



# CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, July 11, 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: 824 7811 3742**

**<https://losaltosca-gov.zoom.us/j/82478113742?pwd=VTdHaEh3MEN5ZHVvamR4eWN3c1pxQT09>**

**Passcode: 436614**

**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.

1. EnterTextHere

### 1. SPECIAL ITEMS

Recognition of Los Altos Employee Award Recipients

Proclamation Recognizing 2023 as the 30-Year Anniversary of the Friends of Stevens Creek Trail

### CONSENT CALENDAR

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

1. Approve the Regular Meeting Minutes of June 27, 2023
2. Adopt a Resolution accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101121; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law
3. Adopt a resolution to authorize the City Manager to execute Amendment No. 3 to the EOC Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners in an amount not to exceed \$75,583 to evaluate an upsized generator sized for the whole Los Altos Community Center and some capacity for Los Altos Youth Center Office Conversion Project. (M. Loatfi)
4. Adopt a resolution to authorize the City Manager to execute Amendment No. 1 to the August 31, 2021, Plan Review Services Agreement between the City of Los Altos and TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos
5. Adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant
6. Adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.15 to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code Creating a Standalone Chapter for Leaf Blower Regulations and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970

- [7.](#) Adoption of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970
- [8.](#) Adopt changes to the City of Los Altos Commission Handbook
- [9.](#) Review and Authorize the Mayor to Sign Letters of Support for SB4 (Wiener) and SB423 (Wiener)

## DISCUSSION ITEMS

- [10.](#) Automated License Plate Readers Policy Update
- [11.](#) Receive an update on contracted use of café space in the Los Altos Community Center
- [12.](#) Designate a Voting Representative Delegate and Alternate to Vote on Proposed Resolutions at the CalCities 2023 Annual Conference in Sacramento, CA on September 22, 2023
- [13.](#) Discussion on the Allen Bill and the School District
- [14.](#) Discussion Regarding a Council Travel Policy

## INFORMATIONAL ITEMS ONLY

- [15.](#) Tentative Council Calendar and Housing Element Update Calendar

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

## ADJOURNMENT

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

## SPECIAL NOTICES TO THE PUBLIC

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

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.



## 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:** [Marie Young](#)  
**To:** [Public Comment](#)  
**Subject:** Fwd: Letter in response to Councilmember Lee Eng's article in July 5 issue of Los Altos Town Crier. Items not on the agenda for 7/11/23  
**Date:** Friday, July 7, 2023 3:35:48 PM

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Marie

Sent from my iPhone

Begin forwarded message:

**From:** Marie Young <marieyoung120@gmail.com>  
**Date:** July 7, 2023 at 2:45:20 PM PDT  
**To:** council@losaltosca.gov  
**Subject: Letter in response to Councilmember Lee Eng's article in July 5 issue of Los Altos Town Crier**

July 7, 2023

Honorable Mayor Sally Meadows, Vice-Mayor Jonathan Weinberg, and Members of the Los Altos City Council (Council),

We agree with Council member Lee Eng in her Town Crier article of July 5 that resident participation in local government is critical and that transparency is crucial to encourage engagement. However, it's not enough to **say** one believes in transparency; elected officials must also **act** transparently, and in this instance Council member Lee Eng falls short as there are important inaccuracies and omissions in her Town Crier piece: She does not explain that the Open Government policy was rescinded unanimously by the Council at its June 27 meeting since most items were either removed or already covered by recently revised Council norms. Councilmember Lee Eng is also critical of the change that members of the public can no longer remove an item from the consent calendar, but in fact, any member of the public can ask a council member to do so, as they have done in the past.

We support Council's unanimous decision to rescind the Open Government Policy due to

redundancy of Council Norms and to improve the efficiency of our city's decision-making.

Los Altos Community Voices Steering Committee  
Robin Abrams, Kim Cranston, Cathy Lazarus, Bill Sheppard, Marie Young



*Proclamation*  
*Of the Mayor*  
*Of the City of Los Altos, California*

**WHEREAS**, this spring marked the 30th anniversary of the Friends of Stevens Creek Trail as a non-profit organization; and

**WHEREAS**, the Friends promote community pride and involvement in the completion, enhancement, and enjoyment of the Stevens Creek and Permanente Creek trails and wildlife corridors; and

**WHEREAS**, in commemoration of their anniversary, the Friends are displaying a large quilt made from previous Trailblazer Race T-shirts, which is on display at the Los Altos Community Center until August 3rd; and

**WHEREAS**, this year's Trailblazer Race, on September 24th, 2023, will be the 29th instance of this community event; and

**WHEREAS**, the City of Los Altos wishes to thank the Friends of Stevens Creek Trail for their work and recognize their great contribution to our community and the South Bay;

**NOW THEREFORE**, I, Sally Meadows, Mayor of the City of Los Altos, and on behalf of the entire Los Altos City Council, do hereby recognize, honor, and express the City's appreciation of:

**Friends of Stevens Creek Trail**

**In Witness whereof**, I have hereunto set my hand and affixed the seal of the City of Los Altos this 11<sup>th</sup> day of July 2023.



*Sally Meadows*  
Sally Meadows, MAYOR



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING MINUTES  
TUESDAY, JUNE 13, 2023  
7:00 p.m.  
1 N. San Antonio Rd. ~ Los Altos, CA**

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

**CALL MEETING TO ORDER** – Sally Meadows, Mayor, called the meeting to order at 7:00 p.m.

**ESTABLISH QUORUM** – All Councilmembers were present and in person.

**PLEDGE ALLEGIANCE TO THE FLAG** – Pete Dailey, Councilmember, led the Pledge of Allegiance.

**REPORT ON CLOSED SESSION** – There was no Closed Session meeting.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes to the order of the agenda.

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

The following members of the public spoke during Public Comment:

- Sydney Shen
- Oliver Shen
- Nori Shen

**SPECIAL ITEMS**

1. Issue proclamation recognizing July as Parks Make Life Better Month

**Emily Hernandez**, daughter of Parks & Recreation Director Manuel Hernandez, read a proclamation recognizing July as Parks Make Life Better Month.

**Sally Meadows, Mayor**, announced the passing of Former Los Altos Mayor Roy Lave and led a moment of silence in his honor.

**CONSENT CALENDAR**

**Jonathan Weinberg, Vice Mayor, and Neysa Fligor, Councilmember** requested to pull Item 13 for further discussion.

**Sally Meadows, Mayor**, moved Item 13 of the Consent Calendar to the Discussion Items section of the agenda, to be heard after Item 17.

Motion by Weinberg and Seconded by Meadows to approve the Consent Calendar, excluding Item 13. **Motion carried unanimously by roll call vote.**

2. Approve Regular Meeting Minutes of June 13, 2023
3. Accept the Treasurer’s Report for the Month Ended March 31, 2023
4. Adopt an Ordinance and Resolution for Sanitary Sewer Rates, and find that the approval of the ordinance is exempt from review under the California Environmental Quality Act

- (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273 and none of the circumstances in Section 15300.2 applies
5. Adopt a Resolution accepting completion of the CIPP Corrosion Rehabilitation, Project WW-01005; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law
  6. Authorize City Manager to Execute Professional Services Agreement for a Full Cost Allocation Plan, Development Fee Study, and Development Impact Fee Study to Matrix Consulting Group as the most qualified responsive consultant for project total not-to-exceed \$198,885 and approve the City Manager the authority up to 10% contingency if needed, in the amount not-to-exceed \$19,888.50
  7. Approve and adopt a Resolution authorizing the City Manager to execute a Professional Services Agreement with R3 Consulting Group, Inc. for On-Call Solid Waste Support Services for FY 2023/2024
  8. Adoption of a Resolution identifying street maintenance projects to be funded by Senate Bill 1 (SB-1) Road Repair and Accountability Act; consider finding the adoption of the resolution exempt pursuant to California Environmental Quality Act Guidelines Section 15301 (Existing Facilities)
  9. Accept the recommended Youth Commission Interview Subcommittee appointments to the Los Altos Youth Commission for FY 23/24
  10. Authorize the City Manager to execute an amendment to the agreement with IMPEC Group for janitorial services in the amount of \$839,232 for two years on behalf of the City
  11. Adopt a Resolution approving the allocation of the City’s Transportation Development Act (TDA) funding to the Hetch Hetchy Path Enhancements and Access Improvements Project
  12. Authorize the City Manager to execute an amendment to the agreement with Grassroots Ecology in the total amount of \$191,000 for a two-year term (\$95,500 per year) to manage and restore Redwood Grove Nature Preserve
  14. Adopt a Resolution repealing Resolution No. 2019-30 regarding the Open Government Policy

**PUBLIC HEARINGS**

15. Appeal of the Planning Commission’s Decision on the Design Review and Variance Applications SC22-0029 & V23-0002 at 5790 Arboretum Drive

**Sally Meadows, Mayor**, announced that the appellant requested that the item be continued to date certain of September 26, 2023.

There were no speakers regarding the item.

Motion by Weinberg and Seconded by Meadows to continue the Public Hearing to a date certain of September 26, 2023. **Motion carried unanimously by roll call vote.**

16. Adoption by reference the 2021 International Property Maintenance Code with certain local amendments and find that the ordinance is exempt from CEQA pursuant to the

provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations

**Nick Zornes, Development Services Director**, presented a brief report.

**Sally Meadows, Mayor**, opened the Public Hearing.

There were no speakers regarding the item.

**Sally Meadows, Mayor**, closed the Public Hearing.

Motion by Weinberg and Seconded by Fligor to adopt by reference the 2021 International Property Maintenance Code with certain local amendments and find that the ordinance is exempt from CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations. **Motion carried unanimously by roll call vote.**

### DISCUSSION ITEMS

17. Request for Council approval to send the Los Altos Library Patio Project to the Development Services Director for review and necessary approvals

**Jennifer Weeks, County Librarian and Rose Baiza, Community Librarian**, presented the report.

The following members spoke regarding the project:

- Teresa Morris
- Elizabeth Ward
- Cindy Hill
- Pierre Bedard
- Anita Wu
- Arabella Ching
- Abrielle Ching
- Dr. Araceli Castillo-Sanchez
- Julie Crane
- Tom Ferry
- Roberta Phillips

Motion by Dailey and Seconded by Weinberg to approve sending the Los Altos Library Patio Project to the Development Services Director for review and necessary approvals, with further direction to preserve and protect and include mitigations, if necessary, and require pre-application study session design review pursuant to section 14.78.040 of the Los Altos Municipal Code. **Motion carried unanimously by roll call vote.**

13. Authorize the City Manager to execute a three-year agreement, totaling \$225,000, for orchard maintenance with the Orchard Commons Committee

**Neysa Fligor, Councilmember**, posed a question regarding the item.

The City Council provided the following amendments to the resolution and agreement:

- Change the language in the resolution’s “Now Therefore” section to say: “...in the amount of \$75,000 in each of the fiscal years 23/24, 24/25 and 25/26 on behalf of the City.”
- Explicitly state in the agreement: “Restoring, preserving and keeping the Historic Apricot Orchard safe”

- Remove all wording in the agreement that references programs and education

Motion by Lee Eng and Seconded by Fligor to authorize the City Manager to execute a three-year agreement, totaling \$225,000 for orchard maintenance with the Orchard Commons Committee, as amended. **Motion carried unanimously by roll call vote.**

The City Council took a recess at 9:17 p.m.  
The City Council reconvened at 9:28 p.m.

18. Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.15 to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code Creating a Standalone Chapter for Leaf Blower Regulations and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970

**Nick Zornes, Development Services Director**, presented the report.

The following members of the public spoke regarding the item:

- Linda Ziff
- Bruce McFarlane
- Myra Orta

The City Council provided the following amendments:

- Remove prohibition of use of equipment on Federal Holidays
- Modifying the hours of operation to Monday – Friday from 7:00 a.m. to 7:00 p.m. and Saturday and Sunday from 8:00 a.m. to 7:00 p.m.
- Provide an additional notice of warning and/or violation section 11.15.060 detailing that a second notification will be sent to the address on record per the Assessor’s records, if different than City records

Motion by Dailey and Seconded by Fligor to introduce and waive further reading of an Ordinance of the City Council of the City of Los Altos adding Chapter 11.15 to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code creating a standalone Chapter for Leaf Blower Regulations and find that this action is exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970, as amended. **Motion carried unanimously by roll call vote.**

19. Introduce and Waive Further Reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970

**Nick Zornes, Development Services Director**, presented the report.

The following members of the public spoke regarding the item:

- Teresa Morris

The City Council provided the following amendments:

- Add definitions to 11.14.020 to include: heat pumps, heat exchangers, heat condensers, water heaters and similar residential mechanical equipment
- Edit the language in 11.14.040 (A)(i) to: “Mechanical equipment and appurtenances shall not be located...”
- Include a diagram of what the public-view screening should resemble.

Motion by Lee Eng and Seconded by Fligor to introduce and waive further reading of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970, as amended. **Motion carried unanimously by roll call vote.**

**20. Discuss and Consider Taking Positions on Various Senate and Assembly Bills**

Neysa Fligor, Councilmember, presented the report.

The Council provided the following direction:

- Direct Councilmember Fligor to draft a support letter for SB423 based on Council’s discussion and bring the letter to Council for review at the meeting of July 11, 2023
- Direct Councilmember Fligor to draft a support letter, if amended, for SB4, using the CalCities SB4 draft letter as a template, and bring the letter to Council for review at the meeting of July 11, 2023

**INFORMATIONAL ITEMS ONLY**

*The items listed in this section are informational only. No discussion or action will occur for the following agenda items.*

- 21.** Receive report from staff on the response to the March 14, 2023 emergency event
- 22.** Tentative Council Calendar and Housing Element Update Calendar

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

- **Lynette Lee Eng, Councilmember,** requested the following future agenda items:
  - Buy-back program for gas leaf blowers (*No second*)
  - Discussion and potential cleanup of Municipal Code section 6.16 (*Councilmember Fligor and Councilmember Dailey support, with direction for the item to return to the City Council in late 2023 or early 2024*)
  - Discussion with a lobbyist to remain current on legislation (*No second*)

**ADJOURNMENT** – The meeting adjourned at 11:42 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting of July 11, 2023.

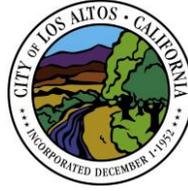
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Sally Meadows,  
Mayor

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Melissa Thurman, MMC  
City Clerk

The June 27, 2023 City Council meeting recording may be viewed via the following external website: <https://www.youtube.com/watch?v=3bXvAlyckoQ>



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023

**Subject:** Resolution No. 2023-XXX: Sanitary Sewer Video Inspection, Project WW-0101121

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

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

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

**Attachment:**

- 1. Resolution No. 2023-XXX\_\_

**Initiated by:**

City Council, CIP Project WW-0101121

**Previous Council Consideration:**

October 12, 2021

**Fiscal Impact:**

The table below summarizes the final costs of the Sanitary Sewer Video Inspection, Project WW-0101121. Total savings of \$77,431.22 will be forwarded to the next Sanitary Sewer Video Inspection project.

<b>Project Item</b>	<b>Project Budget</b>	<b>Final Cost</b>
Design	NA (in house)	NA (in house)
Construction	\$397,385.65	\$391,594.12
Inspection and testing services	\$10,000.00	\$0.00
Printing/Environmental Doc/Misc.	\$3,000.00	\$968.16
Construction contingency (15%)	\$59,607.85	\$0.00
<b>Total</b>	<b>\$469,993.50</b>	<b>\$392,562.28</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), involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public sewerage involving negligible or no expansion of existing or former use, and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies.

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**Reviewed By:**

City Manager

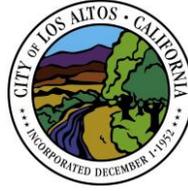
GE

City Attorney

JH

Finance Director

JD



**Subject:** Resolution No. 2023-\_\_: Sanitary Sewer Video Inspection, Project WW-0101121 Acceptance

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**Summary:**

- Adopt Resolution No. 2023-XXX accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101121
- Authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law

**Staff Recommendation:**

Move to adopt Resolution No. 2023-XXX accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101121; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law



**Subject:** Resolution No. 2023-\_\_: Sanitary Sewer Video Inspection, Project WW-0101121 Acceptance

**Purpose**

Accept completion of the Sanitary Sewer Video Inspection, Project WW-0101121.

**Background**

The Environmental Services and Utilities Department prepared the bid documents for the Sanitary Sewer Video Inspection, Project WW-0101121. On October 12, 2021, Pipe and Plant Solutions, Inc. was awarded the Total Bid for Project WW-0101121 in the amount of \$397,385.65.

**Discussion/Analysis**

Pipe and Plant Solutions, Inc. completed the cleaning and television inspection for the Sanitary Sewer Video Inspection, Project WW-0101121, per plans and specifications. The project bid items consisted of performing cleaning and television inspections of approximately 116,115 linear feet of various sanitary sewer lines ranging from 6 inches to 20 inches in diameter. Approximately 108,171 linear feet and 7,944 linear feet were included under the scope of work for the Base Bid and Add Alternate Bid No. 1, respectively. Work was performed at various locations throughout the southeastern part of the city. Television inspections included standard pipeline defect identification and assessment for use in future evaluation, planning, and prioritization for sewer repair and replacement projects.

Traffic control was carefully planned to minimize impacts on the community during the cleaning and television inspection. The cleaning and television inspection of the sewer lines were successfully completed at the end of May 2023. No change orders were issued during the construction. The total final project cost is \$391,594.12, which is \$5,791.53 less than the original contract amount. Total savings of \$77,431.22 will be forwarded to the next Sanitary Sewer Video Inspection project.

**Recommendation**

Adopt Resolution No. 2023-XXX accepting completion of the Sanitary Sewer Video Inspection, Project WW-0101121; and authorize the Environmental Services and Utilities Department Director to record a Notice of Completion as required by law

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ACCEPTING COMPLETION AND DIRECTING THE ENVIRONMENTAL SERVICES AND UTILITIES DIRECTOR TO FILE A NOTICE OF COMPLETION OF THE SANITARY SEWER VIDEO INSPECTION, PROJECT WW-0101121

WHEREAS, the Los Altos Environmental Services and Utilities Director has filed with the City Clerk of Los Altos an Engineer's Certificate for the completion of all work provided within and pursuant to the contract between said City and Pipe and Plant Solutions, Inc., dated November 23, 2021; and

WHEREAS, it appears to the satisfaction of this City Council that work under said contract has been fully installed and completed as provided in said contract, and the plans and specifications therein referred to.

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

- 1. That acceptance of completion of said work is hereby made and ordered; and
2. That the Environmental Services and Utilities Director is directed to execute and file for recording with the County Recorder of the County of Santa Clara, Notice of Acceptance of Completion thereof, as required by law; and
3. That the acceptance of the work is exempt from review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 for reasons stated in the staff report, and none of the circumstances described in CEQA Guidelines Section 15300.2 applies.

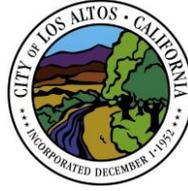
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 11th day of July, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC CITY CLERK



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023

**Subject:** Third Amendment to the Noll & Tam Architects and Planners’ EOC Design Agreement for expanding the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage.

**Prepared by:** Morgan Loatfi, Special Projects Manager  
**Reviewed by:** James Sandoval, Director of Public Works  
**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

- Attachment A: Scope of Work and Fee Estimate
- Attachment B: Resolution

**Initiated by:**

City Council – Capital Improvement Plan Project CF-01021

**Previous Council Consideration:**

Not applicable

**Fiscal Impact:**

The proposed scope of work for this agreement is estimated to cost \$75,583. The funds for this scope of work come from two sources: the Park-In-Lieu fund and General Fund. The additional design fee for increasing the size of the EOC’s emergency generator to power the *entire* Community Center (not just the EOC wing) during an outage would be funded by the Park-In-Lieu fund, in the amount of \$54,473. The additional design fee for expanding the EOC’s generator to provide power to the critical elements of the Los Altos Youth Center City Hall expansion (i.e., the citywide IT server room) would be funded by the General Fund, in the amount of \$21,110. Sufficient funds are available in Project CF-01021—Emergency Operations Center in the FY-2023/24 CIP budget, including the Park-In-Lieu Fund.

- Amount already included in approved budget? Yes
- Total Budget Available in CF-01021: \$2,950,000
  - o Subtotal Budget Available in the General Fund: \$350,000
  - o Subtotal Budget Available in Park-In-Lieu Fund per Resolution 2023-36: \$600,000
- Amount above budget requested: \$0

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD

**Subject:** Third Amendment to the Noll & Tam Architects and Planners’ EOC Design Agreement for the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage

The Scope of Work and a breakdown of the \$75,583 cost proposal is shown in Attachment A.

**Environmental Review:**

Not applicable

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

- Does the Council wish to direct staff to increase the size of the generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC)?

**Summary:**

- Staff is seeking Amendment No. 3 to Noll and Tam’s contract for expanding the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) for an amount not to exceed \$75,583. The Scope of Work and a breakdown of this cost proposal is shown in Attachment A.

**Staff Recommendation:**

Adopt a resolution to authorize the City Manager to execute Amendment No. 3 to the EOC Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$75,583 for expanding the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage.

**Purpose:**

To increase the size of the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC).

**Background:**

In Spring 2022, the City of Los Altos hired Noll and Tam to provide a conceptual design for incorporating a code-compliant Emergency Operations Center (EOC) into the recently completed Los Altos Community Center.

Noll & Tam Architects was awarded a contract in the amount of \$89,243 on May 25, 2022, and awarded Amendment No. 1 in the amount of \$8,427 on December 8, 2022, to provide a conceptual design for incorporating a code-compliant EOC. Also, on January 31, 2023, Council awarded Amendment No. 2 in the amount of \$250,690, to carry out a complete EOC design and construction documents for the EOC, along with construction administration support.

**Discussion/Analysis:**

The severe 2023 winter storms caused multiple power outages impacted City Hall operations, including interruption to a City Council Meeting. During the extended outage, Community Center operations had to be relocated to the Grant Park Community Center, which had power and proved to be a valuable resource for residents that were without power. Through the lessons learned from these experiences, staff realized the importance of having an operational

**Subject:** Third Amendment to the Noll & Tam Architects and Planners' EOC Design Agreement for the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage Community Center and server room during future outages. Accordingly, Amendment No. 3 to Noll and Tam's contract will expand the EOC's generator to power the entire Community Center and the critical features of LAYC, such as the citywide IT server room to be relocated into LAYC. The Scope of Work and a breakdown of the \$75,583 cost proposal is shown in Attachment A.

**Recommendation:**

The staff recommends the City Council adopt a resolution to authorize the City Manager to execute Amendment No. 3 to the EOC Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$75,583 for expanding the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion during an outage.

**Subject:** Third Amendment to the Noll & Tam Architects and Planners' EOC Design Agreement for the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage

## **Attachment A**

### **Scope of Work and Fee Estimate**

#### **SCOPE OF WORK:**

##### **ASR #3 EOC Genset Redesign:**

The City of Los Altos requested the design team to provide a design for added scope to evaluate an upsized generator sized for the whole building and redesign the emergency power generator system for the Los Altos Emergency Operations Center.

The scope of work for this change includes evaluation of the upsizing impact to the electrical, diesel plumbing, exterior generator enclosure, feeders, site trench layout, and operation of the EOC and community center in the event of an emergency or power outage. Included are meetings with the City to understand the options requested, possible inclusion of EV charging for the City vehicle fleet and to aid the City in making the final decision moving forward.

Included are consultant fees which were impacted by this request, including Electrical, Civil, Plumbing, Acoustical and Cost Estimating. All team members had additional design coordination, drawing exchanges and conference calls. Below is a summary of the unique impact to the team's work:

1. **Electrical Engineering:** Prepare preliminary info for cost estimating and decision making. Prepare a new single line diagram, revise electrical drawings for new generator approach, and revise load calculations.
2. **Civil:** Amend grading, drainage, and utility routing design for the upsized genset equipment and enclosure and provide additional/re-design of trench routing and pull box placement for expanded trenches and feeders.
3. **Plumbing Engineering:** Prepare preliminary info for cost estimating. Evaluating fuel tank sizes with generator options. Redesigning the diesel fuel oil system for the enlarged generator and fuel tank including adding a new pump rack and new day tank.
4. **Acoustical:** Prepare revised acoustical calculations and revise recommendations based on the increased acoustical emissions of the larger generator unit.
5. **Cost Estimating:** Added time for calls and preliminary cost input for the City decision making.

Note that Telecom, Structural, Cost Estimating, and the Radio/Antenna scope were not impacted.

**Subject:** Third Amendment to the Noll & Tam Architects and Planners' EOC Design Agreement for the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage

#### **ASR #4 – Adding LAYC loads to EOC Genset:**

The City of Los Altos requested the design team to provide a design for added scope to evaluate and redesign an upsized generator system sized for adding emergency electrical loads from the Los Altos Youth Center (LAYC) project to the emergency power generator system for the Los Altos Emergency Operations Center.

The scope of work for this change includes evaluation of the upsizing impact to the electrical, diesel plumbing, exterior generator enclosure, feeders, site trench layout, and operation of the EOC and community center in the event of an emergency or power outage. Included are meetings with the City to understand the options requested and to aid the City in making the final decision moving forward. After the decision was made, the time to redesign, perform duplicate coordination including conference calls and drawing exchanges, and redocumentation is also included to the progress level approximately reached prior to the point when the City requested the change, on June 1st.

Included are consultant fees which were impacted by this request, including Electrical, Plumbing, and Acoustical. All team members had additional design coordination, drawing exchanges and conference calls. Below is a summary of the unique impact to the team's work:

1. Electrical Engineering: Prepare preliminary info for cost estimating and decision making. Prepare a new single line diagram, revise electrical drawings for new generator approach, and revise load calculations.
2. Civil: Amend utility routing design for the added LAYC UG feeders going north and the upsized genset equipment and enclosure, including trench routing and pull box placement for expanded trenches and feeders.
3. Plumbing Engineering: Prepare preliminary info for cost estimating. Evaluating fuel tank sizes with generator options. Redesigning the diesel fuel oil system for the enlarged generator and fuel tank including upsizing the fuel tank and redesigning the day tank.
4. Acoustical: Prepare revised acoustical calculations and revise recommendations based on the increased acoustical emissions of the larger generator unit.

Note that Telecom, Structural, Cost Estimating, and the Radio/Antenna scope were not impacted.

**Subject:** Third Amendment to the Noll & Tam Architects and Planners' EOC Design Agreement for the EOC's generator to power the entire Community Center and the critical features of Los Altos Youth Center Office Conversion (LAYC) during an outage

**ATTACHMENT A**

**Fee Estimate:**

**ASR 03 Compensation:**

N&T will provide the services on a Time and Materials basis, with a not-to-exceed budget in accordance with our original contract agreement as follows:

N&T Architectural Services	\$21,000
OMM	\$10,450
BKF	\$6,000
Taylor	\$7,920
SFMI Acoustical Services	\$2,871
Mack5 Cost Estimating	\$618
<hr/> Subtotal	<hr/> \$49,521

**ASR 04 Compensation:**

N&T will provide the services on a Time and Materials basis, with a not-to-exceed budget in accordance with our original contract agreement as follows:

N&T Architectural Services	\$4,000
OMM	\$5,500
BKF	\$1,980
Taylor	\$4,840
SFMI Acoustical Services	\$2,871
<hr/> Subtotal	<hr/> \$19,191
ASR 03 Plus ASR 04	\$68,712
10% Design Contingency	\$ 6,871
<b>TOTAL</b>	<b>\$75,583</b>

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
FOR  
AWARD OF THE THIRD AMENDMENT TO THE NOLL & TAM  
ARCHITECTS AND PLANNERS' EOC DESIGN AGREEMENT FOR  
EXPANDING THE EOC'S GENERATOR TO POWER THE ENTIRE  
COMMUNITY CENTER AND THE CRITICAL FEATURES OF LOS ALTOS  
YOUTH CENTER (LAYC)**

**WHEREAS**, the City of Los Altos hired Noll and Tam to provide a design for incorporating a code-compliant EOC into the recently completed Los Altos Community Center; and

**WHEREAS**, Noll & Tam Architects was awarded a contract in the amount of \$89,243 on May 25, 2022, and awarded Amendment No. 1 in the amount of \$8,427 on December 8, 2022, and also awarded Amendment No. 2 in the amount of \$250,690 on January 31, 2023; and

**WHEREAS**, Amendment No. 3 to Noll and Tam’s contract is proposed to cost \$75,583 for additional design work to increase the size of the EOC's generator to power the entire Community Center and the critical features of LAYC during an outage; and

**WHEREAS**, the FY 23/24 Council-approved CIP budget and Park-In-Lieu budget has adequate funding to fund the Amendment No. 3.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby adopt a resolution to:

Authorize the City Manager to execute Amendment No. 3 to the EOC Design Agreement between the City of Los Altos and Noll & Tam Architects and Planners through FY 24-25 in an amount not to exceed \$75,583 to increase the size of the EOC's generator to power the entire Community Center and the critical features of LAYC during an outage; and

Authorize 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 11th day of July 2023 by the following vote:

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

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

Attest:

\_\_\_\_\_  
Melissa Thurman, MMC  
City Clerk



### AGENDA REPORT SUMMARY

**Meeting Date:** July 11, 2023

**Subject:** Adopt a resolution to authorize the City Manager to execute Amendment No. 1 to the August 31, 2021, Plan Review Services Agreement between the City of Los Altos and TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos.

**Prepared by:** James Sandoval, Director of Public Works

**Reviewed by:** James Sandoval, Director of Public Works

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

**Attachment(s):**

- Attachment A: Scope of Work and Hourly Rates & Reimbursables Schedule
- Attachment B: Resolution

**Initiated by:**

Staff

**Previous Council Consideration:**

August 24, 2021, City Council Meeting

**Fiscal Impact:**

Staff estimates \$400,000 additional cost to the original contract of \$1,050,000. The new total contract amount will be does not exceed \$1,4050,000 All additional \$400,000 TRB + Associates plan review and construction inspection fees will be paid by each private development applicant. Accordingly, The Scope of Work in Amendment No. 1 to the August 31, 2021, Plan Review Services Agreement with TRB will be cost-neutral to the City since their services will be covered by the new Public Works Plan Check fee included in the FY 23/24 Fee Schedule.

In the first year, the fee to each applicant will be the *actual costs* for TRB's services, and they will be collected on a pay-as-you-go basis<sup>1</sup>. Once the Development Engineering Division has a year's

<sup>1</sup> For example, Development Engineering staff will send out a development applicant's plan review to TRB, and when they send back the review it will include how many hours were associated with the plan review and the associated cost will be added to the permit fees. All fees are required to be paid before a permit can be issued. If staff gets behind on fee collection and uploading to the permit, it has the authority to deny any inspection request until all associated fees are collected.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD

**Subject:** Adopt a resolution to authorize the City Manager to execute Amendment No. 1 to August 31, 2021, Plan Review Services Agreement between the City of Los Altos and TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos.

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worth of cost data for each category of engineering plan review and inspection services, a set fee will be established for each service in the FY 24/25 Fee Schedule that includes a markup that will generate revenue for the General Fund.

TRB’s Scope of Work and Hourly Rates & Reimbursables Schedule are shown in Attachment A.

**Environmental Review:**

Not applicable

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

- Should the City Council authorize the City Manager to execute Amendment No. 1 to the Plan Review Services Agreement with TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos?

**Summary:**

- This is a request authorizing the City Manager to amend the Plan Review Services Agreement with TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos.
- Since TRB’s plan review services have worked well for the Building Division, the Development Engineering Division wishes to set up a similar arrangement with them and proposes to establish services with TRB that are specific to the Development Engineering Division’s needs.
- TRB's attached Scope of Work will be cost-neutral to the City since their services will be covered by the new Public Works Plan Check fee included in the FY 23/24 Fee Schedule.

**Staff Recommendation:**

Adopt a resolution to authorize the City Manager to execute Amendment No. 1 to the Plan Review Services Agreement between the City of Los Altos and TRB + Associates, 1) for a not-to-exceed additional fee of \$400,000, 2) for providing as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos.

**Purpose:**

To provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos. Since the services will be covered by development fees and incur no cost to the City, the contract frees up a development engineering Assistant Engineer position to support the Public Works Transportation Division.

**Background:**

The City Building Division has been using contract plan review services for many years to keep up with the community’s on-going high volume construction activities. These companies provide

**Subject:** Adopt a resolution to authorize the City Manager to execute Amendment No. 1 to August 31, 2021, Plan Review Services Agreement between the City of Los Altos and TRB + Associates to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos.

in-depth plan review services for construction projects on large commercial, new residential, and complex remodels and additions. Fees for these services are paid directly by the applicant.

The City Building Division has been managing the current Plan Review Services Agreement with TRB + Associates (TRB) since 2021. Since the Development Engineering Division’s (DED) two Assistant Engineers resigned earlier this year, it piggybacked onto Building’s TRB contract to help with the backlog of permits that accumulated after the resignations. TRB’s contracted services include the engineering and inspection subject matter experts needed for DED’s plan reviews and inspections.

**Discussion/Analysis:**

TRB’s plan review services have worked well for the Building Division and supplement its moderately sized staff, while maintaining high-quality plan reviews and responsive timelines. Accordingly, the DED wishes to set up a similar arrangement with TRB and proposes to establish an amendment to the Plan Review Services Agreement with TRB that is specific to the division’s needs. The advantages are two-fold:

1. As explained above in Fiscal Impact, TRB's proposed Scope of Work will be cost-neutral to the City since their services will be covered by the new Public Works Plan Check fee included in the FY 23/24 Fee Schedule. In the first year, the fee to each applicant will be the *actual costs* for TRB's services. Once DED has a year's worth of cost data for each category of engineering plan review and inspection services, a set fee will be established for each service in the FY 24/25 Fee Schedule that includes a markup that will generate revenue for the General Fund.
2. The proposed contract would free up one of the vacant DED Assistant Engineer positions to fulfill other needs in the Public Works Department once the position is filled. Given the heavy programmatic and project workload in the two-person Transportation Division, this Assistant Engineer position will now support this division once the position is filled.

TRB is intimately familiar with the Los Altos community and has 16 years of experience doing development plan review work in the City. Their experience and knowledge of the building codes and practices in Los Altos, fees for service, and professional engineering qualifications make them an excellent choice to support the DED. Accordingly, the firm is uniquely qualified to expand its services to become the DED’s plan review vendor. TRB’s Scope of Work and Hourly Rates & Reimbursables Schedule are shown in Attachment A.

**Recommendation:**

Adopt a resolution to authorize the City Manager to execute Amendment No. 1 to the Plan Review Services Agreement between the City of Los Altos and TRB + Associates, 1) for a not-to-exceed additional fee of \$400,000, 2) for providing as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos.



June 13, 2023

Mr. Jim Sandoval, PE  
Director, City Engineer  
City of Los Altos  
Via email: [jsandoval@losaltosca.gov](mailto:jsandoval@losaltosca.gov)

**Subject: Proposal to Provide As-Needed Civil, Grading, Drainage, Plan Review and Construction Inspection Services**

Dear Mr. Sandoval:

In follow-up to our recent meeting, I am pleased to provide you with this letter proposal to provide as-needed civil, grading, drainage, plan review and construction inspection services. We very much appreciate having the opportunity to build on our over 15 year work partnership with the City. Our proposed scope of services, key personnel, and fee schedule information is included for your review.

**SCOPE OF WORK**

**Project Understanding**

TRB and Associates understands that the City is seeking as-needed civil, grading, drainage services encompassing plan review and construction inspection. It is understood that all assigned work is to be reviewed/inspected for adherence to project construction documents, city codes, and ordinances including city grading code, APWA Standard Specifications, AWWA Standards, state (Title 24), and federal (ADA) building codes related to site accessibility.

**Service Offerings**

Civil Engineering Plan Review

- Plan review subdivision maps, parcel maps, and improvement drawings. Our project manager shall assign a California Licensed Civil or Structural engineer who is qualified to review subdivision maps, parcel maps, site development plans and construction drawings.
- Maintain engineering records.
- Provide engineering advice and recommendations to Planning, Building and Public Works divisions.
- Provide consultation regarding current development review to the Chief Building Official, Planning Manager and Engineer.
- Assist City staff with code interpretation and application of state and federal regulations.
- Perform related duties as assigned by City.

Construction Inspection

- Oversee Quality Assurance of the construction activities to verify conformance to plans and specifications.
- Document all work, contractor and subcontractor personnel and equipment, and field orders daily.
- Maintain onsite project log and as-built schedule report. Prepare daily reports of observations and activities.
- Maintain a daily inspection report containing a record of weather, contractors, work onsite, number of workers, work accomplished, problems encountered, solutions agreed upon, and other similar relevant data as directed by City.
- Perform daily photo-documentation of the progress of the project in accordance with City practice.

- Monitor establishment and application of appropriate Contractor site safety programs.
- Monitor and report on applicable Erosion Control and SWPPP provisions.
- Perform related duties as assigned by the City.

## KEY PERSONNEL

TRB has a team with strong qualifications and attentiveness to quality and schedule. Assigning staff with significant relevant experience and knowledge will ensure that project deliverables can be completed in a timeframe suitable to the City. Our project leadership team proposed for this assignment is cited below. Please note that full resumes for all proposed key staff may be provided upon request.

- **Todd Bailey, PE, LEED AP, CASp, MBA | Principal & Project Manager**

Todd Bailey, our company Principal and Founder, will continue to serve in the role of Project Manager for this engagement and serve as the main point of contact for the City. Todd has over 25 years of experience in the industry which includes serving as a Delegate Chief Building Official on large-scale fast-track design-build projects in California having a combined valuation of over \$10 billion. Todd will work closely with our team to ensure that project goals are met and that findings are communicated in a timely and clear manner.

- **Chris Rose | Assistant Project Manager**

Chris Rose possesses over 20 years of comprehensive experience in civil engineering, construction inspection, building safety, code compliance, inspection, code enforcement, plan examination, and permitting in California. He served as a civil grading and drainage plan review manager where he oversaw and managed plan review, inspection, permitting, and code compliance services for numerous jurisdictions. His expertise allows him to offer valuable insights and guidance to clients navigating complex codes and regulations, ensuring compliance and safety.

## Project Management / Coordination

Our approach to this engagement is centered on using experienced staff and fostering open communication between our firm and the City. Throughout this engagement, we would like to confirm that our key/lead team members will be accessible to staff. We understand that maintaining clear communication is essential for helping ensure that decisions are made in a timely manner.

## PRICING

All noted as-needed services would be billed in accordance with the enclosed Fee Schedule (**Exhibit A**). To confirm, our team will coordinate with staff on any potential change order or scope amendments prior to proceeding with any such work. TRB will invoice the City monthly for services provided.

## OUR COMMITMENT

With TRB and Associates, the City of Los Altos will continue to receive an experienced team who takes pride in providing outstanding service. We look forward to the opportunity to continue to work with staff in this support role. If you have questions or need any additional information, please do not hesitate to contact me by phone at (925) 876-4596 or by email at [tbailey@trbplus.com](mailto:tbailey@trbplus.com). I look forward to hearing your feedback soon.

## TRB + ASSOCIATES, INC.



Todd Bailey, PE, LEED AP, CASp, MBA  
ICC Certified Plans Examiner + Combination Commercial Inspector  
Principal / Project Manager

Enclosures: Exhibit A – Fee Schedule

**EXHIBIT A**

**Schedule of Hourly Rates and Reimbursables**

The following billing rates apply for services rendered on an hourly basis:

<u>Position</u>	<u>Hourly Rate</u>
Principal	\$200
Grading/Stormwater Plan Reviewer Engineer	\$195
Grading/Stormwater Plans Examiner III	\$165
Grading/Stormwater Plans Examiner II	\$155
Grading/Stormwater Plans Examiner I	\$145
Senior Engineering Technician	\$140
Engineering Technician	\$120
Engineering Aide	\$105
Plans and Permits Coordinator	\$ 95
Construction Manager*	\$140 - \$180
QSP Stormwater Inspector*	\$170 - \$190
Construction Inspector*	\$130 - \$170
Construction Inspector Intern*	\$ 90 - \$105

*\*Subject to adjustment for prevailing wage requirements.*

- Overtime, Emergency, Expedited, and After-hours work is billed at the above-noted rates plus an additional 50 percent (Note that no overtime will be charged without client authorization)
- Project inspections subject to prevailing wage requirements are at the above-published rates plus 30 percent.
- All requested inspection and other staff-augmentation services are subject to a minimum 4-hour fee.
- Reimbursement for direct expenses, incurred in connection with the work, will be at cost plus 15 percent.
- Reimbursement for non-City vehicles used in connection with the work will be at the current IRS rate plus 20 percent per mile.
- Other in-house charges for prints, reproductions and equipment use, etc. will be at standard company rates.

The above Schedule is valid through June 30, 2024, and may be adjusted thereafter to account for CPI changes, as mutually agreed upon.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS FOR THE EXECUTION OF AMENDMENT NO. 1 TO THE AUGUST 31, 2021, PLAN REVIEW SERVICES AGREEMENT WITH TRB + ASSOCIATES TO PROVIDE AS-NEEDED CIVIL, GRADING, AND DRAINAGE ENGINEERING SERVICES THAT ENCOMPASS PLAN REVIEW AND CONSTRUCTION INSPECTION FOR PRIVATE DEVELOPMENTS IN LOS ALTOS**

**WHEREAS**, TRB + Associates (TRB) has provided a proposal to provide as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos; and

**WHEREAS**, since TRB’s plan review services have worked well for the Building Division, the Development Engineering Division wishes to set up a similar arrangement with them and proposes to establish services with TRB that are specific to the Development Engineering Division’s needs; and

**WHEREAS**, TRB's proposed Scope of Work will be cost-neutral to the City since their services will be covered by the new Public Works Plan Check fee included in the FY 23/24 Fee Schedule; and

**WHEREAS**, TRB is intimately familiar with the Los Altos community and has 16 years of experience doing development plan review work in the City, including a current contract managed by the Building Division. TRB’s experience and knowledge of the building codes and practices in Los Altos, fees for service, and professional engineering qualifications make them an excellent choice to support the Development Engineering Division. Accordingly, the firm is uniquely qualified to expand its services to become Development Engineering’s plan review vendor.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby adopts a resolution to:

1. Authorize the City Manager to execute Amendment No. 1 to the August 31, 2021, Plan Review Services Agreement between the City of Los Altos and TRB + Associates, 1) for a not-to-exceed additional fee of \$400,000, 2) for providing as-needed civil, grading, and drainage engineering services that encompass plan review and construction inspection for private developments in Los Altos, and
2. Authorize the City Manager to take such further actions as may be necessary to implement the foregoing amendment to the August 31, 2021, Plan Review Services Agreement.

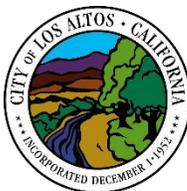
**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 11<sup>th</sup> day of July 2023 by the following vote:

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

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

Attest:

\_\_\_\_\_  
Melissa Thurman, City Clerk



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023

**Subject** Adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant

**Prepared by:** James Sandoval, Public Works Director

**Reviewed by:** James Sandoval, Public Works Director

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

**Attachment(s):**

- A. Resolution

**Initiated by:**

Staff

**Previous Council Consideration:**

N/A

**Fiscal Impact:**

Accepting a Community Resilience Grant of \$125,713 from Silicon Valley Clean Energy will enable staff to implement the “Cool Pavement” coating pilot project described below. There is no cost to the City because matching funds are not required.

Because Community Resilience Grant funds are issued on a reimbursement basis, the 15% contingency fund of the Annual Resurfacing Project currently under contract with O’Grady Paving must front the project costs. There are sufficient unused contingency funds to cover the \$59,225 bid received from O’Grady Paving for the work. These grant funds will offset the use of General Fund dollars within O’Grady’s contract.

Construction of the Cool Pavement pilot is planned to occur on a yet to be determined date in August. Staff will submit the project invoice to Silicon Valley Clean Energy for reimbursement after the work is completed and invoiced by O’Grady Paving. Given that O’Grady’s bid is significantly less than the grant amount, staff is working with them to expand the application area in August. If that does not work out, staff will utilize the remaining \$66,488 of the \$125,713 to do more Cool Pavement coating in the FY 23/24 Annual Resurfacing Project scheduled to be bid out and awarded by Fall 2023.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant

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**Environmental Review:**

The project is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the project consists of minor alterations to existing public facilities involving negligible or no expansion of existing or former uses, it will not create additional automobile lanes, and none of the circumstances described in CEQA Guidelines Section 15300.2 applies. Section 15301 expressly applies to the creation or expansion of bicycle facilities within existing rights-of-way where no additional automobile lanes are created. See 14 CCR § 15301(c).

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

None

**Summary:**

- The City of Los Altos received a \$125,713 Community Resilience Grant from Silicon Valley Clean Energy to implement the “Cool Pavement” coating pilot project.
- Cool Pavement involves the application of a coating over roads, sidewalks, parking lots, and recreational spaces with material that lowers land surface temperature and creates a cooling effect. Cool Pavement’s basic function is to reduce the heat retained or concentrated at ground level. Depending on its material, Cool Pavement can create this cooling effect by reflecting solar heat, supporting water evaporation, or enabling water to permeate its surface.
- Staff has selected the block of State Street, between 3<sup>rd</sup> and 4<sup>th</sup> Streets to pilot the Cool Pavement coating.
- Staff is working with O’Grady Paving to schedule a weekday in August to apply the Cool Pavement material; preferably a Monday, Tuesday or Wednesday.
- This Cool Pavement project aligns with the following Council Goals and Strategies:
  - Asset Management—increasing the PCI of State Street with the use of a Cool Pavement coating in lieu of the micro-surfacing slurry material typically used.
  - Environmental Sustainability—piloting a measure to reduce the heat risk in Los Altos, per Goal 6.2 in the Los Altos Climate Action and Adaptation Plan.

**Purpose**

To accept a \$125,713 Community Resilience Grant from Silicon Valley Clean Energy to implement the “Cool Pavement” pilot project described below, which contributes to carrying out two Council Goals and Strategies: Asset Management and Environmental Sustainability.

**Background**

Silicon Valley Clean Energy (SVCE) launched its Community Energy Resilience Program in 2020 in partnership with and through the support of its Member Agencies and local stakeholders.



**Subject:** Adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant

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The program is a \$5.15 million investment to support *community energy resilience*<sup>1</sup> planning efforts, build capacity, and develop local energy resilience projects at local critical community facilities.

Through this program, each Member Agency received grant allocations for planning projects and capital expenditure projects. Jurisdictions submitted grant applications over the last year under the condition that projects fit under SVCE’s definition of community energy resilience. Through this program, the City of Los Altos received a total planning grant allocation of \$24,920 and a total capital expenditure allocation of \$124,601. SVCE contracted directly with consultant Buro Happold to provide planning grant support for each member agency, including the City’s \$24,920 allocation.

**Discussion/Analysis**

Staff selected Cool Pavement as its proposed project in the SVCE Community Resilience Grant application. This project was awarded \$24,920 for a Cool Pavement research and planning study and \$124,601 to install it. These amounts were the maximum grant allocation that Los Altos was eligible for under the Community Resilience Program.

The December 2022, Cool Pavement research and planning study conducted by Buro Happold can be downloaded at the following link (note, it’s a 30 MB file): [FINAL Los Altos Cool Pavements Report - Full \(Issued 12-16-2022\).pdf\(Review\) - Adobe cloud storage.](#)

An excerpt from the study explains Cool Pavement, as follows:

“Cool pavement is a self-explanatory technology: it entails the practice of paving surfaces such as roads, sidewalks, parking lots, and recreational spaces with material that lowers land surface temperature and creates a cooling effect. Cool pavement’s basic function is to reduce the heat retained or concentrated at ground level. Depending on its material, cool pavement can create this cooling effect by reflecting solar heat, supporting water evaporation, or enabling water to permeate its surface.

“Cool pavement comes in a range of material and color applications, from reflective, white pavements to porous pavements to cool coatings. Reflective, white pavements are made directly with light-colored materials with a high solar reflectance index (SRI), meaning that they reflect a high amount of sunlight and thereby reduce heat absorbed by the pavement surface.

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<sup>1</sup> Under SVCE’s Community Energy Resilience Framework, *community energy resilience* is defined as “the ability of a community to prepare for, adapt to, withstand, and recover from power disruptions due to anticipated hazards.” Funds allocated through SVCE’s Community Energy Resilience Program must support projects that advance community energy resilience. Projects under this program can apply technical solutions, ranging from solar and battery storage to grid-independent electric vehicle charging to cool pavements, or they can support community-centered efforts to drive resilience, such as stakeholder engagement and program development.



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“Cool coatings are liquid or spray-on materials that are applied on pavement surfaces to increase reflectivity. Porous pavements are made with materials with large pores that allow water to permeate through the pavement surface, reducing heat through the evaporation of moisture stored in the pavement. Cool coatings are the primary application discussed in this report. The City of Los Altos expressed specific interest in retrofitting or covering existing paved surfaces, an activity that is best suited for cool coatings. While these are not the only options available to municipalities for use, this technology is most fitting given the expressed intent of the City.

“Users can maximize the impact of cool pavement through some combination of material type (i.e., water-, polymer-, or oil-based), coloring, and site selection, creating a notably cooler environment than would otherwise exist with conventional paving material like asphalt or concrete.<sup>2 3</sup> For these reasons, cool pavements have emerged as an urban heat island (UHI) effect mitigation strategy.”

Staff has selected the block of State Street, between 3<sup>rd</sup> and 4<sup>th</sup> Streets to pilot a Cool Pavement coating. This will allow us to measure the microclimate temperature of the pilot area versus other blocks on State Street during hot summer days. We selected State Street because a number of special events are held there during the spring and summer months, such as the Farmers’ Market. Along with temperature data, staff will gain feedback from residents, vendors, staff, and/or others who attend these events to see if they notice any differences between the pilot area versus other blocks on State and Main Streets.

As of the drafting of this staff report, staff is working with O’Grady Paving to schedule a weekday in August to apply the Cool Pavement material; preferably a Monday, Tuesday or Wednesday. O’Grady has provided a bid of \$59,225, which includes removal of the existing striping, application of the Cool Pavement coating, and re-installation of the striping. The coating will be applied around the restaurant parklets, so they will not need to be removed and reinstalled.

Since Buro Happold completed the Cool Pavement study for \$23,808, SVCE has applied the \$1,112 savings to the \$124,601 installation grant, which increases the total capital expenditure grant to \$125,713. Given that O’Grady’s bid is significantly less than the grant amount, staff is working with them to expand the application area in August. If that does not work out, staff will utilize the funds to do more Cool Pavement coating in the FY 23/24 Annual Resurfacing Project.

**Why did staff select Cool Pavement as the City’s proposed Community Energy Resilience project?**

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<sup>2</sup> Aletba, S.R.O. et al. “Thermal performance of cooling strategies for asphalt pavement: A state-of-the-art review.” *Journal of Traffic and Transportation Engineering (English Edition)*. Volume 8, Issue 3, June 2021, Pages 356-373. <<https://doi.org/10.1016/j.jtte.2021.02.001>>.

<sup>3</sup> Beiser, Vince. “Feeling the Heat? Blame Concrete.” *Time*. 20 August 2019. <<https://time.com/5655074/concrete-urban-heat/>>.



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1. Goal 6.2 of the Los Altos Climate Action and Adaptation Plan (CAAP) recommends actions to reduce heat risk. As demonstrated in Buro Happold’s study, the Cool Pavement coating has been shown to reduce the Heat Island Effect and increase heat reflectance on paved surfaces, which will assist in meeting Actions 6.2A and 6.2B in the CAAP.
2. The Cool Pavement coating will serve as a slurry sealant for the 100 block of State Street, which is needed to increase its Pavement Condition Index (PCI).
3. Staff considered other projects, such as a renewable energy project. However, a \$125K grant was not sufficient to implement a bonafide energy project without the use of significant General Fund monies.

If the Council or the public wish to see an example of a Cool Pavement application in Los Altos, please visit the parking lots of the office buildings at 280 and 300 Second Street, across from Walgreens. An in-person visit is recommended since the image on Google StreetView depicts a glare on the parking lots that makes it difficult to compare the aesthetic of the coating to uncoated pavement.

This Cool Pavement project aligns with the following Council Goals and Strategies:

1. Asset Management—increasing the PCI of State Street with the use of a Cool Pavement coating in lieu of the micro-surfacing slurry material typically used.
2. Environmental Sustainability—piloting a measure to reduce the heat risk in Los Altos, per Goal 6.2 in the CAAP.

**Recommendation**

The staff recommends the City Council adopt a resolution to authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant of \$125,713.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
FOR THE EXECUTION OF AN AGREEMENT WITH  
SILICON VALLEY CLEAN ENERGY  
TO ACCEPT A COMMUNITY RESILIENCE GRANT OF \$125,713**

**WHEREAS**, The City of Los Altos received a \$125,713 Community Resilience Grant from Silicon Valley Clean Energy to implement the “Cool Pavement” coating pilot project; and

**WHEREAS**, Cool Pavement involves the application of a coating over roads, sidewalks, parking lots, and recreational spaces with material that lowers land surface temperature and creates a cooling effect; and

**WHEREAS**, one of the key basic functions of Cool Pavement is to reduce the heat retained or concentrated at ground level by reflecting solar heat; and

**WHEREAS**, staff has selected the block of State Street, between 3<sup>rd</sup> and 4<sup>th</sup> Streets to pilot the Cool Pavement coating; and

**WHEREAS**, the proposed Cool Pavement project aligns with the following Council Goals and Strategies:

1. Asset Management—increasing the PCI of the 100 block of State Street with the use of a Cool Pavement coating in lieu of the micro-surfacing slurry material typically used; and
2. Environmental Sustainability—piloting a measure to reduce the heat risk in Los Altos, per Goal 6.2 in the Los Altos Climate Action and Adaptation Plan.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby adopts a resolution to:

1. Authorize the City Manager to execute an Agreement between the City of Los Altos and Silicon Valley Clean Energy to accept a Community Resilience Program Grant of \$125,713, and
2. Authorize 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 11<sup>th</sup> day of July 2023 by the following vote:

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

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

Attest:

\_\_\_\_\_  
Melissa Thurman, City Clerk



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023  
**Subject:** Adoption of Leaf Blower Regulations Ordinance  
**Prepared by:** Nick Zornes, Development Services Director  
**Reviewed by:** Jon Maginot, Assistant City Manager  
**Approved by:** Gabriel Engeland, City Manager

**Initiated by:**  
City Council.

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

**Fiscal Impact:**  
None.

- Attachments:**
1. Draft Ordinance with Appendices
  2. City Council Meeting Minutes – May 9, 2023
  3. Previous Agenda Report – May 9, 2023

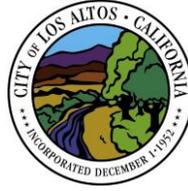
**Summary:**  
Creation of a standalone chapter within the Los Altos Municipal Code for Leaf Blower Regulations. The proposed ordinance takes existing regulatory framework contained within the Municipal Code and modifies it based on City Council direction as discussed on May 9, 2023, and best practices for subsequent enforcement action.

**Staff Recommendation:**  
Adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.15 to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code Creating a Standalone Chapter for Leaf Blower Regulations and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

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**Reviewed By:**

City Manager	City Attorney	Finance Director
<u>GE</u>	<u>JH</u>	<u>JD</u>



**Subject:** Adoption of Leaf Blower Regulations Ordinance

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**Background**

On May 9, 2023, the City Council directed staff to take existing leaf blower regulations contained within the municipal code and create a standalone chapter for better visibility by the public. Staff were also directed to include assignment of liability to the property owner for issued violations. Additional direction was provided by the City Council for implementation of the Leaf Blower Regulations but do not necessitate amendments to the municipal code.

**Discussion**

Based on the City Council direction staff has drafted the proposed ordinance. Additionally, staff has incorporated definitions, time of use for electric leaf blowers, authority, and enforcement standards. The proposed ordinance is consistent with existing regulations but creates a standalone chapter which will assist in the ease and application of the code. Lastly, the proposed ordinance will help to facilitate better visibility of the adopted regulations within the City of Los Altos which will lead to easier education with the public.

On June 27, 2023, the City Council introduced the proposed ordinance and waived further reading of the item. During introduction non substantive changes were incorporated into the ordinance presented tonight.

**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 11.15 TO TITLE 11 MISCELLANEOUS PROPERTY REGULATIONS OF THE LOS ALTOS MUNICIPAL CODE CREATING A STANDALONE CHAPTER FOR LEAF BLOWER REGULATIONS**

**WHEREAS**, the City of Los Altos banned the use of gas-powered leaf blowers in 1991 by amendments contained within the City’s Noise Ordinance, Chapter 6.16 of the Los Altos Municipal Code; and

**WHEREAS**, the City of Los Altos has a strong interest in reducing greenhouse gas emissions (GHG), promoting citywide sustainability efforts, and enhancing the quality of life in Los Altos; and

**WHEREAS**, on May 9, 2023, the City Council received a presentation which covered the background of the gas-powered leaf blower prohibition within the city and a comprehensive analysis of the existing regulations and difficulties with enforcement capabilities; and

**WHEREAS**, on May 9, 2023, the City Council gave the Development Services Director guidance on drafting an updated Leaf Blower Ordinance; and

**WHEREAS**, the City of Los Altos reaffirms its prohibition of gas-powered leaf blowers to reduce greenhouse gas emissions, decrease noise levels, and to further reduce the adverse impacts of the use of the leaf blowers on adjacent properties, streets, gutters, sidewalks, and storm drains; and

**WHEREAS**, the amendments are in the best interest for the protection or promotion of the comfort and convenience of the residents of the City of Los Altos because they clarify and improve the prohibition and enforcement of gas-power leaf blowers within the City; and

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

**WHEREAS**, the City Council held a duly noticed public hearing on June 27, 2023, and July 11, 2023; and

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

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

**SECTION 1. AMENDMENT OF CHAPTER 6.16 OF THE MUNICIPAL CODE.** Chapter 6.16 are hereby amended of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

**SECTION 2. AMENDMENT OF TITLE 11 OF THE MUNICIPAL CODE.** Chapter 11.15 are hereby added of the Los Altos Municipal Code as set forth in Appendix B to this Ordinance.

**SECTION 3. CONSTITUTIONALITY; AMBIGUITIES.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

**SECTION 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 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 June 27, 2023, and was thereafter, at a regular meeting held on July 11, 2023, passed and adopted by the following vote:

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

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

Attest:

\_\_\_\_\_  
Melissa Thurman MMC, City Clerk

**APPENDIX A  
AMENDMENTS TO CHAPTER 6.16**

**APPENDIX B**  
**AMENDMENTS TO CHAPTER 11.15**

APPENDIX A  
AMENDMENTS TO CHAPTER 6.16

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Chapter 6.16 NOISE CONTROL

Sections:

**6.16.010 Declaration of policy.**

- A. In order to control unnecessary, excessive, and annoying noise and vibration in the city, it is hereby declared to be the policy of the city to prohibit such noise and vibration generated from all sources, including, but not limited to, those specified in this chapter. It shall be the policy of the city to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the city where noise levels are above acceptable values.
- B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare, and safety and are contrary to the public interest. Therefore, the council does ordain and declare that creating, maintaining, or causing, or allowing to be created, caused, or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance.

(Prior code § 10-5.01)

**6.16.020 Definitions.**

All terminology used in this chapter not defined in this section shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- A. A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- B. Ambient noise level. The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- C. Commercial and office areas (all C and OA Zoning Districts). Areas intended to provide at readily accessible locations a wide variety of retail, service, and administrative establishments.
- D. Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.
- E. Cumulative period. An additional period of time composed of individual time segments which may be continuous or interrupted.

- F. Decibel. A unit for measuring the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure of twenty (20) micropascals.
- G. Demolition. Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- H. Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- I. Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- J. Fixed noise source. A. stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air-conditioners, and refrigeration equipment.
- K. Holiday. For purposes of this chapter, holiday shall mean January 1st, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

The following Monday of any of the above days falling on a Sunday shall be a holiday.

- L. Impulsive sound. A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharges of firearms.
- M. Intrusive noise. That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.
- N. Mobile noise source. Any noise source other than a fixed noise source.
- O. Motor vehicle. Any and all self-propelled vehicles as defined in the Vehicle Code of the state, including all on-highway type motor vehicles subject to registration under said Code and all off-highway type motor vehicles subject to identification under said Code.
- P. Muffler or sound dissipative device. A device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas, compressed air, or other gas flow and effective in reducing noise.
- Q. Noise. Any sound which annoys or disturbs human beings or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- R. Noise disturbance. Any sound which:
  - 1. Endangers or injures the safety or health of human beings or animals; or
  - 2. Annoys or disturbs a reasonable person of normal sensitivities; or

- 3. Endangers or injures personal or real property.
- S. Noise sensitive zone, Any area so designated for the purpose of ensuring exceptional quiet, e.g., a hospital zone or nursing home.
- T. Noise zone. Any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five dBA.
- U. Person. An individual, association, partnership, or corporation, including any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.
- V. Powered model vehicle. Any self-propelled, airborne, water-borne, or landborne plane, vessel, or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.
- W. PCF. Any real property or structure thereon which is owned or controlled by a governmental entity.
- X. Pure tone. Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above, and by eight dB for center frequencies between 160 and 400 Hz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hz.
- Y. Residential area (all R1 and R3 Zoning Districts). An area which provides for one-family, two-family, or other multi-family units.
- Z. Sound amplifying equipment. Any device for the amplification of the human voice, music, or any other sound. This excludes standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicle used only for traffic safety purposes.
- AA. Sound level meter. An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which at least satisfies the requirements pertinent for type S2A meters in American National Standards Institute Specifications for sound level meters, S1.4-1971, or the most recent revision thereof.
- AB. Sound truck. Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
- AC. Vibration perception threshold. The minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person of normal sensitivity to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inches per second over the range of one to 100 Hz.

AD. Weekday. Any day, Monday through Friday, which is not a national legal holiday.  
(Ord. 00-391 § 1; prior code § 10-5.02)

**6.16.030 Powers and duties of the noise control office (NCO).**

- A. Lead agency. The noise control program established by this chapter shall be administered by the planning and police departments, which shall be known as the noise control office (NCO) for the purposes of this chapter. Individuals trained in acoustical technology shall be employed to assist in the administration of this chapter.
- B. Powers and duties. In order to implement and enforce this chapter and for the general purpose of noise abatement and control, the NCO shall have, in addition to any other authority vested in it, the power to:
  - 1. Conduct, or cause to be conducted, studies, research, and monitoring relating to noise, including joint cooperative investigations with public or private agencies, and the application for, and acceptance of, grants;
  - 2. Conduct programs of public education regarding:
    - a. The cause and effects of noise and the general methods of the abatement and control of noise; and
    - b. The actions prohibited by this chapter and the procedures for reporting violations;
  - 3. Encourage the participation of public interest groups in related public information efforts;
  - 4. Provide for the training of city employees concerned with noise abatement. Training will be in conformance with standards for technical qualifications as established by the Office of Noise Control of the state;
  - 5. Coordinate, when requested, the noise control activities of city departments;
  - 6. Cooperate where practicable with all appropriate state and federal agencies;
  - 7. Cooperate where practicable with appropriate county and municipal agencies;
  - 8. Advise on the availability of low noise emission products for replacement or retrofit of existing or planned city-owned or operated equipment;
  - 9. Prepare recommendations, to be approved by the council, for the designation of noise sensitive zones which contain noise sensitive activities; and
  - 10. At least every third year following the effective date of this chapter, evaluate the effectiveness of the noise control program in the city and make recommendations to the chief administrative officer for its improvement.
- C. Other duties.
  - 1. If at any time the noise control office has reason to believe that a standard, regulation, or action, or proposed standard, regulation, or action, of any department respecting noise does not conform to the intent of Section 6.16.010 of this chapter, it may request

such department to review and report to the NCO on the advisability of revising such standard or regulation or action to conform.

2. Any product which has been certified by federal or state agencies as a low noise emission product, and which is determined to be suitable for use as a substitute in any city project, shall be used in preference to any other product where economically feasible.

(Prior code § 10-5.03)

**6.16.040 Noise investigations.**

Upon the receipt of a complaint from a citizen, the noise control office or its agent, equipped with a sound level meter, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem and shall include the following:

- A. Non-acoustic data.
  1. The type of noise source;
  2. The location of the noise source relative to the complainant's property; and
  3. The time period during which the noise source is considered by the complainant to be intrusive; and
- B. Noise or acoustic data.
  1. The total duration of the noise produced by the noise source;
  2. The date and time of the noise measurement survey; and
  3. The noise measurements.

(Prior code § 10-5.04)

**6.16.050 Exterior noise limits.**

- A. Maximum permissible sound levels by receiving land use.
  1. The noise standards for the various categories of land use identified by the noise control office as presented in Table 1 of this section, unless otherwise specifically indicated, shall apply to all such property within a designated zone.
  2. No person shall operate, or cause to be operated, any source of sound at any location within the city, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:
    - a. The noise standard for that land use as specified in Table 1 for a cumulative period of more than thirty (30) minutes in any hour; or

- b. The noise standard plus five dB for a cumulative period of more than fifteen (15) minutes in any hour; or
  - c. The noise standard plus ten (10) dB for a cumulative period of more than five minutes in any hour; or
  - d. The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or
  - e. The noise standard plus twenty (20) dB or the maximum measured ambient for any period of time.
3. If the measured ambient level exceeds that permissible within any of the first four noise limit categories above, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
  4. If the noise measurement occurs on a property adjacent to a zone boundary, the noise level limit applicable to the lower noise zone, plus five dB, shall apply.
  5. If possible, the ambient noise shall be measured at a consistent location on the property with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level be measured. If the difference between the ambient and the noise source is five to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.
- B. Corrections for character of sound. In the event the alleged offensive noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 1 shall be reduced by five dB.

**TABLE 1.  
EXTERIOR NOISE LIMITS**

**(Levels not to be exceeded more than 30 minutes in any hour)**

Receiving Land Use Category	Time Period	Noise Level (dBA)
All R1 Zoning Districts	10:00 p.m. — 7:00 a.m.	45
	7:00 a.m. — 10:00 p.m.	55
All R3 and PCF Zoning Districts	10:00 p.m. — 7:00 a.m.	50
	7:00 a.m. — 10:00 p.m.	55

All OA Zoning Districts	10:00 p.m. — 7:00 a.m.	55
	7:00 a.m. — 10:00 p.m.	60
All C Zoning Districts	10:000 p.m. — 7:00 a.m.	60
	7:00 a.m.—10:00 p.m.	65

(Prior code § 10-5.05)

**6.16.060 Interior noise standards.**

- A. Maximum permissible dwelling interior sound levels.
  - 1. The interior noise standards for multi-family residential dwellings as presented in Table 2 of this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.
  - 2. No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:
    - a. The noise standard as specified in Table 2 for a cumulative period of more than five minutes in any hour; or
    - b. The noise standard plus five dB for a cumulative period of more than one minute in any hour; or
    - c. The noise standard plus ten (10) dB or the maximum measured ambient for any period of time.
  - 3. If the measured ambient level exceeds that permissible within any of the noise limit categories above, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to reflect such ambient noise level.
- B. Corrections for character of sound. In the event the alleged offensive noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 2 shall be reduced by five dB.

**TABLE 2.  
INTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All R3 Zoning Districts	Multi-Family Residential	10:00 p.m. — 7:00 a.m.	35
		7:00 a.m. — 10:00 p.m.	45

(Prior code § 10-5.06)

**6.16.070 Prohibited acts.**

- A. Noise disturbances prohibited. No person shall unnecessarily make or continue, or cause to be made or continued, any noise disturbance.
- B. Specific prohibitions. The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter:
  - 1. Radios, television sets, musical instruments, and similar devices. Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound:
    - a. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day Monday through Friday or between 10:00 p.m. and 8:00 a.m. Saturday and Sunday in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 6.16.050 or 6.16.060 of this chapter, except for activities for which a variance has been issued; or
    - b. In such a manner as to exceed the levels set forth for public space in Table 1, measured at a distance of at least fifty (50) feet (fifteen (15) meters) from such device operating on a public right-of-way or public space;
  - 2. Loudspeakers (amplified sound).
    - a. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter; or
    - b. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or violates the provisions of Section 6.16.050 of this chapter;
  - 3. Street sales. Offering for sale, selling anything, or advertising by shouting, outcry, or the use of a noise-making device within any residential or commercial area or noise sensitive zone of the city, except by variance issued by the noise control office. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverage at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events;
  - 4. Animals and birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half hour or more which creates a noise disturbance across a residential or commercial real property line or within a noise sensitive zone. For the purposes of this chapter, the animal or bird noise shall not be

deemed a disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird;

- 5. Loading and unloading. Loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, or similar objects, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate the provisions of Section 6.16.050 of this chapter;
- 6. Construction and demolition.
  - a. i. Single-family zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 5:30 p.m. and on Saturdays before 9:00 a.m. or after 3:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public utilities or by special exception. This section shall apply to operations on residentially zoned property only. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
  - ii. All other zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 7:00 p.m. and Saturdays before 9:00 a.m. or after 6:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by special exception. This section shall apply to operations on properties other than residentially zoned property. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
  - b. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedules:
    - i. Mobile equipment. Maximum noise levels for the nonscheduled, intermittent, short-term operation (less than ten (10) days) of mobile equipment:

**TABLE 3.**

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
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Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

ii. Stationary equipment. Maximum noise levels for the respectively scheduled and relatively long-term operation (periods of ten (10) days or more) of stationary equipment:

**TABLE 4.**

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

- c. Deliveries, start-up and closing down. The construction times above shall apply to deliveries of materials and equipment, and arrival of workers, start-up and closing down and departure activities on a job site.
- 7. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet (forty-six (46) meters) from the source if on a public space or public right-of-way;
- 8. Powered model vehicles. Operating or permitting the operation of powered model vehicles:
  - a. Between the hours of 7:00 p.m. and 7:00 a.m. of the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 6.16.050 of this chapter; or
  - b. In such a manner as to exceed the levels set forth for public space land use in Table 1, measured at a distance not less than one hundred (100) feet (thirty (30) meters) from any point on the path of a vehicle operating on a public space or public right-of-way;

- 9. Emergency signaling devices.
  - a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b) of this subsection;
  - b. The testing of emergency signaling devices shall be restricted as follows:
    - i. The testing of a stationary emergency signaling device shall not occur before 8:00 a.m. or after 7:00 p.m.. Any such testing shall use only the maximum cycle test time. In no case shall such test time exceed sixty (60) seconds; and
    - ii. The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 10:00 p.m.. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and
  - c. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is terminated within fifteen (15) minutes of activation and no more than two false activations within a four hour period;
- 10. Noise sensitive zones.
  - a. Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in Sections 6.16.050 and 6.16.060 of this chapter provided conspicuous signs are displayed indicating the presence of the zone; or
  - b. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, or other designated area, so as to interfere with the functions of such activity or annoy the occupants in the activity, provided conspicuous signs are displayed indicating the presence of the zone;
- 11. Lawn or garden tools.
  - a. Operating or permitting the operation of any lawn or garden tool (except portable gasoline engine powered blowers), or similar tool between 8:00 p.m. and 8:00 a.m. of the following day Monday through Friday or between 6:00 p.m. and 9:00 a.m. of the following Saturday and Sunday; and portable electric powered blowers used to blow leaves, dirt and other debris off sidewalks, driveways, lawns, landscape areas or other surfaces between 5:00 p.m. and 9:00 a.m. seven days a week, so as to create a noise disturbance across a residential or commercial real property line. This section shall apply to operations on residentially zoned property only;

- b. Where technically and economically feasible, any motor, machinery, or pump shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 6.16.050 of this chapter;
- 12. Air-conditioning or air-handling equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels without a variance:

**TABLE 6.**

Measurement Location	93-PUD/R-1 zoned properties at Chester Circle* dB(A)	All other residentially zoned properties dB(A)
Any point on a neighboring property line, five feet above grade level, no closer than three feet from any wall	No standard	50
Center of a neighboring patio, five feet above grade level, no closer than three feet from any wall	45	45
Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface	55	45

\* The standards set forth for all residential properties shall be utilized when a 93-PUD/R-1 zoned property adjoins a neighboring property outside of the 93-PUD/R-1 zone.

- 13. Swimming pool motors and equipment. Operating or permitting the operation of any swimming pool motor or swimming pool equipment, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter. Where such equipment exceeds 45 dBA at its maximum use, such equipment shall be enclosed in a noise attenuating structure;
- 14. Helicopters. Operating or permitting to be operated any helicopter which violates the nighttime provisions of Section 6.16.050 of this chapter or which causes a noise that exceeds eighty (80) dBA during the day in residential or commercial areas without a variance. Military and government operated helicopters shall be exempted from the provisions of this subsection; and

~~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.~~

(Ord. 07-314 § 1; Ord. 01-398 § 1; Ord. 01-396 § 1; Ord. 00-391 §§ 2—4; prior code § 10-5.07)

**6.16.080 Motor vehicle noise limits.**

- A. Motor vehicles. It shall be the policy of the city to enforce those sections of the Vehicle Code of the state regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off-highway vehicles operating off the public right-of-way, and the successors thereof.
- B. Refuse collection vehicles.
  - 1. No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 6:00 a.m. of the following day in a residential area.
  - 2. No person authorized to engage in waste disposal service or garbage collection shall operate any truck-mounted waste or garbage loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding federal standards.
- C. Vehicle, motorboat, and aircraft repairs and testing. No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line or at any time to violate the provisions of Section 6.16.050 of this chapter.
- D. Standing motor vehicle. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46) meters) of a residential area or designated noise sensitive zone, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- E. Motorized recreational vehicles operating off public rights-of-way. No person shall operate or cause to be operated any motorized recreational vehicle off a public right-of-way in such a manner that the sound levels emitted therefrom violate the provisions of Section 6.16.050 of this chapter. This subsection shall apply to all motorized recreational vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go carts, amphibious craft, campers, and dune buggies, but not including motorboats.

(Prior code § 10-5.08)

**6.16.090 Special exemptions.**

- A. Emergency exceptions. The provisions of this chapter shall not apply to:
  - 1. The emission of sound for the purpose of alerting persons to the existence of any emergency; or
  - 2. The emission of sound in the performance of emergency work.
- B. Warning devices. Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens and train horns, shall be exempted from the provisions of this chapter.
- C. Outdoor activities. The provisions of this chapter shall not apply to occasional public outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted pursuant to a permit or license issued by the city relative to the staging of such events.
- D. Exemptions from exterior noise standards. The provisions of Section 6.16.050 of this chapter shall not apply to activities covered by the following provisions of this chapter:
  - 1. Subsection (3) of subsection (B) of Section 6.16.070 relating to street sales;
  - 2. Subsection (4) of subsection (B) of Section 6.16.070 relating to animals and birds;
  - 3. Subsection (6) of subsection (B) of Section 6.16.070 relating to construction and demolition;
  - 4. Subsection (9) of subsection (B) of Section 6.16.070 relating to emergency signaling devices;
  - 5. Subsection (a) of subsection (11) of subsection (B) of Section 6.16.070 relating to domestic power tools;
  - 6. Subsection (12) of subsection (B) of Section 6.16.070 relating to air-conditioning or air-handling equipment;
  - 7. Subsection (A) of Section 6.16.080 relating to motor vehicles; and
  - 8. Subsection (B) of Section 6.16.080 relating to refuse collection vehicles.
- E. Federal or state preempted activities. The provisions of this chapter shall not apply to any activity to the extent regulation thereof has been preempted by state or federal laws.
- F. Special condition permits. Notwithstanding any provision of this chapter, the NCO may grant special condition permits for a period not exceeding three days when the general purpose and intent of this chapter can be carried out by the granting of the special condition permit. Such special condition permits may be renewed for periods not exceeding three days at the discretion of the NCO.

(Prior code § 10-5.09)

**6.16.100 Variance permit procedure.**

- A. Purpose. The NCO is authorized to grant a variance from any provision of this chapter by a variance permit issued for a maximum of one year, except that any applicant may apply for renewal.
- B. Applications and fees. Any person seeking a variance pursuant to this section shall file an application with the NCO. The NCO shall prescribe the form of the application and data to be filed with the application. The application shall be accompanied by a fee in the amount of seventy-five dollars (\$75.00). A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one application.
- C. Time and place of hearings. Upon the filing of a sufficient and proper application and the payment of the filing fee, the NCO shall fix a time and place for a public hearing.
- D. Notices of hearings. The NCO shall cause notice to be published in a newspaper of general circulation not less than ten (10) days nor more than thirty (30) days prior to the date of such hearing. Within the same time period, notices (to be supplied by the applicant) shall be mailed to the recorded legal owners of all properties within three hundred (300) feet of the boundaries of the site at the address shown on the last equalized assessment roll.
- E. Conditions. In approving a variance permit, the NCO may include such conditions as it deems reasonable and necessary under the circumstances to protect the public health, safety, and welfare from adverse effects caused by the noise emanating therefrom.
- F. Findings and decisions. In considering the variance as applied for, the NCO shall make the following findings:
  - 1. That the use involved with the noise source is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
  - 2. That the granting of the variance will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons living or working in the vicinity;
  - 3. That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the use of the property which do not generally apply to other properties or uses in the same district; and
  - 4. That because of such exceptional or extraordinary circumstances or conditions, the strict or literal enforcement of the specified provisions of this chapter would result in practical or economical difficulties.

Based on these findings, the NCO may approve, disapprove, or conditionally approve the variance application. No decision of the NCO shall become final upon an application for a variance permit until the time in which an appeal may be filed with the council has lapsed without an appeal having been filed.

- G. Appeals to the council.

1. Any person dissatisfied with the decision of the NCO may file an appeal with the clerk of the council within fifteen (15) calendar days after the decision. The NCO shall transmit to the council all maps, records, papers, and files which constitute the records in the action from which the appeal was taken. At the time of the filing of the appeal, the appellant shall pay a filing fee of eighteen dollars and seventy-five cents (\$18.75) to the clerk of the council.
2. The clerk of the council, within thirty (30) days after the filing of the appeal, shall set the time and place for the appeal to be heard by the council and shall cause notice of such hearing in the same manner as set forth in subsection D of this section. The council shall hear the matter de novo and may approve, disapprove, or conditionally approve the application. The decision of the council shall be final.

H. Revocation of variances.

1. The NCO or council on its own motion may hold a hearing for modifying or revoking any permit or variance which has been granted by it pursuant to the provisions of this chapter. Public hearings shall be held and notice given in accordance with subsection D of this section. Written notice of the hearing shall also be served upon any person making use of or relying upon any permit or variance to be modified or revoked not less than ten (10) days prior to the date of such hearing.
2. After a public hearing, the NCO or council may revoke or modify a permit or variance on one or more of the following grounds:
  - a. That such approval was obtained by fraud; or
  - b. That any person making use of or relying upon the permit or variance is violating or has violated any condition of such permit or variance or that the use for which the permit or variance was granted is being, or has been, exercised contrary to the terms or conditions of such approval; or
  - c. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety or so as to be a nuisance.

(Prior code § 10-5.10)

**6.16.110 Time to comply.**

- A. Commercial/office operations. Those commercial and office operations in existence prior to September 25, 1979, shall be granted a one-year period from September 25, 1979, within which to comply with the provisions of this chapter.
  1. During such one-year period, all such facilities shall make reasonable efforts to be in compliance and to reduce noise which exceeds the standards specified in this chapter. Commencing at the end of one year after September 25, 1979, any such facility shall be subject to all the applicable requirements of this chapter.
  2. If any facility which is not in compliance by the end of such one-year period applies for a variance pursuant to Section 6.16.100 of this chapter, in deciding whether to grant

a variance, the NCO shall take into account the extent to which the applicant has endeavored to reduce noise during such one-year period to meet the standards specified in this chapter.

- 3. This section shall apply only to commercial and office facilities already in existence or for which the work of improvement had commenced prior to September 25, 1979.
  - 4. As used in this section "office facility" shall mean any building, structure, or premises, or portion thereof, used for administrative, professional, or service purposes, and "commercial facility" shall mean any building, structure, or premises, or portion thereof, used for wholesale or retail commercial purposes.
- B. Other operations. Except as provided in subsection A of this section, all operations in existence prior to September 25, 1979, shall have one hundred twenty (120) days to comply with the provisions of this chapter or apply for a variance.

(Prior code § 10-5.11)

**6.16.120 Enforcement.**

- A. Prima facie violations. Any noise exceeding the noise level limits for a designated noise zone as specified in Sections 6.16.050 and 6.16.060 of this chapter or the prohibited actions as specified in Section 6.16.070 of this chapter shall be deemed to be prima facie evidence of a violation of this chapter.
- B. Notices of violations. Upon the receipt of a complaint from any person, the NCO or duly authorized representative may investigate and assess whether the alleged noise levels violate this chapter. If the investigator has reason to believe that any provision of this chapter has been violated, he may cause written notice to be served upon the alleged violator. Such notice shall specify the provision of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and may include an order that corrective action be taken within a specified time.

(Prior code § 10-5.12)

**APPENDIX B  
AMENDMENTS TO CHAPTER 11.15**

**Chapter 11.15 – LEAF BLOWER REGULATIONS**

**Section 11.15.010 – Purpose**

The purpose of this Chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, further enforce the city’s noise ordinance, and improve the overall quality of life within the City of Los Altos.

**Section 11.15.020 – Definitions**

“Leaf Blower” or “Leaf Blowers” means any portable, hand-held or backpack, air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris.

“Gas Powered” means any portable power equipment that is powered by a self-contained fuel engine.

**Section 11.15.030 – Prohibition of Gas-Powered Leaf Blowers**

The use or operation of any Leaf Blower powered by a combustion or gas engine shall be prohibited.

**Section 11.15.040 – Use of Electric-Powered Leaf Blowers**

- A. Leaf Blowers powered by line current (plug-in) or by battery may be used in the City of Los Altos subject to the provisions of this Chapter.
- B. Permitted hours of operation by any person(s) shall be as follows:
  - i. 7:00 a.m. to 7:00 p.m., Monday through Friday.
  - ii. 8:00 a.m. to 7:00 p.m., Saturday and Sundays.
- C. Operation of a leaf blower shall not deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris into a street, sidewalk, gutter, or storm drain.

**Section 11.15.050 – Authority and Enforcement**

- A. Authority and enforcement of this chapter shall be enforcement as prescribed in Title I of the Los Altos Municipal Code.
- B. Each violation of this chapter shall be considered a separate offense.
  - i. First Violation shall result in a written warning.
  - ii. Second Violation shall result in an infraction of one hundred dollars (\$100.00).
  - iii. Third Violation shall result in an infraction of two hundred dollars (\$200.00).
  - iv. Fourth Violation and subsequent shall result in an infraction of five hundred dollars (\$500.00).

**Section 11.15.060 – Assignment of Responsible Party and Liability**

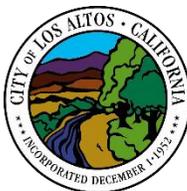
- A. The responsible party assigned liability for the operation and use of a gas-powered leaf blower shall be the recorded property owner of the site where the violation has occurred.
  - i. When a violation has occurred that results in the issuance of an administrative citation, the citation will be mailed to the property address where the violation occurred and if different a copy will also be sent to the property owners address as provided on the Santa Clara County tax roll.

**Section 11.15.070 – No Conflict with Federal or State law**

Nothing in this chapter is intended to or shall be interpreted as conflicting with any federal or state law or regulation.

**Section 11.15.080 – Severability**

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause, phrase, and portion of this Ordinance irrespective of the fact that one or more, sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional to this end, the provisions of this Ordinance are declared severable.



### AGENDA REPORT SUMMARY

**Meeting Date:** July 11, 2023

**Subject:** Adoption of Mechanical Equipment Ordinance

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

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

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

**Initiated by:**  
City Council.

**Environmental Review:**

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

**Fiscal Impact:**

None.

**Attachments:**

- 1. Draft Ordinance with Appendices
- 2. Example Ordinance Language

**Summary:**

The draft ordinance proposed accomplishes the goal of eliminating or reducing future noise violations created by mechanical equipment in the side yard setbacks of properties within the City of Los Altos. The proposed ordinance was drafted based upon research conducted by evaluating how other Santa Clara County jurisdictions enforce setback requirements for noise generating mechanical equipment.

**Staff Recommendation:**

Adoption of an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Adoption of Mechanical Equipment Ordinance

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**Background**

In May 2022, the City Council requested that staff bring back an ordinance to address noise concerns from mechanical equipment in the side yard setbacks of properties throughout the city. City staff researched what other cities throughout Santa Clara County have in place for mechanical equipment regulations.

Presently, there are no codified setback requirements for mechanical equipment such as air conditioning units within the Los Altos Municipal Code. For several years the City’s Planning Division has “estimated” setback requirements based on internet-based data in an effort to demonstrate compliance of air conditioning units pursuant to the noise limits set in Chapter 6.16 of the Los Altos Municipal Code. The City’s reliance on non-codified setbacks has proven to be ineffective as noise violations still are present regardless of meeting the “estimated” setback requirements to meet compliance with the Noise Ordinance.

**Analysis**

Mechanical equipment regulations differ greatly from jurisdiction to jurisdiction. However, it is most common that there is a prescribed minimum standard codified into each municipal code.

A sample of mechanical equipment regulations from other Santa Clara County jurisdictions (Attachment 2) shows the wide variety of regulations. Mechanical equipment regulations has a wide range of applications from no setback requirements, to completely prohibited within the required setbacks.

**Discussion**

The draft ordinance provides standards for mechanical equipment for the Los Altos Municipal Code. Standards include a general definition which encompasses all noise generating mechanical equipment which the planning division has encountered requiring some sort of noise enforcement. The setback requirement for any newly installed mechanical requirement as defined shall adhere to the underlying zoning district. When roof mounted equipment is proposed requirements have been integrated to ensure they are architecturally compatible with the structure in which it is affixed. The proposed ordinance will provide that mechanical equipment installations conform with the noise requirements of the Los Altos Municipal Code.

On June 27, 2023, the City Council introduced and waived further reading of the draft ordinance. At that meeting the City Council incorporated clarification on language used within the ordinance which is non substantive in nature. Additionally, the request to incorporate a diagram was made to depict provisions of the code section. Staff will create a diagram for this section of the code and incorporate it into a published informational handout posted to the City’s website.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 11.14 TO TITLE 11 MISCELLANEOUS PROPERTY REGULATIONS OF THE LOS ALTOS MUNICIPAL CODE ENACTING REGULATIONS FOR MECHANICAL EQUIPMENT**

**WHEREAS**, the City Council requested that staff bring back an ordinance amending the City’s Noise Ordinance to further refine regulations regarding mechanical equipment on private property; and

**WHEREAS**, the amendments are in the best interest for the protection or promotion of the comfort and convenience of the residents of the City of Los Altos because they clarify and improve the standard requirements for mechanical equipment applicable to all properties or parcels throughout the City; and

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

**WHEREAS**, the City Council held a duly noticed public hearing on June 27, 2023, and July 11, 2023; and

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

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

**SECTION 1. AMENDMENT OF TITLE 11 OF THE MUNICIPAL CODE.** Chapter 11.14 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

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

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

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

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on June 27, 2023, and was thereafter, at a regular meeting held on July 11, 2023, passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Sally Meadows, MAYOR

Attest:

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Melissa Thurman MMC, City Clerk

**APPENDIX A  
AMENDMENTS TO CHAPTER 11.14**



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AMENDMENTS TO CHAPTER 11.14**

**Chapter 11.14 – MECHANICAL EQUIPMENT**

**Section 11.14.010 – Purpose**

- A. The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for mechanical equipment on any property or parcel in the City of Los Altos. These regulations are intended to prescribe clear criteria for permitting, siting, and installation of all mechanical equipment and appurtenances.

**Section 11.14.020 – Definition**

“Mechanical Equipment” includes but is not limited to heating or air conditioning units, sump pumps, generators, heat pumps, heat exchangers, water heaters, condensers and ventilation equipment and similar appurtenances.

**Section 11.14.030 – Applicability**

- A. This chapter shall apply to all new mechanical equipment and appurtenances requiring a building permit.
- B. Existing mechanical equipment and appurtenances that were lawfully permitted before the effective date of this chapter shall be deemed legal nonconforming.
  - i. When existing mechanical equipment and appurtenances are voluntarily being eliminated or replaced, the new mechanical equipment shall comply with all provisions of this chapter.

**Section 11.14.040 – General Standards**

- A. Any mechanical equipment and appurtenances which are higher than eighteen inches as measured from the surface immediately adjacent shall comply with the side and rear yard setbacks of the zoning district of the property where such equipment is located.
  - i. Mechanical equipment and appurtenances shall not be located closer than ten (10) feet from any property line when the required side and rear yard setbacks of the zoning district are zero feet or no setback requirements.
- B. All mechanical equipment and appurtenances shall be screened from public view.
- C. All mechanical equipment and appurtenances shall comply with the noise requirements set forth in Chapter 6.16.

**Section 11.14.050 – Roof Mounted Equipment and Appurtenances**

- A. All roof mounted equipment and appurtenances shall be shielded and architecturally screened from public view as visible from any property line of the subject site.
  - i. All screening material shall be compatible with and integrated into the architectural design of the existing or proposed structure the equipment and appurtenances are immediately affixed to and shall be equal to or taller than the height of the equipment.
  - ii. Any noise generating roof mounted equipment and appurtenances shall be required to conduct a noise reading by a certified acoustical consultant and furnish a signed

letter indicating compliance with the City of Los Altos Noise Ordinance, Chapter 6.16.



## 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: Eric Muller  
To: Public Comment  
Subject: PUBLIC COMMENT AGENDA ITEM #7 - July 11, 2023: mechanical equipment ordinance (consent calendar)  
Date: Friday, July 7, 2023 9:13:30 AM

Dear Council,

- > 7. Adoption of an Ordinance of the City Council of the City of Los
- > Altos Adding Chapter 11.14 Mechanical Equipment to Title 11
- > Miscellaneous Property Regulations of the Los Altos Municipal Code

I am fully in favor of strict noise controls, and probably more so than most residents. However, I think that the proposed ordinance has the potential to create more problems than it will solve and (with all due respect to the work of staff) needs more than a few tweaks before it can be adopted. I urge the Council to step back and look carefully at the details (see #9 for specific suggestions). I will try to be physically present at and before the meeting to answer any question you may have. Sorry for the long comment.

Thank you,  
Eric Muller

1. Because this proposed ordinance attempts to address noise issues indirectly, it will inevitably cause false positives (prohibit relatively silent equipment) and false negatives (fail to address noisy equipment). In my experience, problem solving by indirect approaches is difficult. The staff report explains that the checks related to noise done at the time a permit application is considered are not guarantees of actual performance (to which I fully agree). But there is no mention of checks done at inspection time (do the city inspector measure actual noise before granting the permit?), nor of the difficulty of dealing with later potential violations. That makes it difficult to judge if the proposed ordinance has the right balance of constraints and benefits. If the noise ordinance cannot practically be enforced, then we have to put all our eggs in the proposed ordinance, and it should probably be very constraining. But the more the noise ordinance can be enforced, the less the proposed ordinance needs to and should be constraining.

2. The proposed ordinance does not fully define Mechanical Equipment: there are examples, but there is no limit on what mechanical equipment is.

For example, it seems reasonable to conclude that this ordinance applies to all equipment with fans such as: inverters for solar panels (which can easily go to 55 dB, per unit), energy storage systems (e.g. Tesla Powerwall, 58 dB, per unit). It is not clear that the council intended for the ordinance to apply to those systems.

There may also be in the future new types of mechanical equipment that are important for the broad electrification of our homes or otherwise beneficial, do not cause noise problems, yet could not be deployed because of this ordinance (at least for the multiple years it would take to recognize those types of equipment and update the city code).

One could even argue that any system with moving parts is mechanical equipment: electric gates, or automatic doors in stores. That would of course be somewhat silly. The point is that this ordinance is not as unambiguous as it seems.

This is also a good example of the balance mentioned in #1: should the ordinance constrain all possible equipment (as it does now), or just those things that have shown to be problematic in practice (has the city received any complaint about solar inverters?)

3. The bulk of Los Altos is zoned R1-10, i.e. single family with a 10 feet interior side setback, a 20 feet exterior side setback, a 25 feet front and rear setback.

Walking in various neighborhoods, it seems that the vast majority of homes, old and new, have been built with no more than the required side setbacks. In other words, the ordinance practically prevents installation in side yards of pretty much any mechanical system (it would have to be paper thin), for the vast majority of homes (and some systems such as window AC and tank-less water heaters sometime need to be on sides, so that effectively rules them out all together, in those applications).

Installation in the rear is the least desirable, both for enjoyment and for technical reasons (e.g. heat pumps for water or ducted heating/cooling, as the existing connections to water pipes and ducts are typically in the garage, near the front of the house).

So the ordinance would practically lead to, for example 1) installations of equipment in the front yard, 2) replacement of gas furnaces by gas furnaces, to avoid outside equipment all together, 3) forgo installation of energy storage systems, even where there is no noise issue. That seems counter productive.

4. Currently, pumps for pools are unlikely in the front yards, are prohibited in the side yards and only need to be 5ft from any property line in the back. It is therefore very likely that most existing pool equipment will become non-conforming.

Similarly, it is likely that most HVAC, solar inverters and energy storage systems are currently installed in the side yards (see #3), and will become non-conforming.

All those non-conforming installations will require significant work and expense when replaced, even if the new equipment fully complies with the noise ordinance.

Even worse: if I have a noisy (but within limits) and inefficient but functioning HVAC, I may actually be discouraged from replacing it by a quieter and more efficient equipment because of the necessary relocation.

5. It was suggested that replacement of existing non-conforming equipment could be handled by variance if necessary.

5a. Variance is a great mechanism to handle uncommon situations, but a very poor tool if granted liberally.

5b. The current code defines under what conditions variances are possible and the process to obtain them, for specific sections of the code (6.16 Noise Control, 12.56 House Trailers and motor court, 12.60 Flood Plain Management, 14 Zoning). Wouldn't one need something similar for the proposed 11.14? Note that there are no provisions for variance in chapter 11.

5c. Looking at the existing cases, it seems that granting a variance typically involves or allows for public participation. It also seems difficult to limit the use of variance to existing installations (or at least, to restrict applications for variance to those cases). It is likely that many installations (replacement or new installations) will request a variance, which may overwhelm the process (and possibly have a fiscal impact).

6. Regarding 11.14.030: "When existing mechanical equipment and appurtenances are voluntarily being eliminated or replaced, the new mechanical equipment shall comply with all provisions of this chapter."

6a. If existing equipment is eliminated, there is no new equipment. I suggest to strike "eliminated or"

6b. It is unclear whether "voluntarily" makes any restriction (e.g. if a distinction is made between "replaced for fire" and "replaced because it broke down"), I suspect that the intent is comply in all cases, so I suggest to strike "voluntarily"

6c. For clarity, the result of both suggestions is "When existing mechanical equipment and appearances are replaced, the new mechanical equipment shall comply with all provisions of this chapter."

7. Regarding 11.14.040:

7a. "Any mechanical equipment [...] shall comply with the side and rear yard setbacks". It is totally unclear (at least to me) whether equipment can be installed in the front yard. If the intent is to prohibit that, I think this should be explicitly stated, e.g. add "and shall not be installed in front yards" or equivalent. Otherwise I suggest to change to "with the front, side and rear yard setbacks".

7b. Given the discussion in #3, preventing installation in the front yard leaves practically no solution for some systems (e.g. heat pumps for ducted systems). See also #10 below.

7c. Under "i", it seems strange to require a 10 feet distance when the setback is 0 feet, but not when the setback is 5 or 7.5 feet (e.g. zone R3-4.5, R3.1.8, R3.1). Shouldn't the minimum 10 feet distance apply in all cases?

8. Setbacks for mechanical equipment do not need to equal setbacks for houses, as proposed in this ordinance. Mountain View, Menlo Park and Campbell have setbacks specifically for mechanical equipment, either 3 or 5 feet. Cupertino uses "accessory structure" setbacks (but I can't determine the precise value). Many of the problems mentioned in these comments would disappear with a 5 feet setback. On the other hand, as stated in #1, I don't have enough data to judge if 5 feet is enough.

9. Recommendations:

9a. as this is on the consent calendar, please pull it out for discussion

9b. in my opinion, addressing the issues listed above will take more than can be reasonably and effectively done during this City Council meeting. Please take the time to do this right.

9c. clarify the Council's intention for front yards

9d. ask staff to use the permits issued in the last six or twelve months to understand current practices and estimate the number of non-conforming properties.

Use at least residential mechanical, residential electrical, photovoltaic, and pools permits. Collect the noise levels submitted in permits for HVAC and similar. Identify the types of equipment that can be considered mechanical equipment. Collect the locations (front, side, rear). Count how many applications would be rejected if the ordinance had been in place. Extrapolate to determine the number of properties that would become non conforming (not just those permitted in the period studied).

9e. ask staff to document the practical difficulties with the enforcement of the noise ordinance

9f. consider using a uniform 5 feet setback.

10. Anecdotal evidence: This year, I want to replace my remaining gas appliances, an aging gas water heater and an aging gas furnace (forced air). Both are in the garage. I am considering a very efficient and very quiet heat pump specified at 37 dB

(<https://ul.lavanan.click/2/>, <https://www.harscothermal.com/product/YYA20mrvv2P8IG9Y2I6YTPcOmE3NGRiYWNkNwNiVzdYzVIMzUoM7OyMmE5ZWYwZGFyOjY6N2RjMTo2Yz05ND44YTY1ODAzZmRlYmM4NGNkMjhhZWQ3NiBhM2UzZDBiNGE4OTM4OTMzMTBmOGFjYzJlMmY1YmFlVjc4OnA6VAU>)

a refrigerator is between 32 and 47 dB and 37 dB would be qualified as a quiet refrigerator, so no noise issue in any case (for comparison, common AC heat pumps are 70 dB). My side yards are 10 feet, so not possible. The heat pump cannot be too far from the water tank, so the only place in the rear yard is just in front of the sliding patio door, and I suspect you would not permit that. That leaves only the front yard (if allowed). Or should install brand new gas appliances?

Thanks again for your attention.  
Eric Muller

**From:** [Don Bray](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 7 - JULY 11, 2023  
**Date:** Monday, July 10, 2023 1:26:35 PM

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Dear Los Altos City Council Members,

As a 30+ year resident of Los Altos and former Chair of the Los Altos Environmental Commission, I am writing to respectfully request that Item 7 on the July 11<sup>th</sup>, 'Adoption of Mechanical Equipment Ordinance', be pulled for further investigation and revision.

I am concerned that this ordinance was drafted without adequate consideration the significant additional cost burden this will impose on electrifying existing residences. As written, it will impede the successful implementation of the Los Altos Climate Action Plan. In addition, it will limit the City's preparedness for the Bay Area Air Quality Management District's Regulation 9 Rule 4, which schedules the prohibition of the sale and installation of gas-fired furnaces by 2029.

I recommend that implementation of this ordinance be temporarily halted to allow time for additional investigation and revision.

The Mechanical ordinance, as drafted, specifies a minimum setback of 10 feet from a property line for mechanical equipment such as heat pump HVAC systems. 10-foot side yards are common in Los Altos (including my own). This ordinance would eliminate the potential location of such equipment in many side yards. This greatly impacts the practical siting of such equipment – including at or near garages that often include existing mechanical and/or electrical equipment such as gas furnaces, air conditioners or water heaters that may be replaced or integrated with new heat pump-based systems.

A well-conceived ordinance v/v mechanical equipment and noise should not rely on arbitrary set-back requirements. In fact, local cities currently have a wide variety of such set-back requirements, several of which are only 3-5 feet. A good ordinance would include a minimum set-back that still generally allows for side-yard deployments, while considering noise levels (equipment dBA ratings etc.), noise screening, and importantly, adjacent property considerations – for instance, proximity and usage of neighboring residential space. At the neighbor's, is there an immediately adjacent open backyard, garage, or bedroom?

In my opinion, a noise ordinance should primarily focus on limiting and mitigating the impact of noise emitted rather than imposing arbitrary and financially burdensome equipment set-back limits. Noise issues are most often related to the equipment itself, and the equipment's location relative to the neighbor's living spaces and the effectiveness of noise mitigation measures taken.

We need to identify a solution that is right for Los Altos, one that mitigates mechanical equipment noise while simultaneously encouraging and accelerating the electrification of our existing buildings.

Thank you,

Don Bray  
447 Paco Drive, Los Altos

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<https://www.svcleanenergy.org/customer-confidentiality>

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**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023

**Subject:** Los Altos Commission Handbook Update

**Prepared by:** Anthony Carnesecca, Assistant to the City Manager

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

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

**Attachment(s):**

**Initiated by:**  
City Council

**Previous Council Consideration:**  
None

**Fiscal Impact:**  
None

**Environmental Review:**  
Not applicable

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

- Does the City Council wish to amend the Commission Handbook with a number of edits and updates?

**Summary:**

- The Commission Handbook guides the management and conduct of Commissions and Committees within the City.
- City Council has updated the commission appointment process, teleconference policy, and a number of other aspects of commissions so City staff has incorporated those edits and a number of other updates into the Commission Handbook.

**Staff Recommendation:**

- Adopt changes to the City of Los Altos Commission Handbook.

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JD



**Subject:** Los Altos Commission Handbook Update

**Purpose**

Amend the Commission Handbook with a number of edits and updates.

**Background**

The City Council uses Commissions and Committees to advise the Council and staff on certain topics and areas of interest. The City of Los Altos typically establishes Commissions as permanent, on-going bodies and Committees as ad hoc, temporary bodies.

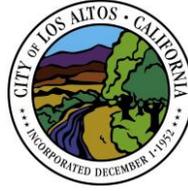
Commissions and Committees are established and managed by the City Council and those bodies report to the Council. As such, the Commission Handbook guides Commissions and Committees, including temporary, ad hoc Committees, in their role as advisory bodies to the Council and is approved by the Council.

The City Council updates the Commission Handbook from time to time and should be regularly reviewed to ensure that it complies with Council’s expectations. The last comprehensive review of the Commission Handbook was June 13, 2017.

**Discussion/Analysis**

Staff recommends to amend the Commission Handbook with the following edits and changes:

- Updated Table of Contents with correct page numbers.
- Clarified the order of priority should any conflict arise between Los Altos Municipal Code, City Council Norms & Procedures, and Commission Handbook.
- Commissioners must clarify whether they are speaking for themselves as a resident or the commission, with prior approval at a Commission meeting, when providing comment at a public forum.
- Commissions must reach out to City staff for permission regarding any request for research.
- Created the “Meetings Days and Times” section that establishes regular meeting days and frequency based upon previous City Council direction and approval.
- Created the “Commission Workplans” section that establishes how work plans will be created and modified at City Council direction.
- Commissioners must notify staff should they move outside of the City.
- Commissioners may only serve on one commission at a time.
- Commissioners seeking reappointment must fill out a new application and meet minimum attendance requirements for consideration.
- Commissioners must notify their staff liaison well in advance if they will miss a meeting.
- Commissioners must comply with timely ethics training.
- Commissioners must provide documentation when received from FPPC.



**Subject:** Los Altos Commission Handbook Update

- 
- Updated the “Commission Organization” with information from the new appointment process.

City staff plans to return to City Council in August to review Council liaison roles, ad-hoc subcommittees, and conflict of interest as three stand-alone items requiring further review and discussion by City Council.

**Staff Recommendation:**

- Adopt changes to the City of Los Altos Commission Handbook.

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## INTRODUCTION

This manual functions as an introduction to service as a Commission or Committee member in Los Altos. For the purposes of this manual, the terms Commission member and Committee member are interchangeable. For those instances not covered in this manual, refer to the City Council Norms and Procedures and the Los Altos Municipal Code for additional guidance.

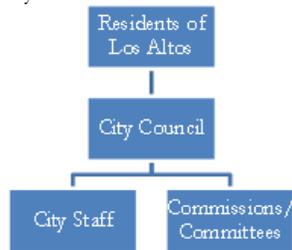
Any conflict between the rules set forth in this handbook and the Los Altos Municipal Code or the City Council Norms and Procedures, the Code and then the Norms and Procedures shall govern.

## THE BASICS

### Government in the City of Los Altos

The City of Los Altos operates under the Council-Manager form of government. The City Council sets policy for the City which is then carried out by the City Manager and staff.

Commissions are integral to the City’s commitment to developing policies which reflect the needs and values of the community. Commissions work closely with staff and the Council to carry out the duties and responsibilities assigned by Council.



**Figure 1: City of Los Altos organization**

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### City Council

The City Council is elected by registered voters of the City of Los Altos and serves as the ‘Board of Directors’ for the City. The Council is the legislative body of the City. It sets policy and establishes the City’s overall priorities, direction and financial plan. The Council appoints the City Manager, who is responsible for the administration of City business, and the City Attorney.

To facilitate the exchange of information between the Council and its Commissions, one Councilmember will be assigned as a liaison to each Commission. These liaisons may attend meetings, but will not participate as a member of the Commission. While Council liaisons may offer general guidance, liaisons do not speak for the Council on matters not previously considered by the Council as a whole.

### Commissions/Committees

Residents-Members are appointed by a majority vote of the City Council to serve on Commissions and Committees to advise and make recommendations to the Council and staff. Commissions focus on specific policy issues and provide additional opportunity for community participation in decision making.

From time to time, there may be instances when staff’s recommendations on an issue may differ from that of the Commission. If this occurs, staff will inform the Commission of this in advance of the Council meeting and both recommendations will be presented to the Council for consideration.

As appointees of the City Council, members of Commissions are public officials and are appointed to represent all residents of the City, not individual organizations or special interest groups. Care should be taken to ensure that viewpoints expressed as public officials are consistent with City Council policy and the position of the majority of the Commission. Minority opinions are allowed but Commissioners acting in the role of a Commissioner should support actions taken by a majority of the Commission. ~~Individuals should consult with their staff liaison regarding matters in which they may be construed as representing the City.~~

Unless speaking as the official spokesperson for the commission at a City Council or other public forum, commissioners must begin all written or verbal comments with “I am a commissioner for the [insert commission name here], but I am speaking on behalf of myself and my own personal beliefs.”

Each Commission is established by Chapter 2.08 of the Los Altos Municipal Code, which includes the powers and duties of each Commission. Committees, both standing and ad hoc, are created by Council action and typically are assigned to focus on a specific topic for a short duration. Ad hoc Committees (sometimes referred to as Task Forces) may include Commissioners.

**Staff**

The City Manager serves as the ‘Chief Executive Officer’ for the City and implements policy set by the City Council, manages the day-to-day affairs of the City, appoints and removes employees, prepares the budget, enforces laws and ordinances, and makes recommendations to the Council on the general welfare of the City. He/she hires professionally trained staff to assist in carrying out his/her responsibilities.

The City Manager assigns staff members to assist the various Commissions in carrying out their responsibilities. These staff liaisons, by virtue of their technical training and experience, are competent to provide such assistance.

Commissions shall work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff. -

Requests by a commission or commissioner for assistance in completing research or analysis for the benefit of a commission shall be directed towards the Department Head which oversees the assigned Staff Liaison.

**Role of Staff Liaison**

- Attend all meetings of the Commission
- Prepare agendas in collaboration with the Chair
- Work with the Commission in the development of a work plan for the coming year and a summary of accomplishments for the previous year
- Research and prepare reports for the Commission, as is consistent with the work plan and/or Council direction
- Ensure agendas and reports are posted in compliance with State law and City protocols
- Prepare action minutes for approval by the Commission
- Prepare reports from the Commission to the Council, ensuring that reports represent the majority view and recommendation of the Commission
- Serve as the liaison between the Commission and City staff
- Submit all budget requests from Commissions to cover costs associated with accomplishing its mission as well as to attend training sessions related to accomplishing the work of the Commission
- Communicate directions from the City Council to the Commission
- Stay apprised of new laws and City protocols related to their assigned Commission or Commissions generally

**Figure 2: Role of Staff Liaison**

**MEETING DAYS AND TIMES**

Regularly scheduled commission meeting days and times are established by the City Council. To facilitate and encourage public participation no commission meeting can be held during the same meeting time as another commission meeting. Additionally, commission meeting times are typically scheduled for later in the day to not impede on normal city business hours effectively insuring services are available until the close of business each day.

Commission special meetings shall be held in accordance with the provisions of regularly scheduled meetings to not impede of city services and operations or conflict with another commissions meeting day and time.

With majority support of commission members any commission can request a change in the approved day and time for a commission regularly occurring meeting. A request for a change in meeting day and time shall be respective of city business hours to ensure that staff and services are provided throughout the day. Such request shall be included in an agenda report prepared by the staff liaison and placed on the City Council’s agenda as a Discussion Item.

<u>COMMISSION:</u>	<u>DAY/TIME:</u>
<u>Complete Street</u>	<u>Last Wednesday 5:30pm</u>
<u>Environmental</u>	<u>Second Monday 7:00pm</u>
<u>Financial</u>	<u>Third Monday 6:00pm</u>
<u>Historical</u>	<u>Fourth Monday 7:00pm</u>
<u>Library</u>	<u>First Thursday 6:30pm</u>
<u>Parks, Art, Recreation &amp; Cultural</u>	<u>Second Wednesday 7:00pm</u>
<u>Planning</u>	<u>First and Third Thursday 7:00pm</u>
<u>Senior</u>	<u>First Monday 3:30pm</u>
<u>Youth</u>	<u>First Monday 6:30pm</u>

**COMMISSION WORKPLANS**

When a commission workplan is necessary each commission shall discuss and prepare its annual work plan, which shall be submitted and approved by the City Council. The work plan is a list of the anticipated topics, assignments and goals that the Commission will focus on over a 12-month period. From time to time the City Council may amend the approved commission work plan in order to achieve the goals of the city. A commission may request modifications to the work plan once a quarter for consideration of the City Council. Any requested modifications should be in line with the goals and objectives of the commission and the city.

**MEMBERSHIP ON CITY COMMISSIONS**

Unless otherwise directed, Commission members must be residents of the City of Los Altos. If, at any time during their term, a member moves to a principal residence outside the City, ~~he/she~~ they shall become ineligible to continue as a member of that body and shall notify the Commission’s assigned staff liaison as soon as possible. It is expected that when a Commissioner moves to a principal residence outside the City, they will submit a letter of resignation to the assigned staff liaison and the City Clerk.

Members are appointed by and serve at the pleasure of the City Council. With the exception of Senior and Youth Commissioners, members serve for a term of four years and may serve a total of two, four-year terms, plus any portion of an unexpired term for which they have been appointed. Senior Commissioners may serve four, two-year terms. Youth Commissioner may serve two-year terms through the conclusion of their final year in high school.

No Commissioner shall serve simultaneously on two, separate Commissions. When a Commissioner ends their service on one Commission, the individual can then be appointed to a different Commission.

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Ad hoc Committee members are appointed and shall serve until the task of the ad hoc committee has been completed at which time the Committee shall be disbanded. Council members and Commissioners may serve on ad hoc committees.

Two members of an immediate family, or persons residing in the same household, are not allowed to serve simultaneously on the same Commission or Committee, including ad hoc Committees. Immediate family members of City Council members are not eligible for appointment to any Commission or Committee during the term of the elected Councilmember.

**Appointment**

The City Council accepts applications for Commission positions during the formal recruitment period. Once per year in September, formal recruitments are conducted for those positions which are or will become vacant (including those for which an incumbent is eligible for reappointment). The City may conduct a recruitment for specific vacancies between formal recruitments if there is a vacancy that causes a commission to fall below quorum or at the direction of City Council after a request from a commission chair or commission liaison.

With the exception of the Youth Commission, all other commission recruitments will follow the same process. Youth Commission applicants are interviewed by the City Council Youth Commission Interview Committee which then makes appointment recommendations to the full City Council at a regular Council meeting.

The City Clerk announces that formal recruitment for commissioners is currently open so interested individuals should submit their application to the City for review. The City Clerk works with other City staff, City Council, and community groups to conduct as much public outreach as possible. This public outreach will include, but is not limited to posting on the City website, City social media, local newspapers, and email notifications to previous commissioners or applicants.

City Council may only review applications for appointment once the application period ends.

Interested applicants submit their complete application to City staff, where they will indicate their desired commission(s). City staff verifies that the individual lives within the City of Los Altos and may serve on the desired commission(s).

City Council holds one special meeting that will include interviews and voting on commissioners. All applicants are allotted the same amount of time to ensure that all candidates are given equal treatment.

After all interviews are completed, the City Council submits a ballot with their appointees.

Incumbent applicants will have their attendance record included as part of their application packet for review by the City Council.

**Reappointment**

Upon completion of the first four-year term, or an unexpired term, Commissioners ~~must~~shall notify the City Clerk, ~~complete a new application for re-appointment in writing, indicating interest in continuing on to~~-the Commission for another four-year term. ~~In order to qualify for reappointment a Commissioner shall have met the minimum attendance requirements during the duration of their previous term.~~ Commissioners requesting reappointment will be interviewed by the City Council. Reappointments will occur at the same time as new appointments to the Commission. Upon completion of their service, Commissioners are encouraged to meet, either in person or via telephone, with the Council Liaison assigned to their respective Commission or another Councilmember. The purpose of this meeting is to provide Commissioners with a chance to offer feedback to the Council regarding their time on the Commission.

**Resignation/Removal**

In the event a member is unable to continue serving because of change of residence, health, business requirements or other personal reasons, a letter of resignation must be submitted to the City Clerk.

Members of Commissions serve at the pleasure of the City Council. The City Council shall review members' performance and fulfillment of Commission member obligations and may remove a member from a Commission based upon that review. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendaize the discipline or removal of a certain Commissioner, the item will be placed on a future Council agenda.

**Commission Member Responsibilities**

- Prepare for and participate in Commission meetings
- Attend at least 75% of regular meetings annually
- File Form 700 on time, if required
- Complete Brown Act Training ~~upon beginning service and again~~ within 60 days of beginning service
- Complete two hours of Ethics Training within 30 days of assuming office ~~one year of appointment~~ and every two years thereafter
- Attend Annual Commission Training upon appointment and every two years while seated as a Commissioner

**Attendance and Participation**

A majority of members is necessary to conduct business. As such, Commission members are expected to attend no less than 75% of the regularly scheduled meetings annually during their term of office. At the end of each year, the City Council reviews an annual attendance report for each Commission. A Commissioner may be removed for failing to attend the required minimum number of meetings or after a third consecutive absence. If a Commissioner must miss a meeting, ~~he/she they shall inform~~ ~~should advise~~ the staff liaison a minimum of two weeks notice prior to the regularly-scheduled commission meeting as soon as possible. If a Commission meeting is cancelled due to a lack of quorum, that meeting will still be

considered a regularly scheduled meeting for purposes of calculating attendance, and those members whose absence caused the cancellation shall be charged with an absence for that meeting.

**Figure 3: Commission Member Responsibilities**

Commissions benefit from the informed input of each member of the body. Each Commission member is expected to exercise judgment in

formulating recommendations to the **City Council**. Members are expected to be prepared for meetings and to participate and vote on every issue before the Commission, unless they are legally prohibited from participating. Lack of preparation and participation can be grounds for removal from a Commission. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.

**Statement of Economic Interest**

The Statement of Economic Interest (Form 700) is a form on which designated employees and officials disclose certain financial interests. State law dictates that members of the Planning Commission must file Form 700s. In addition, the City identifies those positions which are subject to the City’s Biennial Conflict of Interest Code. Those individuals appointed to positions identified in the Conflict of Interest Code are required to file Form 700s. Commission members not identified in the Conflict of Interest Code are not subject to these regulations.

Commissioners are responsible for ensuring that statements are filed properly and on time. For assistance in completing the forms, contact the City Clerk’s Office or the Fair Political Practices Commission (FPPC). Non-compliant Commissioners shall receive a letter from the City Clerk notifying them of their non-compliance and are subject to monetary fines. Continued non-compliance shall be grounds for removal from the Commission.

All statements filed are maintained in the City Clerk’s Office and are available for public review.

Type of Filing	Occurrence
Assuming Office	Within 30 days of assuming office
Annual	Each year on or before April 1
Leaving Office	Within 30 days of leaving office

**Table 1: Deadlines for filing Form 700**

**Ethics Training**

All those appointed by the Los Altos City Council to serve on Commissions shall complete at least two hours of public service ethics training every two years. New members must receive this training within ~~30 days of assuming office~~ ~~their first year of service~~. Ethics training courses must have been reviewed and approved by the FPPC and the California Secretary of State. Members shall attend training sessions that are offered locally or by completing online training. Non-compliance shall be grounds for removal from the Commission.

It is the responsibility of a Commissioner to provide proof of completion of the ethics training program to the City Clerk. These documents are public records and are subject to public review.

The City Clerk provides periodic reports of Form 700 and Ethics Training compliance to the City Council. The Council may remove any non-compliant Commissioner.

**THE BROWN ACT**

The Ralph M. Brown Act (Brown Act) is the State of California’s open government law. Its purpose is to ensure that deliberations and actions of local agency bodies are open to the public and that there is meaningful public access to a local agency’s decision-making process. All City Commissions are subject to the Brown Act. Staff liaisons to Commissions are versed in the elements of the Brown Act and will help Commissioners understand their



**Figure 4: Ralph M. Brown**

obligations related to the Brown Act. In addition, certain subcommittees or ad hoc committees may be subject to the provisions of the Brown Act. Commissioners should consult with their staff liaison regarding questions of the Brown Act. Ultimately, it is up to the individual Commissioner to ensure that they are complying with the Brown Act.

A major element of the Brown Act relates to meetings of legislative bodies. A meeting is defined as the coming together of a majority or more of a particular body (also known as a quorum) where the business of that body is discussed. Meetings must be properly noticed and held in facilities that are open and accessible to all. All meetings must be held within the City of Los Altos. A discussion which occurs outside of a properly noticed meeting and which involves a majority or more of a body is a violation of the Brown Act. This includes serial discussions which involve only a portion of the Commission, but eventually involve a majority. The two most common serial discussions are daisy chain and hub and spoke.

Daisy Chain

A daisy chain is when Member A contacts Member B who then contacts Member C who then contacts Member D and so forth, until a majority of members has discussed an item within the Commission’s subject matter jurisdiction.

Hub and Spoke

A hub and spoke meeting is when one individual (the hub) contacts members individually (the spokes) until a majority has been achieved. The hub could be a Commissioner, staff member or member of the public.

To attempt to avoid serial meetings, emails from Commissioners that are intended for fellow Commissioners should be sent through the staff liaison. Commissioners should take care to not ‘reply all’ on emails.

**Violations**

Penalties for Brown Act violations can range from invalidation of an action taken to prosecution as a misdemeanor offense. In addition, there may be fines and/or attorney’s fees associated with a violation of the Brown Act. Commissioners who violate the Brown Act may be subject to removal.

Whenever a questionable area arises, it should be brought to the attention of the City Attorney or City Clerk so that corrective actions or “cures” may be taken. Advice from the City Attorney or City Clerk should be followed completely to ensure all actions of the City comply with the Brown Act.

**Types of meetings**

There are two types of meetings which Commissions hold. The first, and most common, are regular meetings. These meetings are where a Commission accomplishes the vast majority of its work. Regular meeting days, times and locations are established by formal action of the Commission.

The second type are special meetings. A special meeting is any meeting held outside of the normal meeting day, time or location. Action may be taken at special meetings and agendas for those meetings should indicate the action recommended to be taken.

Special meetings may include study sessions. Study sessions are held to provide Commission members the opportunity to discuss and better understand a particular item. Generally, no action is taken at study sessions.

**Agendas**

The staff liaison, in collaboration with the Chair, is responsible for preparing all agendas of a Commission. All items of business that will be considered or discussed at a meeting shall be briefly described on the agenda. The description should define the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. No discussion or action may be taken by a Commission on any item not on the agenda.

The Chair, or a majority of the Commission, may decide to take matters listed on the agenda out of the prescribed order.

All agendas and meeting materials are posted to the City’s website as set forth in the Brown Act and the City’s Open Government Policy. All Commissioners should sign up to receive meeting notices and associated agenda materials for their specific Commission through the City’s website.

**Meeting Minutes**

Written minutes of all regular and special meetings are kept as the official record of business transacted and are taken by the staff liaison. Minutes are modeled after the City Council form of minutes known as “action minutes” and include a record of the legislative actions from the meeting. They do not include summaries of comments or discussion made by Commissioners or members of the public. The staff liaison will endeavor to distribute draft minutes within 10 days of the meeting. Action minutes will state the text of a motion voted on by the Commission, the result of the vote, identify which Commissioners voted “aye”, “no”, abstained, or were absent. Action minutes will also identify whether motion passed or failed.

Any document submitted at a meeting, whether by a member of the public or a Commissioner, becomes part of the public record. The staff liaison should make a notation on the document of the date it was submitted and file it with the meeting packet. The staff liaison is responsible for posting the materials received within 48 hours of the meeting to the City’s website and forwarding the material to the members of the commission.

**Adding items to a future agenda**

Commissioners may request that items be placed on a future agenda. This is done by requesting an item during the “Potential Future Agenda Items” portion of the meeting or by emailing a request to the staff liaison. Requests must be for items that are under the purview of the Commission. One less than a majority of members is required to place an item on an agenda. The staff liaison will work with the Chair to determine the best meeting to place an item on an agenda. Any background materials or information should be provided to the staff liaison for inclusion in the agenda packet. Future agenda items must be consistent with the Commission’s Approved ~~w~~Work ~~p~~Plan.

\_\_\_\_\_

**CONFLICT OF INTEREST**

Commission members are subject to all aspects of the Political Reform Act. Commission members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest.

It is ultimately the responsibility of the Commission member to identify whether they have a conflict of interest or not. The City Attorney should be consulted as early as possible on any matters which may be a conflict of interest.

A Commission member who has a conflict of interest shall, immediately prior to the consideration of the matter, do all of the following: 1) publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address is not required; 2) recuse himself or herself from discussing and voting on the matter; and 3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded. Notwithstanding this, a Commission member, not in the member's capacity as a Commissioner, may speak on the issue during the time that the general public speaks on the issue.

If a Commission member has obtained a letter or other documentation from the FPPC to discuss and vote on an item, then as early as is practical that member shall provide the letter to the staff liaison and the City Clerk upon receipt of the letter and disclose at the next Commission meeting the existence of the letter or other authorization, briefly describe the circumstances of why the member sought clarification, the basis for the FPPC's conclusion, and the file number or other unique identifier so that members of the public can request a copy from the FPPC. In addition, the member shall provide to the staff liaison a copy of the letter or other authorization no later than 24 hours after the meeting at which the letter or other authorization is disclosed, so that a copy may be forwarded to any member of the public who requests a copy.

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**COMMISSION ORGANIZATION**

Each Commission consists of between five and ~~seven~~eleven members, except the Youth Commission which consists of eleven members. Each member has an equal voice and vote on the Commission.

**Chair and Vice Chair**

To facilitate meetings and the work of the Commission, each Commission appoints a Chair and Vice Chair from the members of the Commission. The positions of Chair and Vice Chair shall rotate annually. ~~Selection of Chair and Vice Chair occurs at the first meeting in April or October, depending on when members are appointed to the Commission.~~ In the event of either's resignation or removal, the Commission shall elect another member to fill the remainder of the year. No member of a commission may serve consecutive terms as the chair, meaning that the chair must change annually.

The role of the Chair is to preside at Commission meetings and to run a timely and orderly meeting. The Vice Chair is to preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Commission may elect a Chair Pro Tem to conduct the meeting. It is incumbent upon the Chair to limit discussion and recommendations to those items on the agenda.

**Subcommittees**

A Commission may appoint special subcommittees, consisting of less than a majority of the body, to work on specific tasks. Subcommittees should be focused on one specific topic and should last no

more than one year. These subcommittees are working bodies and may be responsible for generation of reports and analyses, which are reviewed by staff prior to distribution to the full Commission. Commissions may not create standing committees.

**MEETING PROCEDURES**

All Commission meetings are open to the public and should be approached in a dignified, respectful manner. It is the responsibility of all Commissioners to treat their duties and obligations seriously and to ensure that all meetings are productive and further the mission of the City.

**Rules of Order**

*Rosenberg’s Rules of Order*, with addendums adopted by the City Council, govern the conduct of Commission meetings. Information regarding the *Rules of Order* can be obtained from the City Clerk’s Office.

**Consideration of agenda items**

The standard procedure for considering individual agenda items shall be as outlined in Figure 5. From time to time, the prescribed order may be changed.

Official action requires a majority vote of the entire Commission/Committee, not just those present.

**Public Comment**

Persons present at Commission meetings may comment on any item on the agenda. To facilitate an orderly meeting, each speaker is requested, but not required, to complete a Request to Speak card for each item they wish to speak on before discussion on that item begins. To ensure that all are heard, speakers are typically given three minutes to speak on each item. If there are more than 10 requests to speak on an agenda item, the Chair may limit each speaker’s time to two minutes.

**Consideration of an agenda item**

1. Presentation by Staff, Commissioner or subcommittee
2. Commissioners ask clarifying questions
3. Members of the public are given an opportunity to speak on the item
4. Commissioners discuss the item
5. If needed, a motion is made upon which the Commission votes on the matter

**Figure 5: Procedures for considering agenda items**

The Chair has the right to ask a member of the public to step down from speaking if over the allotted time or if comments are not related to the topic at hand.

During regular meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment. The Commission may not discuss nor take action on any item raised during the Public Comments on Items not on the Agenda portion of the meeting.

**Teleconferencing**

Commission members may participate in meetings via teleconference in accordance with State law (Gov. Code sec. 54953 and AB 2449). Members participating via teleconferencing under AB 2449 (Just Cause or Emergency Circumstances) must participate via audio and visual methods. In all other circumstances, members participating via teleconferencing shall participate via audio and visual methods, when practical. Members may participate via teleconference in no more than 20% of meetings in a calendar year (January to December), whether utilizing provisions of the traditional Brown Act or Just Cause or Emergency Circumstances. All meetings of the Commission must have a majority of members present in the physical meeting location within the City.

At the beginning of a meeting in which a member is participating via teleconference, the Chair, or the Vice Chair if the Chair is participating remotely, will ask the member(s) participating via teleconference to confirm the teleconference location was properly noticed according to State Law, the teleconference location is accessible to members of the public and whether anyone is present in the teleconference location besides the member.

**DECORUM**

Commissioners shall render the utmost courtesy to each other, the City Council, staff and members of the public. Commissioners may be subject to dismissal for failure to observe these standards.

Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to Commission members. Los Altos Municipal Code Chapter 2.05 – Public Meetings Rules for Conduct shall apply to all meetings. To provide an environment in which all viewpoints may be expressed, noise emanating from the audience, whether in opposition or support, shall not be permitted. Continual disruption of meetings by members of the public may be grounds for removal from the meeting.

**TRAINING**

Commissioners are expected to stay current on issues related to their service as a public official. Members are provided brief training following their appointment regarding their duties as a Commissioner and the Brown Act. Annual trainings are organized by the City Clerk and conducted by City staff to review roles and responsibilities and to provide information on any changes in laws or policies that may be relevant to conducting the work of the Commissions. Attendance at this training is required for all Commission members and staff liaisons. Individuals who are unable to attend the training session will be required to watch the video of the training and certify that they have completed the training.

Members of Commissions are encouraged, within budget limitations, to attend training related to their area of responsibility. It is intended that such attendance will broaden a member’s knowledge and increase awareness of current developments relating to relevant areas of responsibility. The City may cover costs of registration and certain travel expenses in accordance with the City’s Travel and Expense Policy. Requests for use of City funds must be approved in accordance with City Policy.

**CONCLUSION**

The City Council and staff appreciate your service as a Los Altos Commission member. The time and energy you expend help to make Los Altos the wonderful community it is. If at any time during your service, you have questions or concerns, do not hesitate to contact your staff liaison who can help address any issue which may arise.

## ~~Cheat sheet~~ Tips for Chair (and Vice Chair) (and anyone who may have to run a meeting)

The role of the Chair of a Commission is to preside at meetings and to help move the work of the Commission forward. The Chair (and Vice Chair) does not have any extra authority or power beyond that of his/her fellow Commissioners.

As Chair, you are responsible for conducting meetings of the Commission. It is important to limit discussion to those items on the agenda. For each agenda item, it is suggested that you follow this procedure:

1. Announce what the item being considered is
2. Ask if there is a report for the item – generally, this is provided by the staff liaison but occasionally may be provided by another Commissioner
3. Ask Commissioners if there are any clarifying questions
4. Take public comment – instructions for how to take public comment are included in the “Meeting Procedures” section of the Commission Handbook
5. Facilitate discussion among the Commission – it is important that each Commissioner is given equal chance to speak and express his/her opinion
6. After discussion of the item, ensure that a conclusion is reached – this can be in the form of a motion, direction provided to staff or a subcommittee, decision to continue the item to a date certain or not certain, or to take no further action.

### **Applications**

On occasion, a Commission may receive an application from a resident or community group which the Commission is to consider. In these instances, applicants are given a total of up to ten minutes to present their position/input prior to hearing other public comments. This is done after the staff has presented its report. After the applicant(s) has presented, public comment is taken from the audience. Following public comment, the applicant is given five minutes to provide a rebuttal to any issue raised during public comments.

### **Announcing votes**

The Brown Act requires that all votes be clearly noted, both at the meeting and in the record. It is the Chair’s responsibility to ensure that the vote is noted during the meeting. This is done by announcing how each member voted on a particular issue. If the voting is unanimous, it is sufficient to state “passes unanimously.” The staff liaison will ensure that the minutes accurately reflect how each member voted on each issue.

### **Recess**

It is customary to have a short recess two hours after the beginning of a meeting. The established hour after which no new items will be started is four hours after the beginning of the meeting. Remaining items, however, may be considered by consensus of the Commission/Committee.



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023

**Subject** Review and Authorize the Mayor to Sign Letters of Support for SB4 (Wiener) and SB423 (Wiener)

**Prepared by:** Melissa Thurman, City Clerk

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

**Attachment(s):**

- 1. Draft Support Letter for SB4 (Wiener)
- 2. Draft Support Letter for SB423 (Wiener)

**Initiated by:**

City Council (N. Fligor)

**Previous Council Consideration:**

At the regular meeting of June 27, 2023, the City Council directed Councilmember Neysa Fligor to draft letters of support for SB4 (Wiener) and SB423 (Wiener) and return to the Council at the meeting of July 11, 2023 to review and authorize the Mayor to sign the letters of support and to direct staff to mail the letters to the office of Senator Wiener.

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

**Staff Recommendation:**

This is a Council initiated discussion item. Staff requests direction from the City Council.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JE



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

July 11, 2023

The Honorable Scott Wiener  
California State Senate 1021 O Street,  
Suite 8620  
Sacramento, CA 95814

The Honorable Buffy Wicks  
Chair, Assembly Housing and Community Development Committee  
1020 N Street, Room 156  
Sacramento, CA 95814

RE: SB 4 (Wiener) Affordable Housing on Faith and Higher Education Lands Act of 2023 --Support if Amended

Dear Senator Wiener and Chair Wicks:

On behalf of the Los Altos City Council, I write to express a support if amended position on your measure Senate Bill 4, which would require local jurisdictions to approve 100% affordable housing development projects on land owned by mission driven religious institutions and independent institutions of higher education if the development satisfies specified criteria. Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. SB 4 could help spur much needed affordable housing construction by allowing religious institutions and nonprofit private colleges to build 100% affordable housing on infill sites they have owned prior to Jan. 1, 2024. These institutions must follow nearly all locally adopted objective development standards, including objective design review standards.

The City of Los Altos would be able to take a full support position on SB 4 if it is amended so that SB4 does not impose any additional restrictions on a local jurisdiction's ability to determine maximum building heights and parking requirements and instead, SB 4 requires that local jurisdictions continue to comply with existing laws. We all know that streamlining the housing approval process alone will not solve the housing crisis. That is why Los Altos continues to call on the Governor and lawmakers to establish targeted, ongoing funding to spur affordable housing developments. My colleagues and I look forward to working with you and other stakeholders on legislative proposals that will produce much needed housing.

Sincerely,

Sally Meadows  
Mayor  
City of Los Altos



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

July 11, 2023

The Honorable Scott Wiener  
California State Senate 1021 O Street,  
Suite 8620  
Sacramento, CA 95814

The Honorable Buffy Wicks  
Chair, Assembly Housing and Community Development Committee  
1020 N Street, Room 156  
Sacramento, CA 95814

RE: SB 423 (Wiener) - Land use: streamlined housing approvals: multifamily housing development; SB 35 Expansion --Support

Dear Senator Wiener and Chair Wicks:

On behalf of the Los Altos City Council, I write in support of Senate Bill 423. SB 423 extends the provisions of SB 35 (Wiener, 2017) to January 1, 2036. SB 35 created streamlined, ministerial approvals for infill developments in local jurisdictions that had failed to meet their Regional Housing Needs Assessment (RHNA) goals. We support that SB 423 extends the current sunset and makes additional changes to ensure that the law’s application is more equitable.

SB 423 ensures the successful provisions of SB 35 continue to streamline affordable housing where it’s needed most, while maintaining local planning. All SB 35 projects must be consistent with local General Plans—and housing can only be built on sites that are both urban infill and already zoned for residential or mixed-use, following height, density, and design standards set by local governments. Since its passage in 2017, SB 35 has become an engine of subsidized affordable housing production, leading to the streamlined approval of over 11,000 new homes, most of which are subsidized homes affordable to low-income households. The law is set to expire on January 1, 2026. Without an extension, one of the driving forces of affordable housing production will cease.

As our state continues to grapple with a housing crisis, it would be unconscionable to allow a successful housing bill, proven to increase housing production, to lapse. SB 423 improves on the original law in a few ways. The ministerial provisions of the bill will now apply to the coastal zone, but only if the development is infill and the underlying zoning already authorizes housing. This requirement will create parity between more affluent coastal cities and inland cities, and ensure the housing that is desperately needed in these jurisdictions is built and that Californians are not priced out of living in coastal communities. Additionally, SB 423 will create new opportunities for the next generation of construction workers. The bill requires that developers pay a prevailing wage for all projects above 10 units. On projects with 50 units or more, contractors must also offer apprentices employment and pay for health care. This bill also methodically increases the pool of residential construction workers that belong to a skilled and trained workforce by requiring mixed-income projects that are over 85 feet use this type of



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Los Altos, California 94022-3087**

workforce, as long as the developer receives at least 3 bids. SB 423 is a straightforward solution that will ensure continued development of both 100% deed restricted affordable housing and housing that is affordable to families of all income levels while also including critical labor standards that will protect and help grow this much needed workforce. For these reasons, the City of Los Altos supports SB 423.

Additionally, we all know that streamlining the housing approval process alone will not solve the housing crisis. That is why Los Altos continues to call on the Governor and lawmakers to establish targeted, ongoing funding to spur affordable housing developments. Our cities need a sustainable investment from the state that matches the scale of this long-term crisis. My colleagues and I look forward to working with you and other stakeholders on legislative proposals that will produce much needed housing.

Sincerely,

Sally Meadows  
Mayor  
City of Los Altos



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11<sup>th</sup>, 2023

**Subject** Automated License Plate Readers Policy Update

**Prepared by:** Angela Averiett, Chief of Police

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

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

**Attachment(s):**

- 1. Los Altos Police Department Policy 462 (Automated License Plate Readers)
- 2. ALPR contract

**Initiated by:**

Police Department

**Previous Council Consideration:**

Council approved the ALPR pilot program pending review and revision to the ALPR policy.

**Fiscal Impact:**

Funds for this item have been included in the 2023-23 Budget in a total amount of \$42,750.

**Environmental Review:**

None.

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

Does Council wish to approve the updated Los Altos Police Department ALPR policy #462?

**Summary:**

The City Council considered this item at the May 9<sup>th</sup>, 2023, Council Meeting and directed staff to:

- 1. Update the ALPR policy with input from Council.

This staff report and attached policy respond to the direction given by Council.

**Staff Recommendation:**

Staff recommends the City Council approve Los Altos Police Department ALPR policy #462.

City Manager

GE

**Reviewed By:**

City Attorney

JH

Finance Director

JD



**Subject:** ALPR Policy Update

---

**Background:**

Los Altos Police Department policy #462 has undergone several revisions, with input from community members and Council, to address privacy and usage concerns regarding ALPR technology.

**Discussion/Analysis:**

Council approved a one-year pilot program of 15 ALPR cameras, pending revisions to the existing policy. The policy was updated to include more concise language and to address usage and privacy concerns.

**Recommendation:**

Staff recommends the City Council approve the updated Los Altos Police Department ALPR policy #462.

# Automated License Plate Readers (ALPRs)

## 462.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. This policy is intended to assist the Los Altos Police Department with:

- Increasing public safety.
- Minimizing the threat and risk of injury to individuals.
- Promoting governmental legitimacy and accountability.
- Minimizing the potential risks to individual privacy, civil rights, and civil liberties.
- Protecting the integrity of the criminal investigatory, criminal intelligence and justice system processes and information.
- Increasing trust by maximizing transparency

## 462.2 POLICY

Best Practice MODIFIED

The policy of the Los Altos Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Such data is not open to public view, as it may contain confidential information. The Los Altos Police Department does not permit the sharing of ALPR data gathered by the City, [vendors](#) or ~~its~~ subcontractors, [as defined below](#), for [\(1\) any purpose that violates this policy or any applicable laws and regulations](#), [\(2\) the purpose of federal immigration enforcement, pursuant to the California Values Act \(Government Code 7282.5: Government Code 7284.2 et seq\)](#) - these federal immigration agencies include Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP), [or \(3\) any purpose that would assist another state to carry out enforcement actions that violate California laws](#).

[For purposes of this policy, city contractors, vendors and subcontractors \("Contracted Entities"\) refers to any individual or entity that has a contract with the City related to ALPR technology. Prior to the Los Altos Police Department sharing or giving access to ALPR data and technology to Contracted Entities, the City is required to enter into a written contract. Other law enforcement and governmental agencies are not considered Contracted Entities. The Los Altos Police Department will only share and give access to ALPR data and technology to Contracted Entities, law enforcement and governmental agencies, subject to the terms of this policy.](#)

## 462.3 ADMINISTRATION

Best Practice MODIFIED

## Automated License Plate Readers (ALPRs)

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The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Los Altos Police Department's ALPR system and the vendor's vehicle identification technology. It is used by the Los Altos Police Department to convert data associated with vehicle license plates for official law enforcement purposes, [and in compliance with this policy](#), including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Division Captain. The Administrative Division Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment, and data access. The Custodian of Records will be responsible for data retention in accordance with applicable law.

### 462.3.1 ALPR ADMINISTRATOR

State **MODIFIED**

The Administrative Division Captain shall be responsible for compliance with the requirements [of this policy and](#) of Civil Code § 1798.90.5 et seq, [as amended, and any other applicable California state laws and regulations](#). This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Ensuring that only properly trained sworn police officers, crime analysts and communication dispatchers are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for all authorized users, prior to use.
- (c) [Monitoring ALPR system](#) ~~m -monitoring~~ to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and to maintain records of access in compliance with Civil Code 1798.90.52.
- (e) Continually working with the Custodian of Records on retention and destruction of ALPR data.
- (f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

### 462.4 OPERATIONS

State **MODIFIED**

~~Use~~ [Department \\_ members use](#) of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53), [or in violation of this policy](#).

- (a) An ALPR shall only be used for official law enforcement business.

## Automated License Plate Readers (ALPRs)

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) ~~While an~~ ALPR may be used to canvass license plates around any crime scene, ~~particular consideration should be given to using ALPR -equipped cars to canvass areas around homicides, shootings and other major incidents.~~ Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles. In the event that only a partial license plate is available, any further law enforcement action must be done in compliance with applicable laws.
- (d) No member of this department shall operate ALPR equipment or access ALPR data unless the purpose of such actions is allowed under this policy and only after completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so, pursuant to this policy.
- (f) Log in/ log out procedure. To ensure proper operation, facilitation, oversight and auditing of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data.
- (g) Unless exigent circumstances exist if ~~practicable~~, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle. Before any law enforcement action is taken due to an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated or unless exigent circumstances exist.
- (h) Hot Lists- designation of hot lists, which are lists of vehicles determined to be criminally involved or associated with a missing person, to be utilized by the ALPR system shall be made by the ALPR Administrator or her/his designee. Occasionally, there may be errors in the LPR's system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Los Altos Police Department members shall undertake the following steps:
  - 1. ) Verification of status on a Hot List. An officer must receive confirmation from a communications dispatcher or other department computer device, that the license plate is still stolen, wanted or otherwise of interest before proceeding (absent exigent circumstances)
  - 2. Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issuance, and vehicle descriptors, before proceeding. Officers alerted to the fact that an observed motor vehicle's license plate is entered as a "Hot plate" or "hit" (a "hit" means the ALPR system has been alerted

## Automated License Plate Readers (ALPRs)

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- to the involved license plate) in a specific BOLO ( be on the lookout) list are required to make a reasonable effort to confirm that a reasonable basis exists before a Department member would have a lawful reason to stop the vehicle.
3. Department members will clear all stops from hot list alerts by indicating the positive ALPR hit, i.e. with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR hit and the arrest, then the Department member shall update the Communications Dispatcher.
  4. General Hot Lists will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
  5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. - Department issued Hot Lists shall be approved by the ALPR Administrator (or her/his designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational: created solely to bring the officers' attention to specific vehicles that have been associated with criminal activity or missing persons.

All Hot Plates and suspect information entered into the ALPR system will contain the following information at a minimum: Department member's name, related case number and a short synopsis describing the nature of the originating call for service. The member may add any additional information they deem to be relevant.

### **Permitted/ Prohibited Uses**

The ALPR system, and all data collected, is the property of the Los Altos Police Department. Department personnel shall only access and use the ALPR system for official and legitimate law enforcement or public safety purposes consistent with this policy. Any official legitimate law enforcement or public safety purposes referenced in this policy shall be limited to purposes that comply with this policy and any applicable laws, including California Civil Code 1798.90.5 et seq (as amended). The following uses of the ALPR system are specifically prohibited:

- 1.) Invasion of Privacy: Except when done pursuant to a court order, such as a search warrant, it is prohibited to utilize the ALPR system to record license plates except those of vehicles that are exposed to public view (e.g. vehicles on a public road or street, or that are on private property but whose license plate (s) are visible from a public road, street or place to which members of the public have access, such as the parking lot of a shop or other business establishment).
- 2.) Harassment or Intimidation: It is prohibited to use the ALPR system to harass and/or intimidate any individual or group.
- 3.) Use based on a protected characteristic: It is prohibited to use the ALPR system or associated files or Hot Lists solely based on a person's or group's race, gender, gender identity, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, age, or other classification protected by law.

## Automated License Plate Readers (ALPRs)

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4.) Personal Use: It is prohibited to use the ALPR system or associated files or Hot Lists for any personal purpose.

5.) First Amendment Rights: It is prohibited to use the ALPR system or associated files or Hot Lists for the purpose or known effect of infringing upon First Amendment rights. Nothing in this policy is intended to create an independent right of action in any person.

Any member who engages in prohibited uses of the ALPR system, regarding the collection, receipt, access, use, dissemination, retention, or associated files or Hot Lists, may be subjected to:

- Criminal prosecution

- Civil liability and/or

- Administrative sanctions, disciplinary action up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

### **462.5 MOBILE ALPR CAMERAS**

Agency Content

It is the policy of the Los Altos Police Department that ALPR cameras used by this department will be in a fixed position. The Los Altos Police Department will not use mobile ALPR cameras without the prior authorization of the City Council.

### **462.6 DATA COLLECTION AND RETENTION**

Best Practice **MODIFIED**

The Administrative Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All Contracted Entities ~~The City contracted ALPR vendor~~ will store the fixed position ALPR data and ensure proper maintenance and security of data stored in their data towers. All ALPR data will be purged by the City and any Contracted Entities from all systems, devices, and files, at the end of 30 days of obtaining the ALPR data. ~~The vendor will purge their data at the end of 30 days of storage.~~ However, this will not preclude Los Altos Police Department from maintaining any data obtained from the system after that period pursuant to any open/active investigations relevant to the vehicle data. Once an active investigation has been closed or adjudicated, the data should be purged from all systems, devices and files at the end of 30 days of the investigation being closed or adjudicated. -

Information gathered or collected and records retained by Contracted Entities ~~the vendor~~, will not be sold, accessed or used for any reason other than legitimate law enforcement or public safety purposes. In accordance with this policy, data collected by ALPR cameras will not be accessed by Contracted Entities without prior authorization by the Chief of Police and/or her/his designee.

## Automated License Plate Readers (ALPRs)

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### 462.7 ACCOUNTABILITY AND SAFEGUARDS

State **MODIFIED**

All data will be closely safeguarded and protected by both procedural and technological means. The Los Altos Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) If mandated by applicable law, the City will provide access to stored ALPR data in response to non-law enforcement requests ~~for access to stored ALPR data will be processed in accordance with applicable law.~~
- (c) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement or public safety purposes only, as defined in this policy, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes, as defined in this policy.
- (e) Every ALPR browsing inquiry must be documented by either the associated Los Altos Police Department case number or incident number, and the reason for the inquiry.
- (f) ALPR system audits shall be conducted on a semi-annual basis by the Administrative Division Captain and violations of this policy shall be documented and steps should be taken to prevent such violations in the future.
- (g) Annual ALPR audits will be conducted by an outside law enforcement agency as an added measure of transparency and to ensure policy compliance by members of the Los Altos Police Department. If a violation of this policy is identified, it shall be documented and steps should be taken to prevent such violations in the future.
- (h) All requests for ALPR data by other law enforcement or governmental agencies that have been approved by the Los Altos Police Department shall be made public and posted on the transparency portal monthly for the prior month.

It is the responsibility of the Administrative Division Captain, or her/his designee, to ensure that an audit is conducted of ALPR detection browsing inquiries at least twice during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 6 month period to verify proper use in accordance with the above authorized uses. The audit will randomly select, at minimum, 15 detection browsing inquiries conducted by department employees during the preceding 6 month period and determine if each inquiry meets the requirements established in this policy.

The audit will be documented in the form of an internal department memorandum to the Chief of Police. The memorandum will include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation will be filed and retained by the Custodian of Records.

## Automated License Plate Readers (ALPRs)

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In addition, a designated law enforcement agency will do an annual audit of ALPR data, as an added layer of accountability, to ensure members of the Los Altos Police Department are in compliance with this policy.

### 462.8 RELEASING ALPR DATA

Best Practice MODIFIED

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request, [via completion of a form supplied by the Los Altos Police Department](#), for the ALPR data that includes:
  - (a) The name of the agency.
  - (b) The name of the person requesting.
  - (c) The intended purpose of obtaining the information.
  - (d) [Acknowledgement that the ALPR data will only be used for the intended law enforcement purposes stated on the form.](#)
- (b) The request is reviewed by the Administrative Division Captain or her/his authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.
- (d) The Chief of Police or the authorized designee will consider the California Values Act (Government Code 7282.5; Government Code 7284.2 et seq), before approving the release of ALPR data. The Los Altos Police Department does not permit the sharing of ALPR data gathered by the City or ~~by its Contracted Entities, its contractors/subcontractors~~ for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs (ICE) and Customs and Border Patrol (CBP) [or any local, state or federal agency for purposes that violates this policy or any federal regulation or California law.](#)

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Los Altos Police Department Records Maintenance and Release Policy, policy 810 (Civil Code § 1798.90.55), [and as defined in this policy.](#)

### 462.9 TRAINING

State MODIFIED

The Administrative Division Captain shall ensure that prior to use, members receive department approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53), [to include review and acknowledgement of this policy.](#)

### 462.10 CONTRACTED ENTITIES

Agency Content

## Automated License Plate Readers (ALPRs)

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All Contracted Entities are expected to comply with the relevant sections of this policy. Contracted Entities are also required to keep written documentation of who accesses the ALPR data and who the data is released to. Contracted Entities are prohibited from:

- sharing the ALPR data received from the City with any individual, entity or agency without express written permission from the Los Altos Police Department.
- accessing, downloading, or decrypting the ALPR data received from the City without express written permission from the Los Altos Police Department.
- storing the data in any form or length of time that violates this policy.
- allowing their employees, other than those with authorized authority, to access the ALPR data
- using the data in a manner that is not consistent with this policy or approved by the Los Altos Police Department.

### **462.11 ALPR LOCATIONS**

**Agency Content**

ALPR cameras approved by Council shall be located in areas of the City where there is a demonstrated need for the cameras to be placed. Placement of the cameras shall not be solely based on targeting any particular residential neighborhood, street, or groups based on any protected characteristics or class.

## **Flock Safety + Los Altos PD**

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Flock Group Inc.  
1170 Howell Mill Rd, Suite 210  
Atlanta, GA 30318

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MAIN CONTACT:  
Kyle Egkan  
kyle.egkan@flocksafety.com  
7144690389



**EXHIBIT A**  
**ORDER FORM**

Customer: Los Altos PD  
 Legal Entity Name: Los Altos PD  
 Address: 1 N San Antonio Rd Los Altos, California 94022

Initial Term: 12 Months  
 Renewal Term: 24 Months  
 Payment Terms: Net 30  
 Billing Frequency: Annual Plan - First Year Invoiced at Signing.  
 Retention Period: 30 Days

**Hardware and Software Products**  
 Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
<b>Flock Safety Platform</b>			<b>\$40,000.00</b>
<b>Flock Safety Flock OS</b>			
FlockOS™	Included	1	Included
<b>Flock Safety LPR Products</b>			
Flock Safety Falcon®	Included	15	Included
<b>Flock Safety FlockOS Add Ons</b>			
Flock Safety Advanced Search	\$2,500.00	1	\$2,500.00

**Professional Services and One Time Purchases**

Item	Cost	Quantity	Total
<b>One Time Fees</b>			
<b>Flock Safety Professional Services</b>			
Professional Services - Standard Implementation Fee	\$650.00	9	\$5,850.00
Professional Services - Existing Infrastructure Implementation Fee	\$150.00	6	\$900.00
<b>Subtotal Year 1:</b>			\$46,750.00
<b>Annual Recurring Subtotal:</b>			\$40,000.00
<b>Discounts:</b>			\$7,500.00
<b>Estimated Tax:</b>			\$0.00
<b>Contract Total:</b>			\$46,750.00

*Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a "Renewal Term") unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.*

## Billing Schedule

Agenda Item # 10.

Billing Schedule	Amount (USD)
<b>Year 1</b>	
At Contract Signing	\$46,750.00
<b>Annual Recurring after Year 1</b>	
<b>Contract Total</b>	\$46,750.00

\*Tax not included

## Discounts

Discounts Applied	Amount (USD)
Flock Safety Platform	\$7,500.00
Flock Safety Add-ons	\$0.00
Flock Safety Professional Services	\$0.00

## Product and Services Description

Agenda Item # 10.

Flock Safety Platform Items	Product Description	Terms
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.	The Term shall commence upon first installation and validation of Flock Hardware.

One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.

**By executing this Order Form, the Customer represents and warrants that it has read and agrees to all terms and conditions contained in the Master Services Agreement attached.** The Parties have executed this

Agenda Item # 10.

Agreement as of the dates set forth below.

**FLOCK GROUP, INC.**

**Customer: Los Altos PD**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

PO Number: \_\_\_\_\_

This Master Services Agreement (this “**Agreement**”) is entered into by and between Flock Group, Inc. with a place of business at 1170 Howell Mill Road NW Suite 210, Atlanta, GA 30318 (“**Flock**”) and the entity identified in the signature block (“**Customer**”) (each a “**Party**,” and together, the “**Parties**”) on this the 17 day of May 2023. This Agreement is effective on the date of mutual execution (“**Effective Date**”). Parties will sign an Order Form (“**Order Form**”) which will describe the Flock Services to be performed and the period for performance, attached hereto as **Exhibit A**. The Parties agree as follows:

**RECITALS**

**WHEREAS**, Flock offers a software and hardware situational awareness solution through Flock’s technology platform that upon detection is capable of capturing audio, video, image, and recording data and provide notifications to Customer (“**Notifications**”);

**WHEREAS**, Customer desires access to the Flock Services (defined below) on existing devices, provided by Customer, or Flock provided Flock Hardware (as defined below) in order to create, view, search and archive Footage and receive Notifications, via the Flock Services;

**WHEREAS**, Customer shall have access to the Footage in Flock Services. Pursuant to Flock’s standard Retention Period (defined below) Flock deletes all Footage on a rolling thirty (30) day basis. Customer shall be responsible for extracting, downloading and archiving Footage from the Flock Services on its own storage devices; and

**WHEREAS**, Flock desires to provide Customer the Flock Services and any access thereto, subject to the terms and conditions of this Agreement, solely for the awareness, prevention, and prosecution of crime, bona fide investigations and evidence gathering for law enforcement purposes, (“**Permitted Purpose**”).

**AGREEMENT**

**NOW, THEREFORE,** Flock and Customer agree that this Agreement, and any Order Form, purchase orders, statements of work, product addenda, or the like, attached hereto as exhibits and incorporated by reference, constitute the complete and exclusive statement of the Agreement of the Parties with respect to the subject matter of this Agreement, and replace and supersede all prior agreements, term sheets, purchase orders, correspondence, oral or written communications and negotiations by and between the Parties.

### 1. DEFINITIONS

Certain capitalized terms, not otherwise defined herein, have the meanings set forth or cross-referenced in this Section 1.

1.1 “**Anonymized Data**” means Customer Data permanently stripped of identifying details and any potential personally identifiable information, by commercially available standards which irreversibly alters data in such a way that a data subject (i.e., individual person or entity) can no longer be identified directly or indirectly.

1.2 “**Authorized End User(s)**” means any individual employees, agents, or contractors of Customer accessing or using the Services, under the rights granted to Customer pursuant to this Agreement.

1.3 “**Customer Data**” means the data, media and content provided by Customer through the Services. For the avoidance of doubt, the Customer Data will include the Footage.

1.4. “**Customer Hardware**” means the third-party camera owned or provided by Customer and any other physical elements that interact with the Embedded Software and the Web Interface to provide the Services.

1.5 “**Embedded Software**” means the Flock proprietary software and/or firmware integrated with or installed on the Flock Hardware or Customer Hardware.

1.6 “**Flock Hardware**” means the Flock device(s), which may include the pole, clamps, solar panel, installation components, and any other physical elements that interact with the Embedded Software and the Web Interface, to provide the Flock Services as specifically set forth in the applicable product addenda.

1.7 “**Flock IP**” means the Services, the Embedded Software, and any intellectual property proprietary information therein or otherwise provided to Customer and/or its Authorized End Users. Flock IP does not include Footage (as defined below).

1.8 “**Flock Network End User(s)**” means any user of the Flock Services that Customer authorizes access to or receives data from, pursuant to the licenses granted herein.

1.9 “**Flock Services**” means the provision of Flock’s software and hardware situational awareness solution, via the Web Interface, for automatic license plate detection, alerts, audio detection, searching image records, video and sharing Footage.

1.10 “**Footage**” means still images, video, audio and other data captured by the Flock Hardware or Customer Hardware in the course of and provided via the Flock Services.

1.11 “**Hotlist(s)**” means a digital file containing alphanumeric license plate related information pertaining to vehicles of interest, which may include stolen vehicles, stolen vehicle license plates, vehicles owned or associated with wanted or missing person(s), vehicles suspected of being involved with criminal or terrorist activities, and other legitimate law enforcement purposes. Hotlist also includes, but is not limited to, national data (i.e., NCIC) for similar categories, license plates associated with AMBER Alerts or Missing Persons/Vulnerable Adult Alerts and includes manually entered license plate information associated with crimes that have occurred in any local jurisdiction.

1.12 “**Installation Services**” means the services provided by Flock for installation of Flock Services.

1.13 “**Retention Period**” means the time period that the Customer Data is stored within the cloud storage, as specified in the product addenda.

1.14 “**Vehicle Fingerprint™**” means the unique vehicular attributes captured through Services such as: type, make, color, state registration, missing/covered plates, bumper stickers, decals, roof racks, and bike racks.

1.15 “**Web Interface**” means the website(s) or application(s) through which Customer and its Authorized End Users can access the Services.

**2.1 Provision of Access.** Flock hereby grants to Customer a non-exclusive, non-transferable right to access the features and functions of the Flock Services via the Web Interface during the Term, solely for the Authorized End Users. The Footage will be available for Authorized End Users to access and download via the Web Interface for the data retention time defined on the Order Form (“*Retention Period*”). Authorized End Users will be required to sign up for an account and select a password and username (“*User ID*”). Customer shall be responsible for all acts and omissions of Authorized End Users, and any act or omission by an Authorized End User which, including any acts or omissions of authorized End user which would constitute a breach of this agreement if undertaken by customer. Customer shall undertake reasonable efforts to make all Authorized End Users aware of all applicable provisions of this Agreement and shall cause Authorized End Users to comply with such provisions. Flock may use the services of one or more third parties to deliver any part of the Flock Services, (such as using a third party to host the Web Interface for cloud storage or a cell phone provider for wireless cellular coverage); provided that, (a) any third party providing all or any part of the Flock Services shall be bound by the provisions of this Agreement relating to data security and confidentiality, or to similarly protective requirements consistent with applicable law, and (b) when appropriate, Flock shall pass along to Customer any warranties or other rights that Flock may have in third party products or services used by Flock to deliver its services hereunder, to the fullest extent allowed by Flock’s agreements with such third parties.

**2.2 Embedded Software License.** Flock grants Customer a limited, non-exclusive, non-transferable, non-sublicensable (except to the Authorized End Users), revocable right to use the Embedded Software as it pertains to Flock Services, solely as necessary for Customer to use the Flock Services.

**2.3 Support Services.** Flock shall monitor the Flock Services, and any applicable device health, in order to improve performance and functionality. Flock will use commercially reasonable efforts to respond to requests for support within seventy-two (72) hours. Flock will provide Customer with reasonable technical and on-site support and maintenance services in-person, via phone or by email at [support@flocksafety.com](mailto:support@flocksafety.com) (such services collectively referred to as “*Support Services*”).

**2.4 Upgrades to Platform.** Flock may make any upgrades to system or platform that it de necessary or useful to (i) maintain or enhance the quality or delivery of Flock’s products or services to its agencies the competitive strength of, or market for, Flock’s products or services such platform or system’s cost efficiency or performance, or (ii) to comply with applicable law. Parties understand that such upgrades are necessary from time to time and will not diminish the quality of the services or materially change any terms or conditions within this Agreement.

**2.5 Service Interruption.** Services may be interrupted in the event that: (a) Flock’s provision of the Services to Customer or any Authorized End User is prohibited by applicable law; (b) any third-party services required for Services are interrupted; (c) if Flock reasonably believe Services are being used for malicious, unlawful, or otherwise unauthorized use; (d) there is a threat or attack on any of the Flock IP by a third party; or (e) scheduled or emergency maintenance (“*Service Interruption*”). Flock will make commercially reasonable efforts to provide written notice of any Service Interruption to Customer, to provide updates, and to resume providing access to Flock Services as soon as reasonably possible after the event giving rise to the Service Interruption is cured. Excepting for any damages, liabilities, losses, or other consequences arising from Flock’s gross negligence, willful misconduct, or fraud, Flock will have no liability for any damage, liabilities, losses (including any loss of data or profits), or any other consequences that Customer or any Authorized End User may incur as a result of a Service Interruption. To the extent that the Service Interruption is not caused by Customer’s direct actions or by the actions of parties associated with the Customer, the time will be tolled by the duration of the Service Interruption (for any continuous suspension lasting at least one full day). For example, in the event of a Service Interruption lasting five (5) continuous days, Customer will receive a credit for five (5) free days at the end of the Term.

**2.6 Service Suspension.** Flock may temporarily suspend Customer’s and any Authorized End User’s access to any portion or all of the Flock IP or Flock Service if Flock reasonably determines that: (a) there is a threat or attack on any of the Flock IP by Customer; (b) Customer’s or any Authorized End User’s use of the Flock IP disrupts or poses a security risk to the Flock IP or any other customer or vendor of Flock; (c) Customer or any Authorized End User is/are using the Flock IP for fraudulent or illegal activities; (d) Customer has violated any term of this provision, including, but not limited to, utilizing Flock Services for anything other than the Permitted Purpose; or (e) any unauthorized access to Flock Services through Customer’s account (“*Service*

*Suspension*”). Customer shall not be entitled to any remedy for the Service Suspension period including any reimbursement, tolling, or credit. If the Service Suspension was not caused by Customer, the Term will be tolled by the duration of the Service Suspension.

**2.7 Hazardous Conditions.** Flock Services do not contemplate hazardous materials, or other hazardous conditions, including, without limit, asbestos, lead, toxic or flammable substances. In the event any such hazardous materials are discovered in quantities not routinely used or stored for ordinary commercial, governmental, or household purposes, in the designated locations in which Flock is to perform services under this Agreement, Flock shall have the right to cease work immediately.

### 3. PARTY OBLIGATIONS

**3.1 Customer Obligations.** Flock will assist Customer Authorized End Users in the creation of a User ID. Authorized End Users agree to provide Flock with accurate, complete, and updated registration information. Authorized End Users may not select as their User ID, a name that they do not have the right to use, or any other name with the intent of impersonation. Customer and Authorized End Users may not transfer their account to anyone else without prior written permission of Flock. Authorized End Users shall not share their account username or password information and must protect the security of the username and password. Unless otherwise stated and defined in this Agreement, Customer shall not designate Authorized End Users for persons who are not officers, employees, or agents of Customer. Authorized End Users shall only use Customer-issued email addresses for the creation of their User ID. Customer is responsible for any Authorized End User activity associated with its account. Customer shall ensure that Customer provides Flock with up-to-date contact information at all times during the Term of this agreement. Customer shall be responsible for obtaining and maintaining any equipment and ancillary services needed to connect to, access or otherwise use the Flock Services. Customer shall (at its own expense) provide Flock with reasonable access and use of Customer facilities and Customer personnel in order to enable Flock to perform Services (such obligations of Customer are collectively defined as “*Customer Obligations*”).

**3.2 Representations and Warranties.** Customer represents, covenants, and warrants that Customer shall use Flock Services only in compliance with this Agreement and all applicable

laws and regulations, including but not limited to any laws relating to the recording or sharing of data, video, photo, or audio content. Flock represents, covenants, and warrants that it shall also comply with all applicable laws and regulations, including but limited to laws relating to the recording or sharing of data, video, photo, or audio content.

3.3. **Flock Obligations.** Flock shall keep written documentation of who accesses the Customer Data and who the Customer Data is released to and shall provide such documentation upon request from the Customer. Subject to Section 5.3, Flock shall not (1) share the Customer Data with any individual, entity or agency without written permission from Customer; (2) access, download, or decrypt the Customer Data without written permission from Customer; (3) store the Customer Data in any form or for any length of time that violates this Agreement; (4) allow its agents or employees without authorized clearance to access the Customer Data; and (5) otherwise use the Customer Data in a manner that is not approved in writing by Customer.

#### 4. DATA USE AND LICENSING

4.1 **Customer Data.** As between Flock and Customer, all right, title and interest in the Customer Data, belong to and are retained solely by Customer. Customer hereby grants to Flock a limited, non-exclusive, royalty-free, irrevocable, worldwide license to use the Customer Data to perform all acts as are necessary for Flock to provide the Flock Services to Customer. Flock does not own and shall not sell Customer Data. Flock shall not share or transfer Customer Data unless requested or approved by Customer.

4.2 **Customer Generated Data.** Flock may provide Customer with the opportunity to post, upload, display, publish, distribute, transmit, broadcast, or otherwise make available, messages, text, illustrations, files, images, graphics, photos, comments, sounds, music, videos, information, content, ratings, reviews, data, questions, suggestions, or other information or materials produced by Customer (“*Customer Generated Data*”). Customer shall retain whatever legally cognizable right, title, and interest in Customer Generated Data. Customer understands and acknowledges that Flock has no obligation to monitor or enforce Customer’s intellectual property rights of Customer Generated Data. Customer grants Flock a non-exclusive, irrevocable, worldwide, royalty-free, license to use the Customer Generated Data for the purpose of providing Flock Services. Flock does not own and shall not sell Customer Generated Data. Flock shall not share or transfer Customer Generated Data unless requested or approved by Customer.

4.3 **Anonymized Data.** Flock shall have the right to collect, analyze, and anonymize Customer Data and Customer Generated Data to the extent such anonymization renders the data non-identifiable to create Anonymized Data to use and perform the Services and related systems and technologies, including the training of machine learning algorithms. Customer hereby grants Flock a non-exclusive, worldwide, perpetual, royalty-free right to use such Anonymized Data to improve and enhance the Services and for other development, diagnostic and corrective purposes, and other Flock offerings. Parties understand that the aforementioned license is required for continuity of Services. Flock does not own and shall not sell Anonymized Data.

4.4. **Data Destruction.** Following the Retention Period, Flock shall use best efforts to ensure that all Footage is completely destroyed and cannot be retrieved, even forensically.

## 5. CONFIDENTIALITY; DISCLOSURES

5.1 **Confidentiality.** To the extent required by any applicable public records requests, each Party (the “*Receiving Party*”) understands that the other Party (the “*Disclosing Party*”) has disclosed or may disclose business, technical or financial information relating to the Disclosing Party’s business (hereinafter referred to as “*Proprietary Information*” of the Disclosing Party). Proprietary Information of Flock includes non-public information regarding features, functionality and performance of the Services. Proprietary Information of Customer includes non-public data provided by Customer to Flock or collected by Flock via Flock Services, which includes but is not limited to geolocation information and environmental data collected by sensors. The Receiving Party agrees: (i) to take the same security precautions to protect against disclosure or unauthorized use of such Proprietary Information that the Party takes with its own proprietary information, but in no event less than commercially reasonable precautions, and (ii) not to use (except in performance of the Services or as otherwise permitted herein) or divulge to any third person any such Proprietary Information. The Disclosing Party agrees that the foregoing shall not apply with respect to any information that the Receiving Party can document (a) is or becomes generally available to the public; or (b) was in its possession or known by it prior to receipt from the Disclosing Party; or (c) was rightfully disclosed to it without restriction by a third party; or (d) was independently developed without use of any Proprietary Information of the Disclosing Party. Nothing in this Agreement will prevent the Receiving Party from disclosing the Proprietary

Information pursuant to any judicial or governmental order, or pursuant to the California Public Records Act, provided that the Receiving Party gives the Disclosing Party reasonable prior notice of such disclosure to contest such order. At the termination of this Agreement, all Proprietary Information will be returned to the Disclosing Party, destroyed or erased (if recorded on an erasable storage medium), together with any copies thereof, when no longer needed for the purposes above, or upon request from the Disclosing Party, and in any case upon termination of the Agreement. Notwithstanding any termination, all confidentiality obligations of Proprietary Information that is trade secret shall continue in perpetuity or until such information is no longer trade secret. If Flock maintains that information in Customer's possession, custody, or control that is responsive to a Public Records Act request constitutes or contains protected trade secrets, then Flock will provide reasonable cooperation with Customer in providing information demonstrating that the information in question meets the definition in Civil Code Section 3426.1(a).

**5.2 Usage Restrictions on Flock IP.** Flock and its licensors retain all right, title and interest in and to the Flock IP and its components, and Customer acknowledges that it neither owns nor acquires any additional rights in and to the foregoing not expressly granted by this Agreement. Customer further acknowledges that Flock retains the right to use the foregoing for any purpose in Flock's sole discretion not in conflict with applicable law this Agreement. Customer and Authorized End Users shall not: (i) copy or duplicate any of the Flock IP; (ii) decompile, disassemble, reverse engineer, or otherwise attempt to obtain or perceive the source code from which any software component of any of the Flock IP is compiled or interpreted, or apply any other process or procedure to derive the source code of any software included in the Flock IP; (iii) attempt to modify, alter, tamper with or repair any of the Flock IP, or attempt to create any derivative product from any of the foregoing; (iv) interfere or attempt to interfere in any manner with the functionality or proper working of any of the Flock IP; (v) remove, obscure, or alter any notice of any intellectual property or proprietary right appearing on or contained within the Flock Services or Flock IP; (vi) use the Flock Services for anything other than the Permitted Purpose; or (vii) assign, sublicense, sell, resell, lease, rent, or otherwise transfer, convey, pledge as security, or otherwise encumber, Customer's rights. There are no implied rights.

**5.3 Disclosure of Footage.** Subject to and during the Retention Period, Flock may access, use, preserve and/or disclose the Footage to law enforcement authorities, government officials, and/or

third parties, if legally required to do so. Subject to reasonable advance notice to Customer, Flock may also access, use, preserve, and/or disclose Footage if Flock has a good faith belief that such access, use, preservation and/or disclosure is both permissible under applicable law and reasonably necessary either to: (x) comply with a legal process; (y) enforce this Agreement; or (z) detect, prevent or otherwise address security, privacy, fraud or technical issues, or emergency situations. Except as otherwise provided in this Agreement, Flock shall not disclose Footage under any other circumstance without Customer's express written prior authorization.

## 6. PAYMENT OF FEES

**6.1 Billing and Payment of Fees.** Customer shall pay the fees set forth in the applicable Order Form based on the billing structure and payment terms as indicated in the Order Form. If Customer believes that Flock has billed Customer incorrectly, Customer must contact Flock no later than thirty (30) days after the closing date on the first invoice in which the error or problem appeared to receive an adjustment or credit. Customer acknowledges and agrees that a failure to contact Flock within this period will serve as a waiver of any claim. If any undisputed fee is more than thirty (30) days overdue, Flock may, without limiting its other rights and remedies, suspend delivery of its service until such undisputed invoice is paid in full. Flock shall provide at least thirty (30) days' prior written notice to Customer of the payment delinquency before exercising any suspension right.

**6.2 Notice of Changes to Fees.** Flock reserves the right to change the fees for subsequent Renewal Terms by providing sixty (60) days' notice (which may be sent by email) prior to the end of the Initial Term or Renewal Term (as applicable).

**6.3 Late Fees.** If payment of any undisputed amount is not issued to Flock by the due date of the invoice, an interest penalty of 1.0% of any unpaid amount may be added for each month or fraction thereafter, until final payment is made; provided that the rate of interest shall not exceed the maximum rate of interest allowed by law.

**6.4 Taxes.** Customer is responsible for all taxes, levies, or duties, excluding only taxes based on Flock's net income, imposed by taxing authorities associated with the order. If Flock has the legal obligation to pay or collect taxes, including amount subsequently assessed by a taxing authority, for which Customer is responsible, the appropriate amount shall be invoice to and paid

by Customer unless Customer provides Flock a legally sufficient tax exemption certificate. Flock shall not charge customer any taxes from which it is exempt. If any deduction or withholding is required by law, Customer shall notify Flock and shall pay Flock any additional amounts necessary to ensure that the net amount that Flock receives, after any deduction and withholding, equals the amount Flock would have received if no deduction or withholding had been required.

## 7. TERM AND TERMINATION

7.1 **Term.** The initial term of this Agreement shall be for two (2) years as indicated on the Order Form (the “*Term*”). Following the Term, unless otherwise indicated on the Order Form, this Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a “*Renewal Term*”) unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.

7.2 **Termination.** Upon termination or expiration of this Agreement, Flock will remove any applicable Flock Hardware at a commercially reasonable time period. In the event of any material breach of this Agreement, the non-breaching Party may terminate this Agreement prior to the end of the Term by giving thirty (30) days prior written notice to the breaching Party; provided, however, that this Agreement will not terminate if the breaching Party has cured the breach prior to the expiration of such thirty (30) day period (“Cure Period”). Either Party may terminate this Agreement (i) upon the institution by or against the other Party of insolvency, receivership or bankruptcy proceedings, (ii) upon the other Party's making an assignment for the benefit of creditors, (iii) upon the other Party's dissolution or ceasing to do business; or (iv) immediately in case of non-appropriation of funds by Customer’s City Council in future fiscal years after the initial fiscal year of this Agreement (provided that in such circumstance, Customer shall remain liable for all fees due and payable prior to the date of the termination). In the event of a material breach by Flock, and Flock is unable to cure within the Cure Period, Flock will refund Customer a pro-rata portion of the pre-paid fees for Services not received due to such termination.

7.3 **Survival.** The following Sections will survive termination: 1, 3, 5, 6, 7, 8.3, 8.4, 9, 10.1 and 10.6.

**8.1 Manufacturer Defect.** Upon a malfunction or failure of Flock Hardware or Embedded Software (a “*Defect*”), Customer must notify Flock’s technical support team. In the event of a Defect, Flock shall make a commercially reasonable attempt to repair or replace the defective Flock Hardware at no additional cost to the Customer. Flock reserves the right, in its reasonable discretion, to repair or replace such Defect, provided that Flock shall conduct inspection or testing within a commercially reasonable time, but no longer than seven (7) business days after Customer gives notice to Flock.

**8.2 Replacements.** In the event that Flock Hardware is lost, stolen, or damaged, Customer may request a replacement of Flock Hardware at a fee according to the reinstall fee schedule (<https://www.flocksafety.com/reinstall-fee-schedule>). In the event that Customer chooses not to replace lost, damaged, or stolen Flock Hardware, Customer understands and agrees that (1) Flock Services will be materially affected, and (2) that Flock shall have no liability to Customer regarding such affected Flock Services, nor shall Customer receive a refund for the lost, damaged, or stolen Flock Hardware.

**8.3 Warranty.** Flock shall use reasonable efforts consistent with prevailing industry standards to maintain the Services in a manner which minimizes errors and interruptions in the Services and shall perform the Installation Services in a professional and workmanlike manner. Services may be temporarily unavailable for scheduled maintenance or for unscheduled emergency maintenance, either by Flock or by third-party providers, or because of other causes beyond Flock’s reasonable control, but Flock shall use reasonable efforts to provide advance notice in writing or by e-mail of any scheduled service disruption.

**8.4 Disclaimer.** UNLESS OTHERWISE PROVIDED BY THIS AGREEMENT, THE REMEDIES DESCRIBED IN THIS SECTION 8 ARE CUSTOMER’S SOLE REMEDIES, AND FLOCK’S SOLE LIABILITY, WITH RESPECT TO DEFECTS. FLOCK DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE; NOR DOES IT MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM USE OF THE SERVICES. EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION, THE SERVICES ARE PROVIDED “AS IS” AND FLOCK DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED

WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. THIS DISCLAIMER ONLY APPLIES TO THE EXTENT ALLOWED BY THE GOVERNING LAW OF THE STATE MENTIONED IN SECTION 10.6.

8.5 **Insurance.** Flock will maintain commercial general liability policies as stated in Exhibit B.

8.6 **Force Majeure.** Parties are not responsible or liable for any delays or failures in performance from any cause beyond their control, including, but not limited to acts of God, changes to law or regulations, embargoes, war, terrorist acts, pandemics (including the spread of variants), issues of national security, acts or omissions of third-party technology providers, riots, fires, earthquakes, floods, power blackouts, strikes, supply chain shortages of equipment or supplies, financial institution crisis, weather conditions or acts of hackers, internet service providers or any other third party acts or omissions.

## 9. LIMITATION OF LIABILITY; INDEMNITY

9.1 **Limitation of Liability.** NOTWITHSTANDING ANYTHING TO THE CONTRARY, NEITHER PARTY, ITS OFFICERS, AFFILIATES, REPRESENTATIVES, CONTRACTORS AND EMPLOYEES SHALL NOT BE RESPONSIBLE OR LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT OR TERMS AND CONDITIONS RELATED THERETO UNDER ANY CONTRACT, NEGLIGENCE, STRICT LIABILITY, PRODUCT LIABILITY, OR OTHER THEORY: (A) FOR LOSS OF REVENUE, BUSINESS OR BUSINESS INTERRUPTION; (B) INCOMPLETE, CORRUPT, OR INACCURATE DATA; (C) COST OF PROCUREMENT OF SUBSTITUTE GOODS, SERVICES OR TECHNOLOGY; (D) FOR ANY INDIRECT, EXEMPLARY, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES; FOR ANY MATTER BEYOND FLOCK'S ACTUAL KNOWLEDGE OR REASONABLE CONTROL INCLUDING REPEAT CRIMINAL ACTIVITY OR INABILITY TO CAPTURE FOOTAGE; OR (F) FOR ANY AMOUNTS THAT, TOGETHER WITH AMOUNTS ASSOCIATED WITH ALL OTHER CLAIMS, EXCEED THE FEES PAID AND/OR PAYABLE BY CUSTOMER TO FLOCK FOR THE SERVICES UNDER THIS AGREEMENT IN THE TWELVE (12) MONTHS PRIOR TO THE ACT OR OMISSION THAT GAVE RISE TO THE LIABILITY, IN EACH CASE, WHETHER OR NOT FLOCK HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THIS LIMITATION OF

LIABILITY OF SECTION ONLY APPLIES TO THE EXTENT ALLOWED BY THE GOVERNING LAW OF THE STATE REFERENCED IN SECTION 10.6.

NOTWITHSTANDING ANYTHING TO THE CONTRARY, THE FOREGOING LIMITATIONS OF LIABILITY SHALL NOT APPLY (I) IN THE EVENT OF GROSS NEGLIGENCE, WILLFUL MISCONDUCT, OR FRAUD, OR (II) INDEMNIFICATION OBLIGATIONS.

9.2 **Responsibility.** Each Party to this Agreement shall assume the responsibility and liability for the acts and omissions of its own employees, officers, or agents, in connection with the performance of their official duties under this Agreement. Each Party to this Agreement shall be liable for the torts of its own officers, agents, or employees.

9.3 **Flock Indemnity.** Flock shall indemnify, defend, and hold harmless Customer, its agents and employees, from liability of any kind, including claims, penalties, costs (including defense) and expenses, on account of: (i) any copyrighted material, patented or unpatented invention, articles, device or appliance manufactured or used in the performance of this Agreement; or (ii) any damage or injury to property or person arising from or relating to Flock's installation of Flock Hardware, breach of this Agreement, or violation of applicable law, except for where such damage or injury was caused by the gross negligence or willful misconduct of the Customer or its agents, officers or employees.

## 10. INSTALLATION SERVICES AND OBLIGATIONS

10.1 **Ownership of Hardware.** Flock Hardware is owned and shall remain the exclusive property of Flock. Title to any Flock Hardware shall not pass to Customer upon execution of this Agreement, except as otherwise specifically set forth in this Agreement. Except as otherwise expressly stated in this Agreement or if absolutely necessary to comply with applicable law or a judicial or governmental order, Customer is not permitted to remove, reposition, re-install, tamper with, alter, adjust or otherwise take possession or control of Flock Hardware. Customer agrees and understands that in the event Customer is found to engage in any of the foregoing restricted actions, all warranties herein shall be null and void, and this Agreement shall be subject to immediate termination for material breach by Customer. Customer shall not perform any acts which would interfere with the retention of title of the Flock Hardware by Flock. Should Customer default on any payment of the Flock Services, Flock may remove Flock Hardware at

Flock’s discretion. Such removal, if made by Flock, shall not be deemed a waiver of Flock’s rights to any damages Flock may sustain as a result of Customer’s default and Flock shall have the right to enforce any other legal remedy or right.

**10.2 Deployment Plan.** Flock shall advise Customer on the location and positioning of the Flock Hardware for optimal product functionality, as conditions and locations allow. Flock will collaborate with Customer to design the strategic geographic mapping of the location(s) and implementation of Flock Hardware to create a deployment plan (“*Deployment Plan*”). In the event that Flock determines that Flock Hardware will not achieve optimal functionality at a designated location, Flock shall have final discretion to veto a specific location, and will provide alternative options to Customer.

**10.3 Changes to Deployment Plan.** After installation of Flock Hardware, any subsequent requested changes to the Deployment Plan, including, but not limited to, relocating, re-positioning, adjusting of the mounting, removing foliage, replacement, changes to heights of poles will incur a fee according to the reinstall fee schedule located at (<https://www.flocksafety.com/reinstall-fee-schedule>). Customer will receive prior notice and confirm approval of any such fees.

**10.4 Customer Installation Obligations.** Customer is responsible for any future Customer pre-approved applicable supplementary cost as described in the Customer Implementation Guide, attached hereto as Exhibit C (“*Customer Obligations*”). Customer represents and warrants that it has, or shall lawfully obtain, all necessary right title and authority and hereby authorizes Flock to install the Flock Hardware at the designated locations and to make any necessary inspections or maintenance in connection with such installation.

**10.5 Flock’s Obligations.** Installation of any Flock Hardware shall be installed in a professional manner as soon as reasonably practicable after the Effective Date of this Agreement. Upon removal of Flock Hardware, Flock shall restore the location to its original condition, ordinary wear and tear excepted. Flock will continue to monitor the performance of Flock Hardware for the length of the Term. Flock may use a subcontractor or third party to perform certain obligations under this agreement, provided that Flock’s use of such subcontractor or third party shall not release Flock from any duty or liability to fulfill Flock’s obligations under this Agreement.

11.1 **Compliance With Laws.** Parties shall comply with all applicable local, state and federal laws, regulations, policies and ordinances and their associated record retention schedules, including responding to any subpoena request(s).

11.2 **Severability.** If any provision of this Agreement is found to be unenforceable or invalid, that provision will be limited or eliminated to the minimum extent necessary so that this Agreement will otherwise remain in force to effectuate the original intent of the parties as closely as possible.

11.3 **Assignment.** This Agreement is not assignable, transferable or sublicensable by either Party, without prior written consent. Notwithstanding the foregoing, either Party may assign this Agreement, without the other Party's consent, (i) to any parent, subsidiary, or affiliate entity, or (ii) to any purchaser of all or substantially all of such Party's assets or to any successor by way of merger, consolidation or similar transaction.

11.4 **Entire Agreement.** This Agreement, together with the Order Form(s), the reinstall fee schedule (<https://www.flocksafety.com/reinstall-fee-schedule>), and any attached exhibits are the complete and exclusive statement of the mutual understanding of the Parties and supersedes and cancels all previous or contemporaneous negotiations, discussions or agreements, whether written and oral, communications and other understandings relating to the subject matter of this Agreement, and that all waivers and modifications must be in a writing signed by both Parties, except as otherwise provided herein. None of Customer's purchase orders, authorizations or similar documents will alter the terms of this Agreement, and any such conflicting terms are expressly rejected. Any mutually agreed upon purchase order is subject to these terms. In the event of any conflict of terms found in this Agreement or any other terms and conditions, the terms of this Agreement shall prevail. Customer agrees that Customer's purchase is neither contingent upon the delivery of any future functionality or features nor dependent upon any oral or written comments made by Flock with respect to future functionality or feature. The Recitals are integral parts hereof and are incorporated herein by this reference. Notwithstanding anything to the contrary stated herein, in case of any discrepancy between an Order Form and any other provision of this Agreement, this Agreement shall control over the Order Form.

**11.5 Relationship.** No agency, partnership, joint venture, or employment is created as a result of this Agreement and Parties do not have any authority of any kind to bind each other in any respect whatsoever. Flock shall at all times be and act as an independent contractor to Customer.

**11.6 Governing Law; Venue.** This Agreement shall be governed by the laws of the state in which the Customer is located. The Parties hereto agree that venue would be proper in the chosen courts of the State of which the Customer is located. The Parties agree that the United Nations Convention for the International Sale of Goods is excluded in its entirety from this Agreement.

**11.7 Special Terms.** Flock may offer certain special terms which are indicated in the proposal and will become part of this Agreement, upon Customer's prior written consent and the mutual execution by authorized representatives ("*Special Terms*"). To the extent that any terms of this Agreement are inconsistent or conflict with the Special Terms, the Special Terms shall control.

**11.8 Publicity.** Flock has the right to reference and use Customer's name and disclose the nature of the Services in business and development and marketing efforts; provided that Flock shall not use Customer's logos or trademarks without express written consent and shall not state or imply an endorsement beyond merely identifying Customer as a customer.

**11.9 Feedback.** If Agency or Authorized End User provides any suggestions, ideas, enhancement requests, feedback, recommendations or other information relating to the subject matter hereunder, Agency or Authorized End User hereby assigns to Flock all right, title and interest (including intellectual property rights) with respect to or resulting from any of the foregoing.

**11.10 Export.** Customer may not remove or export from the United States or allow the export or re-export of the Flock IP or anything related thereto, or any direct product thereof in violation of any restrictions, laws or regulations of the United States Department of Commerce, the United States Department of Treasury Office of Foreign Assets Control, or any other United States or foreign Customer or authority. As defined in Federal Acquisition Regulation ("FAR"), section 2.101, the Services, the Flock Hardware and Documentation are "commercial items" and according to the Department of Defense Federal Acquisition Regulation ("DFAR") section 252.2277014(a)(1) and are deemed to be "commercial computer software" and "commercial computer software documentation." Flock is compliant with FAR Section 889 and does not contract or do business with, use any equipment, system, or service that uses the enumerated banned Chinese telecommunication companies, equipment or services as a substantial or essential component of any system, or as critical technology as part of any Flock system. Consistent with

DFAR section 227.7202 and FAR section 12.212, any use, modification, reproduction, release, performance, display, or disclosure of such commercial software or commercial software documentation by the U.S. Government will be governed solely by the terms of this Agreement and will be prohibited except to the extent expressly permitted by the terms of this Agreement.

11.11 **Headings.** The headings are merely for organization and should not be construed as adding meaning to the Agreement or interpreting the associated sections.

11.12 **Authority.** Each of the below signers of this Agreement represent that they understand this Agreement and have the authority to sign on behalf of and bind the Parties they are representing.

11.13 **Conflict.** In the event there is a conflict between this Agreement and any applicable statement of work, or Customer purchase order, this Agreement controls unless explicitly stated otherwise.

11.14 **Public Disrepute.** In the event Customer or its employees become the subject of an indictment, arrest, public disrepute, contempt, scandal or behaves in a manner that, in the reasonable judgment of Flock, reflects unfavorably upon Flock, and/or their officers or principals, licensees, such act(s) or omission(s) shall constitute a material breach of this Agreement and Flock shall, in addition to any other rights and remedies available to it hereunder, whether at law or in equity, have the right to elect to terminate this Agreement.

11.15 **Notices.** All notices under this Agreement will be in writing and will be deemed to have been duly given when received, if personally delivered; when receipt is electronically confirmed, if transmitted by email; the day after it is sent, if sent for next day delivery by recognized overnight delivery service; and upon receipt, if sent by certified or registered mail, return receipt requested.

11.16 **Miscellaneous.** There are no third party intended beneficiaries of this Agreement. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically. An electronically stored copy of this Agreement or other facsimile shall be treated as an original.

FLOCK NOTICES ADDRESS:

1170 HOWELL MILL ROAD, NW SUITE 210

ATLANTA, GA 30318

ATTN: LEGAL DEPARTMENT

EMAIL: legal@flocksafety.com

Customer NOTICES ADDRESS:

ADDRESS:

ATTN:

EMAIL:

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EXHIBIT B  
**INSURANCE**

**Required Coverage.** Flock shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the services under this Agreement and the results of that work by Flock or its agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A. M. Best rating of no less than “A” and “VII”. Flock shall obtain and, during the term of this Agreement, shall maintain policies of professional liability (errors and omissions), automobile liability, and general liability insurance for insurable amounts of not less than the limits listed herein. The insurance policies shall provide that the policies shall remain in full force during the life of the Agreement.

**Types and Amounts Required.** Flock shall maintain, at minimum, the following insurance coverage for the duration of this Agreement:

- (i) **Commercial General Liability** insurance written on an occurrence basis with minimum limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate for bodily injury, death, and property damage, including personal injury, contractual liability, independent contractors, broad-form property damage, and product and completed operations coverage;
- (ii) **Umbrella or Excess Liability** insurance written on an occurrence basis with minimum limits of Ten Million Dollars (\$10,000,000) per occurrence and Ten Million Dollars (\$10,000,000) in the aggregate;
- (iii) **Professional Liability/Errors and Omissions** insurance with minimum limits of Five Million Dollars (\$5,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the aggregate;
- (iv) **Commercial Automobile Liability** insurance with a minimum combined single limit of One Million Dollars (\$1,000,000) per occurrence for bodily injury, death, and property coverage, including owned and non-owned and hired automobile coverage; and
- (v) **Cyber Liability** insurance written on an occurrence basis with minimum limits of Five Million Dollars (\$5,000,000).



## 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)

Dear City Council,

The subject of the letter is license plate readers for Los Altos

It is my assumption that during the next city council meeting the subject of License Plate Readers will be on the agenda.

As one who had his catalytic converter stolen from in front of his house on a cul-de-sac and is knowledgeable of this happening to others in my neighborhood and in the Grant Park area, I am concerned, deeply concerned.

Council has been deliberating on this subject for too long and, as a result, opportunities to deter and prevent crimes have been lost.

Our City has taken too long to make a decision to give our police an important tool that they need. In the meantime, our residents have been and continue to be more vulnerable to crime because the criminals know our city is less secure than neighboring towns with the LPR's.

Not only that, it is well known that South American gangs from countries like Chile are targeting California cities in Southern California and I suspect in the Bay area, maybe even Los Altos. Our local police would know.

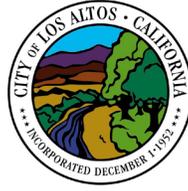
If the ALPR program is to be successful, it should not restrict our police from effectively using this tool. I am concerned that the length of time it has taken to bring this to fruition has resulted in too many limits on our police.

I am aware that there were only 2 complaints of racial bias in the past year and both were found that there was no racism from our police. There should be no concern about racial profiling with this program as used by our police.

Furthermore, we have a very experienced police chief and I urge you show your trust in her by supporting her requests to make this program successful and that you commit to this ASAP.

Sincerely,

Scott Spielman



## 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.

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With the Flock ALPR system approved for Los Altos, we hope that as representatives of the public, City Council will strengthen our ALPR policies to safeguard our civil liberties and privacy rights. As LARE members, we readily admit that we are not legal experts, but we have done extensive research into the changes we are recommending, and they have strong support from the ACLU, the US Department of Justice, and/or the Policing Project from NYU School of Law, all of whom very clearly are legal experts in policing.

Here, we first briefly describe the 6 recommendations we feel are most important to implement, in priority order. We cite the research and organizations that support these changes in the next section for better readability. As always, we are happy to discuss any of the particular changes.

## Changes Requested

1. Change the wording in section 462.4(g) and 462.4(h)(1) to bring into compliance with USDOJ recommendations and follow CA case law rulings:

(g) ~~if practicable~~, the officer ~~should~~ **must** verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator ~~should~~ **must** confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle. Before any law enforcement action is taken due to an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. **This provision shall not prevent a law enforcement officer from taking immediate action when a verifiable emergency situation exists for officer safety.**

(h) Hot Lists- designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or her/his designee. Occasionally, there may be errors in the ALPR's system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Los Altos Police Department members shall undertake the following steps:

1. Verification of status on a Hot List. An officer must receive confirmation from a communications dispatcher or other department computer device, that the license plate is still stolen, wanted or otherwise of interest before proceeding (~~absent exigent circumstances~~).
2. Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state

of issuance, and vehicle descriptors before proceeding. Officers alerted to the fact that an observed motor vehicle's license plate is entered as a "Hot plate" or "hit" in a specific BOLO ( be on the lookout) list are required to ~~make a reasonable effort to~~ confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

2. Change the wording in section 462.4(a), 462.4(b) and 462.4(c) to align with ACLU recommendations:

462.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) ~~An ALPR shall only be used for official law enforcement business.~~ ALPR hotlists may be used and ALPR historical data may be accessed for the following investigative purposes:

- (i) Pursuing information relevant to an ongoing criminal investigation of a felony, violent crime, or terrorist act;
- (ii) Apprehending an individual with an outstanding felony warrant;
- (iii) Locating a missing or endangered person; or
- (iv) Locating a lost or stolen vehicle.

(b) ~~An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.~~

(c) ~~ALPR may be used to canvass license plates around any crime scene. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.~~

3. Change 462.4(h) to clearly define hotlists that can be used for ALPR hit notifications to align with Brennan Center and Electronic Frontier Foundation recommendations:

462.4(h) Hot Lists- ~~designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or her/his designee.~~ The following hotlists are approved for use by the ALPR system. Any additions must be approved by the City Council.

- (i) NCIC Stolen Vehicle files; ·
- (ii) NCIC Stolen plates and Stolen Canadian plates; ·
- (iii) NCIC Wanted persons; ·
- (iv) NCIC Missing or Endangered person files;

- (v) NCIC Nationwide Domestic Violence Protection Orders
- (vi) NCIC Known or Suspected Terrorist;
- (vii) NCIC Sexual Offender;

#### 4. Change 462.5 Data Collection & Retention to align with ACLU recommendations and reflect our agreement with Flock Safety.

##### 462.5

The Administrative Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

The City contracted ALPR vendor will store the fixed position ALPR data and ensure proper maintenance and security of data stored in their data towers. The vendor will purge their data at the end of 30 days of storage. However, this will not preclude Los Altos Police Department from maintaining any data obtained from the system after that period pursuant to any open/active investigations relevant to the vehicle data. *Data saved locally that is not being used in an open/active investigation will be purged after 30 days.*

Information gathered or collected and records retained by the vendor, will not be sold, *by either the vendor or by PD, and will only be accessed or used by the PD for any reason other than* legitimate law enforcement or public safety purposes.

#### 5. Make audit findings public in 462.6

The audit will be documented in the form of an internal department memorandum to the Chief of Police. The memorandum will include any data errors found so that such errors can be corrected.

After review by the Chief of Police, the memorandum and any associated documentation will be filed and retained by the Custodian of Records. *The memorandum, minus any personally identifiable information (PII) will also be made available to the public.*

In addition, a designated law enforcement agency will do an annual audit of ALPR data, as an added layer of accountability, to ensure members of the Los Altos Police Department are in compliance with this policy. *This annual audit will also be made publicly available, minus PII, to ensure transparency and accountability.*

## 6. Ensure our compliance with Assembly Bill 1242 for Reproductive Rights in 462.7

(d) The Chief of Police or the authorized designee will consider the California Values Act (Government Code 7282.5; Government Code 7284.2 et seq), and [Assembly Bill 1242 for Reproductive Rights](#) before approving the release of ALPR data. The Los Altos Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs (ICE) and Customs and Border Patrol (CBP). [The Los Altos Police Department also does not permit sharing of ALPR data with out-of-state authorities in states that have criminalized abortion.](#)

## Research

1. When the PD gets an alert that a car's license plate has matched a hotlist (like the stolen car database), our policy outlines procedures that should be followed prior to engaging with the car/driver due to the high potential for error. However, our Lexipol policy makes repeated exceptions for "exigent circumstances" or "If practicable" (section 462.4(g), 462.4(h)(1) ) when specifying these steps. Instead of the broad language that Lexipol has created, it is critical that we adopt stronger language such as what the USDOJ suggests on Required Steps Preliminary to Police Action in

<https://vrnclearinghousefiles.blob.core.windows.net/documents/License%20Plate%20Reader%20Policy%20Development%20Template.pdf> policy point H.2. (page 18), quoted here:

"Whenever a license plate reader alerts on license plate information, prior to taking any law enforcement action, officers will be required, to the fullest extent possible, to visually verify that the actual vehicle license plate information matches the license plate information used and alerted upon by the LPR system, including both alphanumeric characters of the license plate and the state of issuance; verify the current status of the plate as active through [insert name of source, such as mobile information terminal [MDT] query, NCIC, etc.]; and confirm whether the alert pertains to the registrant of the car or the car itself. Receipt of an LPR alert for a stolen or felony vehicle may not rise to the level of reasonable suspicion and is not sufficient probable cause to arrest without confirmation that the alert is still valid and active. If the alert is for another type of transaction, the officer will read the description of the alert and follow the appropriate action or reporting method. If an LPR alert cannot be verified both visually and for validity, then law enforcement should not act on the alert and it should be rejected. If the officer witnesses a violation of law or other action that establishes reasonable suspicion for a stop, the officer may conduct a stop based on that reasonable suspicion. This provision shall not prevent a law enforcement officer from taking immediate action when a verifiable emergency situation exists for officer safety."

This policy point clearly balances flexibility for officers in emergencies as well as restricting unauthorized, unsafe and unlawful practices.

**Why is this important?** As shown by Green vs. City & County of SF case in 2014 <https://willamette.edu/law/resources/journals/wlo/9thcir/2014/05/green-v.-city--cnty.-of-san-francisco.html>, "*An officer who does not verify the plates of a stolen vehicle while making a stop may be making an unlawful stop.*" **Our policy as currently written would allow officers to make unlawful stops, opening our city up for lawsuits.**

2. Much clearer limits on ALPR usage should be set than what we have in section 462.4(a), 462.4(b), and 462.4(c). This is supported by the ACLU, and was actually recommended as changes to the Alameda ALPR Policy.

[https://www.aclunc.org/sites/default/files/20140129-aclu\\_analysis\\_of\\_alameda\\_alpr\\_policy.pdf](https://www.aclunc.org/sites/default/files/20140129-aclu_analysis_of_alameda_alpr_policy.pdf) pages 5 & 6. While this policy is old, our Lexipol policy still has the same problematic wording as the original Alameda one. Instead, we support taking specific usages recommended by the Policing Project - NYU School of Law <https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/622f6cc6d019c948ad3f904a/1647275206590/PP+Model+ALPR+Statute.pdf> p.2, section III (B).

This model policy describes a prohibited use case in section III (C), which we are happy to see explicitly called out in our "Permitted/Prohibited Uses" section.

**Why is this important?** As shown in the ACLU analysis, the lack of limits on ALPR usage by 462.4(a) & 462.4(b) allows for its widespread deployment for almost any use case. 462.4(c) **is permissive of using ALPRs to monitor and discourage constitutionally protected activities by directing officers to pay special attention to "major incidents".**

3. Originally, Chief Averiett proposed that we would only subscribe to Amber, Silver, and Stolen Vehicle alerts or "hotlists". Now, our policy states that the ALPR Administrator will decide which hotlists we can subscribe to, and since there is no requirement for any approval of changes, the hotlists could change at any time. The National Criminal Information Center (NCIC) hotlists include:

- NCIC Stolen Vehicle files; ·
- NCIC Stolen plates and Stolen Canadian plates; ·
- NCIC Wanted persons; ·
- NCIC Missing or Endangered person files;
- NCIC Supervised Release (Federal Probationers);
- NCIC Nationwide Domestic Violence Protection Orders;
- NCIC Gang File
- NCIC Known or Suspected Terrorist;
- NCIC Sexual Offender;

In addition, we could also subscribe to other hotlists including

- DMV Records of Suspended/Revoked Registrations.

- CalGang
- No insurance
- Parking violations/fines

(compiled from various sources, including <https://www.ojp.gov/pdffiles1/nij/grants/239605.pdf>, <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>, <https://www.ojp.gov/pdffiles1/nij/grants/247283.pdf>, and [https://www.alamedaca.gov/files/assets/public/departments/alameda/police/hate-crime-stats/automated\\_license\\_plate\\_readers\\_alprs\\_.pdf](https://www.alamedaca.gov/files/assets/public/departments/alameda/police/hate-crime-stats/automated_license_plate_readers_alprs_.pdf))

**Why is this important?** We do not want to allow hotlist hits for DMV fines or auto insurance violations. In addition, The NCIC Gang File and the statewide CalGang file have been known for being notoriously secretive and error prone. The LAPD had to suspend its usage of CalGang after 20 officers were found guilty of framing innocent people as gang members in 2019.

<https://ktla.com/news/local-news/lapd-suspends-use-of-calgang-database-months-after-announcing-probe-of-officers-accused-of-falsifying-information/>. If we want to focus on property crime reduction through our use of ALPRs, then our usage does not need to be open-ended. In addition, the ALPR hotlists should not be changeable without public notice and review and a vote by City Council. This is also mentioned in

<https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations> in the "Policy Concerns" section. Usage of only the hotlists for the most serious crimes is also in the Electronic Frontier Foundation's recommendations for ALPR policy, found here:

<https://www.eff.org/deeplinks/2020/02/california-auditor-releases-damning-report-about-law-enforcements-use-automated>

4. License plate & thumbprint data can be downloaded from the Flock cloud system onto a local machine at the PD. This data should be deleted eventually, just like the cloud data is deleted after 30 days, unless being used for an investigation.

Additionally, the third paragraph seemed to indicate that both the vendor and PD could sell, access, and use the data as long as it was for legitimate law enforcement or public safety reasons. Actually, Flock makes it very clear that they do not own our data, therefore this clause should not create an opening whereby they could sell, access, and use our data. In addition, our own PD should not be able to sell our data, only access and use it.

**Why is this important?** Downloaded data, just like data in the cloud should not have long periods of retention - it opens up data for misuse. This is supported by the ACLU. [https://www.aclunc.org/sites/default/files/20140129-aclu\\_analysis\\_of\\_alameda\\_alpr\\_policy.pdf](https://www.aclunc.org/sites/default/files/20140129-aclu_analysis_of_alameda_alpr_policy.pdf) page 8. It is also important to keep in mind the specifics of our Flock Safety agreement, where we are the owners of our data and not create additional loopholes for Flock Safety to be able to sell, use, or access our data.

5. We spoke with George Brown, the Executive Director for the Stanford Center for Racial Justice. He made this suggestion to further improve transparency of our Police Department.

**Why is this important?** Improves transparency of the police department to the public.

6. There have been a slew of news articles ( <https://www.sacbee.com/news/politics-government/capitol-alert/article276848586.html> , <https://www.sfchronicle.com/politics/article/abortion-license-plate-readers-18119527.php>, <https://www.eff.org/press/releases/civil-liberties-groups-demand-california-police-stop-sharing-drivers-location-data> ) uncovering various CA police agencies (including Gilroy PD in Santa Clara County and the Sacramento Sheriff's Office) that have been found to be sharing ALPR data with law enforcement in states that criminalize abortion. So just as we have explicitly stated our non-sharing with ICE, we should explicitly state our non-sharing with states that have criminalized abortion.

**Why is this important?** We need to ensure that California law is followed when it comes to protecting women's reproductive rights.

**From:** [jollyperk@aol.com](mailto:jollyperk@aol.com)  
**To:** [Public Comment](#)  
**Subject:** [External Sender]Agenda item #10  
**Date:** Saturday, July 8, 2023 5:57:20 PM

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Dear members of the city council,  
We are writing in support of the “flock safety” pilot program through the LAPD. We live in the santa rita neighborhood that banded together a year ago to self fund such a program. We have one of the two cameras for our neighborhood stationed on our property. We feel it has been effective technique in helping to deter crime.  
Thank you,  
Jolly and Ron Perkocha  
900 santa Rita ave  
Los altos, ca

**From:** [Janice Bohman](#)  
**To:** [Public Comment](#)  
**Subject:** [External Sender]Public Comment Agenda #10, 11 July  
**Date:** Sunday, July 9, 2023 10:29:25 AM

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Los Altos City Council:

My neighborhood installed Flock cameras last year in response to a number of burglaries. My family supports this program to help the police department deter and solve crimes. Please approve and fund the Flock camera program for Los Altos.

Thank you,  
Janice Bohman  
777 Dixon Way

**From:** [reed@taussigfamily.com](mailto:reed@taussigfamily.com)  
**To:** [Public Comment](#)  
**Subject:** Public Comment Agenda #10, 11 July  
**Date:** Sunday, July 9, 2023 4:58:47 PM

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I have lived in North Los Altos for 33 years. For the majority of that time crime was almost non-existent in the city. Many of my friends didn't even bother to lock the doors to their homes or cars. But over the past two to three years things have changed. There have been repeated burglaries, car break-ins, catalytic converter thefts, mailbox thefts and porch delivery thefts in my neighborhood. These events have changed the conversation in the neighborhood from positive conversation to what can we do about crime.

To some, maybe this seems like we are in an arms race with the criminals and that these kind of surveillance measures threaten our privacy. It is a legitimate concern, however, having your home broken into and ransacked, your valuables stolen, your physical safety potentially put at risk also is a direct assault on your privacy and happiness with potential downstream threats of identity theft and further financial cost to you.

Our neighbors, including myself, pitched in and purchased for ourselves FLOCK license plate reader cameras to help protect the neighborhood. The whole of Los Altos Hills has taken this step as well. I would urge the city council to approve the FLOCK cameras as a needed protection for the citizens of Los Altos.

Best regards,

Reed Taussig  
461 Van Buren Street  
Los Altos, CA

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\_\_\_\_\_ CALENDAR  
Agenda Item # \_\_\_\_

### AGENDA REPORT SUMMARY

**Meeting Date:** July 11, 2023

**Subject:** Community Center Café Space Usage - UPDATE

**Prepared by:** Manny A. Hernandez, Parks & Recreation Director

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

**Attachment(s):**

1. None

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

- Does City Council have input or direction to provide staff regarding the Community Center café space?

**Summary:**

- Staff has prepared an RFP that is ready to release for contracted Café services at the Community Center.
- The RFP will allow staff to receive and evaluate the different business models of contract food and beverage concession services proposed for the Community Center.

**Staff Recommendation:**

City Council to receive an update on contracted use of café space in the Los Altos Community Center.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JD



**Subject:** Community Center Café Space Usage - UPDATE

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**Purpose**

This report is to provide City Council with a status update on the planned services at the Community Center café space. City Council will then be able to ask questions and provide input or direction as desired.

**Background**

The design process for the Los Altos Community Center began in 2017. The Community Center Task Force, consisting of Los Altos residents selected by City Council, began the public process through a series of community meetings that included staff and the selected project architect. The mission of the Task Force was to 1) hold public meetings to gather community input and, 2) provide a recommendation to City Council on the interior space allocation, exterior design, and layout of the future Los Altos Community Center. The Task Force held 13 public meetings.

One of the major components of the Task Force’s recommendation was to “create a community meeting space.” The café space, that was built near the building’s front entrance, was included in the design to make the Community Center a destination to meet by enticing visitors with food and beverages. This café space currently exists in the building and is currently being used, on occasion, as an area for displays.

Demolition and construction of the Community Center began in October 2019, with completion slated for December 2020. Originally, the RFP was planned to be released during construction, with the intent of the café space being operational by the grand opening of the Community Center. However, the COVID-19 Pandemic hit in March 2020. During this time, staff had already prepared a draft RFP for café services, and inquired with potential vendors.. Feedback received by staff indicated that there was not much interest in submitting proposals because of the financial uncertainty in the food service industry due to the Pandemic. As a result, the release of the RFP for the café space was postponed. In addition, although the Los Altos Community Center opened in October 2021, Pandemic protocols were still quite restrictive, and the food service industry was still struggling, therefore the releasing of the RFP was again delayed.

It is important to note that an investment in food service equipment from a potential vendor would be required as the café space was not built with that included. The equipment needed and the layout required would be vendor specific, based upon the type of food and beverage served. Staff did not want to limit potential proposals from vendors as a result of a preset layout and equipment.

**Discussion/Analysis**

In the fall of 2022, Parks & Recreation staff began looking into releasing the RFP for café services at the Community Center. In the months since, staff gathered updated information on the potential for receiving competitive proposals and used that information to update the RFP.



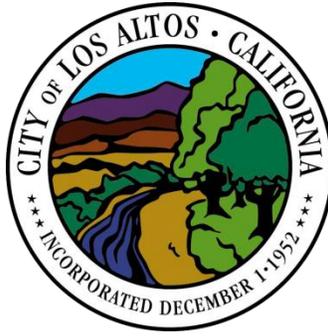
**Subject:** Community Center Café Space Usage - UPDATE

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Currently, staff has a final draft of an RFP that is planned for release in August 2023. Releasing this RFP will allow staff to evaluate and select the business model for the café space that is in the best interest of community center visitors and the City. The proposed timeline in the RFP would have a vendor for food and beverage services occupying the café space in the Community Center as early as December 2023.

**Recommendation**

City Council to receive an update on contracted use of café space in the Los Altos Community Center.



City of Los Altos

**REQUEST FOR PROPOSALS**  
FOR  
**LOS ALTOS COMMUNITY CENTER CAFÉ SERVICES**

\* \* \*

**Sealed proposals must be delivered to:**

City of Los Altos  
Parks & Recreation Department  
**Attn: Jaime Chew – Recreation Manager**  
97 Hillview Avenue  
Los Altos, California 94022



**City of Los Altos  
REQUEST FOR PROPOSAL (RFP) FOR  
LOS ALTOS COMMUNITY CENTER CAFÉ SERVICES**

**1. INTRODUCTION**

The City of Los Altos is seeking proposals from qualified firms for a café vendor to sell light food and beverages to community center patrons. This includes staffing, commercial food service equipment, and possible additional elements located in the café area within the new Los Altos Community Center at 97 Hillview Avenue, Los Altos, CA 94022.

Please note that vendors will be responsible for purchasing and maintaining any equipment used in the café.

**2. ATTACHMENTS**

The attachments below are included with this Request for Proposals (RFP) for your review and submittal (see asterisk):

- Attachment A – Vendor’s Information Form\*
- Attachment B – Scope of Work/Services
- Attachment C – Sample Lease Agreement
- Attachment D – Sample table, Qualifications of vendor relative to City’s needs
- Attachment E – Business Plan Proposal Format
- Attachment F – Insurance Requirement

The items identified with an asterisk (\*) shall be filled out, signed by the appropriate representative of the company and returned with submittal.

**3. INSTRUCTIONS TO VENDORS**

**3.1 Pre-proposal Conference**

A pre-proposal conference will be held September 12, 2023 at 11am at the Los Altos Community Center. All prospective vendors are strongly encouraged to attend.

**3.2 Examination of Proposal Documents**

The submission of a proposal shall be deemed a representation and certification by the vendor that they:

- 321 Have carefully read and fully understand the information that was provided by the City to serve as the basis for submission of this

- proposal.
- 322 Have the capability to successfully undertake and complete the responsibilities and obligations of the proposal being submitted.
- 323 Represent that all information contained in the proposal is true and correct.
- 324 Did not, in any way, collude, conspire to agree, directly or indirectly, with any person, firm, corporation or other vendor in regard to the amount, terms or conditions of this proposal.
- 325 Acknowledge that the City has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by vendor, and vendor hereby grants the City permission to make these inquiries, and to provide any and all related documentation in a timely manner.

No request for modification of the proposal shall be considered after its submission on grounds that the vendor was not fully informed to any fact or condition.

3.3 Addenda/Clarifications

Should discrepancies or omissions be found in this RFP or should there be a need to clarify this RFP, questions or comments regarding this RFP must be put in writing and received by the City no later than 5pm, September 19, 2023 Correspondence shall be addressed to Jaime Chew, Recreation Manager, City of Los Altos, 97 Hillview Avenue, Los Altos, California 94022.

Responses from the City will be communicated in writing to all recipients of this RFP. Inquiries received after the date and time stated will not be accepted and will be returned to senders without response. All addenda shall become a part of this RFP and shall be acknowledged on the Vendor's Form.

All interviews may be conducted via video conference call.

The City shall not be responsible for nor be bound by any oral instructions, interpretations or explanations issued by the City or its representatives.

3.4 Submission of Proposals

All proposals shall be submitted to:

City of Los Altos  
 Parks & Recreation Department  
 Attn: Jaime Chew – Recreation Manager  
 97 Hillview Avenue  
 Los Altos, California 94022

Proposals must be delivered no later than 5pm, September 26, 2023. All proposals received after that time will be returned to the vendor unopened.

The vendor shall submit 8 copies of its proposal in a sealed envelope, addressed as noted above, bearing the vendor’s name and address clearly marked, “REQUEST FOR PROPOSAL (RFP) FOR LOS ALTOS COMMUNITY CENTER CAFÉ SERVICES”

3.5 Withdrawal of Proposals

A vendor may withdraw its proposal at any time before the expiration of the time for submission of proposals as provided in the RFP by delivering a written request for withdrawal signed by, or on behalf of, the vendor.

3.6 Rights of the City of Los Altos

This RFP does not commit the City to enter into a contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. The City reserves the right to:

- Make the selection based on its sole discretion;
- Reject any and all proposals;
- Issue subsequent Requests for Proposals;
- Postpone opening for its own convenience;
- Remedy technical errors in the Request for Proposals process;
- Approve or disapprove the use of particular subconsultants;
- Negotiate with any, all or none of the vendors;
- Accept other than the lowest offer;
- Waive informalities and irregularities in the proposals and/or
- Enter into an agreement with another vendor in the event the originally selected vendor defaults or fails to execute an agreement with the City.

An agreement shall not be binding or valid with the City unless and until it is executed by authorized representatives of the City and of the vendor.

**4. PROPOSED TENTATIVE TIMELINE**

The tentative RFP timeline is as follows:

RFP Issued	August 28, 2023
Pre-Proposal Meeting	September 12, 2023

Deadline for questions, clarifications	September 19, 2023
Proposals Due	September 26, 2023
Finalist Identified	October 10, 2023
Consultant Interviews	October 17, 2023
Consultant selection and contract preparation	October 24, 2023
Contract awarded	November 28, 2023
Work commences	December 4, 2023

**5. INFORMATION TO BE SUBMITTED (to be submitted in this order only)**

These instructions outline the guidelines governing the format and content of the proposal and the approach to be used in its development and presentation. The intent of the RFP is to encourage responses that clearly communicate the vendor's understanding of the City's requirements and its approach to successfully provide the products and/or services on time and within budget. Only that information which is essential to an understanding and evaluation of the proposal should be submitted. Items not specifically and explicitly related to the RFP and proposal, e.g. brochures, marketing material, etc. will not be considered in the evaluation.

All proposals shall address the following items in the order listed below and shall be numbered 1 through 8 in the proposal document.

**5.1 Chapter 1 – Proposal Summary**

This chapter shall discuss the highlights, key features and distinguishing points of the proposal. A separate sheet shall include a list of individuals and contacts for this proposal and how to communicate with them. Limit this chapter to a total of three (3) pages including the separate sheet.

**5.2 Chapter 2 – Profile on the Proposing Firm(s)**

This chapter shall include a brief description of the vendor's firm size as well as the proposed local organization structure. Include a discussion of the vendor's firm's financial stability, capacity and resources. Include all other firms participating in the proposal, including similar information about the firms.

Additionally, this section shall include a listing of any lawsuit or litigation and the result of that action resulting from (a) any public project undertaken by the vendor or by its subcontractors where litigation is still pending or has occurred within the last five years or (b) any type of project where claims or settlements were paid by the consultant or its insurers within the last five years.

### 5.3 Chapter 3 – Qualifications of the Firm

This chapter shall include a brief description of the vendor and sub-contractor's qualifications and previous experience on similar or related projects. Provide in a table format (see Sample Table, Attachment D) descriptions of pertinent project experience with other public municipalities and private sector that includes a summary of the work performed, the total project cost, the percentage of work the firm was responsible for, the period over which the work was completed, and the name, title, and phone number of client's to be contacted for references. Give a brief statement of the firm's adherence to the schedule and budget for the project.

This chapter shall include information regarding any relationships with firms and/or individuals who may submit proposals in response to the RFPs being developed.

### 5.4 Chapter 4 – Work Plan or Proposal

This chapter shall present a well-conceived service plan. Include a full description of major tasks and subtasks. This section of the proposal shall establish that the vendor understands the City's objectives and work requirements and vendor's ability to satisfy those objectives and requirements. Succinctly describe the proposed approach for addressing the required services and the firm's ability to meet the City's schedule, outlining the approach that would be undertaken in providing the requested services.

### 5.5 Chapter 5 – Type of Food and Beverages

The City of Los Altos desires varied and appealing hot and cold beverage and snack service with healthy choices and a basic, reasonably priced menu. In addition, vendor may propose enhanced meal/menu options for consideration.

The food ordering process and menus should be incredibly clear to customers entering the café. Menus will be updated regularly and prominently posted. In the absence of grade labeling, the vendor shall provide the City, upon request, with package labeling codes or industry accepted grade equivalent standard to verify the minimum grades specified are being provided.

### 5.6 Chapter 6 – Project Staffing

This chapter shall discuss how the vendor would propose to staff this project. Key project team members shall be identified by name, title and specific responsibilities on the project. An organizational chart for the project team and resumes for key vendor personnel shall be included. Key personnel will be an important factor considered by the review committee. Changes in key personnel may be cause for rejection of the proposal.

### 5.7 Chapter 7 – Use of Planned Space for Café

This chapter shall include your proposed layout of available space, including décor, appliances, hardware, and other devices, equipment needs (e.g. merchandising cabinets); design plans for table & chairs, and any other space needs in order to operate the proposed café, including a possible proposed arrangement to use the Community Center's catering kitchen. Please note the Technical Specifications for the café area listed in the Scope of Work and the

restrictions on the space.

5.8 Chapter 8 – Revenue Proposal

Each proposal shall contain a revenue proposal for the Community Center, such as rent or a profit-sharing arrangement in lieu of rent. A proposal for use of the catering kitchen, if applicable, should be included in this chapter along with an additional revenue proposal.

5.9 Chapter 9 – Cleaning

This chapter shall contain a plan for clean-up of café area and patron seating areas, including trash, recycling, and compost removal.

The vendor will be responsible for the sanitation and cleanliness of the concession and dining areas at their expense, including the daily removal of all trash.

5.10 Chapter 10 – Hours of Operation

This chapter shall contain a proposal for the café’s hours of operations to best accommodate customer needs, based upon its experience. Including any need for access to the catering kitchen, if applicable.

\*\*\* Preferable hours of operation are during the daily open hours of the Community Center.

5.11 Chapter 11 – Customer Service

The City of Los Altos strives to serve all people in a manner that ensures their safety in an atmosphere of courtesy, respect, and service excellence. The vendor must have a service philosophy and demonstrated service history that mirrors this tenet. Vendor shall provide a sufficient number of staff and management personnel to ensure quick and efficient service in keeping with this philosophy.

5.12 Chapter 12 – Proposal Exceptions

This chapter shall discuss any exceptions or requested changes that the vendor has to the City’s RFP conditions, requirements and sample contract. If there are no exceptions noted, it is assumed the vendor will accept all conditions and requirements identified in the Attachment C – “Sample Agreement for Services.” Items not noted with exception will not be open to later negotiation.

**6. CONTRACT TYPE AND METHOD OF PAYMENT**

It is anticipated that the agreement resulting from this solicitation, if awarded, will be a lease, or profit sharing, or other agreement form of contract. A sample agreement of services is provided as Attachment C.

The agreement between the City and vendor is negotiable, and can include a monthly lease payment, profit sharing, and other elements based on the City’s interest in a term of at least 5 years.

Vendors shall be prepared to accept the terms and conditions of the agreement, including insurance requirements in Attachment F. If a vendor desires to take

exception to the agreement, vendor shall provide the following information in Chapter 7 of their submittal package. Please include the following:

- Vendor shall clearly identify each proposed change to the agreement, including all relevant attachments.
- Vendor shall furnish the reasons for, as well as specify recommendations for alternative language.

The above factors will be taken into account in evaluating proposals. Proposals that take substantial exceptions to the proposed agreement may be determined by the City, at its sole discretion, to be unacceptable and no longer considered for award.

### Insurance Requirements

The selected vendor(s), at vendor's sole cost and expense and for the full term of the agreement or any extension thereof, shall obtain and maintain, at a minimum, all of the insurance requirements outlined in Attachment F.

All policies, endorsements, certificates and/or binders shall be subject to the approval of the Risk Manager of the City of Los Altos as to form and content. These requirements are subject to amendment or waiver, if so approved, in writing by the Risk Manager. The selected vendor agrees to provide the City with a copy of said policies, certificates and/or endorsement upon award of contract.

## **7. REVIEW AND SELECTION PROCESS**

City staff will evaluate the proposals provided based on the following criteria:

- 7.1 Quality and completeness of proposal;
- 7.2 Quality, performance and effectiveness of the solution, goods and/or services to be provided by the vendor;
- 7.3 Vendors experience, including the experience of staff to be assigned to the project, the engagements of similar scope and complexity;
- 7.4 Cost to the City;
- 7.5 Vendor's financial stability;
- 7.6 Vendor's ability to perform the work within the time specified;
- 7.7 Vendor's prior record of performance with City or others;
- 7.8 Vendor's ability to provide future maintenance, repairs parts and/or services; and
- 7.9 Vendor's compliance with applicable laws, regulations, policies (including city council policies), guidelines and orders governing prior or existing contracts performed by the contractor.

The selection committee will make a recommendation to the awarding authority. The acceptance of the proposal will be evidenced by written Notice of Award from the Recreation Manager of the City of Los Altos to the successful vendor.

## **8. ORAL INTERVIEWS**

Vendors may be required to participate in an oral interview. The oral interview will be a panel comprised of members of the selection committee.

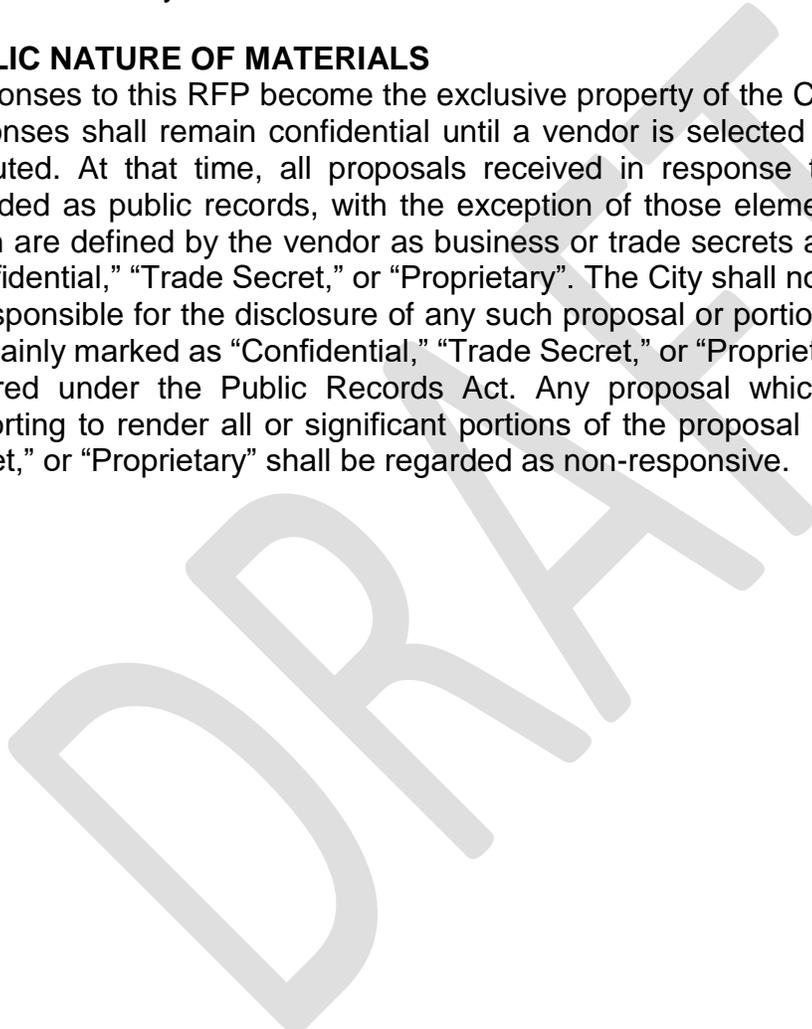
Vendors may only ask questions that are intended to clarify the questions that they are being asked to respond.

Each vendor's time slot for oral interviews will be determined randomly. Vendors who are selected shall make every effort to attend. If representatives of the City experience difficulty on the part of any vendor in scheduling a time for the oral interview, it may result in disqualification from further consideration.

All interviews may be conducted via video conference call.

**9. PUBLIC NATURE OF MATERIALS**

Responses to this RFP become the exclusive property of the City of Los Altos. Such responses shall remain confidential until a vendor is selected and an agreement is executed. At that time, all proposals received in response to this RFP shall be regarded as public records, with the exception of those elements in each proposal which are defined by the vendor as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary". The City shall not in any way be liable or responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as "Confidential," "Trade Secret," or "Proprietary" or if disclosure is required under the Public Records Act. Any proposal which contains language purporting to render all or significant portions of the proposal "Confidential," "Trade Secret," or "Proprietary" shall be regarded as non-responsive.



Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City of Los Altos may not accept or approve that the information that a vendor submits is a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary,” the City shall provide the vendor who submitted the information with reasonable notice to allow the vendor to seek protection from disclosure by a court of competent jurisdiction.

**10. COLLUSION**

By submitting a proposal, each vendor represents and warrants that its proposal is genuine and not a sham or collusive or made in the interest of or on behalf of any person not named therein; that the vendor has not directly induced or solicited any other person to submit a sham proposal or any other person to refrain from submitting a proposal; and that the vendor has not in any manner sought collusion to secure any improper advantage over any other person submitting a proposal.

**11. DISQUALIFICATION**

Factors such as, but not limited to, any of the following may be considered just cause to disqualify a proposal without further consideration:

- 11.1 Evidence of collusion, directly or indirectly, among vendors in regard to the amount, terms or conditions of this proposal;
- 11.2 Any attempt to improperly influence any member of the selection committee;
- 11.3 Existence of any lawsuit, unresolved contractual claim or dispute between Vendor and the City;
- 11.4 Evidence of incorrect information submitted as part of the proposal;
- 11.5 Evidence of vendor’s inability to successfully complete the responsibilities and obligation of the proposal; and
- 11.6 Vendor’s default under any previous agreement with the City, which results in termination of the agreement.

**12. NON-CONFORMING PROPOSAL**

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from or to a proposal may be sufficient grounds for non- acceptance of the proposal, at the sole discretion of the City.

**13. GRATUITIES**

No person shall offer, give or agree to give any City employee any gratuity, discount or offer of employment in connection with the award of contract by the city. No city employee shall solicit, demand, accept or agree to accept from any other person a gratuity, discount or offer of employment in connection with a city contract.

**14. FIRMS OR PERSONS NOT ELIGIBLE TO SUBMIT A PROPOSAL**

In order to avoid any conflict of interest or perception of a conflict of interest, vendor(s) selected to provide professional services under this RFP will be subject to the following requirements:

- 14.1 The vendor(s) who works on the procurement will be precluded from submitting proposals or bids as a prime contractor or subcontractor in the ultimate procurement.
- 14.2 The vendor(s) may not have interest in any potential vendor for the ultimate procurement.

~ End of Section ~

DRAFT

# Attachment A Vendor's Information Form

VENDOR (please print):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact person, title, email, telephone and fax number: \_\_\_\_\_

\_\_\_\_\_

Vendor, if selected, intends to carry on the business as (check one):

Individual  Joint Venture

Partnership

Corporation

When incorporated? \_\_\_\_\_

In what state? \_\_\_\_\_

When authorized to do business in California? \_\_\_\_\_

Other (explain): \_\_\_\_\_

## ADDENDA

To ensure that all Vendors have received each addendum, check the appropriate box(es) below. Failure to acknowledge receipt of an addendum/addenda may be considered an irregularity in the Proposal:

Addendum number(s) received: 1 2 3 4 5 6

Or,  \_\_\_\_\_ No Addendum/Addenda Were Received (**check and initial**).

## 2 VENDOR'S SIGNATURE

No proposal shall be accepted which has not been signed in ink in the appropriate space below:

By signing below, the submission of a proposal shall be deemed a representation and certification by the VENDOR that they have investigated all aspects of the RFP, that they are aware of the applicable facts pertaining to the RFP process, its procedures and requirements, and they have read and understand the RFP. No request for modification of the proposal shall be considered after its submission on the grounds that the VENDOR was not fully informed as to any fact or condition.

**Attachment A – Vendor Information continued...**

1. If vendor is **INDIVIDUAL**, sign here

Date: \_\_\_\_\_  
Vendor's Signature  
\_\_\_\_\_  
Vendor's typed name and title

2. If Vendor is **PARTNERSHIP** or **JOINT VENTURE**; at least two (2) Partners shall sign here:

Partnership or Joint Venture Name (type or print) \_\_\_\_\_

Date: \_\_\_\_\_  
Member of the Partnership or Joint Venture signature

Date: \_\_\_\_\_  
Member of the Partnership or Joint Venture signature

3. If vendor is a **CORPORATION**, the duly authorized officer shall sign as follows:

The undersigned certify that he/she is respectively:

\_\_\_\_\_  
Signature and \_\_\_\_\_  
Title

Of the corporation named below; that they are designated to sign the Proposal Cost Form by resolution (attach a certified copy, with corporate seal, if applicable, notarized as to its authenticity or Secretary's certificate of authorization) for and on behalf of the below named CORPORATION, and that they are authorized to execute same for and on behalf of said CORPORATION.

\_\_\_\_\_  
Corporation Name (type or print)

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

## Attachment B Scope of Work/ Services

### LOS ALTOS COMMUNITY CENTER CAFÉ SERVICES

#### **Project Description**

The City of Los Altos Community Center is located at 97 Hillview Avenue, Los Altos, CA 94022 and opened to the public in October 2021. There is a 152 square foot café space with an additional approximately 120 square foot adjacent storage area. Plumbing and electrical connections are provided. The City is seeking the professional services of a qualified vendor to operate the café, offering a variety of food and drink options, and a clean and safe environment that compliments the overall look and feel of the Los Altos Community Center.

The vendor would be responsible for all appliances, furniture, etc., and for staffing and running the entire café operations. The café vendor should be prepared to open the café March 2024.

Vendors submitting a proposal should include their proposed terms, including additional plans for use of the unattached catering kitchen for food preparation.

#### **Technical Specifications of Café Space:**

The cafe and dining areas (indoor/outdoor) will be located at the northwest end of the building near the main entrance. See attached floor plan, EXHIBIT A. The cafe is currently not equipped with commercial food service equipment. The vendor will be required to purchase, install and maintain the equipment at its cost. Dining area tables, chairs, and lighting (type of power) will be provided by the City and remain the property of the City. The Vendor will also be required to provide any additional furnishings, appliances, and tenant improvements that it requires to conduct business. Any such additions will be subject to approval by the City.

The City shall provide, at its sole cost, all utilities to include electrical, water and solid waste removal. Maintenance and expenses related to grease traps and other equipment will be the responsibility of the vendor.

All signage for promotion of cafe concessions will be the responsibility of the vendor and will require approval by the City. The City and the vendor will agree upon co-branding standards. Vendor will provide waste removal service for cafeteria and concession production and service at its sole expense. Solid waste removal from public dining areas will be the responsibility of the City.

#### **Additional Services:**

The City will allow consideration for additional services as part of the scope. These could include a catering services agreement for City or other events using the Library or Community Center, programming for Parks & Recreation, or other. If the vendor wishes

to provide these services as part of their proposal, they should specify whether they are optional or must be included in the final agreement.

Vendors are encouraged to submit additional food service, programmatic, and promotional ideas that will enhance the City's offerings to the public. Examples may include but are not limited to: coffee cart service for employees and patrons; health and wellness sessions for staff; demonstration kitchen programs and classes; organic produce options; sustainability proposals, staff incentives, creative funding opportunities, etc.

DRAFT

**Council Action Advised by August 28, 2023**

**DATE: Wednesday, June 21, 2023**

**TO: Mayors, Council Members, City Clerks, and City Managers**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference and Expo, Sept. 20-22, 2023,  
Sacramento SAFE Credit Union Convention Center**

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Sept. 22, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

**Please complete the attached voting delegate form and email it to Cal Cities office no later than Monday, August 28.**

**New this year, we will host a pre-conference information session for voting delegates to explain their role.** Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

**Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council.

Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

**Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the [Cal Cities](#) website.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

**Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

**Seating Protocol during General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the SAFE Credit Union Convention Center in Sacramento, will be open at the following times: Wednesday, Sept. 20, 8:00 a.m.- 6:00 p.m. and Thursday, Sept. 21, 7:30 a.m.- 4:00 p.m. On Friday, Sept. 22, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Monday, Aug. 28. If you have questions, please contact Zach Seals at [zseals@calcities.org](mailto:zseals@calcities.org).

Attachments:

- General Assembly Voting Guidelines
- Voting Delegate/Alternate Form
- Information Sheet: Cal Cities Resolutions and the General Assembly



## General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.



Agenda Item # 12.
CITY: _____

**2023 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to Cal Cities office by Monday, August 28, 2023. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

To vote at the General Assembly, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the General Assembly. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the voting delegate desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

**ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Mayor or City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

**Please complete and email this form to [votingdelegates@calcities.org](mailto:votingdelegates@calcities.org) by Monday, August 28, 2023.**

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure that we are representing California cities with one voice. These policies directly guide Cal Cities advocacy to promote local decision-making, and lobby against statewide policy that erodes local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how Resolutions and the General Assembly works.

## Prior to the Annual Conference and Expo

### General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The

resolution must have the concurrence of at least five additional member cities or individual members.



### Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.



## During the Annual Conference and Expo

### Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by

voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.



### Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved by either a policy committee or the Resolutions Committee

are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.<sup>2</sup>



### General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

## Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, policy committee, as well as individuals appointed by the Cal Cities president.

**Voting delegates** are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates — one from every member city.

Seven **Policy Committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, municipal department, as well as individuals appointed by the Cal Cities president.

## What's new in 2023?



- Voting delegates will receive increased communications to prepare them for their role during the General Assembly.
- The General Assembly will take place earlier to allow more time for debate and discussion.
- Improvements to the General Assembly process will make it easier for voting delegates to discuss and debate resolutions.

<sup>1</sup> The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

<sup>2</sup> Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023

**Subject** Discussion on the Allen Bill and the School District

**Prepared by:** Melissa Thurman, City Clerk

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

**Attachment(s):**

None

**Initiated by:**

City Council (L. Lee Eng)

**Previous Council Consideration:**

At the regular meeting of May 23, 2023, Councilmember Lee Eng requested a future agenda item to discuss the Allen Bill and the school district. This request was seconded by Councilmember Fligor.

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Staff Recommendation:**

This is a Council initiated discussion item. Staff requests direction, if any, from the City Council.

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JE



**AGENDA REPORT SUMMARY**

**Meeting Date:** July 11, 2023  
**Subject** Discussion Regarding a Council Travel Policy

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

**Attachment(s):**

1. Sample Travel Policies
2. City of Los Altos Travel Policy
3. AB1234 – Expense Requirement FAQ

**Initiated by:**  
City Council

**Background:**

At the regular meeting of March 23, 2023, three members of the City Council (Meadows, Weinberg, Fligor) directed staff to place a discussion item on a future agenda regarding a Council Travel Policy.

Assembly Bill 1234 (AB1234) contains requirements relating to elected official travel expenses. The City of Los Altos has a travel policy (Attachment 2) in place but may prepare a policy specific to City Council travel regarding reimbursements, should the Council provide that direction.

Also attached to this report is a list of Frequently Asked Questions from the Institute of Local Governments (ILG), relating to reimbursements regarding elected official travel (Attachment 3).

**Fiscal Impact:**  
None

**Environmental Review:**  
Not applicable

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

- Does the Council wish to direct staff to draft a Travel/Reimbursement Policy specific to the City Council?

**Staff Recommendation:**

This is a Council initiated item and staff is requesting further direction.

<p><b>Reviewed By:</b></p> <p>City Manager <i>GE</i></p>	<p>City Attorney <i>JH</i></p>	<p>Finance Director <i>JE</i></p>
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## CITY OF LOS ALTOS ADMINISTRATIVE POLICY AND PROCEDURE TRAINING AND TRAVEL EXPENSE POLICY

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### PURPOSE AND SCOPE

It is the policy of the City to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the City will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community. All travel should be for business and training purposes that is of value to the City and its residents. All expenses incurred while on City business should constitute actual and necessary expenses that are reasonable and justified use of public funds. When traveling, employees shall choose the most cost efficient, direct and economical travel options available. This policy shall be consistent with the City's Purchasing Policy, CalCard Policy and Petty Cash Policy.

### POLICY

The purpose of this policy is to establish business travel guidelines for City employees that are fair, accountable and transparent. This policy addresses the criteria for City payment of travel expenses and/or advances incurred by the City employee. It is the policy of the City that no employee shall sustain personal monetary loss as the result of duties performed in an official capacity. However, it is not the policy to reimburse for more than actual, reasonable, and justified expenses incurred.

### INTERNAL CONTROLS

In order to safeguard public funds from fraud, waste and abuse, the following internal controls shall be followed by all employees that incur expenses while traveling on City business:

- All employees are responsible for reading and complying with this policy.
- All training and travel expenses shall be properly authorized in advance of travel, except in emergency.
- The duties between the travel authorization and reimbursement payment shall be properly segregated.
- All training and travel expenses shall be properly supported by adequate documentation.
- All reimbursement claims shall be filed in a timely manner.
- All training and travel expenses shall be consistent with budgetary limitations.
- If an advance check is provided, the employee shall make certain the amount corresponds to the total estimated expenses minus any prepayment.
- Prior to any travel during which reimbursable expenses will be incurred, the employee's Supervisor will estimate the expenses which will be incurred as a direct result of the travel and attendance at the training or conference.

- It shall be the responsibility of the employee incurring the expenses to provide the proper documentation for each expense, including receipts as required.
- It shall also be the responsibility of the employee to be aware of and understand the estimate of expenses established by the employee's Supervisor. The employee shall monitor expenses to ensure they are within the estimated amount unless unusual circumstances exist and if so, document such circumstances.
- In the event an employee needs to cancel his/her training at the last minute, it is the employee's responsibility to cancel his/her hotel reservations after obtaining cancellation approval from his or her Supervisor.

## GENERAL GUIDELINES

### Allowable Expenses

1. Allowable expenses are those that are properly authorized and shall include, but are not limited to, authorized business expenses incurred while engaging and/or participating in the following activities and/or events, which meet the criteria listed below:
  - The seminar, meeting, function certification training or conference is mandatory or necessary to accomplish key City or employee goals and objectives. Such activities include, but are not limited to:
    - Participating in and attending meetings of regional, state and national organizations whose activities effects the City's interests.
    - Attending educational seminars designed to improve skill and information levels.
    - Attending business meetings, functions of local civic or community organizations where there is a clear nexus between the event and City employee duty, i.e., not purely social events.
  - If the training location requires an overnight stay, efforts should be made to ensure no local option is available. Government rates should be used when available. Attendance at conferences and travel time to and from the conference must receive prior approval from the employee's supervisor. If the employee is eligible for overtime or compensatory time accrual during the travel time and conference event, wages will be calculated in accordance with FLSA requirements or in accordance with the employee's MOU. Public Safety Personnel should refer to the POA MOU section 17.15. Lodging at conference sponsored or group rate discount are to be utilized. Exceptions may be made for Public Safety personnel with prior approval from the Police Captain or his/her designee.
  - Registration fees will be fully paid by the City via check or credit card. Any discounts offered for early registration or attendance by additional persons should be obtained whenever possible.
  - When training is scheduled for any employee, it shall be considered mandatory and part of the employee's obligation to participate. An excused absence shall be requested in writing prior to the training date.

International and out-of-state travel for any event or activity requires advance approval by the City Manager or his/her designee.

## Prohibited Expenses

2. The following are examples, but not all inclusive, of personal expenses for which the City will not reimburse the employee, even when incurred in conjunction with approved reimbursable expenses:
  - Any expenses that have not been properly authorized.
  - Double-dipping of expenses (submitting the same expense for reimbursement more than once through the same or various means).
  - Expenses incurred as a result of supplemental personal travel.
  - Political or charitable contributions or events.
  - Family or companion expenses, including those related to child or pet care.
  - Entertainment expenses.
  - Meals for any person other than the employee.
  - Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline.
  - Personal losses incurred while on City business.
  - Inaccurate receipts that are greater than the reimbursable cost of the item.
  - Alcohol and gambling expenses
  - Traffic and toll violations.
  - Any expenses incurred by individuals that are not City employees.
3. Payments for travel and expenses may be requested as an advance, prepayment or reimbursement of appropriate expenses for lodging, food, transportation and incidental expenses. Some departments may have additional regulations for their staff, such as Public Safety attending training required by POST. Reimbursement of expenses may be made only for City employees; no reimbursement is allowed for non-employees accompanying the attendee.
4. All reimbursement claims or advances for travel and expenses (including registration) shall be accompanied by sufficient supporting documentation including original receipts, copies of registration forms, invoices, cancelled checks or notation for any receipts that are lost. An exception to this requirement is listed under section entitled *Meal Costs*.
5. All claims for travel and expenses shall be signed by the employee's Supervisor and Department Head or his/her designee.

## LODGING, MEALS AND TRANSPORTION

### Airfare

1. Use of air, train, private automobile, or other mode of transportation shall be selected on the basis of the least expensive option for the City. Government and group rates should be used when available.

2. Transportation costs to and from the authorized destination will not exceed advance purchase economy class airfare unless such fare is not available. Employees shall inquire as to any government discount the airlines may provide. The City will not pay for upgrades (e.g. seat upgrades or early boarding options) without prior approval from the Department Head or his/her designee.

### **Automobile**

1. City vehicles should be used whenever possible. No allowance or reimbursement for transportation is authorized when a City vehicle is used.
2. When two (2) or more employees are traveling by vehicle, the employees should make every effort to travel together.
3. Automobile mileage will be reimbursed at the rate set by the Internal Revenue Service (IRS) in effect at the time of travel and will be reimbursed for the distance between home and the destination or work and the destination, whichever is less. Exceptions may be made for Public Safety Personnel according to specific provisions of the POA MOU section 17.15. The Finance Division shall be responsible for determining the applicable rate at the time of travel. This amount does not include bridge and road tolls, which are reimbursable at actual rates. Any employee in a management position who receives a vehicle allowance, or has a take home City vehicle assigned, is not eligible for mileage reimbursement. Mileage reimbursement should be submitted within thirty (30) days of travel.
4. If a personal vehicle is used to and from the airport, the actual mileage will be reimbursed. If a personal or City vehicle is left at the airport, the reimbursement will be the lesser of the following: round trip and parking costs compared with shuttle transportation.
5. The necessity for a rental car must be established and authorized in advance by the Department Head or his/her designee. Only economy car models may be rented, unless the upgrade is provided at no additional cost to the City. Prepaid gas is not to be selected, but optional insurance is required and will be reimbursed. The employee is required to notify the City's Risk Manager and their supervisor, immediately, in the event of any incident or accident related to the rental vehicle. When 2 or more employees are attending the same training, the rental vehicle, if approved, should be shared.
6. If an employee chooses to travel by vehicle instead of air, the employee is only eligible for travel time equal to the estimated length of the air travel. If travel time is longer, as a result of driving, the employee must use time off for the difference. Exceptions may be made at the discretion of the Department Head or his/her designee.
7. Employees involved in any vehicle accident while on City business shall report such accident to his or her Supervisor within a reasonable period of time.

### **Taxis/Shuttles**

1. Whenever possible, hotel courtesy buses or local shuttle services should be used. Taxi service should be used only when no other convenient, less costly transportation is available.

### **Lodging**

1. No lodging expenses incurred by employees within a 50-mile radius will be reimbursed unless there are extenuating circumstances with prior Department Head or his/her designee approval.
2. Lodging expenses may be prepaid directly to the hotel or reimbursed. Prepayment or reimbursement will be limited to single occupant room rates. Lodging reimbursement shall not exceed conference hotel cost or host group rate with the exception the lodging is not available. No reimbursement will be made when lodging is at a family/friend's residence.
3. Hotels often provide exemptions from transient occupancy tax for government employees. Employees should request exemption for hotel transient occupancy taxes if applicable.

### **Meal Costs**

1. The City will reimburse for documented meal expense, including gratuity (not to exceed 15%), according to the daily Maximum Federal Rate. For per diem rates within the US, use rate listed on <http://www.gsa.gov/>. If the destination city is not listed, then the rate for the county applies. If there is no rate for the city or county, the lowest rate applies.
2. Meal expenses, including gratuity, in excess of the daily Maximum Federal Rate will not be reimbursed without approval of the Department Head or his/her designee.
3. The per diem rates are to be reimbursed only for full days of travel (travel away from City overnight). If partial day of travel, the City will reimburse meal based on the Federal Meal Rate.
4. If any meal is included in the registration fee or the hotel fee, the employee will not receive reimbursement for the included meal. For example, if lunch is included in the registration fee, then the full day per diem will be less the per diem allocated for lunch.
5. If an employee returns home after 1:00 p.m., the employee will receive the per diem for breakfast and lunch. If an employee returns home after 6:00 p.m., the employee will receive the full day's per diem.

### **Miscellaneous Expenses**

1. Expenses related to City business will be reimbursed for actual telephone, fax, parking expenses, tolls, tipping (non-meal related as this fall under the Maximum Federal Rates), taxi, hotel wireless charges, or other reasonable expenses. Miscellaneous expenses must be itemized and receipts must be provided. Where receipts are not available, a signed declaration of expenditures may be accepted by the Administrative Services Director or designee at their discretion.
2. Incidental expenses incurred for fees and tips given to porters, baggage carriers and hotel staff will be reimbursed up to General Service Administration (GSA) limit (currently at \$5 per day). If the employee receives a full day's per diem, no additional incidentals will be provided, as this is already included in the GSA daily rate.
3. Personal expenses (e.g. shoe shine, in-room entertainment, personal phone calls, traffic fines, etc.) are not reimbursable.

4. If a personal side trip is planned, the City will reimburse not more than the advance purchase economy class airfare to and from the original destination. Any additional costs related to personal travel will not be reimbursed by the City.
5. If a companion accompanies an employee, only the business cost incurred by the employee will be reimbursed. All costs incurred in addition to the employee costs will not be reimbursed by the City.

### **Business Meeting Expenses**

1. Prior to any business meeting, the Department Head or his/her designee shall approve any meal expense based on the Federal Meal Rate or in excess. The itemized receipt shall include the amount of the expense, the date and place of the expense, the business purpose, and who attended the business meeting.
2. Meals will only be reimbursed for the cost(s) of the eligible item on the meal receipt. Overcharged amounts will not be reimbursed.
3. Meal reimbursement should be submitted within 30 business days of the meeting.

### **PROCEDURE**

#### **Employee**

1. Discuss planned travel and expenses with immediate supervisor prior to travel and obtain approved estimate of any potential travel expenses. Obtain prior authorization for any nonstandard expenses (i.e., rental car, travel by air, etc.)
2. Submit requests for registration and any advances or prepaid items within the standard disbursement time period.
3. Employees are responsible for turning in all receipts (except for per diem meals) to their Supervisor within 30 business days of returning from travel. The employee's Supervisor shall review all receipts for reasonableness of expenses and conformance to this policy. Excessive or questionable expenses will be reviewed with the involved employee and may require additional explanatory documentation. Only expenses deemed reasonable and appropriate for the nature of the event will be reimbursed by the City.
4. Within 30 business days after the employee's return from a trip, a Statement of Travel Expenses (travel and expense report) must be filed with the Finance Division complete with the proper signing authority.
5. All Statement of Travel Expenses shall include copies of documentation of previous prepayments or advances made, including registration, airfare, hotel, training agenda, etc.

#### **Finance Division**

1. Receives completed Statement of Travel Expenses from department.

2. Required backup documentation: Conference/Meeting/Training agenda, receipts for airfare, hotel, tax/transit, map to and from if mileage is used, per diem rate of the travel destination from GSA website or meal receipts with details if actual meal expenses is used.
3. Reviews requested prepayments, advances and reimbursements related to travel. Checks the budget for consistency with budgeted funds.
4. Process Statement of Travel Expenses and provides payment for advances, prepayments or reimbursements.

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Gabriel Engeland, City Manager

Revision:



## **AB 1234's Requirements vis-à-vis Expense Reimbursement: Frequently Asked Questions (FAQs)**

*09/14/09 Edition*

### **1. What, in a nutshell, does AB 1234<sup>1</sup> require in the area of expense reimbursement?**

AB 1234 contains certain requirements and restrictions on local agency practices relating to reimbursing local elected and appointed officials' expenses. AB 1234 requires local agencies to:

- Adopt expense reimbursement policies that specify the *kinds of activities* that will be reimbursable;<sup>2</sup>
- Identify a “reasonable time” within which requests for reimbursement must be submitted in those policies;<sup>3</sup>
- Use expense report forms; and
- Require that all expenses must be documented with receipts<sup>4</sup> (these documents are public records subject to disclosure<sup>5</sup>).

AB 1234 says that such a reimbursement policy may specify what constitutes reasonable *rates* for travel, meals, lodging and other expenses. If a local policy does not specify reimbursement rates, then the reimbursable rates default to those in the Internal Revenue Service guidelines.<sup>6</sup>

If a legislative body member wants to seek reimbursement for levels of expenses not otherwise authorized under the agency's reimbursement policy, then the official may seek *prior* approval for such reimbursement from the governing body (before incurring the expense).<sup>7</sup>

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<sup>1</sup> Chapter 700, Statutes of 2005.

<sup>2</sup> Cal. Gov't Code § 53232.2(b).

<sup>3</sup> Cal. Gov't Code § 53232.3(c).

<sup>4</sup> Cal. Gov't Code § 53232.3.

<sup>5</sup> Cal. Gov't Code § 53232.3(e).

<sup>6</sup> Cal. Gov't Code § 53232.2(c).

<sup>7</sup> Cal. Gov't Code § 53232.2(f).

Officials who spend more than allowed under their agencies’ reimbursement policies have the option of simply paying the extra costs themselves.<sup>8</sup>

**2. How broadly defined is the term “reimbursement”?**

AB 1234 does not define “reimbursement.” However, the usual rule of statutory construction is that, when a term is not defined, the ordinary dictionary definition applies.<sup>9</sup> According to the *American Heritage Dictionary*, “reimburse” means to:

1. To repay (money spent); refund.
2. To pay back or compensate (another party) for money spent or losses incurred.

Thus, strictly speaking, AB 1234 only applies to those circumstances under which elected and appointed officials (for example, members of boards and commissions) seek payment from an agency for expenses incurred in the course of their service to the agency.

**3. Does AB 1234’s restrictions, or the policies adopted pursuant to AB 1234, apply to expenses which are not reimbursed but are incurred by local agencies in the first instance (for example, on the agency’s credit card)?**

No. The local agency has the option, of course, of adopting policies that apply to those kinds of expenses or drafting its AB 1234 policies broadly enough to cover expenses incurred as well as expenses for which reimbursement is sought. But AB 1234 does not require them to do so.

**4. Which agencies must adopt reimbursement policies?**

Any local agency that reimburses any of its elected and appointed officials on legislative bodies for expenses must adopt a policy.<sup>10</sup> Local agency includes “a city, county, city and county, charter city, charter county, charter city and county, or special district.”<sup>11</sup> The definition of “legislative body” is tied to the Brown Act definition of legislative body (see text in note below<sup>12</sup>).

<sup>8</sup> Cal. Gov’t Code § 53232.2(g).

<sup>9</sup> See *People v. Siravo*, 17 Cal. App. 4th 555, 560, 21 Cal. Rptr. 2d 350, 352 (2d Dist. July 27, 1993), *rev. denied* (Oct. 21, 1993). See also *City of Berkeley v. Cukierman*, 14 Cal. App. 4th 1331, 1339, 1340, 18 Cal. Rptr. 2d 478, 481, 482 (1st Dist. 1993) (noting words of a statute must be given their ordinary meaning and looking initially to a dictionary for that meaning).

<sup>10</sup> Cal. Gov’t Code § 53232.2(b).

<sup>11</sup> Cal. Gov’t Code § 53232(c).

<sup>12</sup> Government Code section 54952 provides in that regard:

As used in this chapter, "legislative body" means:

Again, the tie to “local agency” as defined in the bill, means that AB 1234’s requirements on reimbursement policies do not apply to some kinds of agencies on which local officials serve (for example, redevelopment agency governing boards or joint powers agencies), although of course voluntarily adopting expense reimbursement policies is a prudent course of action for non-covered entities. It also does not apply to school districts.

**5. Is there a place where we can find sample reimbursement policies?**

Yes, at [www.ca-ilg.org/reimbursementpolicies](http://www.ca-ilg.org/reimbursementpolicies). Keep in mind, however, that there is no one-size-fits-all approach to such policies and AB 1234 specifically allows local agencies to tailor their policies to their communities’ needs and standards.

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- (a) The governing body of a local agency or any other local body created by state or federal statute.
  - (b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.
  - (c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
    - (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
    - (B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.
  - (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.
  - (d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

**6. Does AB 1234’s restrictions apply to expenses incurred by local agency staff?**

No. AB 1234’s requirements relating to expense reimbursement policies and restrictions on reimbursement rates only apply to “reimbursements of members of a legislative body.”<sup>13</sup> For consistency and ease of administration, some local agencies have elected to adopt policies that govern expense reimbursements for staff as well as elected and appointed officials, but AB 1234 does not require local agencies to do so.

**7. What are the IRS rates for meal expenses?**

The Internal Revenue Service establishes “per diem” thresholds for employees; any amounts in excess of the per diem for a given area is treated as additional wages for income tax purposes. For example, for 2006, the standard per diem rate for meals (breakfast, lunch and dinner) and incidental expenses in the continental United States is \$39. However the rate for Los Angeles, San Francisco, and San Diego areas (as defined) is \$64.<sup>14</sup>

AB 1234 gives local agencies latitude to adopt whatever standards for meal reimbursements that meet community standards.

Local officials sometimes want to know what the state’s practices are in terms of reimbursements. Senators and Senate employees, for example, are reimbursed according to the federal government’s General Services Administration’s rates by geographic area; the web address for these rates is:  
[http://www.gsa.gov/Portal/gsa/ep/contentView.do?queryYear=2006&contentType=GSA\\_BASIC&contentId=17943&queryState=California&noc=T](http://www.gsa.gov/Portal/gsa/ep/contentView.do?queryYear=2006&contentType=GSA_BASIC&contentId=17943&queryState=California&noc=T).

Note that, under AB 1234, officials must still present receipts documenting expenses incurred, even if they are within the guidelines adopted by the IRS or the local agency.

**8. If there are no mandatory reimbursement rates, is there no limit on what local officials may be reimbursed for?**

The law specifies certain thresholds for what constitutes reasonable levels of expenses. For example, for lodging in connection with conferences, the rate may not exceed the maximum group rates published for the conference.<sup>15</sup> If those rates are not available at the time the lodging is booked, the lodging rates must be comparable to those allowed by the Internal Revenue Service or government rates.<sup>16</sup> Local agency officials must use group or government rates for non-conference-related

<sup>13</sup> Cal. Gov’t Code § 53232.2(b).

<sup>14</sup> See Publication 1542 at [www.irs.gov](http://www.irs.gov) or [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem).

<sup>15</sup> Cal. Gov’t Code § 53232.2(d).

<sup>16</sup> *Id.*

lodging and transportation services.<sup>17</sup>

But otherwise, AB 1234 retains agencies’ discretion, subject to community standards relating to the judicious use of scarce taxpayer dollars.

**9. When must these reimbursement policies be adopted? What do we do about reimbursing expenses before we adopt the policies contemplated by AB 1234?**

These reimbursement policies should be adopted as soon as possible. AB 1234 took effect January 1, 2006.

Agencies should not reimburse expenses until they have a policy in place. An option is to ask their officials to retain any receipts for reimbursable expenses until the policy can be adopted and then submit their reimbursement requests consistent with those policies and AB 1234’s requirements.

**10. May local agencies grant car allowances or other expense allowances under AB 1234?**

This is a very good question on which agency attorneys disagree. Some agency attorneys believe that AB 1234’s requirement that expenses be reimbursed after the fact based on receipts means that vehicle and other expense allowances are not permitted.<sup>18</sup> Some local agencies had previously reimbursed auto expenses through an allowance, based on statute and case law<sup>19</sup> that seemed to permit allowances when based on empirically demonstrable information that the allowance matched actual and necessary expenses incurred.<sup>20</sup>

A factor to keep in mind with expense allowances is that they may be taxable (and subject to withholding) if the official cannot document that his or her actual expenses met or exceeded the allowance.<sup>21</sup> This, and the requirement that any expense allowance be based on empirical information about actual expenses incurred, predate AB 1234’s requirements. Request for an Attorney General’s Opinion is pending on this issue. (<http://ag.ca.gov/opinions/searchOpinions.php>)

<sup>17</sup> Cal. Gov’t Code § 53232.2(e).

<sup>18</sup> Cal. Gov’t Code § 53232.3.

<sup>19</sup> See Cal. Gov’t Code § 1223 (authorizing local officials to “contract” for an allowance or mileage rate for automobile owned, rented or used in performance of duties); *Citizen Advocates, Inc. v. Board of Supervisors*, 146 Cal. App. 3d 171, 194 Cal. Rptr. 61 (1983).

<sup>20</sup> See *Albright v. City of South San Francisco*, 44 Cal. App. 3d 866, 118 Cal. Rptr. 901 (1975).

<sup>21</sup> Treas. Regs. § 1.62-2T(e), § 1.3401(a)-1T.

**11. If an agency has a current reimbursement policy, does AB 1234 require that it develop another policy if the current policy omits one of the identified items, like travel, meals, or lodging?**

Agencies should consult with agency counsel to make sure that any existing policies comply with AB 1234’s specific requirements.

**12. What about expenses related to cell phone and Internet use for local agency business?**

These also can be reimbursed according to local agency policy with documentation.<sup>22</sup> In terms of kinds of documentation, one agency requires that telephone bills be submitted and that the official identify which calls were made on agency business. For cellular calls when the official has a particular number of minutes included in the official’s plan, then the agency asks the official to identify the percentage of calls made on public business. For Internet access, if the officials submit an estimate of the percentage of agency-related usage for the period in question and proof of the amount of bill for such access.

Officials should keep in mind that all expense reimbursement requests and supporting documentation are public records.<sup>23</sup>

**13. How should local agencies interpret the requirement that members of a legislative body provide brief reports on meetings they attend at the expense of the local agency at the next regular meeting of the legislative body?**

AB 1234 requires members of a legislative body to report on “meetings” attended at public expense at the next meeting of the legislative body.<sup>24</sup> “Meetings” for purposes of this section are tied to the Brown Act meaning of the term:<sup>25</sup> any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.<sup>26</sup> Qualifying expenses include reimbursement to the member for meals, lodging, and travel.<sup>27</sup>

An example of when a brief report is required is when a city council member or supervisor represents his or her agency on a joint powers agency board and the city pays for the official’s expenses in serving in that representative capacity.

<sup>22</sup> Cal. Gov’t Code § 53232.3(c).

<sup>23</sup> Cal. Gov’t Code § 53232.3(e).

<sup>24</sup> Cal. Gov’t Code § 53232.3(d).

<sup>25</sup> Cal. Gov’t Code § 53232.3(d).

<sup>26</sup> See Cal. Gov’t Code § 54952.2.

<sup>27</sup> See Cal. Gov’t Code § 53232.3.

Presumably the report can be either written or oral. The report must be made at the next meeting of the legislative body that paid for its member to attend the meeting.<sup>28</sup>

**14. Must a member of a legislative body who is reimbursed for his or her attendance at a conference, report on the conference at the legislative body’s next regular meeting?**

Technically, no. AB 1234 requires members of a legislative body who attend a meeting at the expense of the local agency to provide a brief report on the meeting at the next regular meeting of the legislative body.<sup>29</sup> AB 1234 defines “meeting” by reference to the Brown Act.<sup>30</sup> Because the Brown Act excludes from the definition of meeting “the attendance of a majority of the members of a legislative body at a conference,” members technically need not report on the conference.<sup>31</sup>

It may, however, be useful for agencies to adopt local policies encouraging officials to report briefly on conferences attended. This debunks any notion that conference attendance is somehow a junket and also encourages officials to attend the conference sessions. For more on this topic, see “Attending Conferences” at [http://www.cacities.org/resource\\_files/25263.conferences.pdf](http://www.cacities.org/resource_files/25263.conferences.pdf).

**15. Can AB 1234’s requirements for expense reimbursement be constitutionally applied to charter cities?**

A number of charter city attorneys argue that expense reimbursement falls under the category of “compensation” over which charter cities have plenary authority to the exclusion of state regulation.<sup>32</sup> Indeed, the portion of AB 1234 relating to expense reimbursement is located in an article in the Government Code entitled “Compensation.”<sup>33</sup>

Of course individual charter requirements and good fiscal management practices may make voluntary adoption of the kind of expense reimbursement policy contemplated by AB 1234 advisable. The Institute’s sample reimbursement policy includes a suggested finding for charter cities stating that the reimbursement policy would satisfy AB 1234’s requirements in the event such requirements could be constitutionally applied to charter cities.

<sup>28</sup> Cal. Gov’t Code § 53232.3(d).

<sup>29</sup> Cal. Gov’t Code 53232.3(d).

<sup>30</sup> Cal. Gov’t Code § 53232(d).

<sup>31</sup> Cal. Gov’t Code §§ 54952.2(c)(2), 54954.

<sup>32</sup> Cal. Const. art. XI, § 5. *County of Sonoma v. Commission on State Mandates*, 84 Cal. App. 4th 1264 (2000).

<sup>33</sup> Article 2.3 of chapter 2 of Part 1 of division 2 of title 5 of the Government Code.

## 16. What are the penalties for misuse of public resources or falsifying expense reports?

Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting policies include:<sup>34</sup>

- Loss of reimbursement privileges
- Restitution to the local agency
- Civil penalties of up to \$1,000 per day and three times the value of the resource used<sup>35</sup>
- Criminal prosecution and a lifetime bar from public office<sup>36</sup>

Note that these potential penalties existed under the law prior to AB 1234.

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<sup>34</sup> See Cal. Gov't Code § 53232.4.

<sup>35</sup> See Cal. Gov't Code § 8314.

<sup>36</sup> See Cal. Penal Code § 424.



<b>TITLE: Elected Official Travel and Expense Policy</b>		<b>POLICY NUMBER: 2-03</b>
<b>EFFECTIVE DATE: 4/6/2021</b>		<b>PAGES: 1 of 12</b>
<b>ENABLING ACTIONS:</b>	<b>REVISED DATES:</b>	
<b>APPROVED:</b> <i>[Signature]</i>		

**PURPOSE**

The purpose of this Policy is to provide guidelines for the authorization and administration of use of public funds for travel expenses and reimbursements for official Town business as they apply to elected Town officials, including the Mayor, Vice Mayor, and Council Members.

This Policy satisfies the requirements of Government Code Sections 53232.2 and 53232.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.

In addition to the distinct elements of this Policy, it is understood that all purchases made with a Town procurement card are subject to the Town Procurement Card Procedure.

**GUIDING PRINCIPLES**

Travel by elected officials must only be used for authorized Town business. Travel will be authorized only when the cost and purpose result in a benefit to the Town. Elected officials should ensure that all expenses incurred are reasonable and are a prudent use of public funds. Only the authorized elected Town official is eligible for reimbursement (spouses or friends are not eligible for reimbursement).

**SCOPE**

This policy applies to Town of Los Gatos elected officials when travelling on Town business. Travel categories include:

- Day Trip – travel in California with no overnight stay
- In-State – travel in California with overnight stay
- Out-of-State – travel outside California
- International – travel to destinations outside of the United States

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Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- a. Communicating with representatives of regional, state and national governments on Town adopted policy positions;
- b. Attending educational seminars designed to improve officials' skill and information levels;
- c. Participating in special events held by local, regional, state and national organizations whose activities affect the Town's interests. These organizations include, but are not limited to, professional organizations for government (i.e., League of California Cities; National League of Cities, US Conference of Mayors), service clubs/non-profits (i.e., Kiwanis, Rotary, Friends of the Library, Los Gatos Community Foundation), business-related organizations (i.e., Los Gatos Chamber of Commerce, Joint Venture Silicon Valley), and other events or organizations which provide services to Town residents, the region or otherwise further the stated goals of the Town Council;
- d. Attending Town, county, regional and interagency events; and/or
- e. Implementing a Town-approved strategy for attracting or retaining businesses to the Town through activities that will typically involve at least one staff member.

## **PROCEDURES**

### **A. Authorized Travel**

Authorized travel means travel by elected Town officials, including the Mayor, Vice Mayor, and Council Members, traveling at the Town's expense for the purposes of attending conferences, seminars, educational classes, training and other business activities related to the administration of municipal government.

As a general procedure, elected officials should attempt to attend conferences or meetings within a reasonable proximity to Los Gatos. If a particular session or conference is offered throughout the year at various locations, the venue closest to Los Gatos should be selected and scheduled accordingly.

At times, elected officials may want to attend conferences or other events associated with the other agencies for which they serve as a Board member as appointed by the Town Council (e.g., Silicon Valley Clean Energy Authority). For those activities, the non-Town agency would be responsible for paying those expenses as they are related to its function. The Town will not cover such expenses for other agencies.

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**B. Approvals**

All travel by elected Town officials in compliance with this Policy may be approved by the Mayor and Town Manager as long as funds are available in the Town Council's program budget.

Any expenditures not expressly authorized by this Policy require prior approval by Town Council. Any expenses which exceed the annual limits which may be established from time to time for individual categories of travel or reimbursement through the Town's annual budget process require prior approval by Town Council.

Proposals requiring Town Council approval will include anticipated costs and a funding source. The following guidelines should be used by the Council when reviewing travel requests:

1. Travel is consistent with current adopted budget and/or legislative priorities, or
2. Clear monetary benefit is evident, or
3. Revenue enhancement opportunity is clearly attainable, or
4. Travel is related to the elected official's roles or duties (i.e., standing committee assignment, liaison assignment, task force assignment, economic development, etc.).

For overnight and out-of-state travel, the fewest number of elected officials as necessary to represent the Town should be selected to attend conferences or events as is reasonable and cost effective. The representative(s) shall report back to the rest of the Council after the trip.

Travel by Town Board, Commission, and Committee members and temporary, probationary, part-time and full-time Town employees shall be governed by the Town Travel and Expense Procedure.

**C. Procurement Card Use Policy**

The Town does not issue procurement cards to individual elected officials but does have an agency procurement card for selected Town expenses. The elected official may contact the Town Manager's Office staff for access to the procurement card. Town elected officials may use the Town's procurement card for such purposes as airline tickets and hotel reservations. Itemized receipts (not credit card receipts) documenting expenses incurred on the Town procurement card and in compliance with this Policy must be submitted within five days of use to the Town Manager's Office staff member who provided access to the procurement card. The staff member will include the itemized receipts with their monthly Expense Report. Town procurement cards may not be used for elected officials' personal expenses, even if the elected official plans to reimburse the Town. All rules and

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regulations put forth in the Town Procurement Card Procedure apply to procurement card purchases.

**D. Registration/Tuition Fees**

Registration/tuition fees may be paid with a Town procurement card or a Town-issued check. When a credit card fee is charged, a Town-issued check is the preferred method of payment. Elected officials should work with the Town Manager's Office staff for payment of registration/tuition fees. To request a check, a Request for Payment/Check/Per Diem Allowance Form with all required details must be submitted to the Finance Department with the payment deadline clearly marked on the face of the form to assure timely payment.

Any discounts offered for early registration or attendance by additional persons should be obtained whenever possible.

**E. Lodging**

A hotel stay should be booked when the commute time to/from the conference, seminar, or training would be unreasonable. For a hotel stay at a destination less than 75 miles away from the elected official's home or work location (whichever is closer to the travel destination), the approval of the Mayor and Town Manager is required. Hotel stays over 75 miles from the elected official's home or work location (whichever is closer to the travel destination) do not require separate approval as long as funds are available in the Town Council's budget.

Whenever possible, standard non-deluxe rooms at conference rates should be reserved. If the elected official wishes to reserve other accommodations, only the standard non-deluxe conference room rate is to be charged to the Town. When choosing lodging, Town elected officials should consider the convenience of the location, along with other best rates available. Any hotel upgrades will be at the elected official's expense.

If applicable, lodging costs should not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the elected official at the time of booking. If the group rate is not available, the elected official shall use comparable lodging.

**F. Food and Beverage**

Food and Beverage for One-Day Trips

Meal expenses for trips that are a single day will not be reimbursed unless the elected official is assigned to conduct work during the meal (Per Diem Allowance is not applicable).

Food and Beverage for Overnight Trips

Per Diem Allowance can be located per the table below:

For Travel to:	Lodging and Meal Rates Established by:	Rate Tables Can be Found:
The continental US	US General Services Administration (GSA)	<a href="http://www.gsa.gov/">http://www.gsa.gov/</a> <ul style="list-style-type: none"> <li>▪ Includes 48 Continental States and District of Columbia high cost locations</li> <li>▪ To look up per diem rates, go to <a href="https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup">https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup</a>, search for the location of travel, and check the numbers in the “M&amp;IE Total” and “First and Last Day of Travel” columns.</li> <li>▪ If neither the city nor county is listed, use standard CONUS rates.</li> </ul>
The non-contiguous US or US territories	US Department of Defense (DOD)	<a href="http://www.defensetravel.dod.mil/site/perdiemCalc.cfm">http://www.defensetravel.dod.mil/site/perdiemCalc.cfm</a> <ul style="list-style-type: none"> <li>▪ Includes Alaska, Hawaii and other US territories</li> <li>▪ Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal amount.</li> <li>▪ Town will only pay actual incidental expenses to the GSA limit</li> </ul>
Foreign destinations	US Department of State	<a href="http://aoprals.state.gov/">http://aoprals.state.gov/</a> <ul style="list-style-type: none"> <li>▪ Listed in US Dollars</li> <li>▪ Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal rate</li> <li>▪ Town will only pay actual incidental expenses up to GSA limit</li> </ul>

1. Food and beverages for overnight trips will be paid to the elected official via a Per Diem Allowance based on the amounts obtained using the websites found in the table above. The Meals and incidentals (M&IE) breakdown is the full amount received for a single calendar day of travel when that day is neither the first nor last day of travel. The amount received on the first and last day of travel equals 75% of the total M&IE.

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2. Elected officials should work with the Town Manager's Office staff to obtain a Per Diem Allowance from the Finance Department. The Per Diem Allowance must be obtained either within 30 days before the trip using a Payment/Check/Per Diem Allowance Request Form or within 30 days after the trip using a Claim for Reimbursement Form. Per Diem Allowance requests must include the travel dates, a training/event flyer, and Council approval to travel, if applicable.
  3. Food and beverage purchases while on an overnight trip may not be made with a Town procurement card and are not reimbursable. A Per Diem Allowance for meals must be obtained for food and beverage purchases within either 30 days before or after the trip.
  4. If a meal is provided as part of the business event, the Per Diem Allowance will be reduced accordingly, using the numbers obtained from the websites in the table above. For example, if breakfast or lunch is included in the registration fee for a conference, the Per Diem Allowance for that day will not include the allowance for that meal or meals. Continental breakfasts provided as part of lodging will not be counted as a pre-paid meal and elected officials may be reimbursed for regular breakfasts. If the elected official has special dietary needs, efforts should be made to see if the event provider can accommodate them. If the conference is unable to accommodate the elected official's dietary needs, an additional meal purchase for a meal to replace the one provided by the conference may be provided if there are sufficient budgetary funds available.
  5. Dining tips are included in the Per Diem Allowance.
  6. The Per Diem Allowance includes "incidental" purchase, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

#### **G. Personal Charges**

Personal charges (i.e., movie charges, spousal/guest expenses, golf or fitness charges etc.) are the responsibility of the traveling elected official.

#### **H. Use of Personal Vehicle – Mileage Reimbursement**

All mileage reimbursements shall be based on the current IRS applicable rate (see [www.irs.gov](http://www.irs.gov)). When using a personal vehicle for a trip which originates from the elected official's home, the mileage reported for the reimbursement should be from the home or the Town Civic Center (110 E. Main Street, Los Gatos CA 95030), whichever is less. Elected officials should work with the Town Manager's Office staff to submit a Mileage Reimbursement Form to the Finance Department.

Mileage reimbursements should be submitted within 30 days of return from the trip. A training/event flyer and schedule should be attached as well as driving directions from Google Maps, Mapquest or other website showing the distance travelled.

### **I. Transportation**

The most economical method and type of transportation reasonably consistent with the scheduling need must be used, using a direct and time-efficient route. The cost of a rental vehicle, parking and fuel shall be compared to the combined cost and time of other such forms of transportation and the most cost-efficient method shall be used. Only the amount for the most cost-efficient, reasonable method of transportation is reimbursable, even if that method is not used (i.e., elected official will pay the difference if they choose to take a more expensive method of travel).

In the event of an automobile accident while traveling on Town business, a Vehicle Accident Reporting Form must be filled out and submitted to the Town Manager within 24 hours of the vehicle accident, if possible.

#### **Airfare**

1. Airline transportation costs to and from the authorized destination will not exceed advance-purchase economy-class airfare unless such fare is not available.
2. Transportation to and from airports will be reimbursed for either actual mileage if personal vehicle is used, or for reasonable taxi fare, rideshare, airport van, or other public transportation. Reimbursable mileage includes travel to the airport from the home or Town Civic Center, whichever is closer.
3. The charge for the first piece of personal baggage for the elected official may be reimbursed.
4. If a personal vehicle is parked at the airport for more than one day, the cost of parking will be reimbursed at the long-term parking rate. Parking will not be reimbursed for more than one day at the short-term rate.
5. Any additional airline fees will not be reimbursed (i.e. for early check-in or seating upgrades).

#### **Vehicle Rentals**

1. Rental vehicles are only allowed when needed for business purposes and when there are budget funds available. When renting a vehicle, elected officials should use standard or economy models. Larger vehicles are allowed if there is no additional cost to the Town, or if special circumstances exist such as medical needs, disabilities, weather conditions, multiple elected officials who will occupy the vehicle, etc.

2. When a rental vehicle is needed for travel, it can either be booked using the elected official's personal credit card and later submitted for reimbursement with itemized receipts, or it can be booked using the "Rental Car Purchasing Card" from the Finance Department. The elected official should work with the Town Manager's Office staff for this process. If using the Rental Car Purchasing Card, the vehicle shall be rented from one of the companies the Town has a business rewards account with: Budget or Avis. The most cost-efficient option for the trip should be selected. The discount number and billing PIN to be used for the appropriate rental company can be obtained from the Finance Department and the Town Manager's Office staff can assist the elected official with this information.
3. It is the rental vehicle driver's responsibility to ensure that vehicle rental costs are kept to a minimum. This includes returning the vehicle to the same location, retuning the vehicle with a full tank of gas, declining GPS and pre-paid gas options, etc.
4. For rental vehicles booked using an elected official's personal credit card, elected officials should purchase the Collision/Loss Damage Waiver insurance when travelling domestically. Elected officials shall waive any other additional vehicle insurance options provided that the elected official has their own vehicle insurance coverage. Elected officials should contact their auto insurance company beforehand to confirm coverage. Any questions about coverages should be addressed ahead of time with Town staff. When travelling internationally, additional insurance should be accepted if the elected official lacks other similar coverage.
5. For rental vehicles booked using the Rental Car Purchasing Card, elected officials should decline the rental company's Collision/Loss Damage Waiver insurance as they are covered by the Auto Rental Collision Damage Waiver Program through the Purchasing Card.
6. Rental vehicles should not be taken across the US Border unless prior approval is received from the Town Council. The Town is not responsible for any border fees if no prior approval was given and the elected official must reimburse the Town for these fees if applicable.
7. The Town is not responsible for the fees associated with paid "express" lanes, where drivers must pay a toll in order to use a separate, less congested lane. The elected official must reimburse the Town for this expense if applicable.
8. The Town will reimburse all bridge and road tolls, except for redundant toll roads that parallel state or federal highways (e.g. Highway 73 in Orange County, California).
9. The elected official is liable for any "damages" to the rental car during the course of rental. The Town Rental Car Purchasing Card on file will only be used for the cost of the rental vehicle booked up front. If the elected official damages the vehicle, upon return of the vehicle, they will need to provide an alternate form of payment for any of these "incidental" expenses.

10. In case of any event, incident or accident related to the rental vehicle, the elected official must notify the Town Manager as soon as possible. A Vehicle Accident Reporting Form must be filled out and submitted within 24 hours of a vehicle accident, if possible.
11. Elected officials may only use the Town's business rewards program discount number for authorized Town travel. The Town's business rewards program discount number may not be used for leisure travel.

**Ground Transportation**

1. Ground transportation (i.e., taxis, rideshares, bikeshares, scootershares, buses, and/or shuttles) will be reimbursed when incurred in overnight or away from home travel.
2. Taxi or rideshare (i.e., Uber/Lyft) or bikeshare/scootershare costs may be reimbursed for one-day or multiple-day travel, keeping in mind that the most cost-effective mode of transportation should be taken.

**Public Transportation**

1. Bus, train or other methods of public travel are authorized when such modes are more appropriate and economical.

**J. Miscellaneous Expenses**

Examples of miscellaneous expenses include, but are not limited to: taxi, rideshare, shuttle fares, tips, internet charges, and parking.

1. Taxi/rideshare/bikeshare/scootershare, bridge tolls, and ferry fares associated with official business will be reimbursed when supported by itemized receipts.
2. Actual costs for parking will be reimbursed when supported by itemized receipts. In a situation where no receipt is given (i.e., parking meters), a Missing Receipt Form must be submitted.
3. Hotel internet or Wi-Fi charges for work purposes will be reimbursed when supported by itemized receipts.
4. Town business meal purchases, where Town business is discussed and a mealtime meeting is unavoidable due to scheduling restrictions, are reimbursable expenses. The statement reconciliation should list each person in attendance as well as a description of the Town business discussed. If the elected official dines with another person and is unable to split the check, the receipt should be clearly marked as to the items purchased for the elected official. Alcohol is not reimbursable. Business meal purchases do not apply to overnight travel meals where a Per Diem Allowance is applicable.
5. A Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

**K. Town Checks**

Town checks for registration will be made payable only to the organization officially conducting the meeting. If the elected official is in need of a check for registration, one will be issued upon notification to the Finance Department. The Town Manager's Office staff can assist the elected official with this process. The notification to the Finance Department should include a Request for Payment/Check/Per Diem Allowance Form, the training/conference flyer, registration deadline, and Council approval if applicable.

The Town will issue approved reimbursement checks directly to the elected official.

**L. Mileage Reimbursement and Claim for Reimbursement****1. Required Documentation**

A Mileage Reimbursement Form and Claim for Reimbursement Form must be completed to document travel/mileage/activity/purchases or process requests for travel reimbursement. These forms must include the following documentation:

- a. Documentation that describes the nature of travel (i.e., a copy of the conference flyer and schedule).
- b. Copies of receipt(s) that itemize purchases, including date of purchase and location.
- c. Authorization to travel, if applicable.
- d. Mileage Reimbursements should include driving directions from Google Maps, Mapquest or other website showing the distance travelled.
- e. If the elected official does not have an itemized receipt, a Missing Receipt Form must be filled out. Missing Receipt Form Purchases will be evaluated on a case-by-case basis and may not be reimbursed. If more than three Missing Receipt Forms are submitted for purchases made with a Town procurement card within a twelve-month period, the elected official's privilege to use the Town procurement card may be reviewed and/or revoked.
- f. No individual food or beverage purchases will be reimbursed for an overnight trip. The elected official must request a Per Diem Allowance for the trip.

**2. Deadline to Submit Mileage Reimbursement/Claim for Reimbursement Form**

The Mileage Reimbursement Form and Claim for Reimbursement Form should be submitted within 30 days of travel meeting/date. Claims for reimbursements that are not turned in within the requested timeframe may not be honored, resulting in a cost to the elected official.

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**3. Signatures on Reimbursements**

Travel expenses such as Mileage Reimbursements and Claims for Reimbursements submitted by Council Members must be signed by the Mayor and the Town Manager. Reimbursements for the Mayor must be signed by the Town Manager and Finance Director.

**M. Limitations on Reimbursements**

All reimbursements shall be consistent with those allowed under state and federal law which shall prevail over interpretation of this Policy, express or implied.

Any questions regarding the propriety of a particular expense should be resolved before the expense is incurred.

Reimbursement is expressly conditioned upon sufficient funds being budgeted as part of the annual Town budget.

**N. Non-Reimbursable Expense**

The following personal expenses are not allowable for reimbursement:

- a. Traffic, toll, and parking violations
- b. Fees to drive in a paid "express" lane or parallel paid freeway (e.g., Highway 73 in Orange County, California)
- c. Mileage for regular commute (such as to the Town Civic Center for Town Council meetings)
- d. Emergency repairs on personal vehicles
- e. Alcohol/tobacco
- f. Individual food and beverage purchases while on overnight travel (Per Diem Allowance must be requested)
- g. Medicinal remedies, health supplies, cosmetics, toiletries
- h. Personal entertainment such as in-room movies, fees for exercise room, sports event, personal reading materials, personal grooming, optional tours, souvenirs
- i. Childcare fees
- j. Kennel/boarding fees (except for Town-owned animals)
- k. Expenses related to an elected official's family member or friend
- l. Political or charitable contributions or events
- m. Short term airport parking exceeding one day
- n. Any additional airline fees (i.e., for early check-in or seating upgrades)

- o. Other incidental expenses that are determined to be of a personal nature, extravagant, or might be considered unreasonable or unnecessary

**O. Audits of Expense Reports**

All expenses are subject to verification that they comply with this policy.

**P. Reports to Governing Boards**

At the next public governing body meeting following the travel and/or expenditure, each elected official shall briefly report on meetings, conferences, or seminars attended at the Town's expense. If multiple elected officials attended, a joint report may be made. The report may be made orally or in writing.

**Q. Compliance with Laws**

Elected Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All Town expenditures are public records subject to disclosure under the Public Records Act and other laws.

**R. Violations of this Policy**

Under state law, misuse of public resources or falsifying documents in violation of this Policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) a demand for restitution to the Town, (3) the Town reporting the expenses as income to the elected official to state and federal tax authorities, (4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and (5) prosecution for misuse of public resources.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Robert Schultz, Town Attorney

**RESOLUTION NO. 15-076****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA  
ADOPTING AMENDMENTS TO THE  
COUNCIL AND COMMISSION EXPENSE POLICY**

**WHEREAS**, section 53232.2(a) of the Government Code authorizes local agencies to “reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties.”

**WHEREAS**, section 2-10.180(b) of the City Code provides that the City Council may, by resolution, establish a policy for the reimbursement of actual and reasonable expenses including, but not limited to, the cost of travel, meals, lodging and registration fees for attendance at meetings or functions as the designated representative of the City Council.

**WHEREAS**, section 53232.2(b) of the Government Code requires local agencies who make such reimbursements to “adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expense relating to travel, meals, lodging, and other actual and necessary expenses.”

**WHEREAS**, the Saratoga City Council first adopted a Council and Commission Expense Policy on June 7, 2006 and updated it on March 4, 2015 via Resolution 15-008; and

**WHEREAS**, the attached policy includes amendments as directed by the City Council, with changes to the policy noted in the attachment.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Saratoga does hereby adopt the amended Council and Commission Expense Policy (attached).

The above and foregoing resolution was passed and adopted at a regular meeting of the Saratoga City Council held on the 16<sup>th</sup> day of December 2015 by the following vote:

AYES: Mayor E. Manny Cappello, Vice Mayor Emily Lo, Council Member Mary-Lynne Bernald, Howard A. Miller, Rishi Kumar

NOES:

ABSENT:

ABSTAIN:

E. Manny Cappello, Mayor

ATTEST:

Crystal Bothelio  
Crystal Bothelio, City Clerk

DATE: 1/7/2016

**City of Saratoga Council and Commission Expense Policy**  
**Approved December 16, 2015**

**I. Purpose**

The City of Saratoga takes its stewardship over the use of its limited public resources seriously. This policy provides direction to City Council members and City Commissioners, on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured.

**II. General**

A. City resources should be used only when there is a benefit to the City, including:

- The opportunity to discuss the community's concerns with state and federal officials and representatives of other local governments in the region;
- Participating in regional, state, and national organizations whose activities affect the City;
- Educational expenses related to improving the City Officials' skill and knowledge.

**III. Authorized Expenses**

A. City funds, equipment, supplies (including letterhead), and staff time must only be used for authorized City business and may not exceed the adopted budget appropriation.

1. The adopted budget appropriation for City Council's annual training and travel budget shall be allocated as follows, unless otherwise approved by the Mayor:

a. 30% to the Mayor

b. 70% divided equally among the four City Council members

2. The Council's training and travel budget shall include a separate appropriation for new Council members and Mayors to attend the League of California Cities New Mayors & Council Members Academy. This appropriation is in addition to the normal training allocation referenced above.

3. The adopted budget appropriation for a Commission's annual training and travel budget shall be allocated by the staff liaison in cooperation with the Chairperson.

B. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state, and national government on City-adopted policy positions;
2. Attending educational seminars or procurement of educational materials designed to improve officials' skill and information levels;
3. Participating in regional, state, and national organizations whose activities affect the City's interests;
4. Attending City and City-related events.

#### IV. Expenditure Approval Requirements

- A. For **Mayor and** Council Members: Pre-approval of expenses to be incurred is not required, except that the following expenses require prior approval from the **City Council at a regular or special City Council meeting Mayor (or Mayor pro tem in the absence of the Mayor)** :
1. International and out-of-state travel;
  2. Expenses (other than related to conferences sponsored by the League of California Cities) exceeding \$500 per trip; and
  3. Expenses not related to Section III. B.1 through B.4, but which nonetheless will offer substantial benefit to the City.
- B. For Commissioners, **all** expenditures require pre-approval by the Commission's staff liaison **and out-of-state travel requires pre-approval of the City Council.**

#### V. Non-authorized Expenses

- A. Examples of personal expenses that the City will not reimburse include, but are not limited to:
1. The personal portion of any trip;
  2. Political or charitable contributions or events;
  3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
  4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
  5. Alcoholic beverages, either as a portion of a meal expense or as a separate charge;
  6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

7. Any additional costs related to the extension of travel beyond what is required for business-related purposes (except due to travel restrictions caused by inclement weather); and
8. Personal losses incurred while on City business.

B. Any questions regarding authorization of a particular type of expense should be resolved by the approving authority before the expense is incurred.

## VI. Cost Control

A. To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

### 1. Transportation

- a. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.
- b. Charges for rental vehicles may be reimbursed under this provision if it is determined that using a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of other forms of transportation. Government and group rates must be used when available.

### 2. Airfare

- a. Airfares shall be booked through the City Manager's Office for the lowest available cost that meets business travel needs.
- b. Luggage Fees from airlines will be reimbursed for one checked bag that weighs 50 pounds or under.

### 3. Automobile

- a. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* <http://www.irs.gov>). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. Forms for this reimbursement are available.
- b. Automobile rental expenses, including insurance coverage recommended by the City's Risk Manager, will be reimbursed at rates not to exceed business

class auto rentals. Fuel expenses for business related usage will also be reimbursed, however repairs or citations resulting from the use of the rental vehicle will not be reimbursed.

4. Taxis/Shuttles

- a. Taxis or shuttles fares may be reimbursed, including a fifteen (15%) percent gratuity per fare. Taxis or shuttles may be utilized when the cost of such fares is equal to or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

5. Lodging

- a. Lodging expenses will be paid or reimbursed when official City business requires an overnight stay that exceeds 50 miles from Saratoga City Hall, unless otherwise approved by the Mayor.

6. Conferences/Meetings

- a. If lodging is in connection with a conference, expenses must not exceed the group rate published by the conference sponsor, if such rates are available at the time of booking. If the group rate is not available, the policy in the following section "Other Lodging" shall apply.

7. Other Lodging

- a. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at [www.dgs.ca.gov/travel](http://www.dgs.ca.gov/travel). Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.
- b. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable. See Form 2106 -EZ at [www.irs.gov](http://www.irs.gov) . The site provides references to hotels that have government rates at or below Internal Revenue Service per diem limits. Per Diem rates vary by location and can be found at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) .

8. Meals

- a. Meal expenses (breakfast, lunch, dinner) and associated gratuities are limited to a total of \$100/day with receipts. Partial conference and travel days are pro-rated. The City does not reimburse for snacks and drinks between meals.

- b. If meals are included in the cost of the business-related activity registration fee, but Council or Commissioner elects to purchase the meal from another source, the cost of that meal will not be paid by the City.
- c. If receipts are not available, a per diem reimbursement will be provided in the following amounts:

<u>Breakfast:</u>	<u>\$15</u>
<u>Lunch:</u>	<u>\$15</u>
<u>Dinner:</u>	<u>\$30</u>

9. Laundry service

- a. Laundry services are generally not eligible for reimbursement. On a case-by-case basis, when an extended business trip extends over seven (7) or more calendar days, reasonable laundry expenses may be reimbursed for necessary business clothing.

10. Internet

- a. If Internet access is necessary for City-related business and is not provided free of charge at the conference or hotel site, officials will be reimbursed for Internet access connection and/or usage fees, not to exceed \$20.00 per day.

11. Airport Parking

- a. Officials will be reimbursed for airport parking related to City business-related travel.
- b. Long-term parking must be used for travel exceeding 24-hours. Where practical, an airport shuttle should be used if the cost of the shuttle to and from the airport would be less than the anticipated cost of long term parking.

12. Other

- a. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

**VII. Expense Report Content and Submission Deadline**

- A. All expenditure reports and expense reimbursement requests must be submitted on the City's current "Expense Report" form within thirty (30) days of an expense being incurred. The form must be accompanied by receipts documenting each expense or supporting documentation if requesting a per -diem meal reimbursement. Reimbursement is permitted only for meals that are not provided by the conference/meeting/seminar.

- B. Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
- C. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

**VIII. Audits of Expense Reports**

- A. All expenses are subject to verification that they comply with this policy.

**IX. Reports to City Council or Commission**

- A. Following an event for which a reimbursement claim has or will be submitted, the official seeking reimbursement shall, at the next regular City Council or Commission meeting (or at an earlier special meeting if practical), briefly report on the event. If multiple officials attended, a joint report may be made.

**X. Compliance with Laws**

- A. City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.
- B. This policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
- C. This policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

**XI. Violation of This Policy**

- A. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:
  1. Loss of reimbursement privileges;
  2. A demand for restitution to the City;
  3. The City reporting to state and federal tax authorities that the official's expenses are income;
  4. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
  5. Prosecution for misuse of public resources.



**City of Los Altos 2023 Tentative Council Agenda Calendar**

<b>AUGUST 22, 2023</b> <b>Closed Session – TBD</b> <b>Study Session –TBD</b> <b>Regular Meeting – 7:00 p.m.</b>		
<b>AGENDA TITLE:</b>	<b>DEPARTMENT:</b>	<b>PUBLIC HEARING?</b>
<b><u>SPECIAL ITEMS:</u></b>		
MidPen Board Member Presentation		
<b><u>CONSENT:</u></b>		
Treasury Report	Finance	No
<b><u>DISCUSSION:</u></b>		
History Museum Funding	CM	No
<b><u>PUBLIC HEARINGS:</u></b>		

*Remaining 2023 City Council agenda calendar items are pending and will be published at a later date.*

*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.*

PROGRAM	SUB PROJECT	INITIATION DATE	HEU COMPLETION DATE	STATUS
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Budget & Hire Planning Technician		December 31, 2022	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Amend ADU Ordinance based upon HCD's letter		6 months or less	
Program 3.H: Amend design review process and requirements.	Eliminate 3rd Party Architectural Review		February 28, 2023	COMPLETED
Program 3.H: Amend design review process and requirements.	Dismiss Design Review Commission		February 28, 2023	COMPLETED
Program 3.L: Eliminate the requirement of story poles.			March 31, 2023	COMPLETED
Program 2.E: Conduct annual ADU rental income surveys.	Budget & Hire Housing Manager	March 31, 2023		IN-PROGRESS
Program 4.J: Facilitate alternate modes of transportation for	Adopt VMT Policy &		June 30, 2023	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	RFP-Permit Ready ADU Plans		July 31, 2023	RFP CLOSED - UNDER REVIEW
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	DEVELOPING RFP
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	IN-PROGRESS
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	IN-PROGRESS
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	IN-PROGRESS
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	
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	ONGOING
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	COMPLETED

Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	<b>COMPLETED</b>
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	<b>COMPLETED</b>
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	<b>AUGUST PLANNING COMMISSION</b>
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	<b>AUGUST PLANNING COMMISSION</b>
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	<b>AUGUST PLANNING COMMISSION</b>
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	<b>AUGUST PLANNING COMMISSION</b>
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	<b>UNDER REVIEW</b>
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	