the council with regard to the library, and shall submit an annual report to the council.

(Prior code § 2-5.07)

**2.08.080 Powers and duties of the parks and recreation commission.**

The parks and recreation commission shall act in an advisory capacity to the council in all matters pertaining to parks and public recreation and shall cooperate with all other governmental agencies and civic groups in the advancement of sound parks and recreational planning and programming, shall make budget recommendations to the council with regard to parks and recreation, and shall submit an annual report to the council.

(Ord. 00-388 § 2: prior code § 2-5.08)

(Ord. No. 2011-374, § 3, 11-22-2011)

**2.08.090 Powers and duties of the historical commission.**

The historical commission shall have those powers and duties granted it by Section 2.12.030 of the Los Altos Municipal Code and/or as may be entrusted to it by the council from time to time and shall submit an annual report to the council.

(Prior code § 2-5.09)

**2.08.100 Powers and duties of the youth commission.**

The youth commission shall act in an advisory capacity to the city council on matters relating to youth interests, youth concerns, and the need for outreach services. The city council's youth commission interview committee shall interview commission applicants and recommend appointments.

(Prior code § 2-5.10)

(Ord. No. 2016-420 , § 3, 6-28-2016)

~~2.08.110 Powers and duties of the design review commission.~~

~~The design review commission shall have those powers and duties granted it by other provisions of this Municipal Code, or as may be entrusted to it by the council from time to time, and shall submit an annual report to the council.~~

(Ord. 03-255 § 2)

(Ord. No. 2012-379, § 4, 5-22-2012)

~~2.08.120~~ **2.08.110 Powers and duties of the environmental commission.**

The commission shall have those powers and duties entrusted to it by the council from time to time, and shall submit an annual report to the council. The environmental commission studies and makes recommendations to council on issues that affect the natural and built environment in the city and the region. Additional duties include special projects as directed by the council.

(Ord. 08-326 § 2)

~~2.08.130~~ **2.08.120 Powers and duties of the financial commission.**

The commission shall have those powers and duties entrusted to it by the council including:

- A. Annual review of the investment policy;
- B. Annual review of independent financial audit;
- C. Review of auditor selection process;
- D. Review of financial projections and assumptions. This especially relates to review of revenue projections provided in the annual mid-year report which are used biennially as the basis for the service and financial plan;
- E. Special projects as directed by the council, city manager or finance director; and
- F. Submission of an annual report to the council.

The financial commission provides resident input to the council and staff regarding financial policy issues, and promotes resident participation and understanding regarding the financial condition of the city.

(Ord. 08-326 § 3)

~~2.08.140~~ **2.08.130 Powers and duties of the senior commission.**

The joint Los Altos/Los Altos Hills senior commission shall act in an advisory capacity to the council in all matters relating to senior interests and concerns, shall make recommendations aimed at improving the life of seniors, and shall submit an annual report to the council.

(Ord. No. 2011-369, § 5, 8-23-2011; Ord. No. 2016-420 , § 4, 6-28-2016)

**~~2.08.150~~ 2.08.140 Powers and duties of the public arts commission.**

- A. The public arts commission shall act in an advisory capacity to the council in all matters pertaining to public arts programs sponsored by the city. It shall take an active role in bringing about public awareness of the visual arts as well as in the definition, execution and promotion of those programs which include, but are not limited to, exhibition of sculpture, paintings, photography, video and other visual arts. The commission shall submit an annual report to the council.
- B. The primary focus of the commission is the public outdoor sculpture loan program. The commission will conduct sculpture searches, evaluate and recommend sculptures, identify sculpture locations and work with city staff on placement and maintenance of sculptures. The commission will also assist the city with ensuring that all conditions and agreements are being met. In addition, the commission will promote artists' works through media exposure of the sculpture program.

(Ord. No. 2011-374, § 4, 11-22-2011)

**~~2.08.160~~ 2.08.150 Powers and duties of the complete streets commission.**

- ~~A.~~ Help to create multi-modal transportation solutions and policies that enable safe, attractive, comfortable and independent access and travel for pedestrians, bicyclists, transit users, and motorists of all ages and abilities, including connectivity across jurisdictional boundaries.
- ~~B.~~ Shall advise the council on existing and proposed city policies related to traffic calming and traffic enforcement.
- ~~C.~~ Shall advise the council on projects and budget priorities for transportation-related capital improvements.
- ~~D.~~ Provide for community engagement and serve as a conduit for community input.

(Ord. No. 2012-379, § 5, 5-22-2012; Ord. No. 2017-434 , § 1, 9-26-2017)

**~~2.08.170~~ 2.08.160 Role of staff liaison.**

The city manager, or his/her designee, shall appoint an individual to serve as liaison to each commission. The role of the staff liaison is to assist the commission in carrying out its responsibilities. Duties of the staff liaison shall include attending all meetings of the commission, preparing agendas in collaboration with the chair, ensuring agendas and reports are posted in compliance with state law and city protocols, researching and preparing reports for the commission, as is consistent with the work plan and/or council direction, preparing action minutes for approval by the commission, preparing reports from the commission to the council, serving as the liaison between the commission and other city staff, communicating directions from the city council to the commission, and staying apprised of new laws and city protocols related to their assigned commission or commissions generally.

(Ord. No. 2016-420 , § 5, 6-28-2016)

<b>COMPLETE STREETS COMMISSION MEETINGS</b>	
<b>MEETING DATE</b>	<b>ITEM DISCUSSED</b>
1/28/2018	Miramonte Ave Path Project
2/12/2018 (Special Meeting)	Safe Routes to School Project
2/28/2018	Foothill Expressway Project
3/28/2018	Cuesta Traffic Calming Project
4/25/2018	Safe Routes to School Project
5/9/2018 (Special Meeting)	Grand Boulevard Project
5/23/2018	4856 El Camino Real – Housing Development
6/27/2018	97 Hillview – Community Center Project Mountain View Multi-Modal Project
7/25/2018 (Cancelled)	N/A – Meeting Cancelled
8/22/2018	389 1 <sup>st</sup> Street – Housing Development Street Shoulder Improvement Policy Foothill Expressway Project
9/26/2018	El Monte Ave Gap Closure
10/24/2018 (Special Meeting)	El Camino Real Streetscape Pedestrian and Bike Issues
11/28/2018 (Cancelled)	N/A – Meeting Cancelled
12/6/2018 (Special Meeting)	Workplan
12/26/2018 (Cancelled)	N/A – Meeting Cancelled
1/23/2019	Cuesta Drive Traffic Calming Los Altos Ave Project Workplan
2/27/2019	999 Fremont – Housing Development 425 1 <sup>st</sup> Street – Housing Development
3/27/2019	Cuesta Drive Traffic Calming
4/24/2019	Arboleda Drive Traffic Project Complete Streets Masterplan
5/22/2019	Green Stormwater Infrastructure Plan Arboleda Drive Traffic Project 5150 El Camino Real – Housing Development
6/26/2019	Complete Streets Masterplan 4898 El Camino Real – Housing Development 444-450 1 <sup>st</sup> Street – Housing Development
7/24/2019 (Cancelled)	N/A – Meeting Cancelled
8/28/2019	Complete Streets Masterplan 4350 El Camino Real – Housing Development
9/25/2019 (Cancelled)	N/A – Meeting Cancelled
10/23/2019	Fremont Pavement Project 4350 El Camino Real – Housing Development
11/20/2019	Annual Resurfacing Project Cuesta Drive Traffic Calming Project Complete Streets Masterplan
12/25/2019 (Cancelled)	N/A – Meeting Cancelled
1/22/2020	Almond Ave Project Fremont Ave Project

2/26/2020	Use Permit Review – 461 Orange Ave Midpen Wayfinding Signage
3/25/2020 (Cancelled)	N/A – Meeting Cancelled
4/22/2020 (Cancelled)	N/A – Meeting Cancelled
5/11/2020	Community Streets
5/27/2020	Downtown Street Closures
6/24/2020	CIP Update/Budget
7/22/2020	Fremont Ave Project Hetch Hetchy Pathway Crossing CIP Updates
8/26/2020	Bike Facility Improvements Fremont Ave Project El Monte Bike/Ped Path Project
9/30/2020	Almond Ave Project Fremont Ave Project El Monte Ave Gap Closure University All Way Stop Complete Streets Masterplan
10/28/2020	Complete Streets Masterplan
11/25/2020 (Cancelled)	N/A – Meeting Cancelled
12/10/2020	VTA Bike Super Highway Program Bike Signal at San Antonio & Almond Rancho San Antonio TDM Program Safe Routes to School Program
1/21/2021 (Study Session)	Complete Streets Masterplan Study Session
1/27/2021	Complete Streets Masterplan 140 Lyell Street – Housing Development Fremont Ave Project Annual Resurfacing Project
2/24/2021	355 1 <sup>st</sup> Street – Housing Development – Pre-App Complete Streets Masterplan
3/18/2021 (Study Session)	Complete Streets Masterplan Study Session
3/31/2021	VMT Policy Complete Streets Masterplan Safe Routes to School Pavement Projects Workplan
4/22/2021 (Study Session)	Complete Streets Masterplan Study Session
4/28/2021	420 San Antonio – Housing Development Cuesta Traffic Calming Project El Camino Real Bike Lanes
5/06/2021 (Cancelled)	N/A – Meeting Cancelled
5/19/2021	Complete Streets Masterplan Study Session
5/26/2021	Complete Streets Masterplan Safe Routes to School CIP Program/Budget
6/30/2021	SB 330 Presentation

	Foothill Expressway Project CIP Report Complete Streets Masterplan
7/28/2021 (Cancelled)	N/A – Meeting Cancelled
8/10/2021	El Camino Real Bike Lanes Foothill Expressway Project Complete Streets Masterplan Safe Routes to School
8/25/2021	VMT Policy Transportation Analysis Reports Checklist
9/29/2021	349 1 <sup>st</sup> Street – Housing Development Packard Foundation – Parking Modifications Complete Streets Masterplan
10/27/2021	Cuesta Traffic Calming Project Complete Streets Masterplan 376 1 <sup>st</sup> Street – Housing Development
11/24/2021 (Cancelled)	N/A – Meeting Cancelled
12/01/2021	376 1 <sup>st</sup> Street – Housing Development Complete Streets Masterplan
1/26/2022 (Cancelled)	N/A – Meeting Cancelled
2/23/2022	School Drop-off Safety City Attorney Training for Commission CIP Update Street Resurfacing Project
3/30/2022	VMT TDM St. Joseph Sidewalk Hetch Hetchy Crossings Citywide Crosswalk Hardware Update
4/27/2022	VMT TDM St. Joseph Sidewalk Hetch Hetchy Crossings Citywide Crosswalk Hardware Update
5/25/2022	Fremont Ave Project Almond Ave/LAHS Update Safe Routes to School
6/29/2022 (Cancelled)	N/A – Meeting Cancelled
7/27/2022	Hetch Hetchy Crossing Cuesta Drive Traffic Calming Project
8/31/2022	Workplan AB 43 LAHS Update Traffic Model Update
9/28/2022 (Cancelled)	N/A – Meeting Cancelled
10/26/2022	Safe Routes to School
11/30/2022 (Cancelled)	N/A – Meeting Cancelled
12/12/2022	Transportation Division Goals
1/25/2022	Workplan



	Bike Friendly Communities Truck Route Network
2/22/2022 (Cancelled)	N/A – Meeting Cancelled

- 72 Total CSC Meetings Since January 2018
- 17 Total CSC Meetings Cancelled Since January 2018
- Red Indicates Cancelled Meetings
- Yellow Indicates Meetings which involved the review of a Housing Development

<b>JOINT PLANNING/COMPLETE STREETS COMMISSION MEETINGS</b>	
12/2/2021	440 1 <sup>ST</sup> Street – Housing Development 355 1 <sup>ST</sup> Street – Housing Development
8/18/2022	330 Distel – Housing Development

- 2 Total PC/CSC Joint Meetings Since December 2021
- Yellow Indicates Meetings which involved the review of a Housing Development

**PROJECT SPECIFIC DETAILS FROM CSC REVIEW**

**389 1<sup>st</sup> Street**

- Consideration for increasing Class 2 bicycle parking.
- Increase in sidewalk width along the property frontage on First Street

**999 Fremont**

- City to look into widening the width of sidewalk along the west side of Miramonte Avenue
- Additional class II bicycle parking onsite adjacent to Fremont Avenue

**425 1<sup>st</sup> Street**

- Recommendation for City staff to acquire 1-ft of easement from the applicant to widen the sidewalk.

**5150 El Camino Real**

- Recommendation to address the number of on-site bicycles storage.

**4898 El Camino Real**

- Recommendation to add surface level paints for bikers, and red curb at Jordan Avenue.

**444-450 1<sup>st</sup> Street**

- Recommendation of 6-foot-wide sidewalk, red curbing, EV Charging and bike parking configuration.

**4350 El Camino Real**

- 1<sup>st</sup> Meeting
  - Elevator size
  - Bus stop major transit determination
  - Increase class I and class II bike parking/storage
  - Move bus shelter
  - No parking on El Camino Real
  - Discuss onsite deliveries
  - Onsite parking management
  - Visibility of driveway/change location of driveway
  - Clarify grade of garage
  - More EV Chargers
- 2<sup>nd</sup> Meeting – all improvements that were requested by the CSC in meeting one were not made by the applicant. Staff at that time included additional explanation regarding the project and specific improvements. The applicant was required to adhere to bus shelter improvements as required by VTA but additional modifications were rejected by the applicant. A stop sign was added from the review of the complete streets commission which is onsite of private property.
  - No driveway was relocated, required major project redesign.
  - No modification of loading zones was included by applicant
  - No modification of the bus shelter was provided
  - No bike storage/locations were modified by the applicant
  - No additional EV Spaces was provided by applicant
  - No modifications to landscaping was provided by applicant

At the conclusion of the project review the CSC motioned to accept staff recommendations with the additional modifications:

- Follow the number of required parking in the zoning code, and not Density Bonus Law
- Remove parking on El Camino Real
- Review Trash pick-up area
- EV Readiness for parking lot
- Additional 60 Class I Bike Parking

**140 Lyell**

- Add Sidewalk/Pathway along Project Site
- Recommend to add more EV Stalls and Bike Storage

**355 1<sup>st</sup> Street (Pre-Application Review)**

- Enhance back alley access
- Additional bike parking
- Additional EV Charging Stations
- Examine Streetscape on First Street

**420 S. San Antonio (Pre-Application Review)**

- Provided applicant with initial recommendations by the CSC

**349 1<sup>st</sup> Street (Pre-Application Review)**

- Draft developer checklist
- Provide Traffic Impact Analysis and Analyze LOS
- Review cumulative parking impact of first street
- Project should exceed the minimum bike parking

**376 1<sup>st</sup> Street**

- 1<sup>st</sup> Meeting
  - Evacuation mechanism for owners of EV cars
  - Backup generator shall be included
  - City to show stronger streetscape improvements
  - Wants more bike and EV parking
  - One-way car ramp is not recommended
  - Sidewalk width should be increased
  - Provide e-bike power
- 2<sup>nd</sup> Meeting
  - Staff recommended:
    - Increase bike parking to category I
    - Confirm visibility of garage ramp with mirror
  - Commission recommendation:
    - Accept staff recommendations and;
    - Category I bike storage and provide power charging for e-bikes
    - Planning Commission to confirm not vehicle queuing on First Street
    - Modify plan to include 15-second garage door opener, and 18 foot minimum from door to back of curb

**440 1<sup>st</sup> Street**

- PC/CSC Joint Meeting
  - CSC Comments
    - Garbage pickup
    - Narrow driveway
    - More bike parking
    - E-bike charging
    - Elevator size
    - Slope of ramp
    - Gym location
    - Mail location
  - Public Comment:
    - South Bay YIMBY
      - Concerned with the length of project review and the number of hearings

**355 1<sup>st</sup> Street**

- PC/CSC Joint Meeting
  - CSC Comments
    - Provide e-bike charging
    - More bike stalls
    - Asked about deliveries to the building
    - The size of the elevator
    - First Street Streetscape
  - CSC Recommended
    - Electric power for e-bikes

**330 Distel**

- PC/CSC Joint Meeting
  - CSC Comments
    - Objected to the interpretation of State law and what is considered a major transit stop
    - Asked about including more EV Stalls of the applicant
    - Project should provide more bike stalls than required “how much more can you provide”
    - “We can ask the developer to consider, but nothing we are discussing are in the realm of what we can require”
    - The City should add a bike lane, and extend the sidewalk within the immediate area
    - “the city needs to step up here because we can’t require it of the developer, the project is well needed”
  - CSC Recommended
    - Add bike parking charging in bike room as a condition of approval
    - Examine the access path to bike room



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)



March 9, 2023

Dear Mayor Meadows and City Council,

We are happy to see the City Council adopting Housing Element programs so quickly.

We share the Council’s concern about standards for multimodal transportation requirements for new developments. Half of the LAAHA steering committee are cyclists, and we all walk; every day we see the need for improvements to our cycling and walking infrastructure. We also share Director Zornes’ concern about staying within our authority, and not imposing requirements we are legally forbidden from imposing.

Thus far, the Complete Streets Commission (CSC) has been reviewing multifamily housing projects at the last minute. Every time, Complete Streets makes roughly the same suggestions: add more bike parking, make the bike parking better, improve non-car access to the building. These are the right requirements at the wrong time. Developers need to know our requirements in the initial design phase so they can design a building that accommodates cyclist and pedestrian needs from the start. It’s inefficient for everyone to impose these standards at the end of the entitlement phase instead of the beginning.

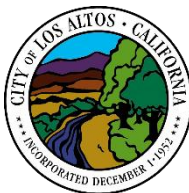
The City needs objective standards for multimodal transportation for our development projects. We urge the City to quickly instruct staff to bring this issue to CSC, which is the group with the expertise to craft those standards. Then Council can vet the standards and enact them into law.

Respectfully,

LAAHA Steering Committee

**Los Altos Affordable Housing Alliance**  
*Committed to educating and inspiring the Los Altos community to build housing that is affordable for those who live and work in Los Altos*

<https://losaltosaffordablehousing.org/>



### AGENDA REPORT SUMMARY

**Meeting Date:** March 14, 2023

**Subject** Receive and Accept: Treasurer’s Report – Month Ended December 31, 2022  
(J. Du)

**Prepared by:** June Du, Finance Director

**Approved by:** Jon Maginot, Assistant City Manager

**Attachment(s):**

- 1. Change in Total Fund Balances by Fund
- 2. Cash Balances by Fund

**Initiated by:**

Staff.

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- None

**Summary:**

As indicated in the City’s response to the 2022 Civil Grand Jury Report, the City is providing this report as desired by the Grand Jury. The following attachment provides various financial transaction data for the City of Los Altos from July 1 to November 30 and for the month of December 31, 2022.

**Staff Recommendation:**

Receive and accept the Treasurer’s Report through December 31, 2022.

City Manager

JM

**Reviewed By:**

City Attorney

JH

Finance Director

JD

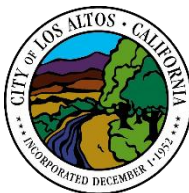


Change in Total Fund Balances by Fund

FUND	July-Nov 2022 Activities					December 2022 Activities					
	Fund Balances as of 07/01/2022	Revenue	Expenditures	Capital Expenditures	Transfer In/(Out)	Estimated Fund Balances as of 11/30/2022	Revenue	Expenditures	Capital Expenditures	Transfer In/(Out)	Estimated Ending Balance 12/31/2022
<b>RESERVE FUND</b>											
PERS & OPEB Reserve	292,614	-	-	-	258,700	551,314	-	-	-	-	551,314
Technology Reserve	1,278,768	-	-	-	-	1,278,768	-	-	-	-	1,278,768
Fiscal Policy Reserve	8,757,349	-	-	-	-	8,757,349	-	-	-	-	8,757,349
Vets Memorial	8,615	-	-	-	-	8,615	-	-	-	-	8,615
General Fund	9,645,194	13,192,976	(14,469,625)	-	(1,870,068)	6,498,476	6,306,716	(4,467,577)	-	-	8,337,615
<b>Total General Fund:</b>	<b>19,982,540</b>	<b>13,192,976</b>	<b>(14,469,625)</b>	<b>-</b>	<b>(1,611,368)</b>	<b>17,094,522</b>	<b>6,306,716</b>	<b>(4,467,577)</b>	<b>-</b>	<b>-</b>	<b>18,933,660</b>
<b>ENTERPRISE FUNDS</b>											
Sewer Fund	25,511,666	53,714	(1,866,039)	(162,768)	(201,000)	23,335,573	-	(152,501)	(20,918)	-	23,162,154
Solid Waste Fund	5,360,985	306,616	(1,174,599)	(467,611)	(57,700)	3,967,691	-	-	(182,605)	-	3,785,086
Storm Drain Fund	-	-	-	-	-	-	-	-	-	-	-
<b>Total Enterprise Funds:</b>	<b>30,872,650</b>	<b>360,330</b>	<b>(3,040,638)</b>	<b>(630,380)</b>	<b>(258,700)</b>	<b>27,303,263</b>	<b>-</b>	<b>(152,501)</b>	<b>(203,523)</b>	<b>-</b>	<b>26,947,239</b>
<b>CAPITAL IMPROVEMENT FUNDS</b>											
Grant Reimbursement Fund	290,145	-	-	-	-	290,145	-	-	-	-	290,145
Capital Projects Fund	11,850,959	-	-	(1,406,484)	103,068	10,547,544	-	-	(83,412)	-	10,464,132
Equipment Replacement Fund	683,947	-	-	(75,856)	300,000	908,092	-	-	(85,479)	-	822,612
<b>Total Capital Improvement Funds:</b>	<b>12,825,052</b>	<b>-</b>	<b>-</b>	<b>(1,482,339)</b>	<b>403,068</b>	<b>11,745,781</b>	<b>-</b>	<b>-</b>	<b>(168,891)</b>	<b>-</b>	<b>11,576,889</b>
<b>INTERNAL SERVICE FUNDS</b>											
Dental/Vision Fund	5,253	-	(116,813)	-	20,000	(91,559)	-	-	-	-	(91,559)
Unemployment Fund	96,698	-	-	-	-	96,698	-	-	-	-	96,698
Workers Compensation Fund	1,256,027	-	(344,707)	-	857,000	1,768,320	-	(238,887)	-	-	1,529,433
<b>Total Internal Service Funds:</b>	<b>1,357,978</b>	<b>-</b>	<b>(461,520)</b>	<b>-</b>	<b>877,000</b>	<b>1,773,459</b>	<b>-</b>	<b>(238,887)</b>	<b>-</b>	<b>-</b>	<b>1,534,572</b>
<b>SPECIAL REVENUE FUNDS</b>											
Road Maintenance (SB1)	347,841	231,175	-	-	-	579,016	54,978	-	-	-	633,994
CDBG Fund	-	-	-	-	-	-	-	-	-	-	-
Grants Fund-ARP Act	-	-	-	-	-	-	-	-	-	-	-
Downtown Parking Fund	931,916	6,150	-	-	(40,000)	898,066	310	-	-	-	898,376
Estate Donation Fund	18,191	-	-	-	-	18,191	-	-	-	-	18,191
Gas Tax Fund	1,899,176	289,233	-	-	-	2,188,410	68,273	-	-	-	2,256,683
Prop 1B Road Maintenance	130	-	-	-	-	130	-	-	-	-	130
Measure B	436,933	-	-	-	-	436,933	-	-	-	-	436,933
In Lieu Park Fund	8,671,789	-	-	-	(793,965)	7,877,824	-	-	-	-	7,877,824
Supplemental Law Enforcement Fund	207,292	81,938	-	-	(100,000)	189,230	8,333	-	-	-	197,563
TDA Fund	88,358	-	-	-	-	88,358	-	-	-	-	88,358
Traffic Impact Fee Fund	(218,523)	-	-	-	-	(218,523)	-	-	-	-	(218,523)
Vehicle Registration Fund	1,192,389	-	-	-	-	1,192,389	-	-	-	-	1,192,389
PEG Fees	251,951	23,864	-	-	(70,000)	205,815	-	-	-	-	205,815
Public Art Fund	498,290	-	(54)	-	-	498,237	-	-	-	-	498,237
Storm Drain Deposits	56,086	-	-	-	-	56,086	-	-	-	-	56,086
AB-1379 CASP Fee	-	3,758	-	-	-	3,758	2,477	-	-	-	6,235
Vehicle Impound Fund	(7,309)	8,465	-	-	-	1,156	627	-	-	-	1,783
<b>Total Special Revenue Funds:</b>	<b>14,374,511</b>	<b>644,582</b>	<b>(54)</b>	<b>-</b>	<b>(1,003,965)</b>	<b>14,015,075</b>	<b>134,997</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>14,150,072</b>
<b>DEBT SERVICE FUND</b>											
General Obligation Bond	370,388	-	(15,938)	-	171,875	526,326	-	-	-	-	526,326
Community Center Lease	0	-	-	-	622,090	622,090	-	(104,114)	-	-	517,977
<b>Total Debt Service Fund:</b>	<b>370,389</b>	<b>-</b>	<b>(15,938)</b>	<b>-</b>	<b>793,965</b>	<b>1,148,416</b>	<b>-</b>	<b>(104,114)</b>	<b>-</b>	<b>-</b>	<b>1,044,302</b>
<b>AGENCY FUND</b>											
Blue Oaks Line Sewer	84,676	-	(32,272)	-	-	52,404	-	(1,081)	-	-	51,322
<b>Total Debt Service Fund:</b>	<b>84,676</b>	<b>-</b>	<b>(32,272)</b>	<b>-</b>	<b>-</b>	<b>52,404</b>	<b>-</b>	<b>(1,081)</b>	<b>-</b>	<b>-</b>	<b>51,322</b>
<b>ALL FUNDS TOTAL</b>	<b>79,867,796</b>	<b>14,197,888</b>	<b>(18,020,046)</b>	<b>(2,112,719)</b>	<b>(800,000)</b>	<b>73,132,920</b>	<b>6,441,713</b>	<b>(4,964,160)</b>	<b>(372,414)</b>	<b>-</b>	<b>74,238,058</b>

Cash Balances By Fund Report

FUND	July-Nov 2022 Activities			December 2022 Activities			Estimated Ending Cash Balance 12/31/2022
	Cash Balances as of 07/01/2022	Debit	Credit	Estimated Cash Balances as of 11/30/2022	Debit	Credit	
<b>RESERVE FUND</b>							
PERS & OPEB Reserve	292,614	258,700		551,314	-	-	551,314
Technology Reserve	1,278,768			1,278,768			1,278,768
General Fund	14,421,774	20,608,450	(16,898,597)	18,131,627	6,274,917	(4,434,343)	19,972,200
Payroll Liability Fund	769,665	5,259,978	(8,010,315)	(1,980,672)	2,064,099	(373,787)	(290,360)
<b>Total General Fund:</b>	<b>16,762,820</b>	<b>26,127,128</b>	<b>(24,908,912)</b>	<b>17,981,036</b>	<b>8,339,016</b>	<b>(4,808,131)</b>	<b>21,511,921</b>
<b>ENTERPRISE FUNDS</b>							
Sewer Fund	11,777,539	629,367	(2,753,628)	9,653,278	103	(172,061)	9,481,320
Solid Waste Fund	5,264,690	575,593	(462,666)	5,377,617		(208,281)	5,169,336
Storm Drain Fund	802	-	-	802	-	-	802
<b>Total Enterprise Funds:</b>	<b>17,043,031</b>	<b>1,204,960</b>	<b>(3,216,294)</b>	<b>15,031,697</b>	<b>103</b>	<b>(380,343)</b>	<b>14,651,458</b>
<b>CAPITAL IMPROVEMENT FUNDS</b>							
Grant Reimbursement Fund	70,828	263,344	-	334,172		-	334,172
Capital Projects Fund	12,049,736	565,262	(1,123,670)	11,491,328		(850,579)	10,640,749
Equipment Replacement Fund	841,115	300,000	(233,024)	908,092		(54,521)	853,571
<b>Total Capital Improvement Funds:</b>	<b>12,961,679</b>	<b>1,128,605</b>	<b>(1,356,693)</b>	<b>12,733,591</b>	<b>-</b>	<b>(905,100)</b>	<b>11,828,492</b>
<b>INTERNAL SERVICE FUNDS</b>							
Dental/Vision Fund	5,253	20,000	(116,813)	(91,559)			(91,559)
Unemployment Fund	96,698	-	-	96,698			96,698
Workers Compensation Fund	5,873,884	857,132	(313,610)	6,417,406	303,187	(50,437)	6,670,156
<b>Total Internal Service Funds:</b>	<b>5,975,836</b>	<b>877,132</b>	<b>(430,422)</b>	<b>6,422,545</b>	<b>303,187</b>	<b>(50,437)</b>	<b>6,675,295</b>
<b>SPECIAL REVENUE FUNDS</b>							
Road Maintenance (SB1)	290,576	309,573	(22,172)	577,977	54,978		632,955
CDBG Fund	-	-	-	-			-
Grants Fund-ARP Act	-	-	-	-			-
Downtown Parking Fund	931,357	39,776	(74,416)	896,717	310		897,027
Estate Donation Fund	18,191	607	(637)	18,161			18,161
Gas Tax Fund	1,840,147	432,477	(88,352)	2,184,271	68,273		2,252,544
Prop 1B Road Maintenance	-	1,718	(1,662)	56			56
Measure B	-	593,455	(157,467)	435,988			435,988
In Lieu Park Fund	8,709,789	321,177	(1,168,926)	7,862,040			7,862,040
Supplemental Law Enforcement Fund	207,292	81,938	(100,000)	189,230	8,333		197,563
TDA Fund	-	88,358	(52,724)	35,634			35,634
Traffic Impact Fee Fund	-	8,460	(227,399)	(218,939)			(218,939)
Vehicle Registration Fund	1,192,389	39,779	(41,734)	1,190,434			1,190,434
PEG Fees	229,532	72,488	(97,493)	204,527			204,527
Public Art Fund	498,290		54	498,344			498,344
Storm Drain Deposits	56,086	-	-	56,086			56,086
AB-1379 CASP Fee	-	3,758		3,758	2,477		6,235
Vehicle Impound Fund	-	8,465	(7,309)	1,156	627		1,783
<b>Total Special Revenue Funds:</b>	<b>13,973,649</b>	<b>2,002,030</b>	<b>(2,040,238)</b>	<b>13,935,440</b>	<b>134,997</b>	<b>-</b>	<b>14,070,438</b>
<b>DEBT SERVICE FUND</b>							
General Obligation Bond	370,388	171,875	(15,938)	526,326			526,326
Community Center Lease	0	622,090	-	622,090		(104,114)	517,977
<b>Total Debt Service Fund:</b>	<b>370,389</b>	<b>793,965</b>	<b>(15,938)</b>	<b>1,148,416</b>	<b>-</b>	<b>(104,114)</b>	<b>1,044,302</b>
<b>AGENCY FUND</b>							
Blue Oaks Line Sewer	84,676	652	(30,321)	55,007		(2,636)	52,372
<b>Total Debt Service Fund:</b>	<b>84,676</b>	<b>652</b>	<b>(30,321)</b>	<b>55,007</b>	<b>-</b>	<b>(2,636)</b>	<b>52,372</b>
<b>ALL OTHER FUNDS TOTAL</b>	<b>67,172,079</b>	<b>32,134,472</b>	<b>(31,998,817)</b>	<b>67,307,734</b>	<b>8,777,303</b>	<b>(6,250,759)</b>	<b>69,834,278</b>



### AGENDA REPORT SUMMARY

**Meeting Date:** March 14, 2023

**Subject** City Council Strategic Goals

**Prepared by:** Jon Maginot, Assistant City Manager

**Approved by:** Jon Maginot, Assistant City Manager

**Attachment(s):**

- 1. Resolution No. 2023-xx

**Initiated by:**

City Council

**Previous Council Consideration:**

February 21, 2023

**Fiscal Impact:**

Unknown at this time

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to adopt the Resolution affirming the City Council Strategic Goals?

**Summary:**

- On February 21, 2023, the City Council reviewed its Strategic Goals
- The City Council has indicated six goal areas: Asset Management, Business Communities, Community Safety, Environmental Sustainability, Housing, Neighborhood Safety Infrastructure

**Staff Recommendation:**

Adopt a Resolution affirming the City Council Strategic Goals

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**Reviewed By:**

City Manager

JM

City Attorney

JH

Finance Director

JD



**Subject:** City Council Strategic Goals

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**Purpose**

To adopt a Resolution affirming the City Council Strategic Goals

**Background**

On February 21, 2023, the City Council reviewed its Strategic Goals and provided direction on proposed revisions.

**Discussion/Analysis**

The six goals proposed by City Council are:

1. **Asset Management:** The City of Los Altos will set clear expectations through the budget process and allocate the necessary funding to support the maintenance and improvement of City facilities and infrastructure.
2. **Business Communities:** The City of Los Altos will support the different business communities in an effort to help them thrive, including implementing specific projects and/or elements of the Downtown Vision Plan and launching initiatives to bolster the other business communities.
3. **Community Safety:** The City of Los Altos will continue to provide the high-quality public safety services that the Community values. This will be achieved by implementing the City’s policies as expressed in the Complete Streets Master Plan and other plans which support improving public safety, transportation safety and emergency preparedness services.
4. **Environmental Sustainability:** The City of Los Altos will be a leader in environmental sustainability through education, and adopting and implementing policies, initiatives and practices identified in the City’s Climate Action and Adaptation Plan.
5. **Housing:** The City of Los Altos will implement the programs and policies of the Housing Element Update to support the creation of housing that is safe, diverse and affordable for all income levels to meet the needs of the Community and seek to increase and protect its green space.
6. **Neighborhood Safety and Infrastructure:**

In addition, the Council directed staff to draft an introduction to the Strategic Goals which incorporates the values of community engagement, fiscal prudence, staffing, and making equitable and sustainable decisions. Staff has drafted the following Vision Statement for the Council Goals:

The City Council Strategic Goals highlight those areas identified by the Council for emphasis and focus. The City Council will accomplish these goals by engaging the community and making decisions which are equitable, sustainable and fiscally prudent. The City Council will ensure that appropriate resources are allocated to



**Subject:** City Council Strategic Goals

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maintain Los Altos as a great place to live and work, including providing a work culture and environment that supports recruitment and retention of exceptional employees to provide City services.

Note, at the February 21, 2023 meeting, City Council directed the Neighborhood Safety and Infrastructure Subcommittee to work with staff to develop language for Goal #6. The subcommittee is still working with staff to develop appropriate language. To finalized the remaining goals now, Council is being asked to adopted the proposed Resolution. Once the language for Goal #6 has been drafted, a Resolution will be presented to adopt all goals.

**Recommendation**

The staff recommends Council adopt the Resolution affirming the City Council Strategic Goals.

**RESOLUTION NO. 2023-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AFFIRMING THE CITY COUNCIL’S 5-YEAR STRATEGIC GOALS**

**WHEREAS**, the Mission of the City of Los Altos is “to foster and maintain the City of Los Altos as a great place to live and to raise a family;” and

**WHEREAS**, the City Council is committed to providing essential services to the community; and

**WHEREAS**, on February 23, 2021, the City Council adopted 5-Year Strategic Goals to help maintain Los Altos as the great place it is and on April 26, 2022 the Council revised and affirmed those goals; and

**WHEREAS**, on February 21, 2023, the City Council reviewed its 5-Year Strategic Goals; and

**WHEREAS**, the City Council provided direction to the Neighborhood Safety and Infrastructure Subcommittee to work with staff to define Goal #6 and the subcommittee is continuing to refine the definition which will be presented to Council for adoption in the future.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby adopts the following as its 5-Year Strategic Goals:

The City Council Strategic Goals highlight those areas identified by the Council for emphasis and focus. The City Council will accomplish these goals by engaging the community and making decisions which are equitable, sustainable and fiscally prudent. The City Council will ensure that appropriate resources are allocated to maintain Los Altos as a great place to live and work, including providing a work culture and environment that supports recruitment and retention of exceptional employees to provide City services.

1. **Asset Management:** The City of Los Altos will set clear expectations through the budget process and allocate the necessary funding to support the maintenance and improvement of City facilities and infrastructure.
2. **Business Communities:** The City of Los Altos will support the different business communities in an effort to help them thrive, including implementing specific projects and/or elements of the Downtown Vision Plan and launching initiatives to bolster the other business communities.
3. **Community Safety:** The City of Los Altos will continue to provide the high-quality public safety services that the Community values. This will be achieved by implementing the City’s policies as expressed in the Complete Streets Master Plan and other plans which support improving public safety, transportation safety and emergency preparedness services.

4. **Environmental Sustainability:** The City of Los Altos will be a leader in environmental sustainability through education, and adopting and implementing policies, initiatives and practices identified in the City’s Climate Action and Adaptation Plan.
5. **Housing:** The City of Los Altos will implement the programs and policies of the Housing Element Update to support the creation of housing that is safe, diverse and affordable for all income levels to meet the needs of the Community and seek to increase and protect its green space.
6. **Neighborhood Safety Infrastructure:**

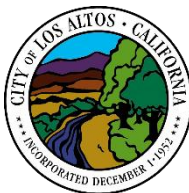
**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14<sup>th</sup> day of March, 2023 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Sally Meadows, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, Interim City Clerk



### AGENDA REPORT SUMMARY

**Meeting Date:** March 14, 2023

**Subject** Introduce and waive further reading of an Ordinance of the City Council of the City of Los Altos adding Chapter 6.45 (Single-use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference Chapter 5.2 (commencing with section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties, and set a Public Hearing on March 28, 2023 for adoption of the Ordinance.

**Prepared by:** Tania Katbi, Sustainability Coordinator  
**Reviewed by:** Aida Fairman, Director – Environmental Services and Utilities Dept.  
**Approved by:** Gabriel Engeland, City Manager

**Attachment:**  
1. Draft Ordinance 2023-XX

**Initiated by:**  
City Staff

**Previous Council Consideration:**  
N/A

**Fiscal Impact:**  
AB 1276 imposes a state-mandated local program by creating a new infraction and imposing additional duties on local governing bodies. The City may incur costs for outreach, education, and enforcement of the law, as amended. By adopting an ordinance to enforce Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code, the City will be authorized to collect fines allowed under the legislation. Fines begin after the second notice of violation and include a fine of \$25 for each day in violation, but not to exceed an annual total of \$300.





**Subject:** Introduce and waive further reading of an Ordinance of the City Council of the City of Los Altos adding Chapter 6.45 (Single-use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference Chapter 5.2 (commencing with section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties, and set a Public Hearing on March 28, 2023 for the adoption of the Ordinance

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Except for any collected fines following the second notice of violation there should be no fiscal impact to food facilities. There is a potential for cost savings to food facilities from not providing single-use foodware or condiments to all customers.

**Environmental Review:**

The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) in that this Ordinance sets forth regulatory procedures for the protection of the environment including, more particularly, regulations prohibiting or limiting the use of foodware accessories and condiments that pose a substantial environmental threat for reasons set forth in this staff report. The adoption of this Ordinance does not involve construction activity or the relaxation of existing environmental standards, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

**Summary:**

- On October 5, 2021, Governor Newsom signed Assembly Bill (“AB”) 1276 (Carillo) into law to prohibit a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer.
- AB 1276, which amends Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code, requires a city, county, or city and county, to authorize an enforcement agency to enforce the new requirements.
- Santa Clara County does not have plans at this time to enforce AB 1276 requirements in cities within the County, except for mobile food facilities.
- In order to enforce the new law, staff recommend adopting the state law by reference to ensure that the language in the City’s Municipal Code remains consistent with the state law as it is currently written, and as it may be amended in the future. This approach will reduce the number of times that the City must revisit and readopt amended state law language. There are additional procedural steps that the City must follow to adopt a state law by reference, as further described below.



**Subject:** Introduce and waive further reading of an Ordinance of the City Council of the City of Los Altos adding Chapter 6.45 (Single-use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference Chapter 5.2 (commencing with section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties, and set a Public Hearing on March 28, 2023 for the adoption of the Ordinance

AB 1276 Summary

- AB 1276 is designed to reduce excess packaging and undesired condiments and utensils from being given to a customer when eating on premises or taking food to go.
- The law, as amended, is intended to give consumers more choices about single-use foodware accessories and condiments in order to reduce waste.
- The law prohibits single-use foodware accessories from being bundled or packaged in a way that prohibits the customer from taking only the item desired.
- It authorizes a food facility to ask a drive-through customer if the customer wants a single-use foodware accessory in specified circumstances.
- The law requires a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and to only provide those items when requested.
- The law excludes from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

The main provisions of AB 1276 are summarized below:

1. A food facility is required to only provide single-use accessories to consumers upon request;
2. A food facility is required to avoid bundling of single-use accessories or condiments;
3. A food facility is required to only offer those single-use items needed to eat or prevent spillage of the ready-to-eat food at a drive-through as well as in a public use airport.
4. A third-party food delivery platform shall provide consumers with the option to request single-use accessories for ready-to-eat food;
5. A food facility that uses a third-party platform shall customize their menu with a list of available single-use accessories or condiments. Only those items chosen by the consumer will be delivered. If no single-use accessories or condiments are requested none will be provided;
6. Unwrapped, single-use foodware accessories that are self-serve, standard condiments that are self-serve, and/or bulk dispensed condiments may still be used; and



**Subject:** Introduce and waive further reading of an Ordinance of the City Council of the City of Los Altos adding Chapter 6.45 (Single-use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference Chapter 5.2 (commencing with section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties, and set a Public Hearing on March 28, 2023 for the adoption of the Ordinance

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7. The first and second violations of the provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day in violation, but not to exceed an annual total of \$300.

Ordinance Adopting State Law by Reference

In order to comply with AB 1276, the City must authorize an enforcement agency to enforce the provisions of this law. Staff propose that this be accomplished through adopting the entire state law (Attachment 1) by reference in the City’s Municipal Code. In order to adopt the state law by reference the City must follow the specific procedures required under Government Code Section 50022.1, et. seq.

Government Code Section 50022.4 requires any penalties to be set out in full. The proposed ordinance adopts the entire law by reference, authorizes the City and County to enforce the ordinance, and sets forth in full the penalties for violating the ordinance, establishing that the first and second violations of the provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day in violation, but not to exceed an annual total of \$300.

**Staff Recommendation:**

1. Move to read the Ordinance by title only and waive the first reading beyond the title.
2. Introduce an Ordinance adding Chapter 6.45 (Single-Use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code to adopt by reference Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties.
3. Set a Public hearing on March 28, 2023, for the adoption of the Ordinance pursuant to Government Code Section 50022.3.

**ORDINANCE NO. 2023-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
ADDING CHAPTER 6.45 (SINGLE-USE FOODWARE ACCESSORIES AND  
CONDIMENTS) TO TITLE 6 (HEALTH AND SAFETY) OF THE LOS ALTOS  
MUNICIPAL CODE ADOPTING BY REFERENCE CHAPTER 5.2 (COMMENCING  
WITH SECTION 42270) OF PART 3 OF DIVISION 30 OF THE CALIFORNIA  
PUBLIC RESOURCES CODE PROHIBITING A FOOD FACILITY FROM  
PROVIDING ANY SINGLE-USE FOODWARE ACCESSORY OR STANDARD  
CONDIMENT UNLESS REQUESTED BY CONSUMER AND AUTHORIZING CITY  
AND COUNTY ENFORCEMENT AND PENALTIES**

ADOPTION BY REFERENCE OF STATE PROHIBITION ON PROVIDING SINGLE-  
USE FOODWARE ACCESSORIES OR STANDARD CONDIMENTS

CHAPTER 5.2 (Commencing with Section 42270) of Part 3 of Division 30 of the Public  
Resources Code, as written and amended, is adopted by reference in its entirety and  
incorporated herein. The provisions of this chapter shall be enforced by the City of Los  
Altos, and may be enforced by the County of Santa Clara.

**TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, INSERTIONS,  
DELETIONS AND CHANGES THERETO.**

**WHEREAS**, Governor Gavin Newsom signed Assembly Bill (“AB”) 1276 into law on  
October 5, 2021, which prohibits a food facility or a third-party food delivery platform  
from providing single-use food accessories, such as cutlery, straws and condiment packets,  
to a customer unless requested by the customer.

**WHEREAS**, prior to adoption of AB 1276, state law (AB 1884 (adopted 2018))  
prohibited a full- service restaurant from providing single-use plastic straws to customers  
unless requested by the customer. The state law required the plastic straw regulation to be  
enforced by the local health and environmental health officers and their agents.

**WHEREAS**, AB 1276 revised the state law by expanding the scope from full-service  
restaurants to food facilities, which generally includes all retail food operations;  
expanded the scope from single-use plastic straws to single-use foodware accessories,  
which includes utensils, condiments, and straws (but does not include napkins); and  
revised the enforcement obligation from the local health and environmental health  
officers (as applicable to the City of Los Altos, this would be the Santa Clara County  
health official) to whichever entity cities and counties deem appropriate.

**WHEREAS**, AB 1276 is designed to reduce excess packaging and undesired condiments  
and implements from being given to a customer when eating on premises or taking food to  
go, and prohibits single-use foodware accessories from being bundled or packaged in a  
way that prohibits the customer from taking only the item desired. AB 1276 does,  
however, authorize a food facility to ask a drive-through customer, if the customer wants a

single-use foodware accessory in specified circumstances.

**WHEREAS**, a food facility using a third-party food delivery platform is required to list on its menu the availability of single-use foodware accessories and standard condiments and only provide those items when requested. The law excludes from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

**WHEREAS**, AB 1276 specifies that the first and second violations of the provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day in violation, but not to exceed an annual total of \$300.

**WHEREAS**, a city, county, or city and county, on or before June 1, 2022, is required to authorize an enforcement agency to enforce the requirements established under AB 1276.

**WHEREAS**, Santa Clara County Recycling and Waste Reduction Commission informed the City that they do not currently anticipate that they will be in a position to assume enforcement responsibilities for AB 1276 on behalf of cities in the county.

**WHEREAS**, in order to comply with the enforcement requirements of AB 1276, the City Council of the City of Los Altos now wishes to adopt an ordinance adding Chapter 6.45 (Single-use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer, and authorizing City and County enforcement.

**WHEREAS**, Government Code Section 50022.1, et. seq., sets forth the procedures by which a city may adopt a state law by reference.

**WHEREAS**, the City will comply with the procedures set forth in Government Code Section 50022.1, et. seq., including holding a public hearing at the second reading, following notice requirements under Government Code Section 6066, and making available the entire language of the state law to be adopted by reference.

**WHEREAS**, The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) in that this Ordinance sets forth regulatory procedures for the protection of the environment including, more particularly, regulations prohibiting or limiting the use of foodware accessories and condiments that pose a substantial environmental threat for reasons set forth in this staff report. The adoption of this Ordinance does not involve construction activity or the relaxation of existing environmental standards, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

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

**SECTION 1. AMENDMENT OF CODE:**

**TITLE 6. HEALTH AND SAFETY**

**Chapter 6.45 SINGLE-USE FOODWARE ACCESSORIES AND CONDIMENTS**

**Section 6.45.010** Adding Chapter 6.45 (Single-Use Foodware Accessories and Condiments) to Title 6 (Health and Safety) of the Los Altos Municipal Code adopting by reference Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the California Public Resources Code prohibiting a food facility from providing any single-use foodware accessory or standard condiment unless requested by consumer and authorizing City and County enforcement and penalties as follows:

**Section 6.45.020 Enforcement**

A. The City Manager or the City Manager’s designee has primary responsibility for the enforcement of this chapter. The City Manager or the City Manager’s designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines, and entering the premises of any food facility during business hours. Other City staff may assist with this enforcement responsibility by entering the premises of a food facility as part of their regular inspection functions and reporting any alleged violations to the City Manager or the City Manager’s designee.

B. The County of Santa Clara and its agents are authorized to take any and all actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines, and entering the premises of any food facility during business hours.

**Section 6.45.030 Penalties**

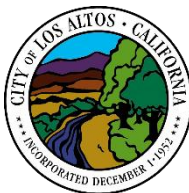
Pursuant to Public Resources Code Section 42272(b) as adopted by reference and incorporated herein, the first and second violations of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars (\$25) for each day in violation, but not to exceed three hundred dollars (\$300) annually.

**Section 6.45.040 Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

**Section 6.45.050 Effective Date**

Pursuant to Government Code Section 50022.3, notice of the Council meeting at which this Ordinance is scheduled to be adopted shall be published pursuant to Government Code Section 6066 in a newspaper of general circulation in or nearest to the City. Prior to the public hearing, the City Clerk shall publish notice of the hearing once a week for two successive weeks, with at least five days intervening between the publication dates, not counting such publication dates. The notice shall state the time and place of the hearing, and include a description of the purpose and subject matter of the ordinance. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day. A copy of this Ordinance and a copy of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code, being considered for adoption by reference, are on file with the City Clerk, and are open to public inspection, and the public notice shall state the same. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish a summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance, and Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code, along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective 30 days after its adoption.



**AGENDA REPORT SUMMARY**

**Meeting Date:** March 14, 2023

**Subject** **AB 481 Military Equipment Use Annual Report:** Review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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 (K. Krauss)

**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 2022
- 2. Military Equipment Inventory
- 3. Los Altos Police Policy 709
- 4. AB 481 Full Text
- 5. Ordinance

**Initiated by:**  
Police Department, per requirements of Assembly Bill 481

**Previous Council Consideration:**  
September 20, 2022

**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).

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City Manager	Reviewed By:	City Attorney	Finance Director
<u>JM</u>		<u>JH</u>	<u>JE</u>





**Subject:** AB 481 Military Equipment Use Annual Report

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**Policy Question(s) for Council Consideration:**

1. Does the Council wish to review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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?
2. Does the Council wish to approve the acquisition of the replacement items of military equipment listed in the Annual Report?
3. Does the Council wish to approve the acquisition of the new items of military equipment listed in the Annual Report?

**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 review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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
- Staff recommends Council approve the acquisition of the replacement items of military equipment listed in the Annual Report
- Staff recommends Council approve the acquisition of the new items of military equipment listed in the Annual Report

**Purpose**

To review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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.



**Subject:** AB 481 Military Equipment Use Annual Report

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**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 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 proposed military equipment policy was made available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The police department also hosted a community meeting to discuss AB 481 on May 12<sup>th</sup>, 2022. The Military Equipment Use Policy was presented to Council on September 20, 2022 and was approved with minor amendments. The Annual Report, a requirement of AB 481, was presented to citizens at a Town Hall meeting on February 8, 2023.

**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.



**Subject:** AB 481 Military Equipment Use Annual Report

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**Recommendation**

Staff recommends Council review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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. Staff also recommends Council approve the acquisition of the replacement items of military equipment listed in the Annual Report. Staff further recommends Council approve the acquisition of the new items of military equipment listed in the Annual Report.



# **AB 481 Annual Report 2022**

**Captain Katie Krauss**

**Los Altos Police Department**

Submitted March 14, 2023

**Military Equipment Use AB 481 Compliance Requirements:**

- Approval of the Military Use Policy (Completed 2022, Policy 709)
- Publishing the Policy (Completed 2022)
- 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 9/20/22)**

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 2022:**

None of the equipment in the attached military equipment inventory was utilized in 2022, except in training situations including range and SWAT.

**Summary of Complaints for 2022:**

The Department did not receive any complaints concerning military equipment in 2022.

**Violations of Policy 709:**

An internal review revealed no violations of Policy 709, as none of the equipment was utilized in 2022 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:**

**1. 40mm Launchers (Item #1 on current inventory list)**

**DESCRIPTION:** PENN ARMS 40mm single shot 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 maximum effective range of one hundred twenty (120) feet.

**TOTAL PURCHASE COST:** \$19,751.08, or \$1,975.11 each, Quantity 10. The proposal would be to purchase these additional launchers to replace the less lethal shotguns for patrol. We would remove the less lethal shotguns for patrol and use that credit from the shotguns to help purchase the additional 40mm launchers. We currently have three 40mm launchers in our approved inventory.

Increase our munition rounds from 14 to 150 rounds. These rounds will be divided up for each launcher for patrol and remaining rounds for the regional SWAT team with Mountain View Police Department.

**2. Rifles for SWAT (Item #3 on Current Inventory List)**

Proposed Weapon system to replace current rifles for SWAT: Daniel Defense V7s AR-15/M4, 5.56mm/.223 semiautomatic rifle. Quantity: 5

Currently six Colt AR15/M4 rifles are assigned to the SWAT team which have a fully automatic capability. These rifles are 18 to 20 years old and need to be replaced based on lifespan. (See section 3(d) under Inventory). We would like to turn in these rifles as credit and replace them with the rifle listed above, which are semi-automatic.

**DESCRIPTION:** Daniel Defense V7s rifles. These rifles will be assigned to a SWAT team member to be utilize for SWAT operations, training, and patrol. They offer a higher degree of accuracy at long 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 vehicles, SWAT multi-use truck, or in the Police station and are only deployed on specific incidents where Officers believe guns or weapons are involved.

**TOTAL REPLACEMENT COST:** is \$15,832.24 for 5 rifles, or \$3,166.45 each rifle (based on current quote but could vary depending on time of purchase). We would apply any credit we would receive to this purchase for the rifles we are replacing.

**PURPOSE:** To be used as precision weapon to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

**AUTHORIZED USE:** Members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed subjective to the Legal and Procedural Rules found below. Situations for the use of these weapon systems may include, but are not limited to the following:

- Situations where the member reasonably anticipates an armed encounter
- When a member is faced with a situation that may require accurate and effective fire at long range
- Situations where a member reasonably believes that there may be need to meet or exceed a suspect’s fire power
- When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage
- When a member reasonably believes that a suspect may be wearing body armor
- When authorized or requested by a supervisor
- When needed to euthanize an animal
- When an Officer is training at an approved range or other approved facility
- 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.

**LIFESPAN:**

- Daniel Defense V7s AR-15/M4: Approximately 15-20 years
- 223 Caliber or 5.56mm rifle ammunition: No expiration

**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.

**FISCAL IMPACT:** Annual Maintenance is approximately \$100 per rifle

**LEGAL AND PROCEDURAL RULES:** Use of 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 use of force.

**3. Sniper Rifles for SWAT (Item #4 on Current Inventory List)**



Proposed Weapon system to replace current sniper rifles for SWAT: Make/Model - LWRC REPR MKII 7.62 NATO, .308 caliber sniper rifle. Quantity: 2

Currently we have two Remington 700 and one surveyed Heckler and Koch HK-91 sniper rifles (.308 caliber). These rifles are 15 years old and need to be replaced. Lifespan is 16 years as specified (4(d)).

**DESCRIPTION:** The sniper rifles can fire 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.

**TOTAL REPLACEMENT COST:** is \$13,621.94, or \$6,810.70 each (based on current quote but could vary depending on time of purchase). We would apply any credit we would receive to this purchase for the two Remington rifles. The HK-91 is a surveyed weapon and will be sent to be destroyed with approval of its replacement.

**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 is for observation of an incident and to be able to accurately and immediately be able to stop a threat to life.

**AUTHORIZED USE:** Subject to Legal and Procedural Rules listed below, examples of situations for deploying the sniper rifle may include, but are not limited to the following:

- Where the Officer reasonably anticipates an armed encounter
- When the Officer is faced with a situation that may require accurate and effective fire at a long distance
- Where an Officer reasonably believes that there may be a need to fire on a barricaded person or person with a hostage
- When an Officer reasonably believes that a suspect may be wearing body armor
- When an Officer is training at an approved range or other approved facility
- 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.

**LIFESPAN:** .308 Caliber, LWRC REPR MKII 7.62 NATO: Approximately 15 years

**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.

**FISCAL IMPACT:** Annual maintenance is approximately \$100 per LWRC REPR MKII 7.62 NATO.

**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.

**New Proposed Items for the Military Equipment Inventory List**

**1. Flashbangs: Noise Flash Diversionary Device (NFDD)**

**EQUIPMENT CAPABILITES:** 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.

**PURPOSE/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:

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

**FISCAL IMPACT:** No known annual maintenance cost

**LEGAL PROCEDURAL RULES:** All applicable State, Federal, and local laws governing police use of force. Various LAPD policies on use of force and firearms.

**TRAINING REQUIRED:** 8-hour flash diversionary devices instructor school

**PROPOSED ITEMS:**

- Flashbangs (Purchase Cost \$55.45 each, Quantity 36) Single Bang
- Flashbangs (Purchase Cost \$168.65 each, Quantity 12) 9 Bang

2. **CHEMICAL AGENTS:** Chemical agent munitions can be used as a nonlethal tool to deny a designated area to a suspect, force a suspect to move to a desired area, or to disorient a suspect.

**PURPOSE/AUTHORIZED USES:** 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. Situations for use of the less lethal weapon systems may include, but are not limited to:

- a. Self-destructive, dangerous and/or combative individuals.
- b. Circumstances where a tactical advantage can be obtained.
- c. Potentially vicious animals.
- d. Training exercises or approved demonstrations.

**FISCAL IMPACT:** No known annual maintenance cost

**LEGAL/PROCEDURAL RULES:** All applicable State, Federal, and local laws governing police use of force. Various LAPD Policies on use of force and firearms.

**TRAINING REQUIRED:** 40-hour chemical agent instructor course

**PROPOSED ITEMS:**

- OC Grenades (Purchase Cost \$52.10 each, 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.
- CTS 5230B Baffled CS chemical agent canister munition (purchase cost \$52.25 each, quantity 15): Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.
- CTS 5230 CS Chemical agent canister munition (Purchase price \$39.70 each, 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

**PROJECTILE LAUNCHER AND MUNITIONS:**

- 3. **12 gauge Shotgun Chemical Mmunition Launcher:** (Purchase Cost \$400, Quantity 1) to convert already existing shotgun to Chemical Mmunition Launcher.

**DESCRIPTION:** Used to deploy chemical munition (Baffled CS chemical munition) to be used to deny a designated area to a suspect, force a suspect to move to desired area, and to disable or disorient a suspect.

**EQUIPMENT CAPABILITIES:** Less Lethal systems that use smokeless powder to deliver projectiles from a safe distance

**PURPOSE/AUTHORIZED USE:** To help deescalate and limit the escalation of conflict where effective without the need for lethal force. Situations for use of the less-lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous, and/or combative individuals
- Circumstances where a tactical advantage can be obtained
- Potentially vicious animals
- Training exercises or approved demonstrations

**FISCAL IMPACT:** No known annual maintenance cost.

**LEGAL/PROCEDURAL RULES GOVERNING USE:** Use is established under LAPD Policy 308, It is the policy of the LAPD to utilize chemical agents only for official law enforcement purposes and pursuant to State and Federal Law, including those regarding the use of force.

**TRAINING REQUIRED:** 24-hour less lethal instructor course and/or 40-hour chemical instructor course.

**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: 3. 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. 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

## MILITARY EQUIPMENT INVENTORY

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- (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 deescalation. 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.

## MILITARY EQUIPMENT INVENTORY

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- 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 both patrol and the 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. .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

## MILITARY EQUIPMENT INVENTORY

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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 Remington 700 and Heckler & Koch HK-91 Sniper Rifles 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



MILITARY EQUIPMENT INVENTORY

- i. .308 CALIBER REMINGTON 700 AND 700 LTR RIFLE, cost: \$1,000, quantity: 2. Remington 700: No cost, surveyed, Remington 700LTR \$1,000.
  - ii. .308 CALIBER HECKLER & KOCH HK-91 RIFLE, cost: No cost, surveyed, , quantity: 1.
  - iii. .308 AMMUNITION, cost: \$1.50 per round, 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 Caliber Remington 700/700LTR: Approximately 15 years
  - ii. .308 Caliber Heckler & Koch HK-91: Approximately 15 years
  - iii. .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 Remington rifle. The HK is not used.

## MILITARY EQUIPMENT INVENTORY

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- (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 ¾-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.

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**MILITARY EQUIPMENT INVENTORY**

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- (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. The 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 in to 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.

**MILITARY EQUIPMENT INVENTORY**

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- (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

## MILITARY EQUIPMENT INVENTORY

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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.

MILITARY EQUIPMENT INVENTORY

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- 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 utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an 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.

## MILITARY EQUIPMENT INVENTORY

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- (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.

# 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*

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(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*

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- 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 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.
- (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.

### **709.3 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).

## *Military Equipment*

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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**

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 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.

## *Military Equipment*

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### **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:

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](mailto: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

## *Military Equipment*

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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](mailto: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.

### **709.9 MILITARY EQUIPMENT INVENTORY**

See attachment: [MILITARY\\_EQUIPMENT\\_INVENTORY\\_709.9.pdf](#)

## Attachments

## MILITARY\_EQUIPMENT\_INVENTORY\_709.9.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: 3. 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. 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



## MILITARY EQUIPMENT INVENTORY

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- (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 deescalation. 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.

MILITARY EQUIPMENT INVENTORY

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- 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 both patrol and the 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. .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

## MILITARY EQUIPMENT INVENTORY

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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 Remington 700 and Heckler & Koch HK-91 Sniper Rifles 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

MILITARY EQUIPMENT INVENTORY

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- i. .308 CALIBER REMINGTON 700 AND 700 LTR RIFLE, cost: \$1,000, quantity: 2. Remington 700: No cost, surveyed, Remington 700LTR \$1,000.
  - ii. .308 CALIBER HECKLER & KOCH HK-91 RIFLE, cost: No cost, surveyed, , quantity: 1.
  - iii. .308 AMMUNITION, cost: \$1.50 per round, 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 Caliber Remington 700/700LTR: Approximately 15 years
  - ii. .308 Caliber Heckler & Koch HK-91: Approximately 15 years
  - iii. .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 Remington rifle. The HK is not used.

## MILITARY EQUIPMENT INVENTORY

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- (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 ¾-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.

## MILITARY EQUIPMENT INVENTORY

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- (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. The 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 in to 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.

**MILITARY EQUIPMENT INVENTORY**

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- (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

## MILITARY EQUIPMENT INVENTORY

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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.



MILITARY EQUIPMENT INVENTORY

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- 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 utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an 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.

## MILITARY EQUIPMENT INVENTORY

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- (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.

**Assembly Bill No. 481**

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency’s internet website, and provide a copy of the policy to the Governor or the Governor’s designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

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

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public’s safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency’s decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public’s welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means 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.

(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.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking 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) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering 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) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy 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.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications



to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(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.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency’s funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking 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.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency’s internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor’s designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people’s business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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**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 \_\_\_\_\_, 2023 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2023 passed and adopted by the following vote:

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

\_\_\_\_\_  
Sally Meadows, MAYOR

Attest:

\_\_\_\_\_  
Angel Rodriguez, INTERIM CITY CLERK



## PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk’s Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [Debra strichartz](#)  
**To:** [Public Comment](#)  
**Subject:** MEUP 03-14-23  
**Date:** Monday, March 13, 2023 11:42:14 AM

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CC 03-14-23

I am a long time resident of Los Altos and I am concerned with our compliance with (AB) 481 including public participation in the policy review and with proposed requests for additional military equipment.

California Assembly Bill (AB) 481 requires California law enforcement agencies to obtain approval of a Military Equipment Use Policy by their applicable governing body prior to taking certain actions related to the funding, acquisition, or use of military equipment as defined by the legislature. It also mandates annual review of both usage and acquisition of additional military equipment and annual review of the policy.

The Los Altos PD released their updated MEUP draft and submitted for discussion during the 09/20/22 council meeting.

I am concerned that policy 709.9 draft was not presented to the public for final discussion and review but was posted as final on 2/8/23 with changes.

I am also concerned with the new request for Flashbangs and Chemical Grenades. I have not seen data providing the need for this additional equipment that Los Altos has never had, and I therefore cannot endorse these acquisitions.

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.

OC Grenades (Purchase Cost \$52.10 each, quantity 5): The Defense Technology OC Vapor Aerosol Grenade is for law enforcement and corrections used 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.

Debra Strichartz  
Los Altos

Debra Strichartz



**From:** [Jill Woodford](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #8 - March 14, 2023  
**Date:** Monday, March 13, 2023 11:57:10 AM

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Dear Los Altos City Council,

I am writing about City Council Agenda Discussion Item 8. AB 481 Military Equipment Use Annual Report: **Review and renew** Ordinance No. 2023-489 by introducing and **waiving further reading** of 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 (K. Krauss)

[Assembly Bill 481](#) clearly states that Los Altos must hold open public meetings prior to taking action related to their military equipment use policy. Bill 481 also mandates that the governing body annually review and approve not only the equipment list but also the military equipment policy. The proposed annual “review and renew” should be a public discussion plus Council approval. My concern is that the proposed 709.9 military equipment policy must include public input, per the [Brown Act Chapter IV.1.C](#), on any and all changes, and must be approved by Council annually. Given the wording in the Council agenda, it seems, due process is being circumvented.

Furthermore, the [Brown Act](#) Chapter IV.1.A requires that all items on the Council agenda must be posted at least 72 hours before a public meeting, yet the [Los Altos Police Department Military Equipment Use Policy draft](#) that has been posted does not properly reflect all changes made since approval by Council in September 2022. There are additions that have not been disclosed to the public via highlight, thereby misleading the public as to the scope and extent of proposed changes. Specifically, 709.3.1 in the agenda draft does not exist in the minutes from the [approved edited version dated 09/07/2002](#) in the September 20, 2022 City Council minutes.

**709.3.1 EXIGENCY- PROCUREMENT AND USE**

*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 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.*

I am writing to ask that you revise the agenda to include public discussion, post the approved version of Policy 709 from September 2022 and the 2023 proposed version highlighting any changes for full transparency, and change the agenda item summary to reflect compliance with AB481, removing “review and renew” and “waive further reading” and ensuring annual review and approval of the Military Equipment Use policy and Military Equipment List. Military equipment seems extreme for a safe community like Los Altos, and I have concern about any policy that limits or attempts to remove public input from its formation and approval.

Thank you for considering my concerns.

Regards,  
Jill Woodford

Sources:

**March 14, 2023 City Council Agenda**  
**Discussion Item 8. AB 481 Military Equipment Use Annual Report**  
<https://meetings.municode.com/adaHtmlDocument/index?cc=LOSALTOSCA&me=bbb5a83bd09b4178b9bf3b4d94623fd6&ip=True>

**March 14, 2023 meeting link to proposed Policy 709 Military Equipment**  
<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-bbb5a83bd09b4178b9bf3b4d94623fd6/ITEM-Attachment-001-ac799fc0ad154679adc2bc0afdb9180c.pdf>

**September 20, 2022 City Council Agenda**  
**Discussion Item 11: AB481 Military Equipment Use Policy**  
<https://meetings.municode.com/adaHtmlDocument/index?cc=LOSALTOSCA&me=a55392285efa4a4d8810b5cebcd8e78d&ip=True>

**September 20, 2022 meeting link to edited Policy 709 Military Equipment**  
<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losaltosca-meet-a55392285efa4a4d8810b5cebcd8e78d/ITEM-Attachment-002-836d2451a7864bb3bffbc7da828c773.pdf>

**Brown Act**  
<https://oag.ca.gov/system/files/media/the-brown-act.pdf>

**State Assembly Bill 481 -**

[https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB481](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB481)

“This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval.”

**From:** [Jeanine Valadez](#)  
**To:** [Public Comment](#)  
**Cc:** [Angel Rodriguez](#); [Kathryn Krauss](#); [Angela Averiett](#); [Gabriel Engeland](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #8 3/14/2023  
**Date:** Monday, March 13, 2023 12:58:59 PM  
**Attachments:** [2023\\_03\\_14 PUBLIC COMMENT AGENDA ITEM 8 J9 edits V.0.docx](#)  
[2023\\_03\\_14 PUBLIC COMMENT AGENDA ITEM 8 J9 edits V.0.pdf](#)

Honorable Mayor, Vice-Mayor, and Councilmembers,

(Angel, please post this email and the PDF attachment to the public comment portal. Do not post the Word Document. That is for the councilmembers and staff, should they prefer it. Thanks!)

This letter comments on the AB481 Annual Report, dated 2023\_03\_14 and my overarching concerns with the ME 709 currently in the packet, while the attachment is my redline edit of the ME 709 Policy. That redline includes many bracketed commentaries airing either justifications for specific edits or written concerns I have.

**AB481 Annual Report Concerns:**

1. I and many members of the public were unable to find the ME 709 named in the opening lines of the Annual Report. We were expecting to find the Council-approved ME 709 dated on or about 9/23/2022, which was the date the revisions accepted by Council were approved in the 9/20/2022 Council meeting. But, instead, posted at the website we found a new ME 709 dated 2/8/2023. This document was markedly DIFFERENT from the one approved 9/20/2022. An no edit marks reflected the changes.
2. I scrutinized videos of the 9/20/2022 and the 2/8/2023 PD town hall and could find no PD mention or Council direction for some of those changes. How can this be? This violates the tenets of AB481 for transparent and public purview of proposed changes against prior revisions.
3. The Annual Report pages are unnumbered, so it makes commenting difficult. I will use page number in order: On Page 2, last para, it should be noted that the 9/20/22 revision will not stand for a whole year, but will come for review at this time. When we look back on this report from the future, this distinction will be important..
4. On Page 3, Item 2, it is unclear which version of the ME 709 policy is Exhibit A. Is it the 9/23/2022 version? or the 2/28/23 version? It absolutely should be the 9/23/2022 version since that is what the public had the chance to see. The earlier version had no exigency section, for example. My red lines explain these distinctions.  
:
5. Equipment Usage for 2022: Is it a forgone conclusion that the training use of ME should not be documented here? Why not? Please explain.
6. Summary of Complaints for 2022: It seems reasonable that concerns received as written public comments be archived within this section? Or is this only for formal written complaints? Because AB481 says “complaints or concerns” (Sec 7072 (a) (2).
7. Violations of Policy 709: Is there no independent oversight to verify the stated findings?:

8. All of the sections in the asks for replacements or new buys need to be written out in the standard outline format with same headings and subheadings of the inventory list in 709.9. It is very difficult to keep track of these items to verify that all data points are there.

9. 40mm launchers: Do the old 3 remain as is and in use in our armory? If not where do they go? Why change from bean bag shotguns to baton launchers? Are there usage data to support the significant increase in purchase or rounds here?

10. Rifles for SWAT: is there really any usable life remaining in these retired weapons? Aren't we afraid that low-grade mil equip could make it's way out to resale market and be dangerous? Why buy 5 rifles if we only have two SWAT officers? Pls itemize projected headcount timing to justify this expense.

11. Why do we need Flashbangs? Where is the MV usage data? Why do we have to pay for flashbangs that are never used here in Los Altos?

12. Chemical Agents: Wow. Why do we need chemical grenades? Where is the use data to support this need? Also, please add this clause to the Authorized uses for these munitions: "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."

Overall, and despite the weight given to less-lethal options, there seems to be a dramatic escalation of weaponry, munitions and violence-based aspects to the armory. The usage data absolutely does not support this escalation. Is this warranted? I cannot see the justification, other than replacing weapons at end of lifespan. And yet, if those weapons are good enough to sell to someone else, why aren't they good enough for us? I worry we are sending bad stuff to less fortunate agencies. Is this equitable? Wise?

**Concerns about ME 709 in the Council Mtg Packet::**

1) Lack of independent oversight per AB481 sec 7070 (d) (6) requires "(d) "Military equipment use policy" means...a document governing the use...that addresses, at a minimum, all of the following: ...(6) The mechanisms to ensure compliance with the ...policy, including which *independent* persons or entities have oversight."

Under no circumstances are the Chief ,or the City manager, or the Council an independent person or entity due to the reporting structure of our city; therefore, this criterion MUST be added to comply with AB481.

2) There are section-numbering errors. Also, the Annual Report sections that seek replacement and new Military Equipment acquisitions do not follow the standard formatting and paragraph requirements of the main inventory list in 709.9..

3) Section 709.3.1 (should be 709.4.1) describing acquisition of ME outside specified process as allowable due to "exigency" creates a massive loophole for on-the-ground decisions that acquire ME first and ask for permission later. But importantly, this section was added without public input and without meeting the public oversight requirements of AB481. It magically appeared after the Sept 2022 version was approved by Council and before the upcoming opportunity for the public to review new changes. In fact, the edit was never "blue-lined" as

new!

4) The same thing happened with another section 709.3.2 (should be 709.4.2), though the content of that section was more benign. However, it remains very troubling that our PD would slip in content without going through due public process.

5) There are ambiguities introduced about chain of command in Section 709.4 (should be 709.5) due to contradictions or lack of clarity with the wording of that section compared to the Intergovernmental Agreement between Mountain View and Los Altos PDs for the joint ("Regional") SWAT team..(see redlines for specifics)

6) Members of the public have two ways of submitting complaints in Los Altos: to the Independent Intake Official (who can assure confidentiality) and to the PD directly. Currently, the PD channel is listed first and the IIO channel second. CM Neysa Fligor requested in September of 2022 that these entities be reversed in their ordered listing in the policy and at our website. I agree.

Thank you,

Jeanine Valadez

[2023 03 13]

## Military Equipment (**PUBLIC COMMENT v.0 JAV**)

### 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, independent oversight, [please do not summarily ignore this edit! It is justified and required per AB481 7070 (d) (6): "(d) "Military equipment use policy" means...a document governing the use...that addresses, at a minimum, all of the following: ... (6) The mechanisms to ensure compliance with the ...policy, including which **independent** persons or entities have oversight." Under no circumstances are the Chief, or the Council an independent person or entity due to the reporting structure of our city; therefore, this criterion **MUST** be added to comply with AB481. 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~~ means [wording per AB481] 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 operation, control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.



## *Military Equipment*

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(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

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- 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 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.
- (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.

### 709.3 709.4 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 or governing body discussion concerning the military equipment at issue (Government Code § 7071).

## Military Equipment

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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.

### **709.3.1 709.4.1 EXIGENCY- PROCUREMENT AND USE**

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 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. **[where did this section come from? This was NOT in the MEUP approved 2022 09 20! Videos of both the city council meeting of 2022 09 20 and the PD Town Hall of 2023 02 08 were scrutinized and no such mention of this section was vocalized by either Katie Krauss or Chief Averiett. Moreover, no edition was ever posted publicly with highlighting blue-lines signifying the change. Therefore, this section was added without public input and should be removed! This section is a substantive and alarming addition to our policy – it has never been part of our policy. Exigency has been used as an excuse by many bad actors to justify departure from policy. This unpublicized addition is in direct violation of the transparency requirements of AB481.]**

### **709.3.2 709.4.2 MAINTENANCE AND RESUPPLY OF CONTROLLED EQUIPMENT**

In the event a previously approved supply of controlled equipment falls below the approved quantity **due to breakage (weapons) or having been expended (munitions) [want to make sure the reduction in inventory is not because of sale, loan or gifting elsewhere]**, the Department may replenish the supply, as needed, without first obtaining additional approval from the Governing

## *Military Equipment*

Body. [this section was also added without being blue-lined in any edition for public review; when was this section added? In the 2022 09 20 City Council Meeting, at 3:05:16, Capt Krauss verbalizes this but the text was not in her blue-lined document presented to the public. This is an AB481 public-notice compliance problem as well, though we can accept the content as long as the proviso describing the reasons inventory might fall below spec above is accepted (I find it specifically inappropriate to let loss or having been stolen be a good enough reason to replenish absent stock of weapons/munitions.)]

### **709.4 709.5 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. [There are ambiguities introduced with this section about chain of command and/or governing policy concerning use of ME due to contradictions or lack of clarity with the wording of the Intergovernmental Agreement between Mountain View and Los Altos PD for the joint ("Regional") SWAT team. The wording in this section implies that policies regarding ME use by outside agencies in Los Altos should adhere to their respective remote policies (and therefore chain of command), while the Joint Agreement maintains that the procedures and rules followed shall be those where the mutual aid is rendered. This ambiguity must be resolved before this policy is approved.]

## Military Equipment

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### **709.5 709.6 ANNUAL REPORT AND POLICY REVIEW**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee ~~should~~ shall 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~~ shall 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.

### **709.6 709.7 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 the Independent Intake Official or any Los Altos Police Department employee ~~or the Independent Intake Official.~~ [This was CM Fligor's original request that was only partially carried out.] 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 whose authority rests outside the Department and Governing Body. [this addition is made in the spirit of trying to add some description and substance to what/who this investigator is; there is little substance to explain this role to the public.]

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

#### 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](mailto:stephatigh@sbcglobal.net)

#### By Phone:

(831) 915-4643

## *Military Equipment*

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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

## Military Equipment

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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](mailto:PoliceFeedback@losaltosca.gov)

By Phone:

(650) 947-2770

### **709.7 709.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department ~~should~~ shall hold at least one well-publicized and conveniently located community engagement meeting, at which the ~~Department~~ General Public should discuss the report and ~~ask questions~~ respond to public questions regarding the funding, acquisition, or use of military equipment. [The modifications written just prior are the proper wording of the relevant section of AB481, Sec 7072 (b). Staff's wording materially sidesteps the law. And in fact, the PD Townhall on Feb 8, 2023 did not allow public discussion nor offer the public the opportunity to directly ask questions in an open forum. And finally, very little room was allowed for Q&A at all. All these factors caused the public to withhold their input in frustration. Moreover, staff should have posted both the 9/23/2022 and the 2/8/2023 versions of the MEUP 709 policy simultaneously so we could compare the before and after versions. They are clearly different, as has been proven in this review of the policy and some of the differences were never highlighted with edit marks. And finally, even if the 2/8/2023 version of the Policy was posted on 2/8, the accompanying Annual Report was not published until Fri 3/10, giving the public very little time to prepare its review and arguments in favor or against the revisions and new equipment requests. Staff and Council should notice that the body of the policy from 709.1-709.8 are dated 2023/02/08, while the attachment 709.9, the MEUP Inventory List is dated with the council approved 2022/09/23 original date; the dates should be reconciled with the signing of this ordinance. In all, the technical accuracy and the community engagement aspects of this year's policy have been insufficient and not in accordance with the letter and spirit of AB481]

### **709.9 MILITARY EQUIPMENT INVENTORY**

See attachment: [MILITARY\\_EQUIPMENT\\_INVENTORY\\_709.9.pdf](#)

## Attachments



*MILITARY EQUIPMENT INVENTORY*

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Attachment

Los Altos Police Department Policy Manual

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**MILITARY\_EQUIPMENT\_INVENTORY\_709.9.pdf**

**NO EDITS SUGGESTED TO 709.9, SO  
DID NOT INCLUDE IN THIS PUBLIC  
COMMENT.**

**From:** [Cindy Sidaris](#)  
**To:** [Public Comment](#)  
**Cc:** [Angel Rodriguez](#); [Gabriel Engeland](#); [Angela Averiett](#); [Kathryn Krauss](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 8 - March 14, 2023  
**Date:** Monday, March 13, 2023 1:10:36 PM

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March 13, 2023

To: Los Altos City Council

CC: Gabriel Engeland, City Manager  
Police Chief Angela Averiett  
Police Captain Kathryn Krauss  
Angel Rodriguez, City Staff

Re: Agenda Item 8: “**AB 481 Military Equipment Use Annual Report: Review and renew Ordinance No. 2023-489 by introducing and waiving further reading of 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 (K. Krauss)**”

I am very concerned that California’s Assembly Bill 481 law regarding Military Equipment Use by Police (MEUP) is not being properly followed by our Police Department and City staff. I’m urging City Council to **NOT** “renew Ordinance No. 2023-489 by introducing and waiving further reading of 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”. I believe Council and the City will be violating AB 481 if the policy is approved without proper advance availability of the draft version of the policy, and with no public comment forum and formal review prior to approval.

How did we get here? On Feb 8, 2023 Chief Averiett and Captain Krauss conducted a Town Hall titled “**Public Safety Update Virtual Meeting on February 8, 2023**” (video link below). This meeting announcement did not receive the publicity it should have, nor was the title informative enough - topics covered were MEUP and ALPRs. The meeting was announced on the Los Altos PD facebook page; it should have been described in the City Manager Weekly email.

During the Public Safety Update meeting, Captain Krauss conducted the “review” of the MEUP program. She said, “**Our [MEUP] policy has been approved and sent to all of our staff. Is also available online; no longer in draft form so you feel free to take a look at that...**”.

**This statement cannot be correct because the City Council has not approved the policy in a public meeting as required by AB 481.**

Here are the legal and process problems with what has apparently happened:

1.  
The Police Dept posted the DRAFT of the 2023 policy (dated 2023/02/08) on the Los Altos PD website around Feb 08 as “approved”. That 2023/02/08 Draft Policy has NOT been approved by the City Council in a public meeting as required by AB 481.
2.  
There have been changes to the MEUP Policy document (from 2022/09/23 version to the 2023/02/08 version) that are not marked as changes, such as the addition of section 709.3.1. What other changes were made that haven’t been marked as changes? This omission of change tracking has resulted in suspicion and concern. Council should require a fully change-tracked version of the proposed policy for review.
3.  
The CURRENT approved MEUP Policy, dated 2022/09/23, is no longer available on the Los Altos PD website. It MUST be restored to public access.
4.  
While the draft Policy (2023/02/08) was apparently available on the LA PD website, it was only made available through the City Council agenda on 3/10/23 - 4 days prior to the 3/14 meeting. This is insufficient time for public review.
5.  
The availability of the 2023/02/08 version was not adequately announced by the City or PD. A much more rigorous process must be followed to announce new policies so that the public has proper time to access, evaluate and comment.

As to the specific request for replacement and new purchases of military equipment, I ask the Council to fully understand the following:

1.  
Why the need to go from three (3) PENN ARMS 40mm single shot launchers to 10?
2.  
Rifles for SWAT - during the Virtual meeting on Public Safety, Captain Krauss stated that the desired 5 Daniel Defense V7s AR-15/M4 will be used for patrol AND SWAT. Which is it - just SWAT or for all patrol too?
3.  
The policy specifics around the NEW equipment being sought, ie, the information in the AB 481 Annual Report 2022 (in agenda packet), is not sufficient. The full policy update needs to be reviewed by Council.

I urge you to carefully review the proposed policy and allow public comment and participation in the process as AB481 demands.

Sincerely,  
Cindy Sidaris  
Los Altos resident

**References:**

Video of Public Safety Update Virtual Meeting on February 8, 2023

<https://www.youtube.com/watch?v=8RYSdzglV4>

**From:** [Toni Moos](#)  
**To:** [Public Comment](#)  
**Cc:** [Angel Rodriguez](#); [Gabriel Engeland](#)  
**Subject:** 2023\_03\_14 Public Comment Agenda Item 8, Toni Moos  
**Date:** Monday, March 13, 2023 1:19:43 PM

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2023\_03\_14 PUBLIC COMMENT AGENDA ITEM 8 -- Toni Moos

Dear Mayor Meadows, Vice Mayor Weinberg, and Councilmembers,

Thank you for taking the time to listen to my concerns.

I am disappointed that the required annual Military Equipment Use Policy review was discussed at the Police Town Hall on February 8th, 2023, instead at a City Council Meeting where it would be posted and therefore more accessible to members of the public for public comment. In the interest of transparency, all changes from the approved September 2022 MEUP should have been noted to allow for public input.

I note, for example, that on today’s Agenda regarding AB 481 Military Equipment Use Annual Report, the staff is "recommending a review and renew Ordinance No. 2023-489 by introducing and waiving further reading of Ordinance No. 2023-489 and approving Los Altos Police Policy 709 pertaining to the funding, acquisition, and use of military equipment." This does not subscribe to the legal requirements to elicit/allow public input/comments prior to approval.

In terms of the “ask” by the police for 36 Single Band and 12 9-BangFlashbangs, I would like to ask why the police feel that this is needed in our community. Have we ever used them in the past? Are we anticipating riots? I would caution against the approval of unnecessary military equipment.

As noted in the March 6th edition of *The Mercury News*, “The nation’s largest state, progressive California has also led the nation in procuring military weaponry, despite a host of studies that have shown a link between the size of departments’ armories and their rate of police shootings”, [former Assemblymember David] Chiu said. “David Chiu, D-San Francisco, who authored AB 481, hopes the mindset is changing. He said the main goal of his legislation was to rebuild community trust in local law enforcement by increasing transparency, oversight and, eventually, accountability about how public dollars are being used.”

I ask that the City Council provide sufficient time for the public to be able to review the changes in the MEUP before approving this edited policy and I ask the Los Altos Police Department for reasons to justify their need for the Flashbangs and chemical weapons that are being requested.

Thank you,

Toni Moos

**From:** [Maureen Griffin](#)  
**To:** [City Council](#); [Public Comment](#)  
**Cc:** [Maureen Griffin](#)  
**Subject:** Military Equipment Usage Policy - Public Comment Agenda Item 8  
**Date:** Monday, March 13, 2023 1:31:32 PM

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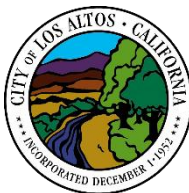
To the Los Altos City Council Members –  
I understand the Military Equipment Usage Policy (MEUP) has been added to the agenda for the Los Altos City Council meeting tomorrow night, Tuesday, 3/14/23, at 7pm.

This email is to address my concerns with this Policy:

1. I understand that Section 709.3.1 was added without public input and without meeting the public oversight requirements of [AB481](#). It appeared after the Sept 2022 version was approved by Council. The edit was never 'blue-lined' as new and the opportunity for public review and discussion of these new changes was not given. Section 709.3.1 describes the acquisition of military equipment outside of the specified process as allowable due to "exigency". Exigency -- a state of affairs that makes urgent demands.
  - **QUESTION:** What in the city of Los Altos required exigency? This is an extreme measure to take for our Bay Area city.
  - I am extremely disappointed this was added without public input and without meeting the public oversight requirement of AB481.
  
2. Per AB481 sec 7070 (d) (6) A provision of independent oversight is required. This provision is not indicated in the MEUP. The Chief of Police and City Council are not independent entities and an independent auditor must be added to this document.
  - **ASK:** an independent auditor must be added to this document.
  
3. In Section 709.4 there are ambiguities about the chain of command in the Intergovernmental Agreement for the joint regional Special Weapons and Tactics (SWAT) team between Mountain View Police Department and Los Altos Police Department.
  - **ASK:** add specific verbiage specifying the chain of command between Mountain View Police Department and Los Altos Police Department.

Thank you.  
Maureen Griffin  
23 Alma Court, Los Altos





**AGENDA REPORT SUMMARY**

**Meeting Date:** March 14, 2023

**Subject:** Gas Powered Leaf Blower Enforcement

**Prepared by:** Nick Zornes, Development Services Director

**Reviewed by:** Jon Maginot, Assistant City Manager

**Approved by:** Jon Maginot, Assistant City Manager

**Initiated by:**  
City Council.

**Fiscal Impact:**  
None.

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to change the citation criteria for Gas Powered Leaf Blower violations?
- Does the City Council wish to modify the administrative citation amount for municipal code violations?
- Does the City Council wish to direct staff to draft an ordinance consistent with a proactive enforcement approach?

**Staff Recommendation:**

Provide staff with direction regarding the Enforcement of Gas-Powered Leaf Blowers.

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City Manager

JM

**Reviewed By:**

City Attorney

JH

Finance Director

JE





**Subject:** Gas Powered Leaf Blower Enforcement

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**Background**

Gas-powered leaf blowers pollute the air, pose health risks to operators and residents, and generate noise which temporarily disrupts neighborhoods throughout Los Altos.

The City of Los Altos has banned the use of gas-powered leaf blowers since 1991 (32-years ago). The city’s ban on gas-powered leaf blowers was last reviewed in early 2011 to determine if restrictions could be lessened to accommodate the landscaping industry or those persons already owning gas-powered blowers. At that time the City Council chose not to amend the ordinance or its process for enforcement of gas-powered leaf blowers. Again in 2017, the City Council review the gas-powered leaf blower ban for its effectiveness, and at that time not further action was taken to modify the City’s practices.

**Analysis**

***History***

Prior to banning gas powered blowers, the City Council adopted an interim ordinance that allowed gas blowers that operate at 75 dBA when measured at 12.5 feet. The 12.5-foot distance was meant to represent the noise heard on the receiving property from the use of a blower on a neighboring property. A permitting system was developed to license acceptable units. The proposed licensing system was time intensive, difficult to administer and ineffective. A fee was collected to recover the cost of staff time involved. During the time the interim ordinance was in place it appeared that relatively few blowers could achieve acceptable noise levels.

The prohibition on gas-powered leaf blowers in Los Altos went into effect in June 1991. Following the adoption of the ordinance prohibiting these devices, a citizen’s initiative was placed on the November 1991 ballot to allow the use of some gas-powered blowers. The initiative was rejected with 58.7% of voters opposed and 41.3% in favor.

In 2011, the City Council requested a staff report on the City's prohibition on the use of portable gasoline engine powered blowers, commonly referred to as leaf blowers. This report was received by Council, at which time, following public comments from three Los Altos residents opposing the elimination of the ban, Council requested that staff research how other cities were regulating these devices. Council also requested background information regarding a related voter initiative that was considered in 1991. City Council considered this information at the February 8, 2011. Following public comments from 13 Los Altos residents opposing the elimination of the ban and further Council discussion, a motion was made to direct staff to review the use of these devices in non-residential areas and public spaces and bring back ordinance amendments for review. On March 8, 2011, staff presented draft ordinance permitting gas-powered blowers in commercial districts and on private property. The draft ordinance would continue to prohibit gas-powered blowers in residential districts



**Subject:** Gas Powered Leaf Blower Enforcement

and at private schools, religious facilities, and other similar community facilities. Following public comments from ten Los Altos residents opposing the elimination of the ban and Council discussion, a motion was made to take no further action. The motion passed unanimously.

***Existing Ordinance***

Los Altos Municipal Code Section 6.16.070

**15. Portable gasoline powered blowers.**

- a. Definition. Portable gasoline-powered leaf blowers are defined as portable power equipment that is powered by a self-contained fuel engine and used in any landscape, maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing, or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.
- b. Gasoline-powered blowers prohibited. Use or operation of portable gasoline powered leaf blowers within the city for any purpose except testing noise levels is unlawful and shall constitute an infraction, punishable as provided by law.

***Enforcement***

When a violation is identified a community member reports the violations to the City’s Code Enforcement Officer, who responds to all Municipal Code violations. The Code Enforcement Officer responds to the reported violation to investigate. Law requires the Code Enforcement Officer to personally witness the Municipal Code violation to enforce the regulation. If the Code Enforcement Officer witnesses the violation, they use discretion, to determine the appropriate enforcement action. Enforcement can range from a verbal warning with a handout of educational material on the Municipal Code or the issuance of a citation. The fine accompanying a citation is \$100 for the first offense, \$200 for the second offense, and \$500 for the third offense.

Oftentimes, when a Code Enforcement Officer arrives at the scene of the violation, the operator is gone or no longer using the device. This is often the circumstance since leaf blowers are utilized at the end of landscaping work to clean up debris. If the operator is still on-scene but is not using the device, the Code Enforcement Officer can take the opportunity to educate the subject about the ban.

**Discussion**

Enforcing the City’s ban has been problematic for a number of reasons, including high mobility and short duration of leaf blowers, limited code enforcement resources to follow up on complaints or pursue proactive enforcement, local regulatory challenges that require advanced notice or warning letters prior to citing a violator, and low penalty fees to violators if cited.



**Subject: Gas Powered Leaf Blower Enforcement**

Increasingly, residents have grown frustrated by the lack of effective enforcement of gas powered leaf blowers in residential areas. The city receives approximately 20-30 complaints regarding gas powered leaf blower violations each month.

In addition to the challenges listed previously even when a citation is issued the City has seen very few fines resolved. Lack of citation resolution is largely due to landscape operators not having a business license within the City of Los Altos, and also not being residents so enforcement of the payment of fines is problematic.

City staff has met with several residents and interested groups that are requesting increased enforcement of the gas-powered enforcement ban. Staff has been requested to look at what neighboring agencies are doing to address this issue and report back to the City Council to potentially modify the local regulations to further support enforcement efforts.

**Considerations**

As a result of staffs research the following amendments to the Los Altos Municipal Code should be considered:

1. Modify the Municipal Code to clarify and assert the City’s ability to assign property owner liability for knowingly hiring or allowing a person to use a gas-powered lead blower on their residentially zoned property.
2. Modify the Municipal Code to authorize the enforcement of the gas-powered leaf blower ban by issuance of a citation at the first sighting. This will allow the code enforcement officer to proceed with enforcement action immediately thus obtaining code compliance.
3. Update the City’s Administrative Citation schedule. Existing citation schedule is \$100 on the first offense, \$200 for second offense and \$500 for the third offense.
4. Create a standalone chapter within the Los Altos Municipal Code for the prohibition of gas-powered leaf blowers.
5. Integrate all provisions Assembly Bill 1346, and subsequent actions taken by the California Air Resources Board (CARB) which effectively prohibits the sale of gas-powered lawn care equipment by January 1, 2024.

**Recommendation**

Provide the Development Services Director with direction on desired amendments to the Los Altos Municipal Code.

**From:** [Anne Dumontier](#)  
**To:** [Public Comment](#)  
**Cc:** [Linda Ziff](#)  
**Subject:** Gas leaf blower  
**Date:** Thursday, March 9, 2023 11:14:28 PM

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Hello

The city of Los Altos need to enforce the Gas leaf blower ordinance!

Gas leaf blower are a nuisance: noise and air pollution.

Homeowners are responsible for making sure their gardeners use batteries operated leaf blowers, either by providing a battery blower on site or purchasing battery blowers to their gardeners.

Batteries are still very expensive and they get stolen. City should purchase batteries and lease them to gardeners. Business deals for a leasing program should be made with EGO, for example, the chevron company.

Thank you  
Anne Dumontier

--

Anne Dumontier



## PUBLIC CORRESPONDENCE

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To send correspondence to the City Council, on matters listed on the agenda please email [PublicComment@losaltosca.gov](mailto:PublicComment@losaltosca.gov)

**From:** [rebeccasherwood@earthlink.net](mailto:rebeccasherwood@earthlink.net)  
**To:** [Public Comment](#)  
**Subject:** Gas leaf blowers  
**Date:** Tuesday, March 14, 2023 12:39:37 AM

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Dear Los Altos city council members

Last Friday morning I was awakened at 7:15 AM by not one but two very loud gas leaf blowers right outside my bedroom window. Recently this lawn service has started having two of their men using a gas blower at the same time!

Every Friday for the past years and years, the same garden service has done my next-door neighbor and the neighbor directly across the street.

In addition to the very disturbing noise level, when I step out on my side yard I can smell the gas fumes.

Some years ago I did call in to the city twice and complained about this particular garden service and even though the nonemergency police came out and spoke with them on each occasion it didn't do any good — and years later they are still at it every Friday morning like clockwork.

In addition to these two neighbors who share the same service, all of the homes up and down the street (except for just one neighbor whose gardener uses an electric blower) as well throughout my neighborhood have gardeners who use gas blowers. There's not a day during the week without gas blowers being used nearby.

During our usual milder weather there are times when you can't sit out and have lunch in your own yard without the noise and smell of gas blowers nearby.

I started a daily walking program in the neighborhood about a year ago and I found that I needed to adjust my route as I go through the neighborhood while attempting to avoid gas blowers.

I've tried talking to neighbors with whom I have very friendly relationships but they are not inclined to do anything about it.

I truly hope that city council will come up with some ways to actually enforce the ban on gas blowers. After many years of experiencing this problem I've come to believe that the remedy needs to involve citing the homeowners who are hiring these services.

Thank you very much for your efforts and I look forward to hearing that an effective method will be on the horizon!

Rebecca Sherwood  
Austin Ave.  
Grant Park Neighborhood

**From:** [Barbara Zieroth-Hoffman](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA #9 MARCH 14,2023  
**Date:** Tuesday, March 14, 2023 8:44:19 AM

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Please vote to strengthen the current gas-powered leaf blower ordinance enforcement. An effective way would be to target the owners of properties where violations occur with significant fines after only one written warning. It is also apparent that phone calls or emails are not working as a means of complaint since the response is after the fact, and many people will not "inform" on their neighbors. There has to be a code enforcement officer who patrols the streets on a regular basis to actually observe the usage of a gas-powered leaf blower. This is a critical time to make changes to the ordinance to ensure our community is part of the solution to help eliminate the staggering pollution from gas-powered equipment that are soon totally banned in California. Thank you for your consideration.

**From:** [Tim Twerdahl](#)  
**To:** [Public Comment](#)  
**Subject:** Gas Leaf Blowers  
**Date:** Tuesday, March 14, 2023 9:00:06 AM

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Please enforce the ordinance and stop these terribly polluting devices in Los Altos.

Tim Twerdahl  
Los Altos



**From:** [Ellen Barker](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #9-MARCH 14, 2023  
**Date:** Tuesday, March 14, 2023 9:32:35 AM

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We really need a better way to enforce this. The police are good about responding to complaints, but having neighbors rat out neighbors doesn't make for good relations, and it's very piecemeal.

A really serious public information campaign might help: Mailings to every property, describing the ordinance and telling homeowners and tenants what to tell their contractors. Maybe include a card (in multiple languages) to give or send to their gardeners explaining the consequences if they get caught. Suggest approaches such as buying your own equipment for the gardener to use at your property only (or share with a neighbor if the gardener works for several homes on your block). I suspect that it's easy for people who are not home during the day when their own gardener is working to NOT know what their own contractor is doing. If the homeowner gets fined in addition to the contractor, that might make an impact.

**From:** [Alexander MacInnis](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #9-MARCH 14, 2023  
**Date:** Tuesday, March 14, 2023 10:28:54 AM

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Dear Los Altos City Council,

I strongly support Los Altos's ban on the use of gas powered leaf blowers. But I am very disappointed at the severe lack of enforcement. Loud, highly annoying gas leaf blowers are in frequent use throughout Los Altos. The noise is likely damaging the hearing of the employees having to use them. Not only is the noise a very real problem, those machines are highly polluting. Los Altos could solve all of those problems by enforcing its existing ban on gas powered leaf blowers. Rechargeable electric leaf blowers are a better alternative all the way around.

Here are some suggestions on how to effectively enforce the ban, without imposing undue hardship on anyone.

- (1) Whenever any phones in a complaint, have an officer or other city employee visit the homeowner to make sure they understand the ban and ask them to require their gardeners to use only electric leaf blowers, or no leaf blowers. Officers should do this even if they do not personally observe a violation.
- (2) Officers should pay attention to the noise of gas leaf blowers when on normal patrols, and take action when they do not have a higher priority task.
- (3) Fines should be levied on the owner of the gardening company, not the employee using the gas leaf blower. Employees typically have to follow the direction of the owner.
- (4) Please consider a mechanism for ensuring that homeowners who hire gardening companies are insisting that gardeners do not use gas leaf blowers.

In my experience as a homeowner, it is very simple to ask your gardener to use only electric leaf blowers, and they comply. They typically use rechargeable blowers and charge an extra battery while working on each yard. There are no problems with that practice.

Thank you.

--Alexander MacInnis  
Los Altos

**From:** [Eric Muller](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #9 - March 14, 2023 - Gas Powered Leaf Blower Enforcement  
**Date:** Tuesday, March 14, 2023 5:51:36 PM

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Dear Council,

Gasoline leaf blowers are clearly a nuisance, both for noise and pollution. Indeed, AB1346, signed into law, directs the California Air Resources Board (CARB) to ban the sale of new gasoline leaf blowers (and other lawn equipment) by Jan. 1, 2024.

I want to believe that Los Altos residents are supportive of electrification, or at least would be if properly informed; and that they will gladly help. I also recognize that this can be a financial burden for many of the gardeners who work in our city. In that spirit, I urge you to:

- significantly lower or even entirely waive the fee for Landscape & Gardening business licenses, at least for the next year or two, so that professional landscapers can easily benefit from the California CORE program, which covers 70% of the cost of new electric gardening equipment (see californiacore dot org).

- involve residents: when a violation is reported, send a letter to the resident with educational material on the benefits of gasoline lawn equipment, the CORE program (for professionals), and the SV Clean Energy rebate (for residents); at least in English and Spanish. I suggest to do that for the first two violations.

- on a third report, issue a fine to the resident (who could reassign it to their landlord, if appropriate). I would also support some mechanism to drop the fine if there is some evidence that the situation is addressed.

I also want to take this opportunity to thank the Council for switching the enforcement from the Police department to Development Services.

Thank you,  
Eric Muller  
752 Parma Way  
Los Altos, CA 94024



**AGENDA REPORT SUMMARY**

**Meeting Date:** March 14, 2023  
**Subject** Update on Return to In-Person City Council and Commission meetings  
**Prepared by:** Jon Maginot, Assistant City Manager  
**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**  
1. Memo: Guide to Brown Act Requirements for Teleconferencing

**Initiated by:**  
Staff

**Previous Council Consideration:**  
January 10, 2023

**Fiscal Impact:**  
None

**Environmental Review:**  
Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to provide additional direction related to City Council and/or Commission meetings?

**Summary:**

- As of March 1, 2023, all City Council and Commission meetings are being held in person with a remote option for members of the public
- The Brown Act allows for Council or Commission members to participate in meetings via teleconference provided certain requirements are met
- The Los Altos Commission Handbook prohibits commission members from participating in meetings via teleconference

**Staff Recommendation:**  
Receive an update on the return to in-person City Council and Commission meetings and provide direction if needed

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City Manager *GE*                      City Attorney *JH*                      Finance Director *JD*



**Subject:** Update on Return to In-Person City Council and Commission meetings

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**Purpose**

To receive an update on the return to in-person Council and Commission meetings

**Background**

On February 28, 2023, the State and City emergency declarations relating to the COVID-19 pandemic ended. During the pandemic, the City was able to hold City Council and Commission meetings without complying with certain elements of the Brown Act, including the posting of all teleconferencing locations. Termination of the State emergency declaration meant that the City would be required to comply with all aspects of the Brown Act.

**Discussion/Analysis**

Beginning in Fall of 2022, the City Council began holding hybrid meetings. Members of the Council, staff and the public could attend the meetings either in person or virtually. On January 10, 2023, the City Council received an update on new Brown Act requirements enacted by AB 2449. At that same meeting, Council directed that Commissions should resume meeting in person beginning March 1, 2023. Starting March 1<sup>st</sup>, all Commission meetings are being held in person at either City Hall or the Community Center. Members of the public may still participate via video conference.

Under the rules of the Brown Act, members of the City Council and/or Commissions may participate in meetings via teleconference, provided certain requirements are met. However, the Los Altos Commission Handbook states “Commission members shall not participate in meetings by teleconference.” As such, all Commissioners have been informed that they cannot participate in meetings remotely. It is worth noting that this section of the Commission Handbook was enacted before the advent of technologies such as Zoom when there was a significant burden on the City to host a meeting in which a member was teleconferencing. Given the advances of technology, these burdens have largely been resolved.

**Recommendation**

The staff recommends receive the update and provide direction if needed.

**MEMORANDUM**

RE: Guide to Brown Act Requirements for Teleconferencing

Beginning March 1, 2023, the City Council and Commissions in the City will be required to attend meetings in person, because the California COVID-19 State of Emergency ended on February 28, 2023. The public will be able continue to participate in meetings as they have been, both in person and remotely via Zoom. The City Council may take advantage of the more limited teleconferencing provisions than those that were in place during the COVID-19 State of Emergency. However, *the Los Altos Commission Handbook (“Handbook”) specifically forbids Commissioners from teleconferencing*. As a result, Commissioners must currently participate in person and do not have an option to teleconference under any scenario. If the City Council chooses to amend the Handbook to allow Commissions to teleconference, Commissioners may utilize the traditional Brown Act teleconferencing provision or AB 2449 if they wish to participate remotely.

**Key Differences Between the Traditional Brown Act Teleconferencing Provision and AB 2449**

<i>Traditional Brown Act Teleconferencing</i>	<i>AB 2449</i>
Location Commissioner is teleconferencing from <u>must be open</u> to the public.	Location Commissioner is teleconferencing from is <u>not open</u> to the public.
Commissioner participating remotely may participate through <u>audio, video, or both</u> .	Commissioner participating remotely must participate via <u>audio and video</u> .
Commission does not have to provide public with any additional ways to participate remotely.	Public must be able to participate both via <u>audio and video</u> ; and <u>in person</u> .
<u>No limit</u> on number of times a Commissioner can teleconference.	Commissioner may not participate remotely for <u>3 consecutive months</u> or <u>20% of meetings</u> . Only <u>two “just causes”</u> can be provided in one year.
A Commission <u>elects</u> to use teleconferencing.	A Commissioner <u>provides</u> a “just cause.” A Commissioner <u>requests</u> to participate remotely due to an “emergency circumstance.”
Quorum of Commissioners must participate from within the City.	Quorum of Commissioners must participate in <u>one physical location</u> within the City.
Votes <u>must be</u> taken by rollcall.	Votes <u>not required</u> to be taken by rollcall.
Public must have the opportunity to address a teleconferencing Commission directly.	

**Requirements to Teleconference under the Traditional Brown Act Provision**

A Commission may *elect* to use teleconferencing under the traditional Brown Act provision, if:

- Agendas are posted at all teleconferencing locations.
- Each teleconferencing location is identified in the meeting notice and agenda.
- Each teleconferencing location is open and accessible to the public.

- A quorum of the Commissioners participates from locations within the City.
- All votes must be taken by rollcall.

When teleconferencing under the traditional Brown Act provision, a Commissioner can participate through audio, video, or both audio and video. Additionally, a Commissioner does not have to provide a reason for teleconferencing under this provision.

**Requirements to Teleconference under AB 2449**

A Commissioner may teleconference into a meeting under AB 2449 if the Commissioner notifies the Commission of a “just cause” or requests to participate remotely due to “emergency circumstances.”

- “Just cause” is defined to include caregiving of a family member, having a contagious illness, having a mental or physical disability, or traveling on official business.
  - Can only provide two “just causes” per calendar year.
- “Emergency circumstances” is defined to include physical or family medical emergencies.
  - Need separate request for each remote appearance.
  - Commission can approve the request to participate remotely by majority vote.

If a Commissioner is able to participate remotely after providing a “just cause” or “emergency circumstance”, the Commissioner must:

- Disclose whether anyone over the age of 18 is in the room during the meeting.
- Participate through video *and* audio.
- Not participate remotely for 3 consecutive months, 20% of meetings in a calendar year, or 2 meetings if the Commission meets less than 10 times a year.

If a Commission is holding a hybrid meeting under AB 2449, the Commission must:

- Provide the public with the ability to participate remotely through an audio-visual medium, in addition to participating in person, and provide notice on how to do so.
- Have at least a quorum of the Commissioners in a single physical location in the City which is identified in the agenda and open to the public.



## PUBLIC CORRESPONDENCE

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**From:** [Stacy Bruzek Banerjee](#)  
**To:** [Public Comment](#)  
**Cc:** [Jon Maginot](#)  
**Subject:** Public Comment Item #10 Commission meeting location - March 14 2023  
**Date:** Monday, March 13, 2023 5:21:58 PM

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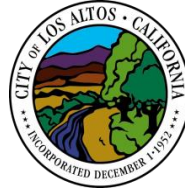
Honorable Mayor Meadows, Vice-Mayor Weinberg, and Councilmembers,

It is important to give city commissioners the most flexibility allowed under the state law for attending meetings virtually. Commissioners are city volunteers and have many other commitments (such as business travel/personal travel, personal circumstances, illness, etc.), and may not be able to attend a particular meeting in-person but want the option to attend virtually. **As a city, we benefit from -- and should welcome -- the contributions our commissioners make at meetings whether they attend in-person or virtual as allowed by the state law.**

As the chair of the VTA BPAC, I have successfully presided over our February and March meetings where some members of the committee were in-person and others remote. Members were able to contribute - their location was immaterial (as long as state law was followed). I believe we can similarly be successful with city commission meetings, and **I know our commissioners are seeking the flexibility of attendance location.**

Our city should embrace the meeting location flexibility allowed by the state for commissioners (and councilmembers). The city may also choose to encourage our state elected leaders to create further flexibility around where elected/appointed individuals may attend a meeting from. **The past 3 years have proven that we can effectively conduct public business/meetings online.**

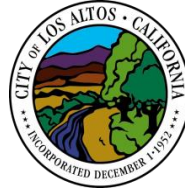
Stacy Banerjee  
CSC Chair



**City of Los Altos 2023 Tentative Council Agenda Calendar**

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 eight days prior to the next Council meeting.

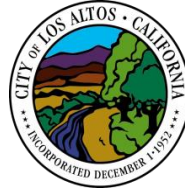
Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept/ Date of request to add.
March 28, 2023	<b>REGULAR COUNCIL MEETING</b>		
	Reach Codes; 1 <sup>st</sup> reading	Discussion	Nick
	Assembly Bill AB 1276 – Adoption of the Single-Use Foodware Accessories and Condiments Ordinance	Consent	Aida
	SCVURPPP MOA (Fourth Amendment)	Consent	Aida
	Accept SVCE Grant	Consent	Aida
	Outdoor dining program	Discussion	Anthony
	Housing Element Annual progress report	Consent	Nick
	Los Altos Commission Review	Discussion	Anthony
	FY 22 Audit	Consent	June
	Restriction of Firearms on Public Property (JW/NF/AE 7/12)	Discussion	Angela
	Investment Policy	Consent	June
April 11, 2023	<b>Study Session - Halsey House update</b>	Info	Aida
April 11, 2023	<b>REGULAR COUNCIL MEETING</b>		
	Reach Codes; 2 <sup>nd</sup> reading and adoption	Consent	Nick
	Noise Ordinance	Public Hearings	Council
	Future Agenda Item Policy Update	Discussion	Anthony
	Sewer Master Plans	Info	Aida
April 25, 2023	<b>REGULAR COUNCIL MEETING</b>		
	Treasury Report	Consent	June
	Storm Water Master Plan	Info	Aida



City of Los Altos Tentative Council Agenda Calendar

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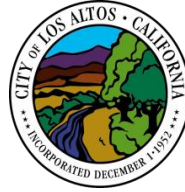
Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
	Housing Element Implementation ordinance; Program 4C-F	Public Hearings	Nick
	Adopt by reference the IBC Property Maintenance Code	Public Hearing	Nick
<b>May 9, 2023</b>	<b>REGULAR COUNCIL MEETING</b>		
	3rd Quarter Report		
	Review Council Norms and Procedures	Discussion	Gabe
<b>May 23, 2023</b>	<b>FY23-24 Budget Study Session</b>		
<b>May 23, 2023</b>	<b>REGULAR COUNCIL MEETING</b>		
	Treasury Report	Consent	June
<b>June 13, 2023</b>	<b>REGULAR COUNCIL MEETING</b>		
	Adopt Resolution No. 2022-XX approving the Report of Sewer Service Charges and directing the Filing of Charges for Collection by the Tax Collector	<b>2 Printed Public Hearing - - not less than 10 days - published once a week for two consecutive weeks 5/11/2022 &amp; 5/18/2022</b>	
	Present 2023/24 Budget	Public Hearing	June
<b>June 27, 2023</b>	<b>REGULAR COUNCIL MEETING</b>		
	Treasury Report	Consent	June
	Adopt 2023/24 Budget	Consent	June



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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
July 11, 2023	REGULAR COUNCIL MEETING		
August 22, 2023	REGULAR COUNCIL MEETING		
	Treasury Report	Consent	June
September 12, 2023	REGULAR COUNCIL MEETING		
September 26, 2023	REGULAR COUNCIL MEETING		
	Year End tentative report – September (if needed)		
	Treasury Report	Consent	June
October 10, 2023	REGULAR COUNCIL MEETING		
October 24, 2023	REGULAR COUNCIL MEETING		
	Treasury Report	Consent	June
November 14, 2023	REGULAR COUNCIL MEETING		
	1st Quarter report FY 2021/2022		
November 28, 2023	REGULAR COUNCIL MEETING		
	Treasury Report	Consent	June



City of Los Altos Tentative Council Agenda Calendar

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
December 5, 2023	Council Reorganization		
December 12, 2023	REGULAR COUNCIL MEETING (ACFR)and Year End – 1st meeting December		

Future Agenda Topics To Be Scheduled....

May is Bike Month Proclamation	Special Item	Mayor
Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets) – Jim		ES
PCI Report – Jim		
MWENDO – Council (with Env Commission)		
Dark Skies Ordinance (LLE/JW/NF/ 2/21/2023)		
Update to personnel rules– HR	Consent	HR
Cities Association JPA – Council	Discussion	Angel



City of Los Altos Tentative Council Agenda Calendar

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Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
	Acceptance of the CCTV Video Inspection; Project WW01011	Consent	Aida
	Flag Policy Pilot, 2 <sup>nd</sup> Nov Meeting 2023	Discussion	Council
	SVCE Electrification Grant	Consent	Aida
	Bicycle parking ratio ordinance (HEU)	Discussion	Nick
	Acceptance of the Council Chamber AV project	Consent	Aida
	City wide parking analysis – (HEU)	Study Session	Nick
	Design Contract for S 1 <sup>st</sup> Street scape	Consent	Jim

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	IN-PROGRESS
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	March 31, 2023		
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	
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	
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	
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	
Program 3.E: Ensure that the density bonus ordinance remains consistent with State law.			December 31, 2023	
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	IN-PROGRESS

Program 3.K: Standardize multimodal transportation requirements.			December 31, 2023	<b>IN-PROGRESS</b>
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	
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	
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	
Program 3.I: Allow residential care facilities consistent with State law.			March 31, 2024	
Program 3.J: Explicitly allow manufactured homes consistent with State law.			March 31, 2024	
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			December 31, 2024	
Program 1.C: Allow housing in the Office Administrative (OA) District.			December 31, 2024	
Program 1.E: Update the Loyola Corners Specific Plan.			December 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	
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	
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	
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	

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	