

CITY COUNCIL MEETING AGENDA

7:00 PM - Tuesday, January 14, 2025
via Videoconference and In Person

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

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

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

<https://losaltosca-gov.zoom.us/j/89700640269?pwd=2ilevh975W4GaxuXhxy5rbalcynIcK.1>

Telephone: 1-669-444-9171 / Webinar ID: 897 0064 0269 / Passcode: 942274

SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to publiccomment@losaltosca.gov. Emailed public comments sent directly to the City Council, either as a group, or individually, will not be included in the agenda packet but may be disclosable as part of a public records request. Emails sent to publiccomment@losaltosca.gov will be included in the appropriate agenda packet and are also disclosable as part of a public records request.

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

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

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

AGENDA

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

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

[01-14-2025](#) Written Public Comments

CONSENT CALENDAR

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

1. Approval of Meeting Minutes

Approve the Regular Meeting Minutes of December 10, 2024

2. 2025 City Council Assignments

Affirm 2025 City Council Commission and Committee Assignments Pursuant to City Council Norms and Procedures: Affirm Mayoral appointments to Local, Regional Boards and City Committees and Commissions

3. Junior High Sports Program Agreement with Los Altos School District

Authorize the City Manager to execute an agreement with the Los Altos School District to administer the Junior High Sports Program at Blach Intermediate School and Egan Junior High School

4. Amendment No. 1 – BAE Urban Economics, Inc. for FY 2025-27

Approve both attached resolutions authorizing the City Manager to execute Amendment No. 1 with BAE Urban Economics, Inc. in the amount of \$75,000 and additional two years to the original contract for the continued economic and financial analysis services, and appropriate \$75,000 from the General Fund to the Development Services Operating Budget for FY24/25

5. Adoption of Resolution - Additional Funding and Award Construction Contract for the Grant Park Mechanical and Electrical Project

1) Adopt a resolution for the allocation of additional In-Lieu Park funds in the amount of \$574,000 to fully fund the design and construction of the Grant Park facility electrical upgrade; and

2) Adopt a resolution authorizing the City Manager to execute a construction contract with Aria Electric Construction of Orangevale, California in an amount not-to-exceed \$830,000, and up to 15% contingency not-to-exceed \$124,500, for a total amount not-to-exceed \$954,500, to complete the Grant Park Building Mechanical and Electrical Renovations

6. Adoption of Resolution – Fund Community Center Café Space Improvements

Receive update on Community Center Café concessionaire, and adopt a resolution approving \$165,000 from the Park-In-Lieu Fund for facility improvements to prepare café space for usage as planned in the original build of the Community Center

PUBLIC HEARINGS

7. Approval of Vesting Tentative Map to create 34 condominium lots and one common lot at 4896 El Camino Real

Approval of Vesting Tentative Map (Application No. TM23-0003) to create 34 condominium lots and one common lot at 4896 El Camino Real. The project is categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the California Environmental Quality Act (CEQA) Guidelines (CEQA)

8. Approval of Tentative Parcel Map to subdivide one lot into two lots at 1485 Fremont Avenue

Approve Tentative Parcel Map (Application No. TM24-0004) to subdivide one lot into two lots at 1485 Fremont Avenue per the recommended findings and conditions of approval. The project is categorically exempt pursuant to Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines

DISCUSSION ITEMS

9. Appointment of Los Altos Representative to VTA Board

Appoint a Representative from the Los Altos City Council to serve on the Valley Transportation Authority (VTA) Board for the North County Cities Group

10. Crossing Guard Services - Approve Transition to City-Based Management

Approve the transition of the Crossing Guard Program from the current third-party contractor, All City Management Services (ACMS), to a city-based management system led by the Human Resources and Police Departments, and authorize the City Manager to enter into an MOU with school districts to share costs for services provided

11. City Council Norms and Procedures

Review the City Council Norms and Procedures and provide modifications as needed

12. Funding Options for Public Safety Infrastructure (Police Building and Fire Stations)

Discuss and provide further direction regarding funding options for Public Safety Infrastructure (Police Building and Fire Stations)

13. Charter City and City Council Term Limit Considerations

Provide direction on process and next steps regarding consideration of becoming a Charter City and City Council term limit

INFORMATIONAL ITEMS ONLY

There will be no discussion or action on Informational Items

14. Tentative Council Calendar and Housing Element Update Implementation Calendar

15. Parking License Agreement - Luna Mexican Restaurant

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

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

SPECIAL NOTICES TO THE PUBLIC

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

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

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



January 13, 2025

Re: January 14, 2025, Meeting, Agenda Item #7 (4896 El Camino Real)

Dear Mayor Dailey and Members of the City Council:

The League of Women Voters (LWV) supports policies that encourage the development of housing, particularly affordable housing.

The League commends the project proposed for 4896 El Camino Real, which includes office space and 33 multi-family residences, including below-market rate (BMR) units. We suggest that the square footage of the BMRs be revised given that the BMR units are dramatically smaller than the market-rate units. These discrepancies are inconsistent with section 14.28.030(C) of the Municipal Code and the League asks the Council to refrain from making an exception here.

More specifically, the square footage of the three-bedroom BMR unit is 1,656 square feet but the three-bedroom market rate units are planned to be 2,020 to 2,582 square feet. The range of the square footage of the two-bedroom BMR units is 1,062 to 1,163 square feet while the two-bedroom market rate units are planned to have 1,839 square feet.

Please send any questions about this email to Sue Russell, Co-Chair of the Housing Committee, at housing@lwvlamv.org. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink that reads "Katie Zoglin".

Katie Zoglin, President
Los Altos-Mountain View Area LWV

C: Gabe Engeland, City Manager
Nick Zornes, Assistant City Manager
Jon Maginot, Assistant City Manager
Melissa Thurman, City Clerk
Stephanie Williams, Deputy Director
Jia Liu, Associate Planner
PublicComment@losaltosca.gov

Melissa Thurman

From: Tamara Fagin <tamara.fagin@gmail.com>
Sent: Monday, January 13, 2025 4:10 PM
To: Public Comment; City Council
Subject: Support for Restricted Parking Around Los Altos High School & Thank You

Dear Mayor Dailey and Los Altos City Council Members,

I am writing to express my support for the restricted parking signs around Los Altos High School.

My family and I have lived on Alicia Way adjacent to Los Altos High School for over 20 years. When our kids were in elementary school, we walked, biked or scooted to school every day. Our street is in fact designated a "Safe Route to School," with many children - with and without their parents - biking to Almond School, Bullis Charter School and Egan Junior High School.

Restricting parking around heavily used streets, such as Alicia Way, near the high school is important for visibility and the safety of pedestrians and cyclists.

Thank you for the new restricted parking signs that were recently installed on the Jardin Street side of the high school. It feels much safer and less chaotic with less cars parked in the block closest to the tennis courts.

Thanks,

Tamara Fagin
Los Altos Resident

Melissa Thurman

From: Bin Hu <hubenjamin@yahoo.com>
Sent: Monday, January 13, 2025 11:02 PM
To: City Council; Public Comment
Subject: Parking in Casita Way / Distel Dr / Los Ninos Way / Panchita Way

Hello City Council,

We neighborhood residents had discussions on recent parking situation in Casita Way / Distel Dr / Los Ninos Way / Panchita Way, because it significantly and negatively impacted our residents daily living in the neighborhood.

We sincerely request that:

- (1) Please dismiss all parking tickets issued to our neighborhood residents
- (2) Please implement resident permit system and issue parking permit to our residents.

Thank you
Bin

Melissa Thurman

From: Michelle Edgecumbe <mfedgecumbe@gmail.com>
Sent: Tuesday, January 14, 2025 9:33 AM
To: Public Comment
Cc: Tanya Maluf; Chuck Fimbres; Yolanda Navas
Subject: Public ticketing on Casita Way

Hello,

My name is Michelle Edgecumbe. I was at my 100 year old mother's home last **Tuesday, January 7th for an 11:00 AM** Hospice appointment. I was joined by my brother, Chuck Fimbres, Healthcare worker Yolanda Navas and Hospice nurse Lida. Each one of us received a \$54 ticket due to the new signage.

While I do support the ticketing of High School students, unfortunately I think that the current ticketing situation is flawed. I understand that this is a trial period. It is my hope that after the trial period there will be an implementation of a residential parking permit process.

I have already disputed tickets for myself, brother and Healthcare worker. I will dispute the ticket for our Hospice nurse today.

Thank you,
Michelle Edgecumbe
1895 Capistrano Way
Los Altos, CA 94024

Melissa Thurman

From: Ginny Lear <vklear9@gmail.com>
Sent: Tuesday, January 14, 2025 9:41 AM
To: Public Comment
Subject: Support for Consent agenda item 6, café

Dear Mayor and Council,

I write to support item 6. I have worked directly with the owner and staff of Ada's Cafe at Mitchell Park for 10+ years on an annual fundraiser for a non-profit to which I belong.

They are people of the highest quality and integrity.

Having our city contract our community center café with them is a great match.

Thank you,

Ginny Lear

vklear9@gmail.com

Sent from my iPad

Melissa Thurman

From: Corinne Finegan Machatzke <corinne@machatzke.com>
Sent: Tuesday, January 14, 2025 10:45 AM
To: Public Comment; City Council; Gabriel Engeland
Cc: <nadim@maluf.org>; camilla mccrea; Anke Delingat
Subject: Request to establish a residential parking permit around LAHS

Hello,

I plan to attend tonight's city council requesting the city rapidly establish a residential parking permit for the streets around LAHS that recently had No Parking signs added.

This requires no infrastructure and immediate relief is required.

Vendors and residents are getting parking tickets (\$54) for parking in front of our house (or the house where they are working) which is creating hardship, including contractors working on a city permitted project at our house (some come in their personal vehicles). I have appealed each parking ticket we have received and am waiting to hear back.

Thank you,
Corinne

Melissa Thurman

From: Steve Chessin <steve.chessin@gmail.com> on behalf of Steve Chessin <steve.chessin@cfer.org>
Sent: Tuesday, January 14, 2025 12:50 PM
To: Public Comment
Subject: [External Sender]Item 13 (Consideration of a charter), January 14, 2025, City Council meeting

Dear Mayor Dailey, Vice Mayor Fligor, and Councilmembers Weinberg, Meadows, and Lang.

My name is Steve Chessin. I'm President of Californians for Electoral Reform. I am pleased to see that Los Altos is considering becoming a charter city. I want to make three points related to this issue.

First, it is my understanding that you are considering becoming a charter city for one or both of the following reasons: so you can adopt a property transfer tax, or so you can adopt some form of ranked choice voting, or both. My advice to you is that your initial charter should contain only one substantive item. The more items you put into your initial charter, the more reasons you give people to vote against it.

People who support ranked choice voting but are opposed to a property transfer tax will vote against it. People who support a property transfer tax but oppose ranked choice voting will vote against it.

The City of Davis serves as an object lesson. When they were considering becoming a charter city in 2008, they drafted a charter with several items in it, an "all but the kitchen sink" charter, and the people voted it down. They are still a general law city. Your initial charter should have only one substantive item in it, either a property transfer tax or ranked choice voting or some other item, but not more than one.

Second, that one substantive item should not be the one that Council thinks is most important. It should not be the one that staff thinks is most important. (I know that staff does not make policy, but they can and do subtly influence it by what they put into their reports.) It should be the one that gives the proposed charter the best chance of being adopted. And the only way to determine that is by polling. If you are going to spend five or six figures to put a proposed charter on the November 2026 ballot, you should spend four or five figures to determine what initial charter would have the highest likelihood of success.

For example, the coalition working on getting Santa Clara County to adopt ranked choice voting hired EMC Research to poll voters to gauge their support for changing County elections to RCV. (I have no financial connection to EMC Research.) We were very impressed by their methodology. I am sure there are other well-qualified professional pollsters and it is important that you engage one of them.

Once an initial charter is adopted, other items can be put before the voters as amendments in subsequent statewide primary and general elections. (While an initial city charter can only be adopted at a statewide general election, with some exceptions it can be amended at a statewide primary election.)

Finally, as one of those Santa Clara County RCV coalition members, I must take issue with the last paragraph of the staff's report, as it mischaracterizes the state of the County's progress towards RCV. It is not "struggling". It is engaged in a slow deliberative process as behooves the consideration of changing the electoral system.

In 1997, the County did not have equipment that could implement RCV, so the charter amendment the Board of Supervisors placed on the November 1998 ballot (and that the voters approved) specified that the County could change to RCV once it had the technology to implement it. The County acquired that equipment in 2019, including negotiating a price for the RCV software that the

County does not have to pay until it actually starts using RCV. The RCV advocates did not want any problems with the new equipment blamed on RCV, so waited until 2021, after the new equipment proved itself in the 2020 elections, to begin advocating for RCV.

When in 2022 the County's lawyers pointed out that charter counties do not have the same plenary authority over their elections that charter cities do, out of an abundance of caution they advised that the State Legislature should be asked to approve a district bill that would give the County explicit authority to use RCV. Then-Assembly member Evan Low introduced AB1227 in 2023 for the County, and it was adopted and signed into law that year, assuaging the concerns of the County's lawyers.

Since the passage of AB1227, the County has asked staff to prepare a detailed implementation plan for RCV. That report is expected to be presented to the Board of Supervisor's Finance and Government Operations Committee this April. Should they approve the report, it would then go to the full Board of Supervisors. Should they also approve, the step after that would be for them to ask staff to draft the appropriate ordinance, which would then come back to them for adoption. Given the timing and other considerations, the first use of RCV by the County would be in 2028.

As for the Assessor, his opposition to RCV is well-known; he is not the best authority to render an opinion as to the County's ability to conduct an RCV election. For that one should ask the Registrar of Voter's office. Both the former Registrar Shannon Bushey and the current Acting Registrar Matt Morales have expressed confidence in the Registrar of Voter's office to conduct a successful RCV election.

I do plan to give a version of this testimony orally at this evening's City Council meeting.

Sincerely,
--Steve Chessin
President, Californians for Electoral Reform

Melissa Thurman

From: Eric Chiu <emchiu@yahoo.com>
Sent: Tuesday, January 14, 2025 2:53 PM
To: City Council; Jonathan Weinberg; Pete Dailey; Neysa Fligor; Lynette Lee Eng; Sally Meadows; Public Comment
Subject: Thank you!

Hi,

I am emailing a quick thank you for installing the No Parking signs on Los Ninos Way and neighboring streets. The streets are 10x better than before. Here are the benefits that we have experience already in the few weeks that they have been installed.

- The streets are dramatically safer as a pedestrian and cyclist since you don't have to walk/ride around so many cars into the heavy high school drop-off/pick-up traffic
- There is no garbage on the sides of the streets whereas before we would find lots of garbage from high schooler leaving trash on the ground near their cars
- There is less speeding down our street, although there are still parents that make illegal U-turns on Jardin when dropping off near the tennis courts
- We haven't had any students blocking our driveway
- And we haven't missed any garbage pickups from students moving our garbage cans to park their cars

I am sure you don't get enough residents that email to say thank you. The No Parking signs have been a blessing and we really appreciate your help getting them installed.

Best,

-Eric Chiu
462 Los Ninos Way
650-291-8394



Jan 14, 2025

City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Re: Proposed Housing Development Project at 4896 El Camino Real

**By email: jweinberg@losaltosca.gov; pdailey@losaltosca.gov;
nfligor@losaltosca.gov; llang@losaltosca.gov; smeadows@losaltosca.gov**

**Cc: administration@losaltosca.gov; planning@losaltosca.gov;
jolie.houston@berliner.com**

Dear Los Altos City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 33-unit housing development project at 4896 El Camino Real, which includes five affordable units. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), and California Environmental Quality Act (“CEQA”) Guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).) The City must therefore approve the project unless it makes written findings regarding health and safety as mentioned above – which it cannot do since the preponderance of the evidence in the record does not support such findings. (*Id.* at subd. (j).)

The DBL offers the proposed development certain protections. (See Gov. Code, § 65915.) The City must respect these protections. In addition to granting the increase in residential units

360 Grand Ave #323, Oakland 94610
www.calhdf.org

allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to building height, front setback, rear setback, and floor area ratio, unless it makes written findings as required by Government Code section 65915, subdivision (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Furthermore, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Additionally, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to § 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Recent caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

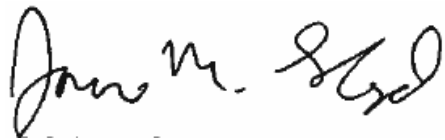
As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will bring new customers to local businesses; it will grow the City’s tax base; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the Council to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal stroke extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', written in a cursive style.

James M. Lloyd
CalHDF Director of Planning and Investigations

Melissa Thurman

From: Diwata <dijardin@yahoo.com>
Sent: Tuesday, January 14, 2025 3:51 PM
To: Public Comment
Subject: School Parking Around Los Altos High School

Dear Los Altos City Council,

I am writing to express my support for the restricted parking signs around Los Altos High School particularly around street corners. As a resident of this neighborhood, I have observed firsthand the negative impact of student parking on the streets. The unplanned impact of restricting parking on the streets near the tennis courts, pushed student parking further back onto other streets and small courts. The parking issues were not addressed, just moved. Enforcement is the other key to success. Students and parents continue to park under no parking signs, double park on the streets, speed through the new stop signs, and basically ignore the signage.

Many students, in a rush to get to class, engage in unsafe driving behaviors, such as racing to secure parking spots. This often leads to blocking driveways, and obstructing mailboxes and increased garbage (school papers, cups, food wrappers, etc). The chaos surrounding student drop-off and pick-up times has become a concern for the residents of the neighborhood.

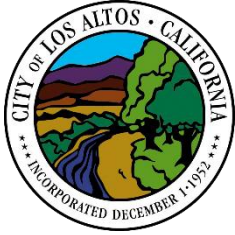
While the new loop in front of the school has alleviated some congestion, I believe more needs to be done. The situation continues to disrupt the quality of life for the surrounding community and residents.

It is requested the school and the city work together to find a plausible solution. More parking on school property for students; parking at nearby lots with buses/vans bringing students/teachers to school. If the school was an expanding business, it would be responsible for providing ample parking.

Thank you for your attention to this matter. I appreciate your efforts to monitor the situation and raise awareness about the dangers posed by student parking.

Sincerely,
D Iwata
Los Altos Resident

Thank you for your continued support in keeping our community safe and livable!



**CITY OF LOS ALTOS
CITY COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 10, 2024
7:00 p.m.
1 N. San Antonio Rd. ~ Los Altos, CA**

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

CALL MEETING TO ORDER – Jonathan D. Weinberg, Mayor, called the meeting to order at 7:00 p.m.

ESTABLISH QUORUM – Neysa Fligor, Councilmember, requested to attend the meeting remotely pursuant to AB2449 due to medical illness.

Motion by Weinberg Second by Meadows to approve the remote attendance of Councilmember Fligor. **Motion carried unanimously by roll call vote.** .

PLEDGE OF ALLEGIANCE – Jonathan D. Weinberg, Mayor, led the Pledge of Allegiance.

REPORT ON CLOSED SESSION

There was no Closed Session meeting.

CHANGES TO THE ORDER OF THE AGENDA

Jonathan D. Weinberg, Mayor, requested to pull Item 2 from the Consent Calendar for consideration and move the remaining Consent Calendar items to after Item 11 on the agenda. **Request granted 4-1 by roll call vote, with Councilmember Lee Eng opposed.**

Lynette Lee Eng, Councilmember, requested to pull Item 7 from the Consent Calendar. **Request denied due to lack of second.**

SPECIAL ITEMS

Issue Proclamation Recognizing County Supervisor Joe Simitian

Jonathan D. Weinberg, Mayor, presented the proclamation to **Joe Simitian, San Mateo County Supervisor.**

Kris Zanard, Aide to Joe Simitian, received the proclamation on Joe Simitian’s behalf.

Issue Proclamation Recognizing Representative Anna Eshoo

Jonathan D. Weinberg, Mayor, presented the proclamation to **Anna Eshoo, Congresswoman**, who received the proclamation from a remote location.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following members of the public spoke during Public Comment:

- Nancy Martin

Motion by Dailey and Second by Weinberg to approve Item 2 of the Consent Calendar. **Motion carried unanimously by roll call vote.**

2. Adopt a Resolution accepting the Certification of Election Results from the Santa Clara County Registrar of Voters for the November 5, 2024 General Municipal Election

DISCUSSION ITEMS

11. Council Reorganization:

- a. Remarks from outgoing Councilmember
- b. Remarks from outgoing Mayor
- c. Administration of Oath of Office to new Councilmembers
- d. Remarks from new Councilmembers
- e. Election of Mayor and Vice Mayor
- f. Remarks from new Vice Mayor
- g. Remarks from new Mayor

The following members of the public spoke regarding the item:

- Kris Zanard
- Isabel Augustine
- John St. Clair III
- Anita Enander
- Roberta Phillips
- Kitty Moore

Lynette Lee Eng, Outgoing Councilmember, spoke during 11.a.

Jonathan D. Weinberg, Outgoing Mayor, spoke during 11.b.

Melissa Thurman, City Clerk, administered the Oath of Office to the following:

- Larry Lang – Councilmember
- Sally Meadows – Councilmember
- Jonathan D. Weinberg – Councilmember
- Neysa Fligor – Vice Mayor
- Pete Dailey – Mayor

Larry Lang, Councilmember, Sally Meadows, Councilmember, and Jonathan D. Weinberg, Councilmember, spoke during 11.d.

Neysa Fligor, Councilmember, nominated **Pete Dailey, Outgoing Vice Mayor**, to the position of Mayor. **Jonathan D. Weinberg, Outgoing Mayor**, seconded the motion. **Nomination carried unanimously by roll call vote.**

Pete Dailey, Mayor, nominated **Neysa Fligor, Councilmember**, to the position of Vice Mayor. **Jonathan D. Weinberg, Councilmember**, seconded the nomination.
Nomination carried unanimously by roll call vote.

Neysa Fligor, Vice Mayor, spoke during 11.e.

Pete Dailey, Mayor, spoke during 11.f.

CONSENT CALENDAR (*continued*):

The following items were moved from the Consent Calendar to be considered after Item 11:

Sally Meadows, Councilmember, stated that although she lives near the address on Item 10, she does not have a conflict of interest on the item.

Motion by Weinberg and Second by Meadows to approve the remaining Consent Calendar items.
Motion carried unanimously by roll call vote.

1. Approve the Special and Regular Meeting Minutes of November 12, 2024
3. Authorize the City Manager to execute Amendment No. 4 on behalf of the City with NBS in the amount of \$37,192.50 for the Sewer Rate Structure Analysis, Administration of Proposition 218 Process for FY 2024-28, and Annual Administration of the City of Los Altos' Sewer Service Charge for FY 2025-26, and authorize the City Manager to execute amendments for two (2) additional years, which are exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15273 (Rates, Tolls, Fares, and Charges), and 15306 (Information Collection)
4. Authorize the City Manager to execute Amendment No. 2 on behalf of the City with Bear Electrical Solutions, Inc. in the amount of \$150,130.00 for maintenance services to the original contract on behalf of the city and find the Council's action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies
5. Authorize the City Manager to execute an agreement with Sanbell (Formerly Bellecci & Associates) for the design of the FY 2024-2025 Annual Resurfacing Project in the amount of \$239,614.00 and authorize the City Manager to execute a change order not to exceed 10% (\$23,961.00) of the total contract amount on behalf of the City and find the Council's action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidance Section 15300.2 applies

6. Adoption of Zone Text Amendments adding Chapter 14.01 and 14.81 and amending Chapter 14.02 of the Los Altos Municipal Code and find that the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines

7. Four (4) separate actions for City Council consideration:

Adopt an Ordinance of the City Council of the City of Los Altos Amending Chapter 6.40, to Title 6 Health and Safety of the Los Altos Municipal Code for Regulations on Reusable Bags and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Polystyrene Foam Disposable Food Service Ware Ordinance, Chapter 6.44 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970.

Adopt an Ordinance of the City Council of the City of Los Altos Repealing in its Entirety the Single-use Foodware Accessories and Condiments Ordinance, Chapter 6.45 of the Los Altos Municipal Code and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970

Adopt an Ordinance of the City Council of the City of Los Altos Amending the Los Altos Municipal Code, by Adding Chapter 6.42 Titled Regulations on Disposable Foodware and find that this Ordinance is exempt from environmental review pursuant to Section 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970

8. Adopt a Resolution accepting completion of the 2024 Street Resurfacing Project, (Projects TS-01001, TS-01004 and TS-01009); and authorize the Public Works Director to record a Notice of Completion as required by law, and find the action categorically exempt pursuant to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) and none of the circumstances in CEQA guidelines Section 15300.2 applies
9. Accept North County Library Authority Funds for Main Library Improvements Project and Award Contract for Main Library Improvements Project to Anderson Brule Architects in the amount of \$132,628
10. Adopt a Resolution authorizing the City Manager to execute a Historic Preservation Agreement with the property owners of 236 Eleanor Avenue; and find the project is categorically exempt pursuant to Section 15331 (Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA)

INFORMATIONAL ITEMS ONLY

There will be no discussion or action on Informational Items

12. Tentative Council Calendar and Housing Element Update Implementation Calendar

13. Recognition of Proclamation Presented to the Chamber of Commerce

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

None.

ADJOURNMENT – The regular meeting adjourned at 8:23 p.m.

The meeting minutes were prepared by Melissa Thurman, City Clerk, for approval at the regular meeting on January 15, 2025.

Jonathan D. Weinberg
Mayor

Melissa Thurman, MMC
City Clerk

The December 10, 2024, City Council meeting recording may be viewed via the following external website: <https://www.youtube.com/@CityofLosAltosCA>

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



City Council Agenda Report

Meeting Date: January 14, 2025
Prepared By: Melissa Thurman
Approved By: Gabriel Engeland

Subject: Affirm 2025 City Council Assignments to Regional Boards and City Commissions

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Affirm 2025 City Council Commission and Committee Assignments Pursuant to City Council Norms and Procedures: Affirm Mayoral appointments to Local, Regional Boards and City Committees and Commissions

FISCAL IMPACT

None

ENVIRONMENTAL REVIEW

Not Applicable

PREVIOUS COUNCIL CONSIDERATION

Not Applicable for 2025 appointments

BACKGROUND

At the beginning of each term, the Mayor of Los Altos annually appoints Councilmembers to serve on local and regional boards, City commissions, and one City committee. The City Council is provided with a list of all local and regional boards/committees/commissions, and they indicate their preference for serving. Upon completion, they return their preference list to the City Clerk, who forwards it to the Mayor. The Mayor reviews the preference lists and creates City Council

ATTACHMENTS

1. 2025 City Council Assignments

2025 City Council Mayoral Assignments

Council Standing Committees	Primary	Alternate	Last Year	Assignment
City/LASD Schools Issues	2	0	Dailey, Lee Eng	Meadows, Lang
City/MVLA High School Issues	2	0	Dailey, Fligor	Dailey, Lang
City/CUSD/FUSD Schools Issues	2	0	Fligor, Weinberg	Dailey, Weinberg
Youth Commission Interviews	2	0	Dailey, Weinberg	Weinberg, Lang

Community Organizations	Primary	Alternate	Last Year	Assignment
LA/LAH Joint Community Volunteer Awards Committee	1	0	Dailey	Fligor

County and Regional Organizations	Primary	Alternate	Last Year	Assignment
*Association of Bay Area Governments	1	1	Fligor Dailey (Alt.)	Fligor Dailey (Alt)
County Housing & Community Development Advisory Committee (HCDAC)	1	0	Meadows	Meadows
Santa Clara County Cities Association – Board <i>(Mayor is primary)</i>	1	1	Meadows Weinberg (Alt.)	Dailey Fligor
Santa Clara County Cities Association – Legislative Action Committee	1	1	Dailey <i>No Alt Assigned (Alt.)</i>	Dailey
Santa Clara County Cities Association – Selection Committee	1	1	Weinberg Dailey (Alt.)	Dailey Fligor
Santa Clara County Expressway Policy Advisory Board	1	0	Weinberg	Lang
*Santa Clara Valley Water Commission (2-year term)	1	1	Dailey, Fligor (Alt.)	Dailey Lang (Alt)
*Santa Clara County Library District JPA	1	1	Meadows Dailey (Alt.)	Meadows Lang (Alt)
*North County Library Authority (2-year term)	2		Dailey, Meadows	Dailey Lang
Valley Transportation Authority – Policy Advisory Committee	1	1	Weinberg Fligor (Alt.)	Weinberg Fligor (Alt.)
Silicon Valley Regional Interoperability Authority (SVRIA) (3-year term)	0	1	Weinberg <i>No Alt Assigned (Alt.)</i>	Weinberg
Silicon Valley Clean Energy Authority Board	1	1	Meadows Dailey (Alt.)	Meadows Dailey (Alt.)
Valley Transportation Authority – State Route 85 Corridor Policy Advisory Body	1	1	Fligor Weinberg (Alt)	Lang

*Designated Filer for Form 700 with the noted agency

2025 City Council Mayoral Assignments

City Commissions	Primary	Alternate	Last Year	Assignment
Complete Streets	1	0	Meadows	Lang
Environmental	1	0	Weinberg	Fligor
Financial	1	0	Fligor	Meadows
Historical	1	0	Dailey	Dailey
Library	1	0	Fligor	Lang
Parks, Arts, Recreation & Cultural	1	0	Meadows	Dailey
Planning	1	0	Dailey	Weinberg
Senior	1	0	Lee Eng	Meadows
Youth	1	0	Lee Eng	Weinberg
JVAC	1	0	<i>None</i>	Fligor



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Jaime Chew

Approved By: Gabriel Engeland

Subject: Authorize the City Manager to execute an agreement with the Los Altos School District to administer the Junior High Sports Program at Blach Intermediate School and Egan Junior High School

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Authorize the City Manager to execute an agreement with the Los Altos School District to administer the Junior High Sports Program at Blach Intermediate School and Egan Junior High School.

FISCAL IMPACT

None.

With the adoption of the FY 2024/25 budget on June 11, 2024, \$139,223 has been appropriated to fund the management of the Junior High Sports Program.

ENVIRONMENTAL REVIEW

Not Applicable.

PREVIOUS COUNCIL CONSIDERATION

None

BACKGROUND

In FY 2003/04, the city of Los Altos Recreation department began management of the Junior High Sports Program for the Los Altos School District at Blach Intermediate School and Egan Junior High School. The Junior High Sports Program is an afterschool activity open to students enrolled in and attending Blach or Egan. It consists of five sport seasons which begins and ends within the school year.

ANALYSIS

The Los Altos Parks & Recreation department administers the Junior High Sports Program by:

- Accepting individual registrations for the Junior High Sports Program through the city’s registration system. User fees are set by the city and retained to meet the cost of administration to make this a cost neutral program.
- Purchasing necessary equipment for the program on an annual basis based upon recommendations from the schools.
- Managing the recruitment and hiring of all coaches and volunteer coaches.
- Completing payment of: stipends to athletic coordinators, stipends to coaches, and 50% of game official fees.

In FY 2023/24, the Junior High Sports Program serviced 694 students with the assistance of 2 athletic coordinators and 46 coaches between the 2 school sites.

DISCUSSION

The Junior High Sports Program is a collaboration between the city of Los Altos and the Los Altos School District which assists in making competitive sports available to currently enrolled students. It emphasizes increasing physical activity, improving motor skills, and creating a positive social experience through sport. Staff recommends City Council to authorize the City Manager to execute an agreement with the Los Altos School District to administer the Junior High Sports Program at Blach Intermediate School and Egan Junior High School.



City Council Agenda Report

Meeting Date: January 14, 2025
Prepared By: Monica Gallardo-Melkesian
Approved By: Nick Zornes

Subject: Amendment No. 1 – BAE Urban Economics, Inc.

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Approve both attached resolutions authorizing the City Manager to execute Amendment No. 1 with BAE Urban Economics, Inc. in the amount of \$75,000 and additional two years to the original contract for the continued economic and financial analysis services, and appropriate \$75,000 from the General Fund to the Development Services Operating Budget for FY24/25.

FISCAL IMPACT

The \$75,000.00 funds for Amendment No. 1 will be appropriated from the General Fund. Approving this contract amendment will increase expenditures in the FY24/25 operating budget by \$75,000.00.

ENVIRONMENTAL REVIEW

The agreement amendment and budget appropriation are exempt from environmental review pursuant to section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

PREVIOUS COUNCIL CONSIDERATION

Not Applicable.

ANALYSIS

Amendment No. 1 is to extend the existing contract and scope of services for an additional two (2) years until FY25-FY27. This amendment is also requested to provide additional funds to cover the economic and financial analysis services. The amount of Amendment No. 1 is a not-to-exceed amount of \$75,000, which brings the final total contract amount to \$170,000.

DISCUSSION

On October 12, 2022, the City entered into a Professional Services Agreement in the amount

of \$95,000 with BAE Urban Economics, Inc. for economic and financial analysis services. BAE Urban Economics, Inc. provided assistance to the City for the following services, which include but not limited to:

- Inclusionary Housing Ordinance assessment performing the financial feasibility assessment and revised Inclusionary Housing percentages.
- In-Lieu Fee amount assessment establishing the required developer subsidy to provide Inclusionary units and prepared the financial feasibility assessment for the In-Lieu Fee amounts including an In-Lieu Fee comparison of cities within Santa Clara County.
- Prepare draft and final memoranda reports.
- General Economic and Financial Analysis to the City on the Development of Parking Plazas.
- Project specific Economic and Financial Analysis of Private and Public Development within the City of Los Altos.

ATTACHMENTS

- 1. Draft Resolution – Contract Amendment**
- 2. Draft Resolution – Budget Appropriation**

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1
TO THE AGREEMENT WITH BAE URBAN ECONOMICS, INC. IN THE
AMOUNT OF NOT TO EXCEED \$170,000 AND ADDITIONAL TWO YEARS
FOR CONSULTING SERVICES FOR ECONOMIC AND FINANCIAL
ANALYSIS**

WHEREAS, on October 12, 2022, CITY and CONSULTANT entered into an agreement for consulting services for economic and financial analysis services; and

WHEREAS, the CITY has determined that CONSULTANT possesses the skills, experience and certifications required to provide the services required by the CITY; and

WHEREAS, CONSULTANT is an independent consultant providing similar professional services to numerous other cities; and

WHEREAS, CITY desires to retain CONSULTANT to provide professional services under the terms and conditions set forth in this Amendment; and

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

1. Authorize the City Manager to execute Amendment No. 1 with BAE Urban Economics, Inc. on behalf of the City for economic and financial analysis services.
2. The \$170,000 funds for Amendment No. 1 will be appropriated from the General Fund.
3. Authorize the City Manager or their designee to take such further actions as may be necessary to implement the foregoing amendment, and

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of January, 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ALLOCATING ADDITIONAL FUNDING IN THE AMOUNT OF \$75,000 INTO
FISCAL YEAR 2024/25 DEVELOPMENT SERVICES DEPARTMENT
OPERATING BUDGET FOR PROFESSIONAL SERVICES FOR ECONOMIC
AND FINANCIAL ANALYSIS**

WHEREAS, the City of Los Altos currently contracts with BAE Economics for Economic and Financial Analysis professional services; and

WHEREAS, the City is currently evaluating the economic and financial components of parking plaza 7 & 8 for a transaction of land consistent with the Surplus Land Act; and

WHEREAS, funding for an analysis of financing options was not included in the FY 2024/25 Operating Budget.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby allocates additional funding in the amount of \$75,000 into Fiscal Year 2024/25 Development Services Department Operating Budget for Professional Services for Economic and Financial Analysis.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2025 by the following vote:

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

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Scott Reeves

Approved By: Gabriel Engeland

Subject: Adoption of Resolution - Additional Funding and Award Construction Contract for the Grant Park Mechanical and Electrical Project

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

- 1) Adopt the resolution for the allocation of additional In-Lieu Park funds in the amount of \$570,000 to fully fund the design and construction of the Grant Park facility electrical upgrade.
- 2) Adopt the Resolution authorizing the City Manager to execute a construction contract with Aria Electric Construction of Orangevale, California in an amount not-to-exceed \$830,000, and up to 15% contingency not-to-exceed \$124,500, for a total amount not-to-exceed \$954,500, to complete the Grant Park Building Mechanical and Electrical Renovations.

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION

Does City Council wish to direct staff to allocate an additional \$570,000 from the In-Lieu Park fund to fully fund the project at Grant Park and the enter into a contract with Aria Electric Construction of Orangevale, California for the construction portion of the Grant Park Building Mechanical and Electrical Renovations?

FISCAL IMPACT

The construction will be the Base Bid in the amount not-to-exceed \$830,000, and up to 15% contingency, if needed, in the amount not-to-exceed \$124,500 for a total construction amount not-to-exceed \$954,500. The current approved funding for this project is \$600,000 in Park-In-Lieu.

The funding sources for the construction contract include:

- \$954,000 for CF-01034 from funding source In-Lieu Park Fund.

Funds already encumbered to the project:

- KDS Kurious Design Solutions (Design services) \$18,500.00
- PG&E (Design services for connection to service line) \$196,000.00

ENVIRONMENTAL REVIEW

The proposed project is exempt from environmental review pursuant to section 15301 of the state guidelines for the California Environmental Quality Act (CEQA) as the proposed project consists of public structure alterations involving such things as mechanical and electrical conveyances.

PREVIOUS COUNCIL CONSIDERATION

None.

DISCUSSION/ANALYSIS

The FY 23/24 Capital Improvement and Major Maintenance Program included Project CF-01034 which intends to provide an electrical service upgrade and new electrical and mechanical systems to the existing buildings at Grant Park.

Since this project was originally budgeted, costs for design and construction have escalated and the cost for PG&E services were unanticipated. This necessitates the request for additional funding from Park-In-Lieu.

The construction contract includes electrical and HVAC system upgrades to the Multipurpose Room and Classrooms at Grant Park. In order to achieve this, a new electrical service will be installed by Pacific Gas & Electric Company (PG&E). Engineered plans were completed and permitted by KDS Architects in Fall 2024. Staff released the construction documents for public bidding on September 25, 2024, posting the project to the City of Los Altos Request for Bids webpage. A Notice to Contractors was published in the Los Altos Town Crier on September 25 and October 02, 2024. A pre-bid conference was held on October 09, 2024 at the project site with twenty-one (21) contractors in attendance. Six (6) sealed bids were received on November 05, 2024 and read aloud in the Los Altos Council Chambers. The Engineer’s Estimate was \$810,000. The Base Bid includes all critical improvements necessary to complete the project. The EPS, Inc. bid was 102% of the Engineer’s Estimate.

ATTACHMENTS

1. **Resolution No. 2025-xxx**

RESOLUTION NO. 2025-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS TO FUND FACILITY IMPROVEMENTS TO THE GRANT PARK CENTER IN THE AMOUNT OF \$570,000 FOR ELECTRICAL AND HVAC

AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY WITH ARIA ELECTRICAL CONSTRUCTION OF ORANGEVALE IN THE AMOUNT OF \$830,000 WITH A CONTINGENCY OF \$124,500, FOR A TOTAL AMOUNT NOT TO EXCEED \$954,500

WHEREAS, the City is in the process of upgrading the available electrical power and HVAC to the public facilities at Grant Park; and

WHEREAS, design by a contracted design services firm and Pacific Gas & Electric has been done in preparation for the construction phase of this project; and

WHEREAS, upgrades to the electrical supply and HVAC in the two Grant Park buildings will improve the public usage experience and make electrical power available for future facility improvements; and

WHEREAS, the Aria Electric construction of Orangevale has provided construction services for other public agencies and private companies under similar agreements; and

WHEREAS, On November 5, 2024, six (6) proposals were received for the Electrical and HVAC upgrades at Grant Park request for bids and Aria Electric Constriction of Orangevale submitted the low and responsive bid.

WHEREAS, the proposed work is exempt from environmental review pursuant to section 15301 of the state guidelines for the California Environmental Quality Act (CEQA) as the proposed Existing Facilities consisting of the operation, or minor alteration of existing public structures and facilities involving negligible or no expansion of existing or former use.

NOW THEREFORE, BE IT RESOLVED,

- 1) On January 14, 2025, the City Council found that Park in Lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities within the City because: (1) the neighborhoods in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the City; (2) is reasonably foreseeable that City residents will use the proposed park and recreational facilities where the fees are being used; (3) the use of the fees is consistent with the City's adopted general plan and park master plan; and (4) the fees are used in compliance with Los Altos Municipal Code Section 13.24.010.
- 2) That the City Council of the City of Los Altos hereby authorizes the increase in the Capital Improvements Program budget, from the Park-In-Lieu Fund, in the amount

of \$570,000 for construction services to complete the Grant Park Electrical and HVAC Upgrade project AND authorizes the City Manager to execute an agreement, on behalf of the City, with Aria Electric Constriction of Orangevale for upgrades to the electrical supply and HVAC in the two Grant Park buildings at a base price of \$830,000, with a contingency of \$125,500, for a total not-to-exceed amount of \$954,500.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of January 2025 by the following vote:

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

Pete Dailey, MAYOR

Attest:

Melissa Thurman, CITY CLERK



City Council Agenda Report

Meeting Date: January, 14, 2025
Prepared By: Manny A. Hernandez
Approved By: Gabriel Engeland

Subject: Adoption of Resolution – Fund Community Center Café Space Improvements

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

- 1) City Council to receive update on Community Center Café concessionaire.
- 2) Approve \$165,000 from the Park-In-Lieu Fund for facility improvements to prepare café space for usage as planned in the original build of the Community Center.

FISCAL IMPACT

\$165,000 to be allocated from the In-Lieu Park fund.

ENVIRONMENTAL REVIEW

Categorically Exempt pursuant to CEQA section 15301 – Existing Facilities consisting of the operation, or minor alteration of existing public structures and facilities involving negligible or no expansion of existing or former use.

PREVIOUS COUNCIL CONSIDERATION

None

BACKGROUND

The design of the Los Altos Community Center included a space for a café to serve the public through a contracted vendor. The café space is located near the building’s front entrance and was an important design element that the design Task Force wanted to include in order to provide food and beverages for visitors, and to make the Community Center a destination. During the process of creating construction documents for the Community Center project, it was decided to delay the full build-out of the café space to ensure the selected contracted vendor’s needs were met. In lieu of the full build-out, currently the space only includes electrical and plumbing supply and drainage for the café to operate.

When the Community Center opened in October of 2021, there was uncertainty in the food service industry due to the COVID-19 Pandemic because the state and county had just begun to loosen restrictions. This uncertainty necessitated a delay in identifying a food and beverage vendor, and a subsequent investment in the café build-out and acquisition of food service equipment.

ANALYSIS

In January 2024, the city released an RFP for café services at the Community Center. In the months since, Parks & Recreation staff reviewed all submitted proposals from potential vendors, and selected Ada’s Café’ to manage food and beverage services in the café space at the Los Altos Community Center. From Ada’s Café website: “Ada's Cafe is a 501(c)(3), non-profit corporation dedicated to hiring, training and empowering our employees with disabilities. Ada's Cafe is Where Good Food and Community Meet. We strive to create delicious food and drinks in an environment that is warm and friendly to let our customers know we care about them. Ada's also conducts collaborative research on improving workplaces for people with disabilities.” Ada’s Café is currently providing food and beverage services for the City of Palo Alto at the Mitchell Park Community Center.

DISCUSSION

Since the contracted vendor selection, staff has worked with Ada’s representatives to identify the facility needs for their specific food and beverage service model in the café space within the Community Center. As anticipated, there are necessary modifications to the walls, electrical, and plumbing in that café space to properly install the essential appliances and sinks to facilitate food and beverage service. In identifying those modifications with the Ada’s representatives, staff estimates that a city investment of \$165,000 from the Park-In-Lieu fund will be sufficient to make the modifications and purchase equipment to allow Ada’s to connect their specific appliances and equipment needed to provide the café service model similar to what they are currently providing in Palo Alto.

ATTACHMENTS

- 1. Resolution 2025-xxx**

RESOLUTION NO. 2025-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE ALLOCATION OF PARK-IN-LIEU FUNDS FOR PARKS
AND RECREATION FACILITY IMPROVEMENTS AT THE LOS ALTOS
COMMUNITY CENTER**

WHEREAS, the City is currently interested in utilizing the space in the Los Altos Community Center to provide food and beverage sales for facility visitors; and

WHEREAS, the City has determined that this project should be done through the use of Park In Lieu funds; and

WHEREAS, City staff has consulted with a food and beverage vendor, selected through the RFP process, and have identified necessary building modifications for the selected vendor to provide services; and

WHEREAS, once the building modifications are approved the City will enter into an agreement for food and beverage services in the Los Altos Community Center with Ada’s Café; and

WHEREAS, it has been estimated that the allocation of \$165,000 from the City’s Park-In-Lieu fund will be sufficient to make the proper modifications to the café space within the community center.

NOW THEREFORE, BE IT RESOLVED,

- 1) On January 14, 2025, the City Council found that Park in Lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities within the City because: (1) the neighborhoods in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the City; (2) is reasonably foreseeable that City residents will use the proposed park and recreational facilities where the fees are being used; (3) the use of the fees is consistent with the City's adopted general plan and park master plan; and (4) the fees are used in compliance with Los Altos Municipal Code Section 13.24.010.
- 2) The City Council of the City of Los Altos hereby authorizes the allocation of not to exceed a total of \$165,000 from the City’s Park-In-Lieu fund to make facility improvements for the café space in the Los Altos Community Center.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of January 2025 by the following vote:

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

Pete Dailey, MAYOR

Attest:

Melissa Thurman, CITY CLERK



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Jia Liu, Associate Planner

Approved By: Nick Zornes, Assistant City Manager

Subject: Vesting Tentative Map for a New Mixed-Use Project at 4896 El Camino Real

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Adopt a Resolution approving a Vesting Tentative Map (Application No. TM23-0003) for the creation of 34 condominium lots and one common at 4896 El Camino Real per the recommended findings and conditions of approval; and find the project is categorically exempt from environmental review pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) - Attachment 1 to the report.

FISCAL IMPACT

None.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review under Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because it is a subdivision of property to support a project that is in conformance with the City’s General Plan and Zoning Ordinance except as modified by State Density Bonus Law, occurs within the urban services area on the project site of no more than five acres and will be served by all utilities and public services, does not have value as habitat for endangered, rare or threatened species; will not result in any significant effects relating to traffic, noise, air quality, or water quality, and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

PREVIOUS COUNCIL CONSIDERATION

None.

BACKGROUND

Property Description

The project site is located on the southwest corner of El Camino Real and Jordan Avenue within the CT (Commercial Thoroughfare) Zoning District. The site is currently developed with a Jack in the Box fast-food restaurant with surface-level parking and a single-family residence. The single-family residence is presently tenant-occupied and not occupied by the property owner.



Figure 1: Site Context Map

The subject site abuts a five-story, multi-family Residential (The Altan) to the west and a two-story apartment (Los Altos Court) to the south. Across Jordan Avenue to the east is a vacant one-story commercial building and to the north across El Camino Real is a seven-story, office building in the City of Mountain View. The surrounding neighborhood includes a variety of multi-family residential, mixed-use development, and commercial uses.

Project Overview

The project proposes to demolish the existing restaurant and single-family residence to construct a five-story, approximately 97,487-square-foot mixed-use building. The new development will feature thirty-three (33) multi-family residential units, 16,140 square feet of office space on the ground and a portion of the second floor, and a two-level underground parking garage. The project includes a Vesting Tentative Map for condominium purposes which would divide the site into thirty-three (33) individual residential condominium units, one (1) commercial condominium unit, and a common area that surrounds the units (see Attachment 3). As part of the map, a portion of the project site along Jordan Avenue will be dedicated to the City for public right-of-way purposes.

Planning Commission Review

On November 21, 2024, the Planning Commission held a public hearing to review the Design Review Application (D23-0004), Conditional Use Permit (CUP23-0001), and Vesting Tentative Map (TM23-0003) applications. The Planning Commission unanimously approved the Design Review and Conditional Use Permit applications and recommended approval of the Tentative Map application to the City Council. The Planning Commission Agenda Report Packet is included as Attachment 2.

At the meeting, the Planning Commissioners sought clarification on several aspects of the development project, including the requested waivers, objective standards, size of the BMR units, and various design elements such as the residents' storage area, bike parking design, solar features, and common area amenities.

During the public hearing, three members of the public shared their questions and concerns on the development project, which included issues related to sidewalk design, power pole standards, garbage pickup logistics, parking space allocation, and the sunlight impact of the new construction on neighboring properties. No one from the public had comments on the proposed map.

ANALYSIS

General Plan Consistency

The proposed project is found consistent with the General Plan Land Use Designation of Thoroughfare Commercial (TC) that supports mixed-use development with the ground floor allowing for office, retail, lodging, and personal services. The project will divide the site into thirty-three (33) individual residential condominium units, one (1) commercial condominium unit, and a common area that surrounds the units. The project is found aligned with the following General Plan polices:

- LU Policy 1.1: *Maintain flexibility of standards and procedures to accommodate changing trends in retail, housing, and office uses.*

- LU Policy 2.2: *Encourage a variety of residential housing opportunities by allowing residential uses with adequate parking in appropriate commercial areas, including sections of the Downtown area, Foothill Plaza and along El Camino Real.*

- LU Policy 4.2: *Encourage mixed-use projects with retail, housing, and/or lodging in addition to retail and office uses.*

- LU Policy 4.3: *Encourage residential development on appropriate sites within the El Camino Real corridor.*

Subdivision Consistency

The project includes a Vesting Tentative Map for condominium purposes. The subdivision will divide the site into thirty-three (33) individual residential condominium units, one (1) commercial condominium unit, and a common area that surrounds the units. The subdivision conforms to the General Plan, Subdivision Ordinance, and provisions of the Subdivision Map Act as substantiated in the Draft Resolution for approval of the Vesting Tentative Map (see Attachment 1).

Bankers Hill 150 v. City of San Diego

Bankers Hill 150, the developer (Greystar), submitted an application to construct a 20-story mixed-use project, at a building height of 223 feet, that would include 204 dwelling units, office space, a large courtyard, and underground parking. The proposed project qualified as a Density Bonus project because it set aside 18 dwelling units as affordable for very low-income residents. Accordingly, the City of San Diego granted Greystar a density bonus to exceed the zone’s maximum density of 147 units, as well as incentives to exceed the City’s 65-foot building height

limit, eliminate requirements for a 15-foot setback and on-site truck loading and reduce private storage areas.

Two community groups, Bankers Hill 150 and Bankers Hill/Park West Community Association, filed a petition for writ of mandate challenging the City’s approval of the project application, alleging that the project is inconsistent with the City’s development standards for that neighborhood. The trial court denied the Association’s writ petition because it fatally failed to address the application of the Density Bonus Law.

The Court of Appeal affirmed the trial court’s denial of the writ petition. The court emphasized that, under the Density Bonus Law, absent very limited exceptions, the project is entitled to the waiver of any development standards that would have precluded the project’s construction as designed, including those with which the Association alleged the project is inconsistent. Furthermore, the waiver or reduction in development standards is in addition to the incentives and concessions mandated by the Density Bonus Law.

The Association argued that the project could be redesigned to yield a shorter and less bulky building by eliminating a courtyard. Reaffirming the holding in *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, the court rejected the Association’s argument. According to the court, the City could not demand that Greystar redesign its building to better meet City development standards even if a design existed that would allow fewer deviations from the City’s requirements.

Housing Accountability Act (HAA)

The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the state’s overarching policy that a local government may not deny, reduce the density of, or make infeasible housing development projects (projects resulting in more than two (2) housing units or resulting parcels) which includes subdivision of land that are consistent with objective local development standards. Before doing any of those things, local governments must make specified written findings based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. Legislative intent language indicates that the conditions that would give rise to such a specific, adverse impact upon the public health and safety would occur infrequently.

The proposed project is protected under the Housing Accountability Act (HAA) as it creates additional housing stock within the City of Los Altos. Additionally, the proposed project meets all objective design standards that are applicable.

PUBLIC NOTIFICATION

A public meeting notice was mailed to property owners and commercial business tenants within (300) feet of the project site and published in the newspaper. The applicant also posted the site with a public notice sign in conformance with the Planning Division posting requirements.

At the time of preparation of this report, the Planning Division has not received comments on the proposed project.

ATTACHMENTS

- 1. Draft Resolution Approving of the Vesting Tentative Map
- 2. [November 12, 2024, Planning Commission Agenda Packet](#)
- 3. Vesting Tentative Map

RESOLUTION NO. 2025-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A VESTING TENTATIVE MAP TO SUBDIVIDE ONE LOT INTO 34
CONDOMINIUM LOTS AND ONE COMMON LOT AT 4896 EL CAMINO REAL**

WHEREAS, the applicant, Doheny-Vidovich Partners, submitted an application for a Vesting Tentative Map (TM23-0003) to subdivide an existing 36,590 square foot lot into 34 condominium lots and one common lot; and

WHEREAS, approving the Vesting Tentative Map would be categorically exempt from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because it is a subdivision of property to support a project that is in conformance with the City’s General Plan and Zoning Ordinance except as modified by State Density Bonus Law, occurs within the urban services area on the project site of no more than five acres and will be served by all utilities and public services, does not have value as habitat for endangered, rare or threatened species, will not result in any significant effects relating to traffic, noise, air quality, or water quality, and none of the circumstances described in CEQA Guidelines Section 15300.2 apply; and

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

WHEREAS, on November 21, 2024, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment on the project, and at the conclusion of the meeting, the Planning Commission recommended the City Council approve the Vesting Tentative Map; and

WHEREAS, on January 14, 2025, the City Council held a duly noticed public hearing as prescribed by law and considered public testimony and evidence and recommendations presented by staff in connection with the Project; and

WHEREAS, the finding and conclusions made by the City Council in the Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based on the information provided in this Resolution; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Vesting Tentative Map subject to the findings (Exhibit A) and Conditions of Approval (Exhibit B) attached hereto and incorporated by this reference.

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 fourteenth day of January 2025 by the following vote:

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

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to the Vesting Tentative Map (Application No. TM23-0003), the City Council finds the following in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:

- A. The proposed subdivision is not consistent with applicable general and specific plans as specified in 65451.

This Finding cannot be made. The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Thoroughfare Commercial and allows for the subdivision for the creation of 34 condominium lots and one common lot. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan except as modified by the State Density Bonus Law. The subdivision is not within an area adopted as specific plan area.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

This Finding cannot be made. The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Thoroughfare Commercial and allows for the subdivision for the creation of 34 condominium lots and one common lot. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan except as modified by the State Density Bonus Law. The subdivision is not within an area adopted as specific plan area.

- C. That the site is not physically suitable for the type of development.

This Finding cannot be made. The site is physically suitable for this type of development because it is in conformance with the Thoroughfare Commercial land use designations of the General Plan, complies with all applicable CT Zoning District site development standards except as modified by the State Density Bonus Law, and is surrounded by similar types of uses in an urbanized area of the city.

- D. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made. The site is physically suitable for this type of development because it is in conformance with the Thoroughfare Commercial land use designations of the General Plan, complies with all applicable CT Zoning District site development standards except as modified by the State Density Bonus Law, and is surrounded by similar types of uses in an urbanized area of the city.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This Finding cannot be made. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife because the site is located within a developed urban context and is not in or adjacent to any sensitive habitat areas.

- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

This Finding cannot be made. The design of the subdivision will not cause serious public health problems because the site is located within an urban context and has access to existing services, including sewer, water, electricity, and public street circulation system. The site is, and will continue to be, served by the Los Altos Police Department and Santa Clara County Fire Department.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

This Finding cannot be made. The design of the subdivision will dedicate an existing right-of-way access easement along Jordan Avenue to the public right-of-way and will not result in any further conflict with the existing access easement.

- H. The project is categorically exempt from environmental review under Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because it is a subdivision of property to support a project that is in conformance with the City's General Plan and Zoning Ordinance except as modified by State Density Bonus Law, occurs within the urban services area on the project site of no more than five acres and will be served by all utilities and public services, does not have value as habitat for endangered, rare or threatened species; will not result in any significant effects relating to traffic, noise, air quality, or water quality, and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

EXHIBIT B

CONDITIONS OF APPROVAL

1. **Approved Plans:** The project shall be developed in substantial compliance with the design plans and support materials and technical reports approved as part of Los Altos planning application TM23-0003, except as modified by these conditions as specified below.
2. **Expiration:** This Permit is valid for a period of twenty-four months from the date of approval and will expire unless prior to the date of expiration, the Final Map is recorded, or an extension is granted pursuant to the Los Altos Municipal Code.
3. **Revisions to the Approved Project:** Minor revisions to the approved plans which are found to be in substantial compliance with the overall approvals may be approved by the Development Services Director.
4. **Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.
5. **Indemnity and Hold Harmless:** The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.
6. **Encroachment Permit:** An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer. Any work within El Camino Real will require the applicant to obtain an encroachment permit with Caltrans prior to commencement of work.
7. **Public Utilities:** The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
8. **Public Storm Drain Facilities:** The applicant shall abandon existing storm drainpipes.

- 9. **Americans with Disabilities Act:** All improvements shall comply with Americans with Disabilities Act (ADA). The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.
- 10. **Sewer Lateral:** Any proposed new sewer lateral connection shall be approved by the City Engineer. Only one sewer lateral per lot shall be installed. All existing unused sewer laterals shall be abandoned according to the City Standards, cut and cap 12” away from the main.
- 11. **Transportation Permit:** A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site. The applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
- 12. **Pollution Prevention:** The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.
- 13. **Public Right of Way Dedication:** The applicant shall dedicate the Public Right of Way along Jordan Ave to make it a 50’ ROW street. Applicant shall submit documentation to the City for review and approval for the recordation of the public right of way to the City of Los Altos prior to Final Map Recordation.
- 14. **Subdivision Agreement:** The applicant shall sign and return the Subdivision Agreement to the City for records and recordation prior to Final Map Recordation.
- 15. **Affordable Housing Agreements:** All applicable affordable housing agreements including three moderate-income and two very-low-income below market rate ownership units for the project shall be executed and recorded on a form provided by the City to the satisfaction of the Development Services Director and City Attorney prior to recordation of the Final Map.
- 16. **Payment of Impact and Development Fees:** The applicant shall pay all applicable development and impact fees in accordance with State Law and the City of Los Altos current adopted fee schedule. All impact fees not paid prior to building permit issuance shall be required to provide a bond equal to the required amount prior to issuance of the building permit.
- 17. **Existing Storm Drain system:** The applicant shall cap the on-site SD system at the storm drain main and remove the on-site storm drain system entirely prior to issuance of building permit.
- 18. **Final Map Recordation:** The applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.
- 19. **Performance Bond:** The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100-percent performance bond and 50-percent labor

and material bond (to be held 6 months until acceptance of improvements) for the public right-of-way work prior to issuance of building permit.

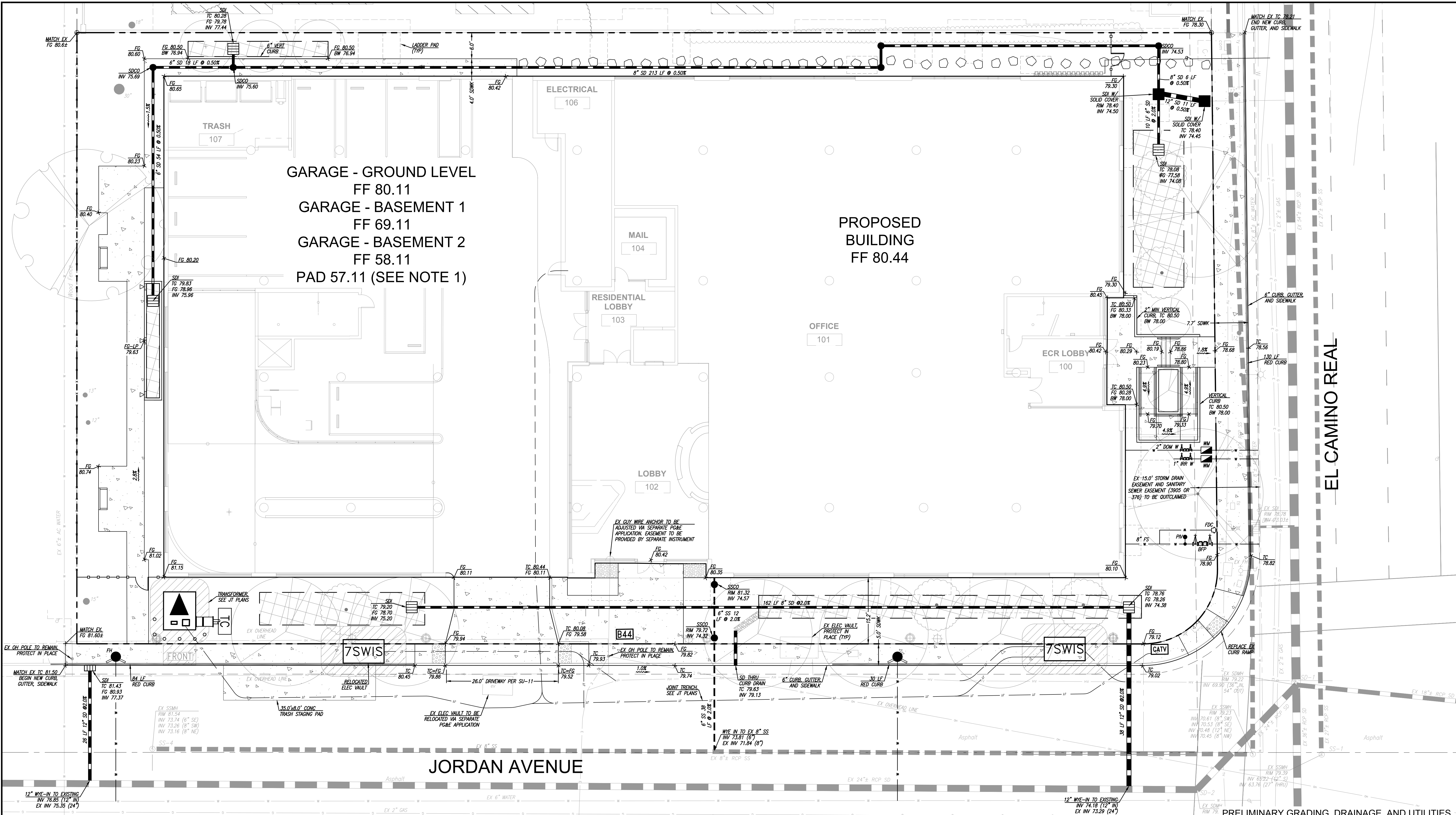
- 20. Stormwater Management Plan:** Prior to issuance of building permit, the applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated and is in compliance with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order No. R2-2022-0018 dated May 11, 2022. Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.
- 21. Storm Water Filtration Systems:** The applicant shall ensure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation prior to issuance of building permit.
- 22. Grading and Drainage Plan:** The design of drainage system and sewer lateral is not approved at this point, and it will be reviewed during the building permit phase. The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer prior to issuance of building permit.
- 23. Sewage Capacity Study:** The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City’s existing 8-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from the proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer prior to issuance of building permit.
- 24. Construction Management Plan:** The applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site prior to issuance of building permit.
- 25. Solid Waste Ordinance Compliance:** The applicant shall be in compliance with the City’s adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all commercial and multi-family dwellings provide for recycling and organics collection programs prior to issuance of building permit.
- 26. Solid Waste and Recyclables Disposal Plan:** The applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type,

size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the City's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure. In addition, applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans prior to issuance of building permit.

- 27. **Sidewalk Lights:** The applicant shall maintain the existing light fixture and install new light fixture(s) in the Jordan Avenue sidewalk as directed by the City Engineer prior to issuance of building permit.
- 28. **Cost Estimate and Performance Bonds:** The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond or cash deposit (to be held until acceptance of improvements) and a 50 percent labor and material bond (to be held 6 months after acceptance of improvements) for the work in the public right-of-way prior to issuance of building permit.
- 29. **Street Trees in Public Right-of-Way:** The applicant shall install new street trees along the frontage of Jordan Avenue and El Camino Real, from property line to property line, as extensively as possible and shall be shown on the building permit submittal plans.
- 30. **Existing Underground Vault:** The applicant shall relocate the existing underground utility vault at Jordan Avenue to prevent the conflict with the new sidewalk and curb and gutter prior to final occupancy.
- 31. **Condominium Map:** The applicant shall record the condominium map as required by the City Engineer prior to final occupancy.
- 32. **Sidewalk in Public Right-of-Way:** The applicant shall install new sidewalk, vertical curb and gutter from property line to property line along the frontage of El Camino Real and Jordan Ave as required by the City Engineer prior to final occupancy.
- 33. **Street Resurfacing:** The applicant is responsible to grind and overlay half of the street along the frontage of Jordan Ave as required by the City Engineer prior to final occupancy.
- 34. **Red Curb Striping:** The applicant shall install red curb on El Camino Real as directed by the City Engineer or his designee. Additionally, red curb striping shall be installed 50' north & south of the proposed garage driveway entrance on Jordan Avenue as required by the City Engineer prior to final occupancy.
- 35. **ADA Ramps:** The applicant shall install an ADA ramp at the Southwest corner of the intersection of El Camino Real and Jordan Ave with a new crosswalk crossing Jordan Avenue.

Two ADA ramps shall also be installed at each side of the new driveway approach prior to final occupancy.

- 36. Public Infrastructure Repairs:** The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee prior to final occupancy. Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.
- 37. Storm Water Inlet:** The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo prior to final occupancy.
- 38. Maintenance Bond:** A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way prior to final occupancy.
- 39. SWMP Certification:** The applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The applicant shall submit a maintenance agreement to the City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement prior to final occupancy.
- 40. Landscape and Irrigation Installation:** All on- and off-site landscaping and irrigation shall be installed and approved to the satisfaction of the Development Services Director and the City Engineer prior to final occupancy.



GARAGE - GROUND LEVEL
FF 80.11
GARAGE - BASEMENT 1
FF 69.11
GARAGE - BASEMENT 2
FF 58.11
PAD 57.11 (SEE NOTE 1)

PROPOSED BUILDING
FF 80.44

EL CAMINO REAL

JORDAN AVENUE

PRELIMINARY GRADING, DRAINAGE, AND UTILITIES

NOTES:
1. PAD ELEVATION TO BE VERIFIED WITH STRUCTURAL FOUNDATION DESIGN DURING CONSTRUCTION PERMIT PHASE.

SHORING NOTES:
1. NO TIEBACKS OF UNDERGROUND GARAGE EXCAVATION WILL OCCUR ALONG THE EL CAMINO REAL FRONTAGE OR ALONG THE EASTERN PROPERTY EDGE.
2. TIEBACKS OF UNDERGROUND GARAGE WILL BE PROPOSED ALONG THE JORDAN AVENUE FRONTAGE AND SOUTHERN PROPERTY EDGE.
3. COMPLETE SHORING AND GROUND IMPROVEMENT PLANS WILL BE PROVIDED DURING THE CONSTRUCTION PERMIT PROCESS.

LEGEND & ABBREVIATIONS

---	PROPERTY LINE - SUBJECT PARCEL
---	PROPERTY LINE - ADJACENT PARCEL
---	MONUMENT LINE/CENTERLINE, AS NOTED
---	EASEMENT - EXISTING
---	EASEMENT - NEW
●	IRON PIPE, FOUND AS NOTED
○	3/4" IP TO BE SET, LS 7139
⊙	CITY MONUMENT, FOUND AS NOTED
×	CUT CROSS, AS NOTED
N 46°51'00" W 359.21' BEARING AND DISTANCE	

REVISIONS

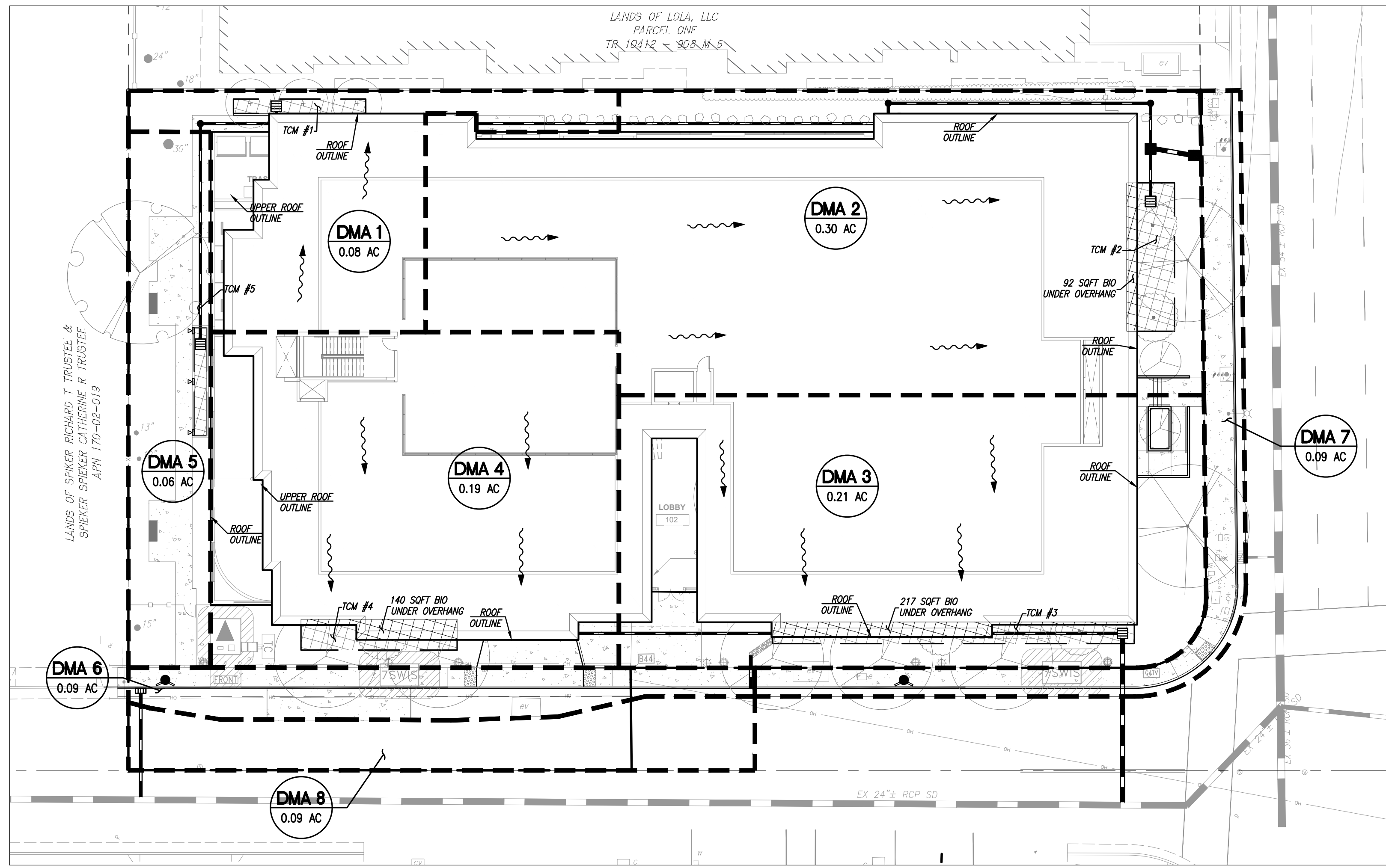
#	DATE	DESCRIPTION
1	11/17/2023	FIRST SUBMITTAL
2	5/10/2024	SECOND SUBMITTAL
3	7/12/2024	THIRD SUBMITTAL

VESTING TENTATIVE MAP
RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES
4896 EL CAMINO REAL
LOS ALTOS CALIFORNIA

J M H Weiss
Real Estate Development Consultants
Planning and Engineering
1733 Technology Drive Suite 880
San Jose, CA 95110 | TEL: (408) 286-4555

AS SHOWN SCALE	11/17/2023 DATE	5142 JOB NO.	3 OF 5
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DWG NAME: P:\1742 - 4896 El Camino Real - Los Altos\Survey\Maps\Tentative Map\5142 Map - 3.dwg, LAST EDITED: FC, Jul 12, 2024 1:45pm
USER: dmpg, AutoCAD 14.24.02 (LWG Tool), Microsoft Windows NT Workstation 10.0 (x64)



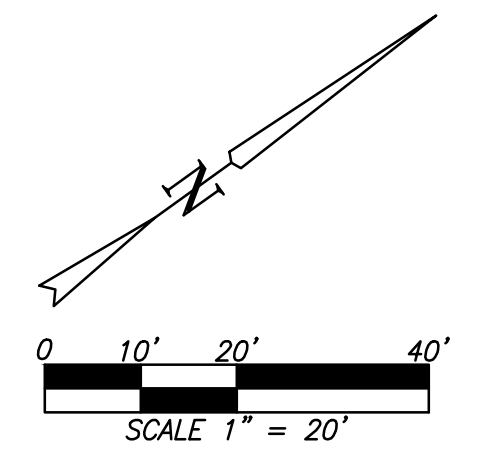
STANDARD STORMWATER CONTROL NOTES:

STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS, TO PREVENT MOSQUITO GENERATION. SHOULD ANY MOSQUITO ISSUE ARISE, CONTACT THE SANTA CLARA VALLEY VECTOR CONTROL DISTRICT (408-918-4770). MOSQUITO LARVICIDES SHALL BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT, AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR.

DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANTS, CONTROL WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON-CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANTS PROPERTY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANS. DO NOT OVER WATER.

LEGEND

- DESCRIPTION**
- BIORETENTION AREA (BRA)
 - DRAINAGE AREA BOUNDARY LINE
 - DRAINAGE AREA DESIGNATION
 - TRIBUTARY AREA
 - STORM DRAIN PIPE
 - STORM DRAIN CLEANOUT/MANHOLE
 - ROOF DRAIN DOWNSPOUT
 - STORM DRAIN INLET



**TABLE 1
ROUTINE MAINTENANCE ACTIVITIES FOR BIORETENTION AREAS**

NO.	MAINTENANCE TASK	FREQUENCY OF TASK
1	REMOVE OBSTRUCTIONS, WEEDS, DEBRIS AND TRASH FROM BIORETENTION AREA AND ITS INLETS AND OUTLETS; AND DISPOSE OF PROPERLY.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
2	INSPECT BIORETENTION AREA FOR STANDING WATER. IF STANDING WATER DOES NOT DRAIN WITHIN 2-3 DAYS, TILL AND REPLACE THE SURFACE BIOTREATMENT SOIL WITH THE APPROVED SOIL MIX AND REPLANT.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
3	CHECK UNDERDRAINS FOR CLOGGING. USE THE CLEANOUT RISER TO CLEAN ANY CLOGGED UNDERDRAINS.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
4	MAINTAIN THE IRRIGATION SYSTEM AND ENSURE THAT PLANTS ARE RECEIVING THE CORRECT AMOUNT OF WATER (IF APPLICABLE).	QUARTERLY
5	ENSURE THAT THE VEGETATION IS HEALTHY AND DENSE ENOUGH TO PROVIDE FILTERING AND PROTECT SOILS FROM EROSION. PRUNE AND WEED THE BIORETENTION AREA. REMOVE AND/OR REPLACE ANY DEAD PLANTS.	ANNUALLY, BEFORE THE WET SEASON BEGINS
6	USE COMPOST AND OTHER NATURAL SOIL AMENDMENTS AND FERTILIZERS INSTEAD OF SYNTHETIC FERTILIZERS, ESPECIALLY IF THE SYSTEM USES AN UNDERDRAIN.	ANNUALLY, BEFORE THE WET SEASON BEGINS
7	CHECK THAT MULCH IS AT APPROPRIATE DEPTH (2 - 3 INCHES PER SOIL SPECIFICATIONS) AND REPLENISH AS NECESSARY BEFORE WET SEASON BEGINS. IT IS RECOMMENDED THAT 2" - 3" OF ARBOR MULCH BE REAPPLIED EVERY YEAR.	ANNUALLY, BEFORE THE WET SEASON BEGINS
8	INSPECT THE ENERGY DISSIPATION AT THE INLET TO ENSURE IT IS FUNCTIONING ADEQUATELY, AND THAT THERE IS NO SCOUR OF THE SURFACE MULCH. REMOVE ACCUMULATED SEDIMENT.	ANNUALLY, BEFORE THE WET SEASON BEGINS
9	INSPECT OVERFLOW PIPE TO ENSURE THAT IT CAN SAFELY CONVEY EXCESS FLOWS TO A STORM DRAIN. REPAIR OR REPLACE DAMAGED PIPING.	ANNUALLY, BEFORE THE WET SEASON BEGINS
10	REPLACE BIOTREATMENT SOIL AND MULCH, IF NEEDED. CHECK FOR STANDING WATER, STRUCTURAL FAILURE AND CLOGGED OVERFLOWS. REMOVE TRASH AND DEBRIS. REPLACE DEAD PLANTS.	ANNUALLY, BEFORE THE WET SEASON BEGINS
11	INSPECT BIORETENTION AREA USING THE ATTACHED INSPECTION CHECKLIST.	ANNUALLY, BEFORE THE WET SEASON

TREATMENT CONTROL MEASURE SUMMARY TABLE

DMA #	TCM #	Location	Treatment Type	LID or Non-LID	Sizing Method	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (Other) (s.f.)	% Onsite Treated by LID or Non-LID TCM	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Overflow Riser Height (in)
1	1	Onsite	Bioretention lined* w/ underdrain	LID	2C. Flow: 4% Method **	3,687	2,793	894	10.05%	112	113	6
2	2	Onsite	Bioretention lined* w/ underdrain	LID	2C. Flow: 4% Method **	12,862	10,487	2,365	35.05%	420	420	6
3	3	Onsite	Bioretention lined* w/ underdrain	LID	2C. Flow: 4% Method **	9,413	7,213	2,200	25.65%	289	445	6
4	4	Onsite	Bioretention lined* w/ underdrain	LID	2C. Flow: 4% Method **	8,120	7,428	692	22.13%	297	301	6
5	5	Onsite	Bioretention lined* w/ underdrain	LID	2C. Flow: 4% Method **	2,609	1,069	1,540	7.11%	43	79	6
6	3	Offsite	Bioretention lined* w/ underdrain	LID	2C. Flow: 4% Method **	1,659	1,659	0	-	66	-	-
7	7	Offsite	Untreated ****	LID	N/A	2,088	2,075	23	-	-	-	6
EQ1	3	Offsite	Bioretention lined* w/ underdrain	N/A	2C. Flow: 4% Method **	2,149	2,149	0	-	86	48***	6
Totals:						40,448	32,734	7,714	100.00%			

Footnotes:

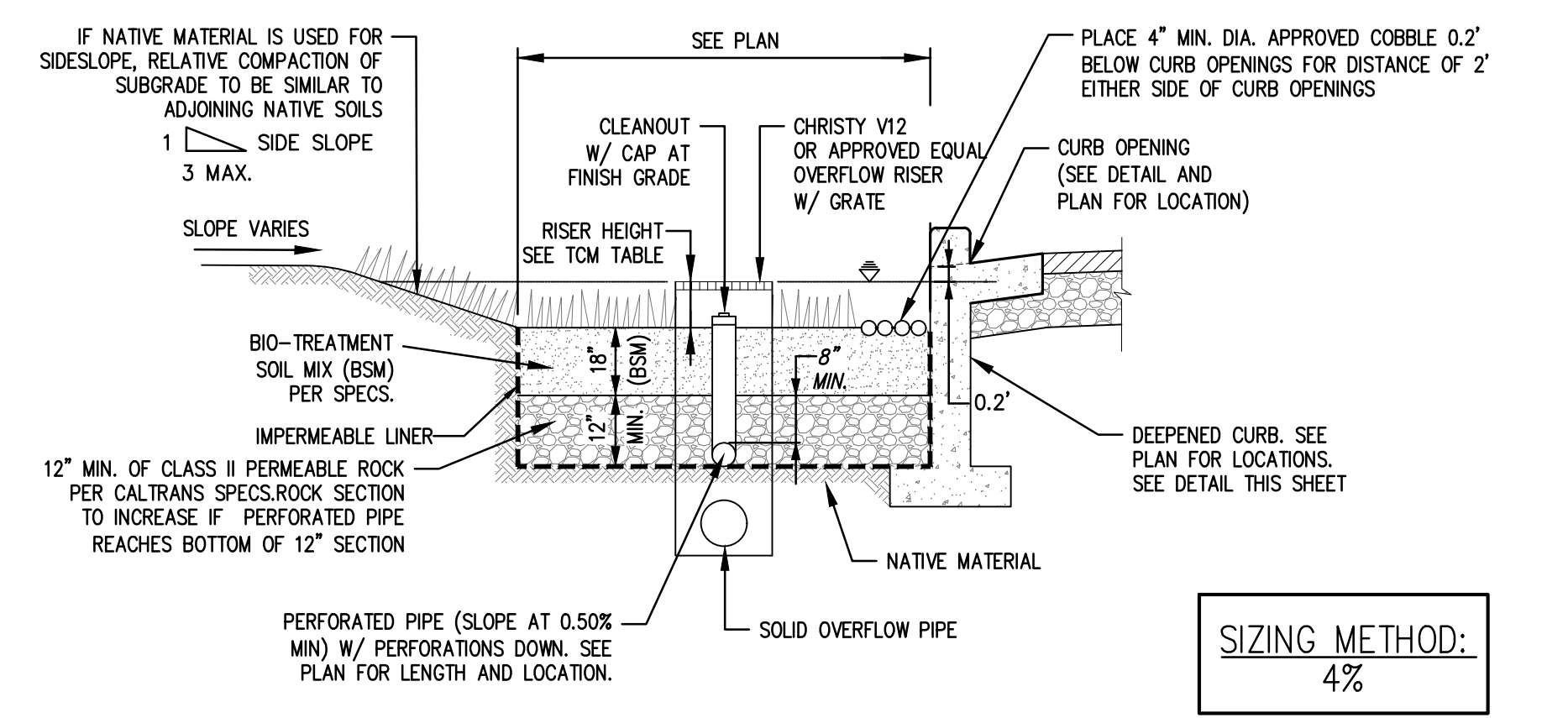
* "Lined" refers to an impermeable liner placed on the bottom of a Bioretention basin or a concrete Flow-Through Planter, such that no infiltration into native soil occurs.

** Sizing for Bioretention Area Required calculated per the 4% Method [(Impervious Area + Pervious Area x 0.1) x 0.04]. Minimum sizing for areas sized by flow-volume method is 3% effective impervious.

*** DMA 7 will not be treated. Equivalent Area EQ1 will be treated in-lieu of DMA 7 by TCM 3, and contains impervious area equal to or greater than the impervious area in DMA 7. DMA 6 will be treated on-site by TCM 3.

BIORETENTION & FLOW-THROUGH PLANTER NOTES:

- SEE GRADING PLAN FOR BASIN FOOTPRINT AND DESIGN ELEVATIONS.
- PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS.
- SEE LANDSCAPE PLAN FOR MULCH, PLANT MATERIALS AND IRRIGATION REQUIREMENTS.
- CURB CUTS SHALL BE A MINIMUM 18" WIDE AND SPACED AT 10' O.C. INTERVALS AND SLOPED TO DIRECT STORMWATER TO DRAIN INTO THE BASIN. CURB CUTS SHALL ALSO NOT BE PLACED INLINE WITH OVERFLOW CATCH BASIN. SEE GRADING PLAN FOR MORE DETAIL ON LOCATIONS OF CURB CUTS.
- A MINIMUM 0.2' DROP BETWEEN STORM WATER ENTRY POINT (I.E. CURB OPENING, FLUSH CURB, ETC.) AND ADJACENT LANDSCAPE FINISHED GRADE.
- DO NOT COMPACT NATIVE SOIL / SUBGRADE AT BOTTOM OF BASIN. LOOSEN SOIL TO 12" DEPTH.



TYPICAL BIORETENTION BASIN W/ LINER
SCALE: N.T.S.

SIZING METHOD:
4%

2. Project Size

a. Total Site Area: 35,284 (ft ²)		b. Total Land Area Disturbed During Construction: 40,448 (ft ²) (including clearing, grading, stockpiling, or excavating)	
Project Totals	Total Existing (Pre-project) Area (ft ²)	Existing Area Retained (ft ²)	Total Post-Project Area (ft ²)
Impervious Area (IA)			
c. Total on-site IA	22,103	0	22,103
d. Total off-site IA ³	2,610	2,610	1,147
e. Total project IA	24,713	0	24,713
f. Total new and replaced IA			32,734
Pervious Area (PA)⁴			
g. Total on-site PA	14,565		7,691
h. Total off-site PA ³	1,170		23
i. Total project PA	15,735		7,714
j. Total Project Area (2.e.+2.i.)	40,448		40,448
k. Percent Replacement of IA in Redevelopment Projects: (Existing on-site IA Replaced ÷ Existing Total on-site IA) x 100% = 100%			

OPERATION AND MAINTENANCE INFORMATION:

I. PROPERTY INFORMATION:

I.A. PROPERTY ADDRESS:
4896 EL CAMINO REAL
CITY OF LOS ALTOS, CA 94022

I.B. PROPERTY OWNER:
DOHENY VIDOVIICH PARTNERS
JOHN VIDOVIICH
960 N. SAN ANTONIO ROAD, SUITE 114
LOS ALTOS, CA 94022

II. RESPONSIBLE PARTY FOR MAINTENANCE:

II.A. CONTACT:
TO BE DECIDED

II.B. PHONE NUMBER OF CONTACT:
XXXXXX

II.C. EMAIL:
XXXXXXXXXX

II.D. ADDRESS:
960 N. SAN ANTONIO ROAD, SUITE 114
LOS ALTOS, CA 94022

BIOTREATMENT & FLOW-THROUGH PLANTER NOTES:

- SEE GRADING PLAN FOR BASIN FOOTPRINT AND DESIGN ELEVATIONS.
- PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS.
- SEE LANDSCAPE PLAN FOR MULCH, PLANT MATERIALS AND IRRIGATION REQUIREMENTS.
- CURB CUTS SHALL BE A MINIMUM 18" WIDE AND SPACED AT 10' O.C. INTERVALS AND SLOPED TO DIRECT STORMWATER TO DRAIN INTO THE BASIN. CURB CUTS SHALL ALSO NOT BE PLACED INLINE WITH OVERFLOW CATCH BASIN. SEE GRADING PLAN FOR MORE DETAIL ON LOCATIONS OF CURB CUTS.
- A MINIMUM 0.2' DROP BETWEEN STORM WATER ENTRY POINT (I.E. CURB OPENING, FLUSH CURB, ETC.) AND ADJACENT LANDSCAPE FINISHED GRADE.
- DO NOT COMPACT NATIVE SOIL / SUBGRADE AT BOTTOM OF BASIN. LOOSEN SOIL TO 12" DEPTH.

PROJECT SITE INFORMATION:

- SOILS TYPE: D
- GROUND WATER DEPTH: 10 TO 20 FT
- NAME OF RECEIVING BODY: ADOBE CREEK
- FLOOD ZONE: X
- FLOOD ELEVATION (IF APPLICABLE): N/A

BIOTREATMENT SOIL REQUIREMENTS

- BIORETENTION SOIL MIX SHALL MEET THE REQUIREMENTS AS OUTLINED IN APPENDIX C OF THE C.3 STORM WATER HANDBOOK AND SHALL BE A MIXTURE OF FINE SAND AND COMPOST MEASURED ON A VOLUME BASIS OF 60-70% SAND AND 30-40% COMPOST. CONTRACTOR TO REFER TO APPENDIX C FOR SAND AND COMPOST MATERIAL SPECIFICATIONS.
- PRIOR TO ORDERING THE BIOTREATMENT SOIL MIX OR DELIVERY TO THE PROJECT SITE, CONTRACTOR SHALL PROVIDE A BIOTREATMENT SOIL MIX SPECIFICATION CHECKLIST, COMPLETED BY THE SOIL MIX SUPPLIER AND CERTIFIED TESTING LAB.

PRELIMINARY STORMWATER CONTROL PLAN

REVISIONS		
#	DATE	DESCRIPTION
1	11/17/2023	FIRST SUBMITTAL
2	5/10/2024	SECOND SUBMITTAL
3	7/12/2024	THIRD SUBMITTAL

VESTING TENTATIVE MAP
RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES
4896 EL CAMINO REAL

LOS ALTOS CALIFORNIA

J M H Weiss
Real Estate Development Consultants
Planning and Engineering
1731 Technology Drive Suite 880
San Jose, CA 95110 | TEL: (408) 286-4555

AS SHOWN SCALE	11/17/2023 DATE	5142 JOB NO.	4 OF 5
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City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Brittany Whitehill, Senior Planner

Approved By: Nick Zornes, Assistant City Manager

Subject: Tentative Parcel Map at 1485 Fremont Avenue

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Approve Tentative Parcel Map (Application No. TM24-0004) to subdivide one lot into two lots at 1485 Fremont Avenue per the recommended findings and conditions of approval. The project is categorically exempt pursuant to Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines.

FISCAL IMPACT

None.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines because it is a division of property into four or fewer parcels that are in conformance with the City’s General Plan and Zoning Ordinance, does not require any variances or exceptions, and all required services and access to the proposed parcels, in compliance with local standards, are available; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

PREVIOUS COUNCIL CONSIDERATION

None.

BACKGROUND

Property Description

The project site is located on the north side of Fremont Avenue between Kathy Lane and Wessex Avenue in the R1-10 zoning district. The site contains a single-family home and detached garage

with a second-story accessory dwelling unit (ADU). The property is a historic resource listed on the City of Los Altos local register and the existing single-family home and detached garage and ADU were constructed in 1927 (shown in Figure 1 and 2).

In 1997, a portion of the original lot was subdivided to create a separate parcel, which now contains a single-family home (shown as Parcel B in Figure 3).



Figure 1: Existing Historic House



Figure 2: Existing Historic Detached Garage/ADU

Project Summary

The detached garage/ADU structure is currently located toward the northern side (rear) of the property, behind the single-family home. The project would relocate the garage to the east of the home and subdivide the approximately 64,380 square foot lot to create a new, undeveloped flag lot for future single-family residential development (shown in Figure 4). The new flag lot (Lot 2) would be approximately 22,000 square feet in size and would be accessed from Kathy Lane, while the remaining lot with the single-family home and relocated garage/ADU (Lot 1) would be approximately 42,000 square feet in size and would retain its access from Fremont Avenue.

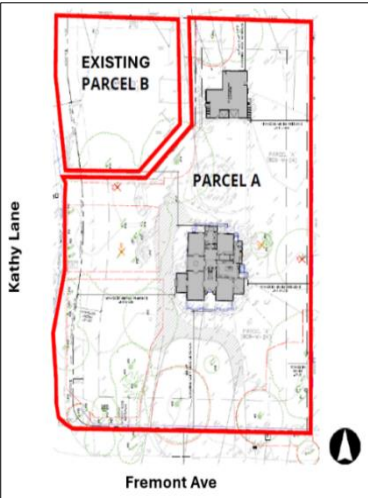


Figure 3: Existing lot configuration

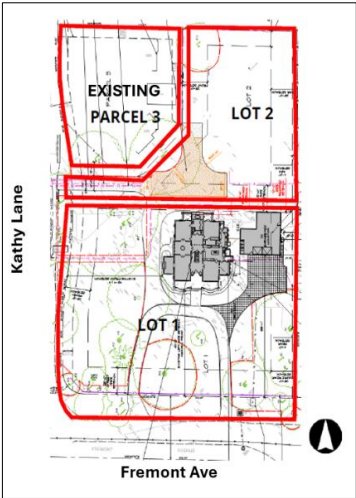


Figure 4: Proposed lot configuration

Required Permits

The project requires approval of the following permits:

- **Historical Advisory Review:** The project involves modifications to a historic resource listed on the City’s local register of historic resources, and it requires a Historic Advisory Review by the Historical Commission. The final decision on the Historical Advisory Review is determined by the Development Services Director. The Historical Commission considered this item at the October 28, 2024, meeting and recommended approval. The Development Services Director issued an approval of the Historical Advisory Review on October 29, 2024, and no appeal was filed. The staff report for the Historic Advisory Review, which discusses the project’s compliance with applicable provisions for historic properties, is provided as Attachment 3 to this report.
- **Design Review:** The project involves site modifications including relocation of a building and construction of a driveway extension, and it requires Administrative Design Review pursuant to LAMC Section 14.78.020(A)(1). The Development Services Director issued an approval of the Design Review on October 29, 2024, and no appeal was filed.
- **Conditional Use Permit:** The project requires a Conditional Use Permit pursuant to LAMC Section 14.06.030 to allow the creation of a flag lot. The Conditional Use Permit was approved by the Planning Commission on November 21, 2024, and no appeal was filed. The November 21 Planning Commission staff report is included as Attachment 4 to this report.
- **Tentative Parcel Map:** The project requires approval of a Tentative Parcel Map to subdivide the lot into two lots. On November 21, 2024, the Planning Commission unanimously recommended that the City Council approve the Tentative Parcel Map. At the meeting one member of the public who lives at a nearby property spoke, expressing concern about potential privacy and neighborhood character impacts that could result from future development on the new lot.

ANALYSIS

General Plan Consistency

The proposed subdivision conforms with all applicable goals, policies and programs in the Los Altos General Plan. The site is designated as a Single-Family, Medium Lot land use, which allows for a density up to four dwelling units per acre. The project proposes a subdivision to create two single-family lots, resulting in a potential density of approximately 1.3 units per acre, which is well within the allowed density range. The project serves to further the following policies in the Los Altos General Plan:

- **Community Design & Historic Resource Element Policy 1.5: Continue to protect the privacy of neighbors and minimize the appearance of bulk in new homes and additions to existing homes.**

Lot 1, which will retain the existing single-family home and receive the relocated garage/ADU structure, will be approximately 42,000 square feet in size, which is significantly larger than the single-family residential lots in the surrounding vicinity. The subdivision and structure relocation have been designed to ensure that the house and garage/ADU structure on Lot 1 will

comply with the setback, lot coverage and floor area ratio requirements of the underlying zone district, thereby minimizing perceived bulk and protecting neighbors’ privacy.

Lot 2, the proposed flag lot, will be approximately 22,000 square feet in size, which is also significantly larger than nearby residential lots. Any future development on Lot 2 will be required to comply with applicable zoning standards to ensure that development will be compatible with the surrounding neighborhood.

Both lots will retain their abundant tree coverage, which will contribute to the site’s historic, pastoral setting and mitigate any potential impacts to neighbors’ privacy.

- **Community Design & Historic Resource Element Policy 6.1: Ensure that the integrity of historic structures and the parcels on which they are located are preserved through the implementation of applicable design, building, and fire codes.**

The proposed project will ensure the preservation of two historic structures on their original property, while allowing the land to be subdivided and developed to meet the needs of the property owners without diminishing the significance of the historic resource.

Zoning Consistency

The subdivision has been designed to comply with all applicable zoning requirements. Table 1, below, shows the minimum requirements for new lots in the R1-10 district, and how the lots will comply:

Table 1: Compliance with Lot Standards

Requirement	Lot 1 (Corner Lot)	Lot 2 (Flag Lot)
Minimum Lot Size: 11,000 square feet for corner lots and 15,000 square feet for flag lots	~41,990 sq ft	~ 22,390 sq ft
Minimum Lot Frontage: 90’ for a corner lot; 20’ for the “flagpole” of a flag lot	~190’ (Kathy Lane); ~212’ (Fremont Ave)	30’ (Kathy Lane)
Minimum Lot Depth: 100’	~184’	~113’

Additionally, the subdivision will not result in any new nonconforming condition or worsen any existing nonconformity on Lot 1, as is shown in Table 2 below:

Table 2: Compliance with R1-10 Zoning Standards:

Requirement	Lot 1 (Corner Lot with existing house and relocated garage/ADU)
Maximum Lot Coverage:	Proposed Lot Coverage: 11.5%, or 4,832 sq ft

30% (lots with structures over 20' in height), or 14,689 sq ft	
Maximum Floor Area*: (3,850 + 10% [Lot 1 area]) = 6,948.99 sq ft	Proposed Floor Area: 5297.6 sq ft
Minimum Setbacks (main house): Front (Kathy Lane): 25' Street Side (Fremont Ave): 20' Interior Side: 1st Story 10', 2nd Story 17.5' Rear: 25'	Proposed Setbacks (main house): Front (Kathy Lane): 93' 9" Street Side (Fremont Ave): 99' 3" Interior Side: 1st Story 13' 6", 2nd Story 26' 1" Rear: 62' 6"
Daylight Plane (main house): The daylight plane starts at a height of eleven (11) feet at each side property line and at an angle of twenty-five (25) degrees from the horizontal.	The main house is not within the daylight plane.
Maximum Front Yard Impervious: 50%	Proposed Front Yard Impervious: 0% (the front yard is located along Kathy Lane and is entirely landscaped with numerous large, protected trees)
Maximum Rear Yard Coverage: 35%	Proposed Rear Yard Coverage: ~5.8%

* The existing ADU is exempt from floor area ratio requirements, pursuant to Section 14.14.060 of the LAMC, and has been excluded from the site's floor area calculation.

Public Notification

A public meeting notice was mailed to property owners within 300 feet of the project site and published in the newspaper. The applicant also posted the site with a public notice sign in conformance with the Planning Division posting requirements.

At the time of preparation of this report, the Planning Division has not received comments on the proposed project.

Housing Accountability Act (HAA)

The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the state's overarching policy that a local government may not deny, reduce the density of, or make infeasible housing development projects (projects resulting in more than two (2) housing units or resulting parcels) which includes subdivision of land that are consistent with objective local development standards. Before doing any of those things, local governments must make specified written findings based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. Legislative intent language indicates that the conditions that would give rise to such a specific, adverse impact upon the public health and safety would occur infrequently.

ATTACHMENTS

1. Draft Resolution Approving the Tentative Parcel Map

2. Tentative Parcel Map
3. [Historical Commission Staff Report and attachments, October 28, 2024](#)
4. [Planning Commission Staff Report and attachments, November 21, 2024](#)

RESOLUTION NO. 2025-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE LOT INTO TWO
LOTS AT 1485 FREMONT AVENUE**

WHEREAS, the applicants, Jackie Terrell and Twinkal Parmar, representing the property owner, Fucilla Los Altos LLC, submitted an application for a Tentative Parcel Map (TM24-0004) to subdivide an existing 64,380 square foot lot into two lots with a flag lot configuration; and

WHEREAS, approving the Tentative Parcel Map would be categorically exempt from environmental review under Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines because it is a division of property into four or fewer parcels that are in conformance with the City’s General Plan and Zoning Ordinance, does not require any variances or exceptions, and all required services and access to the proposed parcels, in compliance with local standards, are available; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply; and

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

WHEREAS, on November 21, 2024, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment on the project, and at the conclusion of the meeting, the Planning Commission recommended the City Council approve the Tentative Parcel Map; and

WHEREAS, on January 14, 2025, the City Council held a duly noticed public hearing as prescribed by law and considered public testimony and evidence and recommendations presented by staff in connection with the Project; and

WHEREAS, the finding and conclusions made by the City Council in the Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based on the information provided in this Resolution; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Tentative Parcel Map subject to the findings (Exhibit A) and Conditions of Approval (Exhibit B) attached hereto and incorporated by this reference.

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 fourteenth day of January 2025 by the following vote:

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

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to Tentative Parcel Map (Application Number TM24-0004) the City Council finds the following in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:

- A. The proposed subdivision is not consistent with applicable general and specific plans as specified in 65451.

This Finding cannot be made. The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Single-Family, Medium Lot and allows for a density of up to four dwelling units per net acre. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan. The subdivision is not within an area adopted as specific plan area.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

This Finding cannot be made. The proposed subdivision is consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Single-Family, Medium Lot and allows for a density of up to four dwelling units per net acre. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan. The subdivision is not within an area adopted as specific plan area.

- C. That the site is not physically suitable for the type of development.

This Finding cannot be made. The site is physically suitable for this type of development because it is in conformance with the Single-Family, Medium Lot land use designations of the General Plan, and complies with all applicable R1-10 Zoning District site development standards and is surrounded by similar types of uses in an urbanized area of the city.

- D. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made. The site is physically suitable for this type of development because it is in conformance with the Single-Family, Medium Lot land use designations of the General Plan, including the density allowances in the General Plan, and complies with all applicable R1-10 Zoning District site development standards and is surrounded by similar types of uses in an urbanized area of the city.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This Finding cannot be made. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife

because the site is located within a developed urban context and is not in or adjacent to any sensitive habitat areas.

- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

This Finding cannot be made. The design of the subdivision will not cause serious public health problems because the site is located within an urban context and has access to existing services, including sewer, water, electricity, and public street circulation system. The site is, and will continue to be, served by the Los Altos Police Department and Santa Clara County Fire Department.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

This Finding cannot be made. The design of the subdivision will not conflict with access easements because there are no known existing access easements encumbering this property.

- H. The project is categorically exempt from further environmental review per Section 15315, Minor Land Division, because the project consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels, the land division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent; and none of the exceptions listed under CEQA Guidelines Section 15300.2 apply.

EXHIBIT B

CONDITIONS OF APPROVAL

1. **Approved Plans:** The parcel map shall be developed in substantial compliance with the design plans and support materials and technical reports approved as part of Los Altos planning application TM24-0004, except as modified by these conditions as specified below.
2. **Expiration:** This permit is valid for a period of twenty-four months from the date of approval and will expire unless prior to the date of expiration, an extension is granted pursuant to the Los Altos Municipal Code.
3. **Revisions to the Approved Project:** Minor revisions to the approved plans which are found to be in substantial compliance with the overall approvals may be approved by the Development Services Director.
4. **Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such exactions.
5. **Indemnity and Hold Harmless:** The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney’s fees, incurred by the City or held to be the liability of the City in connection with the City’s defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City’s action with respect to the applicant’s project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.
6. **Payment of Impact and Development Fees:** The applicant shall pay all applicable development and impact fees in accordance with State Law and the City of Los Altos current adopted fee schedule. All impact fees not paid prior to building permit issuance shall be required to provide a bond equal to the required amount prior to issuance of the building permit.
7. **Relocation Plan:** Prior to issuance of any building permit to allow for the garage/ADU structure to be relocated, the applicant shall submit to the Development Services Department a structure relocation plan which details the process, schedule, and methods for moving the historic structure. The plan shall also include details of how any necessary dismantling or damage to the structure will be resolved. The relocation plan shall be prepared by a

contractor or other qualified professional with experience relocating historic structures and shall be approved by the Development Services Director and Chief Building Official.

8. **Relocation of Structure:** Prior to recordation of the parcel map, the building permit for the relocation of the structure shall be issued and the structure moved to the approved location.
9. **Parcel Map Recordation:** Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.
10. **Encroachment Permit:** An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.
11. **Public Utilities:** The applicant shall contact electric, gas, communication, and water utility companies regarding the installation of new utility services to the site.
12. **Americans with Disabilities Act:** All improvements shall comply with the latest version of Americans with Disabilities Act (ADA).
13. **Sewer Lateral:** Any new proposed sewer lateral connection shall be approved by the City Engineer. One sanitary sewer connection per lot is required. New sanitary sewer laterals shall be installed and connected to the sanitary sewer main on Kathy Lane.
14. **Transportation Permit:** A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.
15. **Stormwater Management Plan:** The project shall comply with the San Francisco Bay Region Municipal Regional Stormwater (MRP) National Pollutant Discharge Elimination System (NPDES) Permit No. CA S612008, Order R2-2022-0018, Provision C.3 dated May 11, 2022, and show that all treatment measures are in accordance with the C.3 Provisions for Low Impact Development (LID). The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.
16. **Grading and Drainage Plan:** The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer prior to the issuance of the building permit.
17. **Public Infrastructure Repairs:** The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks shall be removed and replaced as directed by the City Engineer or his designee prior to final occupancy.
18. **Storm Water Filtration Systems:** Prior to the issuance of the building permit the applicant shall ensure the design of all storm water filtration systems and devices are without standing

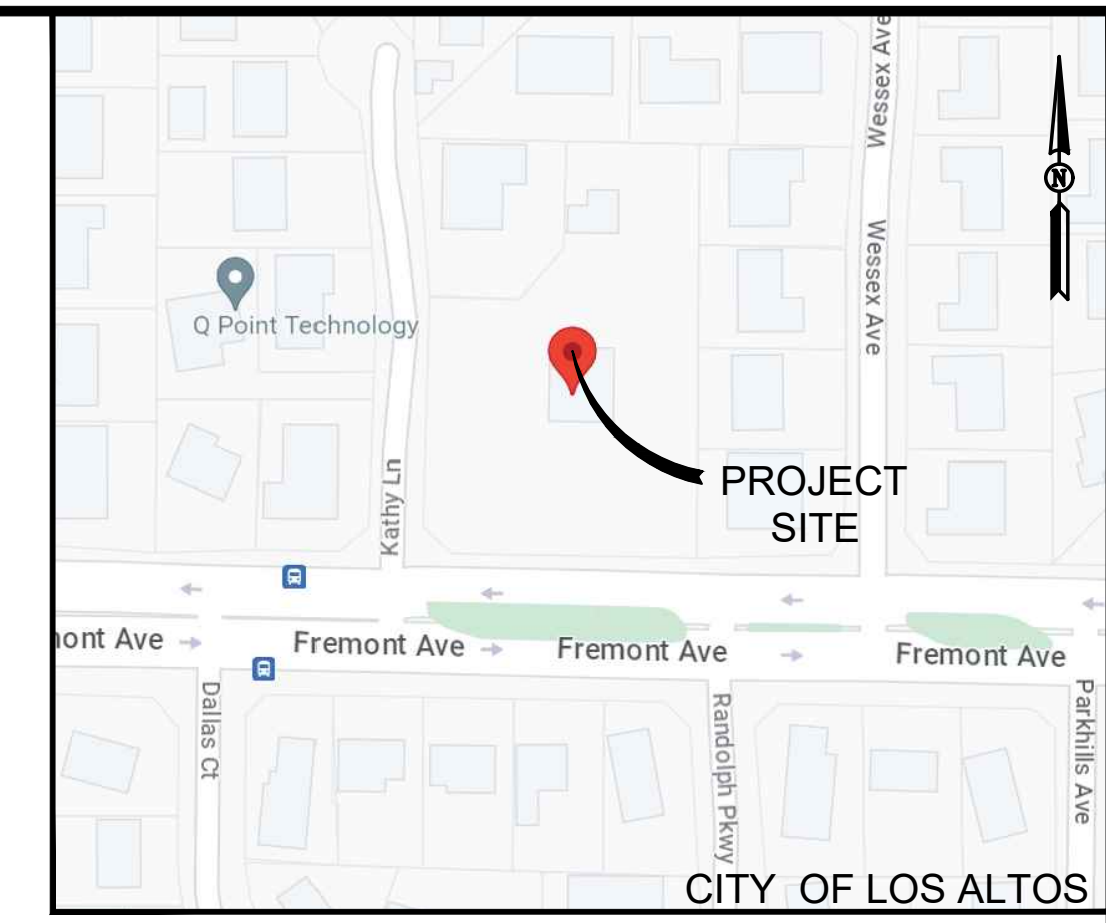
water to avoid mosquito/insect infestation. Storm water filtration measures shall be installed separately for each lot. All storm water runoff shall be treated onsite. Discharging storm water runoff to neighboring properties or public right-of-way and connections to existing underground storm water mains shall not be allowed.

TENTATIVE PARCEL MAP

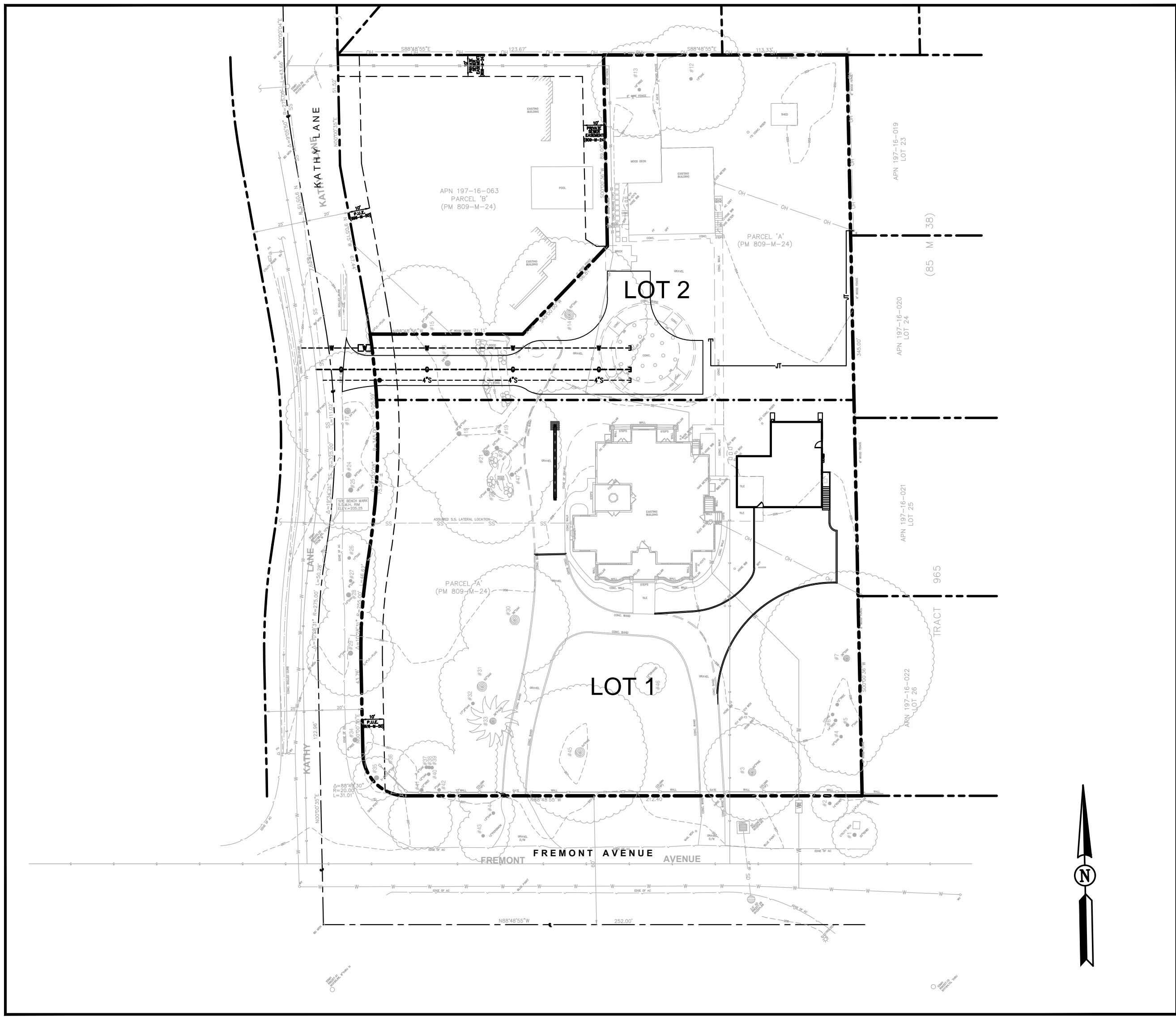
1485 FREMONT AVE

LOS ALTOS, CA 94024

FOR: THE FUCILLA FAMILY



VICINITY MAP
NOT TO SCALE



LOCATION MAP
1"=40'

- LEGEND**
- PROPERTY LINE
 - BUILDING FOOTPRINT
 - TREE
 - FIRE HYDRANT
 - WATER VALVE
 - WATER METER
 - JOINT POLE
 - SANITARY MANHOLE
 - SANITARY CLEANOUT
 - IRRIGATION CONTROL VALVE
 - CONTOUR LINE
 - CONC. CURB & GUTTER
 - CATCH BASIN
 - WATER LINE (APPROX. LOCATION)
 - STORM DRAIN LINE (APPROX. LOCATION)
 - SANITARY SEWER LINE (APPROX. LOCATION)
 - RETAINING WALL
 - FENCE LINE
 - EDGE OF PAVEMENT

PURPOSE:

THE FUCILLA FAMILY RESIDENCE DEVELOPMENT IN CITY OF LOS ALTOS, COUNTY OF SANTA CLARA, CALIFORNIA, TO BE SUBDIVIDED INTO 2 RESIDENTIAL LOTS.

SITE BENCHMARK:

THE SURVEY IS BASED ON THE TOWN OF LOS ALTOS BM#36 ELEVATION = 216.93

BASIS OF BEARING

THE CENTERLINE OF FREMONT AVENUE, BEING N 88°48'55" W, AS FOUND MONUMENTED, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

SURVEY GENERAL NOTES:

THIS DRAWING REPRESENTS A TOPOGRAPHIC SURVEY PREPARED IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT. THE PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND REPRESENT THE BEST GRAPHICAL FIT BETWEEN RECORD INFORMATION AND THE TOPO-GRAPHICAL FEATURES SURVEYED AND SHOULD NOT BE RELIED UPON OR USED FOR ANY OTHER PURPOSES. PURSUANT TO THE CLIENT'S DIRECTION A BOUNDARY SURVEY WAS NOT PERFORMED AT THIS TIME WHICH MAY HAVE DETERMINED THE ACTUAL PROPERTY LINES.

UNDERGROUND UTILITY NOTE:

THE UTILITIES ON THIS PLAN ARE DERIVED FROM SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH THE PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

REV.	DATE	DESCRIPTION	REVISION PER PLANNING PLAN REVIEW COMMENTS
1	8/30/24		

TENTATIVE PARCEL MAP
TITLE SHEET
THE FUCILLA FAMILY RESIDENCE
1485 FREMONT AVENUE
LOS ALTOS, CA 94024

GREEN
 CIVIL ENGINEERING, INC.
 INFO@GREEN-CE.COM
 1900 S. NORFOLK ST. SUITE #350
 SAN MATEO, CA 94403



SHEET INDEX

TM1	TITLE SHEET
TM2	MAP SHEET
TM3	GRADING & DRAINAGE PLAN

GENERAL NOTES:

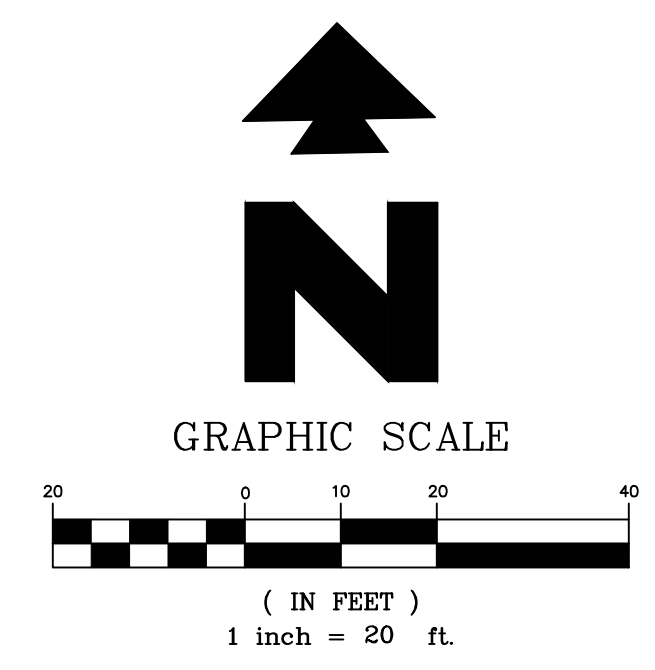
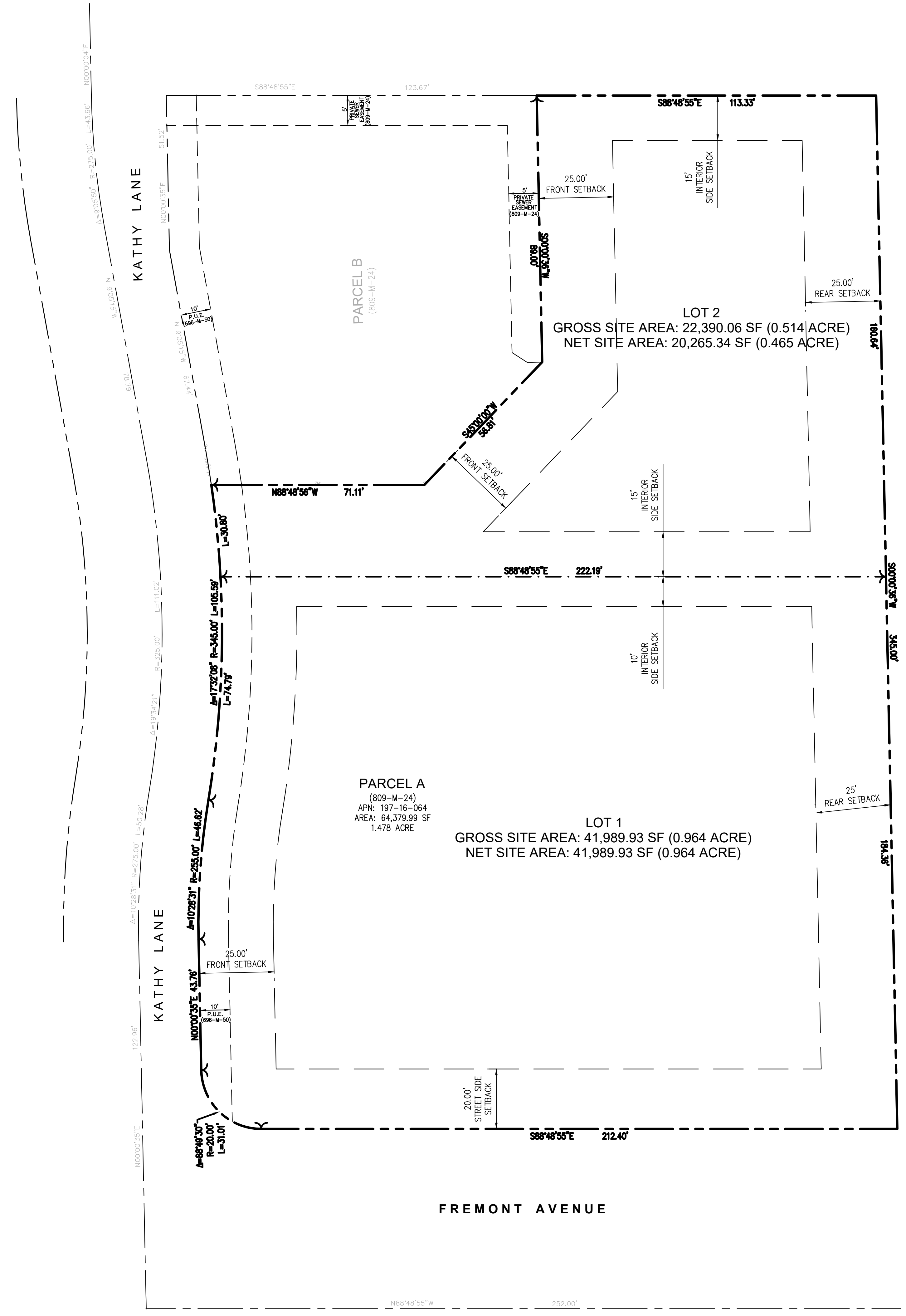
- | | | |
|-----------------------|--|---|
| 1. OWNER / DEVELOPER: | THE FUCILLA FAMILY
1485 FREMONT AVENUE,
LOS ALTOS, CA 94024
(415) 710-4434 | 6. APN: 197-16-064 |
| 2. ARCHITECT: | JACKIE TERRELL
YOUNG & BORLIK ARCHITECTS
4962 EL CAMINO REAL STE 218
LOS ALTOS, CA 94022
(650) 336-1519 | 7. EXISTING LAND USE: RESIDENTIAL |
| 3. CIVIL ENGINEER: | CHIN HANG WONG, P.E.
GREEN CIVIL ENGINEERING, INC.
1900 S. NORFOLK ST. SUITE #350
SAN MATEO, CA 94403
(650) 931-2514 | 8. EXISTING ZONING: R1-10 |
| 4. SURVEYOR: | RODD ROWALT
GIULIANI AND KULL-SAN JOSE, INC
4880 STEVENS CREEK BLVD SUITE 100
SAN JOSE, CA 95129
(408) 615-4000 | 9. ACREAGE OF PROPOSED LOT: 1.478± ACRES (64,379.99± SF) |
| 5. MAP PREPARED BY: | CHIN HANG WONG, P.E.
GREEN CIVIL ENGINEERING, INC.
1900 S. NORFOLK ST. SUITE #350
SAN MATEO, CA 94403
(650) 931-2514 | 10. PROPOSED LAND USE: 2 - SINGLE FAMILY RESIDENCES |
| | | 11. REZONE: N/A |
| | | 12. TOTAL NO. OF PROPOSED LOTS: 2 |
| | | 13. UTILITIES:
WATER SUPPLY: CALIFORNIA AMERICAN WATER
STORM DRAINAGE: CITY OF LOS ALTOS
SEWAGE DISPOSAL: CITY OF LOS ALTOS
FIRE DISTRICT: SANTA CLARA COUNTY FIRE DEPARTMENT
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
TELEPHONE: AT&T
CABLE TV: XFINITY |
| | | 14. EXISTING MAIN BUILDING TO REMAIN & EXISTING GARAGE TO BE RELOCATED |

SCALE

VERTICAL: 1"= AS SHOWN
HORIZONTAL: 1"= AS SHOWN

DATE:	05/10/2023
DESIGNED:	HCL
DRAWN:	BL
REVIEWED:	HCL
JOB NO.:	20230021

SHEET
TM1
 1 OF 3 SHEETS



LEGEND

- BOUNDARY/PROPERTY LINE
- - - - - PROPOSED LOT LINE
- BUILDING SETBACK
- EXISTING UTILITY EASEMENT

ABBREVIATIONS:
PUE PUBLIC UTILITY EASEMENT

REV.	DATE	DESCRIPTION
1	8/30/24	REVISION PER PLANNING PLAN REVIEW COMMENTS

TENTATIVE PARCEL MAP MAP SHEET

THE FUCILLA FAMILY RESIDENCE
1485 FREMONT AVENUE
LOS ALTOS, CA 94024

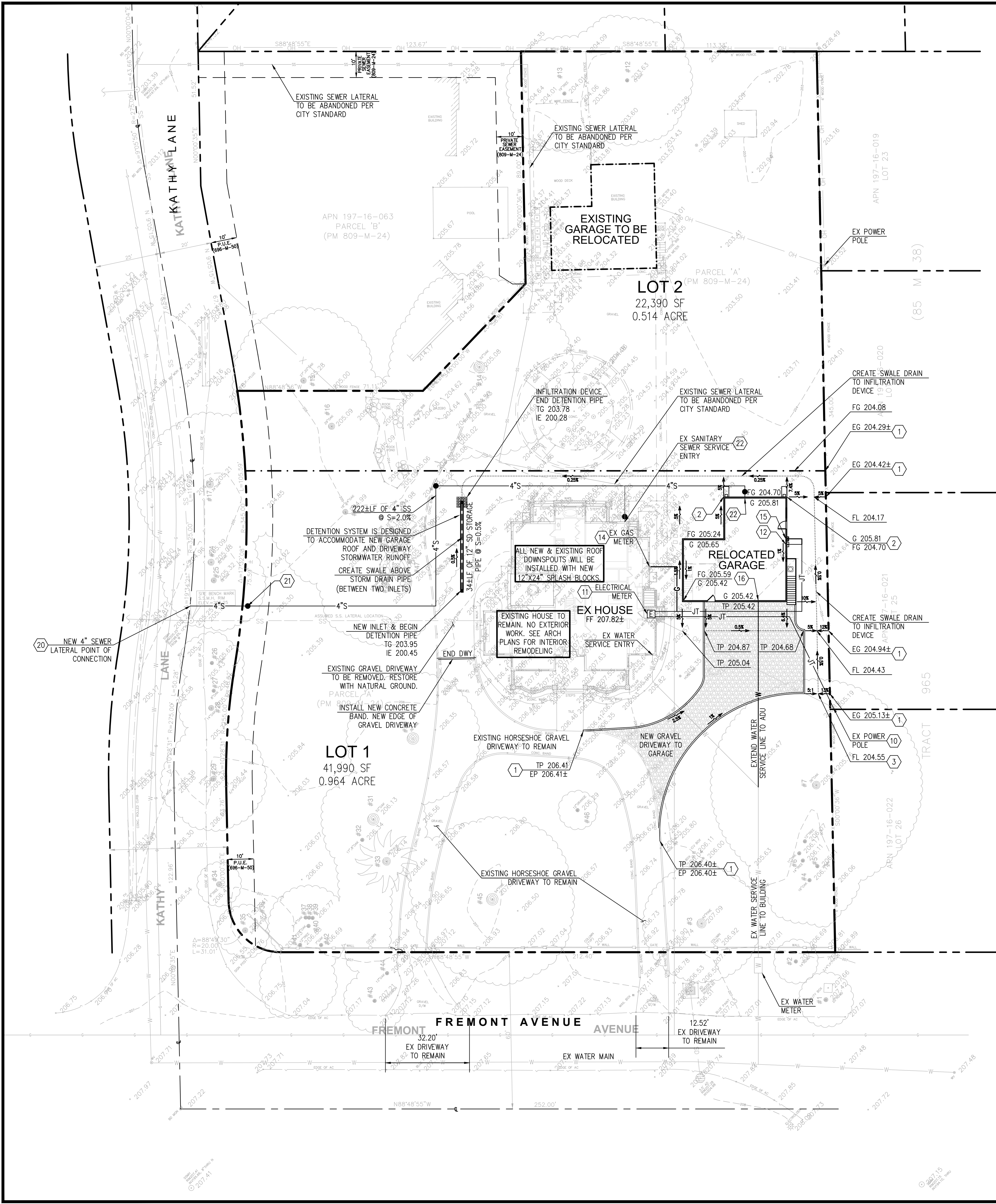
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SCALE
VERTICAL: 1"= AS SHOWN
HORIZONTAL: 1"= AS SHOWN

DATE: 05/10/2023
DESIGNED: HCL
DRAWN: BL
REVIEWED: HCL
JOB NO.: 20230021

SHEET
TM2
2 OF 3 SHEETS



OVERALL LOT

PRE & POST DEVELOPMENT PERVIOUS/IMPERVIOUS AREAS:		
AREA TYPE	EXISTING (SF)	PROPOSED (SF)
LOT AREA	64,380 SF	64,380 SF
	1.478 ACRE	1.478 ACRE
TOTAL LAND DISTURBANCE		36,000 SF
EX MAIN HOUSE (LOT 1)	2,924	2,924
EX DETACHED GARAGE	1,358	1,358
PATIO/HARDSCAPE	4,087	1,668
EX SHED	125	0
DRIVEWAY	0	2,148
TOTAL IMPERVIOUS AREA	8,494	8,098
NET IMPERVIOUS AREA DECREASED:		-396
FOUNTAIN	14	14
GRAVEL DRIVEWAY	7,968	5,273
WOOD DECK	482	0
PERVIOUS AREA	47,422	50,995
TOTAL PERVIOUS AREA	55,886	56,282

LOT 1

PRE & POST DEVELOPMENT PERVIOUS/IMPERVIOUS AREAS:		
AREA TYPE	EXISTING (SF)	PROPOSED (SF)
LOT AREA	41,990 SF	41,990 SF
	0.964 ACRE	0.964 ACRE
EX MAIN HOUSE (LOT 1)	2,924	2,924
EX DETACHED GARAGE	N/A	1,358
PATIO/HARDSCAPE	2,377	1,668
DRIVEWAY	0	0
TOTAL IMPERVIOUS AREA	5,301	5,950
NET IMPERVIOUS AREA INCREASED:		649
FOUNTAIN	14	14
GRAVEL DRIVEWAY	5,066	5,118
PERVIOUS AREA	31,609	30,908
TOTAL PERVIOUS AREA	36,689	36,040

LOT 2

PRE & POST DEVELOPMENT PERVIOUS/IMPERVIOUS AREAS:		
AREA TYPE	EXISTING (SF)	PROPOSED (SF)
LOT AREA	22,390 SF	22,390 SF
	0.514 ACRE	0.514 ACRE
EX DETACHED GARAGE	1,358	0
PATIO/HARDSCAPE	1,710	0
EX SHED	125	0
TOTAL IMPERVIOUS AREA	3,193	0
NET IMPERVIOUS AREA DECREASED:		-3,193
GRAVEL DRIVEWAY	2,902	2,902
WOOD DECK	482	0
PERVIOUS AREA	15,813	19,488
TOTAL PERVIOUS AREA	19,197	22,390

LOT 1

STORM DRAIN VOLUME CALCULATION:
 TIME OF CONCENTRATION = 5 MIN
 INTENSITY = 10 YEAR = 2.57 IN/HR
 IMPERVIOUS AREA INCREASED = 649 SF = 0.015 ACRE

PRE-CONDITION: Q=CIA C=0.35 V=1.5(Q POST - Q PRE) X 10 MIN
 Q=0.35 X 2.57 X 0.015 Q=1.5(0.035 - 0.013) X 600
 Q=0.013 CFS V=19.8 CF

POST-CONDITION: Q=CIA C=0.90 V=34 LF X 12" STORAGE PIPE
 Q=0.90 X 2.57 X 0.015 Q=0.35 CFS V=26.9 CF (TOTAL)
 Q=0.035 CFS V=6.9 CF (TOTAL)

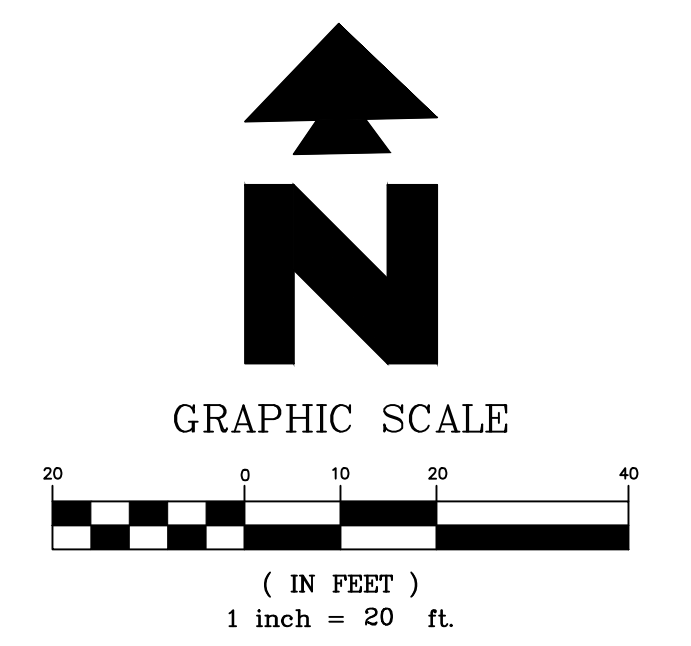
LOT 2

STORM DRAIN VOLUME CALCULATION:
 TIME OF CONCENTRATION = 5 MIN
 INTENSITY = 10 YEAR = 2.57 IN/HR
 IMPERVIOUS AREA REDUCTION = 3,193 SF = 0.073 ACRE

PRE-CONDITION: Q=CIA C=0.90 V=1.5(Q POST - Q PRE) X 10 MIN
 Q=0.90 X 2.57 X 0.073 Q=1.5(0.035 - 0.013) X 600
 Q=0.169 CFS V=19.8 CF

POST-CONDITION: Q=CIA C=0.35 V=34 LF X 12" STORAGE PIPE
 Q=0.35 X 2.57 X 0.015 Q=0.066 CFS V=6.9 CF (TOTAL)
 Q=0.066 CFS V=6.9 CF (TOTAL)

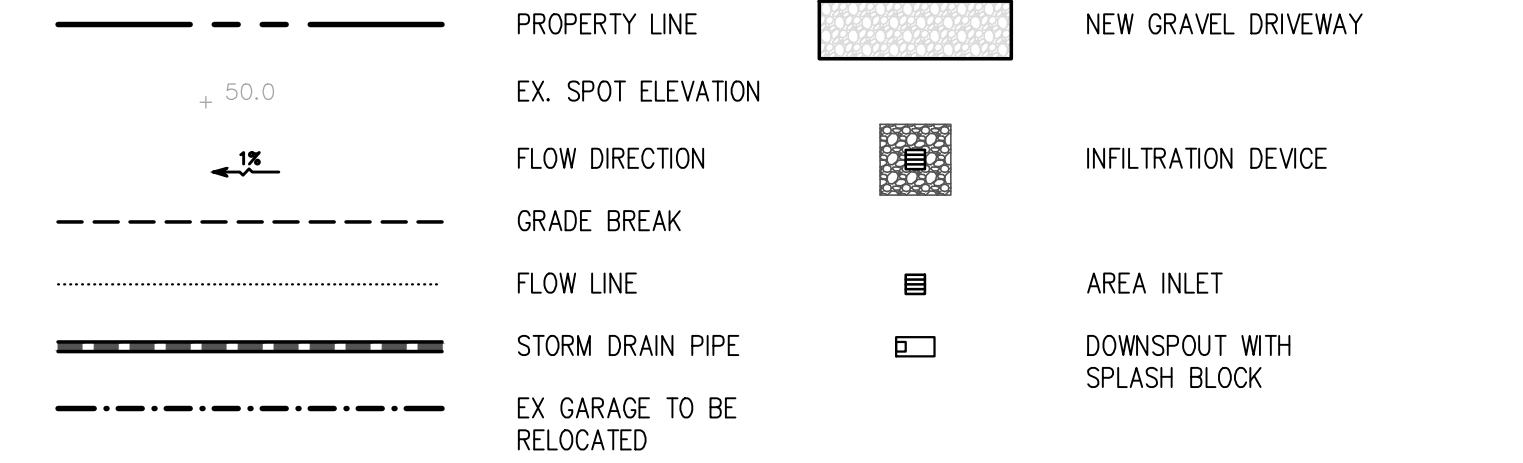
ABOVE DRAINAGE CALCULATION PROVES THAT POST DEVELOPMENT STORMWATER RUNOFF IS LESS THAN PRE DEVELOPMENT STORMWATER RUNOFF. THERE IS A REDUCTION OF 0.103 CFS AT POST DEVELOPMENT CONDITION. THEREFORE, THIS PROJECT IS IN COMPLIANCE WITH CITY OF LOS ALTOS DRAINAGE GUIDELINES.



GENERAL NOTES:

- IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER.
- CONTRACTOR SHALL PROTECT ALL PROPERTY CORNERS.
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.
- CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE.
- CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDING FOR ALL NATURAL AND PAVED AREAS.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- THE CONTRACTOR SHALL ADHERE TO ALL TERMS & CONDITIONS AS OUTLINED IN GENERAL N.P.D.E.S. PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES.
- UTILITY INSTALLATION SHALL BE IN ACCORDANCE WITH CITY OF SAN JOSE UTILITY STANDARDS FOR WATER, GAS & WASTEWATER.
- CONTRACTOR SHALL REFER TO ARCH. PLANS FOR EXACT LOCATIONS OF UTILITIES SERVICES TO NEW BUILDING. COORDINATE WITH LOCAL UTILITIES COMPANIES FOR SERVICE CONNECTIONS.
- UTILITY VAULTS, TRANSFORMERS, UTILITY CABINETS, CONCRETE BASES, OR OTHER STRUCTURES CANNOT BE PLACED OVER WATER MAINS/SERVICES. MAINTAIN 1' HORIZONTAL CLEAR SEPARATION FROM THE VAULTS, CABINETS & CONCRETE BASES TO EXISTING UTILITIES AS FOUND IN THE FIELD. IF THERE IS CONFLICT WITH EXISTING UTILITIES, CABINETS, VAULTS & BASES SHALL BE RELOCATED FROM THE PLAN LOCATION AS NEEDED TO MEET FIELD CONDITIONS. TREES MAY NOT BE PLANTED WITHIN 10' OF EXISTING WATER MAINS/SERVICES OR METERS. MAINTAIN 10' BETWEEN TREES AND WATER SERVICES, MAINS & METERS.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST ACROSS THE STABILIZED CONSTRUCTION ENTRANCE WAYS
- CONTRACTOR SHALL COMPLY THE CITY CLEAN THE BAY TEMPLATE PROCEDURES FOR THE SITE.
- SANITARY SEWER SHOWN FOR INFORMATION ONLY. SEE BUILDING PLUMBING PLANS FOR APPROVED DESIGN FOR CONSTRUCTION.

LEGEND



ABBREVIATIONS:

- | | | |
|---------------------|-----------------------|----------------------|
| BS = BOTTOM OF STEP | G = GARAGE | SD = STORM DRAIN |
| BOW = BACK OF WALK | GB = GRADE BREAK | SR = STRAW ROLL |
| BW = BOTTOM OF WALL | IE = INVERT ELEVATION | TC = TOP OF CURB |
| C = CONCRETE | L = LAWN | TG = TOP OF GRATE |
| DWY = DRIVEWAY | LF = LINEAL FOOT | TP = TOP OF PAVEMENT |
| EG = EXISTING GRADE | LP = LOW POINT | TS = TOP OF STEP |
| EX = EXISTING | N = NEW | TW = TOP OF WALL |
| FF = FINISHED FLOOR | P = PATIO OR PORCH | TYP = TYPICAL |
| FG = FINISHED GRADE | R.O.W. = RIGHT-OF-WAY | |
| FL = FLOW LINE | S = SLOPE | |

GRADING NOTES

- MATCH EXISTING ELEVATION. GRADING LIMIT IS TO PROPERTY LINE. NO GRADING ALLOWED ON ADJACENT PROPERTIES
- DOWNSPOUT WITH CONCRETE SPLASH PAD
- BEGIN/END SWALE DRAINING TO DETENTION SYSTEM
- EXISTING POWER POLE; PROVIDE NEW UNDERGROUND ELECTRICAL SERVICE TO EXISTING BUILDING ELECTRICAL METER
- ELECTRICAL METER; PROVIDE ELECTRICAL SERVICE LINE TO GARAGE SUB-ELECTRICAL PANEL
- ELECTRICAL SERVICE ENTRY TO ADU/GARAGE SUB-PANEL
- ELECTRICAL STUB TO FUTURE BUILDING
- ELECTRICAL METER; PROVIDE ELECTRICAL SERVICE LINE TO GARAGE SUB-ELECTRICAL PANEL
- GAS SERVICE ENTRY TO ADU/GARAGE WITH SUB-METER
- WATER SERVICE ENTRY TO ADU/GARAGE
- PROVIDE NEW 4" SANITARY SEWER LATERAL FROM EXISTING SANITARY SEWER MAIN TO BUILDING & ADU @ 2% SLOPE MINIMUM.
- INSTALL NEW SANITARY SEWER CLEANOUT PER CITY OF LOS ALTOS STANDARD DETAILS #S-5 & SS-6. CLEANOUT PLACEMENT SHALL BE WITHIN 5' OF PROPERTY LINE.
- NEW SANITARY SEWER CLEANOUT WITH BACKFLOW PREVENTION DEVICE. PLACE CLEANOUT 2' OUTSIDE OF BUILDING FOUNDATION

TENTATIVE PARCEL MAP
GRADING & DRAINAGE PLAN

THE FUCILLA FAMILY RESIDENCE
1485 FREMONT AVENUE
LOS ALTOS, CA 94024

GREEN
 CIVIL ENGINEERING, INC
 INFO@GREEN-CE.COM
 1900 S. NORFOLK ST. SUITE #350
 SAN MATEO, CA 94403

SCALE
 VERTICAL: 1"= AS SHOWN
 HORIZONTAL: 1"= AS SHOWN

DATE: 05/10/2023
 DESIGNED: HCL
 DRAWN: BL
 REVIEWED: HCL
 JOB NO.: 20230021

SHEET
TM3
 3 OF 3 SHEETS

Agenda Item # 8.



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Melissa Thurman

Approved By: Gabriel Engeland

Subject: Appointment of Los Altos Representative to VTA Board

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Appoint a Representative from the Los Altos City Council to serve on the Valley Transportation Authority (VTA) Board for the North County Cities Group

FISCAL IMPACT

Not Applicable.

ENVIRONMENTAL REVIEW

Not Applicable.

PREVIOUS COUNCIL CONSIDERATION

November 29, 2022

BACKGROUND

An appointment to the Valley Transportation Authority (VTA) Board requires City Council action and is not a mayoral appointment.

ANALYSIS

The VTA bylaws state, in part:

Board Member Nomination Process: The City Council of the PAC member whose turn it is to nominate (“nominating city”) may nominate up to two of its qualified councilmembers for the VTA Board. The nominees can be put forth simultaneously or serially (in the event that the first nominee is not elected). A nominating city with no qualified councilmember may not make a nomination. The nominating city also has the option of declining to nominate any of its councilmembers. In the case of no eligible candidates or the nominating city declines to make a nomination, the option to

nominate shall pass to the next city in the rotation. The nominating city shall notify the group of whether it intends to nominate a candidate by November 1 of the election year. The choice of who to nominate will be at the discretion of the nominating city.

Nominees must be affirmed by a majority of the nominating city's Council. Each city will have the opportunity to put forth two nominees for consideration. If neither succeeds, then the nomination process shall pass to the next city in order.

DISCUSSION

The Valley Transportation Authority (VTA) Board of Directors consists of elected officials appointed by the jurisdictions they represent. The Cities of Los Altos, Los Altos Hills, Mountain View, and Palo Alto, collectively known as the North County Cities Group (Group 2 Cities), have one voting member and one alternate.

The City Council is required to appoint a member to the VTA Board of Directors, and the Mayor has the discretion to make an annual appointment to two separate VTA committees and boards, which are as follows:

- VTA Policy Advisory Committee (PAC) – *Advisory Committee*
- VTA State Route (SR) 85 Corridor Policy Advisory Board – *Advisory Board*

Further information on the VTA's Board of Directors, as well as their various committees, may be found via the following web link: <https://www.vta.org/about/board-and-committees#accordion-policy-advisory-boards>

ATTACHMENTS

1. VTA Revised Bylaws

RESOLUTION NO. 2022-01

A RESOLUTION OF THE GROUP 2 CITIES WORKING GROUP OF THE VTA POLICY ADVISORY COMMITTEE ADOPTING REVISED BY-LAWS

WHEREAS, the members of the VTA Group 2 Cities Working Group created a set of by-laws to govern itself and selection of its VTA Board representative on November 18, 2011; and

WHEREAS, on November 3, 2015, the VTA Group 2 Cities Working Group adopted Resolution No. 2015-01 amending the by-laws; and

WHEREAS, on October 30, 2018, the VTA Group 2 Cities Working Group adopted Resolution No. 2018-01 amending the by-laws; and

WHEREAS, in 2021, the VTA Group 2 Cities Working Group reviewed said by-laws as revised in 2018 and determined amendments were needed in order for the Group 2 to be best represented at the VTA Board; and

WHEREAS, the VTA Group 2 Cities Working Group as a majority, has agreed with the recommended changes and deems the amended by-laws are in the best interest of each of the Cities they represent; and

WHEREAS, the city councils of the Group 2 Cities have ratified the Working Group’s recommended changes;

NOW THEREFORE, BE IT RESOLVED that the Group 2 Cities Working Group does hereby adopt the revised by-laws shown in Exhibit A on [add date], 2022.

_____, Councilmember
City of Palo Alto

_____, Councilmember
City of Mountain View

_____, Councilmember
City of Los Altos

_____, Councilmember
Town of Los Altos Hills

VTA “North County Cities Group” (aka Group 2 Cities)
Procedure for Appointment of Board Member Representation and
Expectations of the Board Member

Background: The VTA Board of Directors sets VTA policy. The Board has 18 members and ex-officio members, all of whom are elected officials appointed to serve on the Board by the jurisdictions they represent. Fifteen Directors are city council members and three are County Supervisors. Twelve Directors serve as voting members and there are six Directors who serve as alternates. Group 2 Cities (aka North County Cities) has one voting member of the Board and one alternate.

The purpose of this document is to define the procedures for appointing the Group 2 Cities Board Member and Alternate and to provide expectation of the appointees as it relates to Group 2.

Membership: The Group 2 Cities Working Group (Working Group) is composed of the VTA Policy Advisory Committee (PAC) members and their alternates who represent the cities of Mountain View, Palo Alto, Los Altos, and Los Altos Hills, as well as the Group 2 VTA board member and Group 2 VTA Board alternate. Should the PAC position for any of these cities be vacant at the time of election, that city council may appoint a councilmember to participate in the Working Group.

Voting Membership: PAC members who represent the Group 2 cities shall be the voting members of the working group. Should the PAC member for any city be unavailable at the time of the election, but the PAC Alternate is available, the Alternate may vote on behalf of their city. Should the PAC and Alternate position for any of these cities be vacant at the time of the election, that city council may appoint a councilmember to participate in the election.

Appointment of VTA Board Member

VTA Board member’s term is a minimum of 2 years and a maximum of 4 years. The appointment of the Group 2 VTA Board member is made through an election process that takes place in odd years or when needed due to a vacancy, and is guided by a nomination rotation that gives opportunity to the next city in the rotation.

Election Time Frame: No earlier than November and no later than December of every odd year, or as needed as determined by a majority of the Working Group voting members.

City Rotation: Nominations may rotate in the prescribed order rotation so as to give each city an opportunity to have a representative serve at the VTA Board level or unless voted on by the Working Group voting members to amend rotation. If a city is skipped over in the rotation, that city’s City Council must request or approve the change in the rotation. The order shall be:

Mountain View
Los Altos Hills
Palo Alto
Los Altos and so on.

Qualification and Consideration of the Nominees: Nominees must be incumbent city councilmembers who will not face a term limit¹ before the end of the VTA Board term under consideration.

In order to satisfy the enabling legislation’s requirement that “the appointing powers shall appoint individuals who have expertise, experience, or knowledge to transportation issues,” each nominee must meet at least 2 of the following criteria:

1. At least one year’s service on the VTA Board within the last 4 years.
2. At least one year’s service on a policy advisory body that reports directly to the VTA Board (Policy Advisory Committee, Policy Advisory Board, the Citizens Advisory Committee) and has a minimum 80% attendance record.
3. Any other transportation policy credential deemed relevant by the majority of the Working Group as meeting the intent of the experience requirement within the last 4 years.
4. Demonstrate working knowledge of VTA.

A VTA Board member may not serve simultaneously on the PAC in any capacity, but an Alternate member may simultaneously serve on the PAC.

Re-election: By November 1 of the election year, the current Board member and/or Alternate Board member shall notify the working group of whether they intend to seek a second 2-year term. If the member(s) is/are eligible to complete the upcoming board term, then that person will be considered the nominee. If the sitting Board member(s) is/are not eligible or does not wish to seek a second term, then the nominees shall be provided as described below.

Board Member Nomination Process: The City Council of the PAC member whose turn it is to nominate (“nominating city”) may nominate up to two of its qualified councilmembers for the VTA Board. The nominees can be put forth simultaneously or serially (in the event that the first nominee is not elected). A nominating city with no qualified councilmember may not make a nomination. The nominating city also has the option of declining to nominate any of its councilmembers. In the case of no eligible candidates or the nominating city declines to make a nomination, the option to nominate shall pass to the next city in the rotation. The nominating city shall notify the group of whether it intends to nominate a candidate by November 1 of the election year. The choice of who to nominate will be at the discretion of the nominating city.

¹ Term limit refers to the statutory limit on the number of years of consecutive terms an official may serve in their elected capacity.

Nominees must be affirmed by a majority of the nominating city’s Council. Each city will have the opportunity to put forth two nominees for consideration. If neither succeeds, then the nomination process shall pass to the next city in order.

Alternate Board Member Nomination Process: Alternate Board members may be put forth by any city provided the person meets the qualifications noted above and the Alternate Board member does not come from the same city as the Board Member.

The Working Group shall give consideration to selecting someone from the city next in the rotation. It is desirable that in addition to the qualifications above that the Alternate be eligible to become the Board Member at a future election.

Meeting of the Working Group for Purpose of Election: A meeting of the Group 2 membership shall be convened for the purpose of electing/re-electing the VTA Board member and Alternate. This shall be a noticed meeting open to the public.

Quorum: Representatives from at least three of the Group 2 cities must be present in order for an election to proceed.

Presentations: Nominees will be given equal opportunities to present arguments for their election during the meeting and before the election is held. The length of time per nominee will be three minutes.

Election Process: Election to the Board shall be accomplished by a show of hands of the voting members. Each city will have one vote. A majority vote constitutes a successful election.

The group will first vote on any member seeking a second term. If re-election is successful, then the group shall move on to selecting an Alternate. If unsuccessful, the group shall consider the nominees from the nominating city. Voting shall continue on each proposed nominee until a Board member and Alternate are selected.

City Councils Ratification: The Board member and alternate selected by the Working Group shall be ratified by all four City Councils.

Vacancies: Should the Board member resign or cease to be a city councilmember, that seat shall be declared vacant. The seat shall remain with the current city and be filled by a selection of the current city council. That person will serve the remainder of the existing term.

Expectations of the VTA Board Member

The VTA Board member shall keep the VTA Group 2 Cities Working Group apprised of items coming before the VTA Board, facilitate communications with the Working Group, and help build consensus with respect to policy matters the Working Group determines to be relevant to the Member Agency or VTA. The VTA Board member is the Chairperson of Group 2 Cities.

Amendments

This document may be amended by a resolution approved by a majority of the VTA Group 2 Cities Working Group after approval of the amendments by the city councils of the Group 2 Cities. A meeting of the North County Board and PAC members shall be convened as necessary in order to evaluate the fairness of the selection process and the quality of the Board members.

AMENDED [month, day], 2022 by:

- _____, Los Altos City Councilmember representing Los Altos
- _____, Los Altos Hills City Councilmember representing Los Altos Hills
- _____, Mountain View City Councilmember representing Mountain View
- _____, Palo Alto City Councilmember representing Palo Alto

AMENDED October 30, 2018 by:

- Lynette Eng, Los Altos City Councilmember representing Los Altos
- Lenny Siegel, Mountain View City Councilmember representing Mountain View
- Liz Kniss, Palo Alto City Councilmember representing Palo Alto

AMENDED November 3, 2015 by:

- Mary Prochnow, Los Altos City Councilmember representing Los Altos
- John Harpootlian, Los Altos Hills City Councilmember representing Los Altos Hills
- John McAlister, Mountain View City Councilmember representing Mountain View
- Liz Kniss, Palo Alto City Councilmember representing Palo Alto

ADOPTED November 28, 2011 by:

- Megan Satterlee, Los Altos City Councilmember representing Los Altos
- Rich Larsen, Los Altos Hills City Councilmember representing Los Altos Hills
- John Inks, Mountain View City Councilmember representing Mountain View
- Gail Price, Palo Alto City Councilmember representing Palo Alto



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Saskia Lagergren

Approved By: Gabriel Engeland

Subject: Crossing Guard Services – Approve Transition to City-Based Management

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Approve the transition of the Crossing Guard Program from the current third-party contractor, All City Management Services (ACMS), to a city-based management system led by the Human Resources and Police Departments.

Authorize the City Manager to enter into an MOU with school districts to share costs for services provided.

FISCAL IMPACT

Taking the crossing guard program in-house would result in cost savings to the City of approximately \$140K annually. The City is currently paying approximately \$550K annually for ACMS’ contract, whereas the cost of taking the program in-house would be approximately \$410K for the first year. If there is minimal turnover in crossing guards, then the annual cost savings would increase even more since some of the recruitment, hiring, training and on-boarding costs would be reduced. There would be further cost savings by having the affected school districts cost-share a small portion of the cost.

ENVIRONMENTAL REVIEW

Not Applicable.

PREVIOUS COUNCIL CONSIDERATION

Not Applicable.

BACKGROUND

Since 2009, The Los Altos Police Department has contracted with All City Management Services (ACMS) to provide crossing guard services at key intersections surrounding elementary and middle schools in the Los Altos community. The program ensures the safety of students during peak school commute times. ACMS is the sole provider for private crossing guard services in the State of California. Over the course of the last fifteen years, ACMS' costs have significantly increased. For the 2024-2025 school year, the cost to staff twenty-six (26) sites with crossing guards was approximately \$550K. As the costs continue to rise, this has become fiscally unsustainable for the City. Staff have identified potential cost savings, improved service quality and greater flexibility by managing the program internally.

ANALYSIS/DISCUSSION

Bringing the crossing guard program in-house offers the following benefits:

- **Cost Efficiency:** By eliminating administrative fees and profit margins charged by the third-party vendor, the City can reallocate resources directly to staffing and training. Initial analysis indicated potential savings of at least \$140K annually.
- **Service Quality:** The City will have direct control over hiring, training and supervision, ensuring crossing guards are well-trained and aligned with the City's safety standards. It will allow for greater accountability and the ability to address performance issues promptly.
- **Flexibility and Community Engagement:** The City can adjust staffing levels and deployment locations based on real-time needs and feedback from school and residents. Employing local residents as crossing guards will foster stronger community ties.

If approved, staff will undertake the following steps:

- **Recruitment:** Post job openings and conduct outreach to local residents for crossing guard positions.
- **Training:** Develop a robust training program focused on traffic safety, communication and emergency response.
- **Program Management:** Designate a Community Service Officer (CSO) from the Police Department as the lead for scheduling, supervision and timekeeping for payroll processing.
- **Timeline:** Transition to the in-house model will be completed prior to the start of the 2025/2026 school year.

Staff have done a cost analysis and determined that there would be cost savings to the City to hire part-time crossing guards in-house, rather than continuing to contract with ACMS. An analysis was done to determine if there were any crossing guard locations that could be eliminated due to either a traffic mitigation device, such as a stop sign having been added, or there no longer being a need at a specific location for a crossing guard. There were three such locations that were deemed no longer necessary, taking the number of necessary locations down to twenty-three (23). This was communicated to the affected school districts' leadership. City of Los Altos Crossing Guard Map attached, as well as Los Altos Crossing Guard Program Table with three (3) proposed locations removed.

The estimated cost of transitioning the crossing guard program in-house is approximately \$410K. This includes:

- Initial recruitment and training expenses
- Ongoing salary and benefits for crossing guards
- Administrative costs for program management (Human Resources Department and Police Department personnel)

Using a base hourly rate of \$25 per hour for a crossing guard, the cost for twenty-three (23) locations would be approximately \$290K annually for the salary of the crossing guards (including Medicare, Worker’s Compensation insurance, etc). The cost of City staff time to recruit, hire, train and manage the program would be approximately \$120K annually. This staff time would be a combination of HR staff time (part-time) and a full-time Police Department Community Service Officer (CSO). If there was minimal turnover in crossing guards year-to-year, the cost of staff time would decrease for Human Resources, since fewer people would have to be recruited, hired, onboarded and trained. This would result in even more cost savings to the City. The cost was computed for the hiring of thirty (30) crossing guards, since there needs to be relief crossing guards who are available for sick call-ins, etc.

In comparison, the current contract with ACMS costs approximately \$550K annually. This equates to an annual savings of at least \$140K to the City by taking the program in-house. Over the next five (5) years, the in-house model is projected to result in a net savings of approximately \$700K.

The Human Resources Department would be responsible for the recruitment, hiring, onboarding, training and offboarding of part-time crossing guards. The Police Department would hire a civilian Community Service Officer (CSO), who would manage the employees and would coordinate coverage for sick call-ins on a daily basis.

Additionally, staff has reached out to leadership at all three affected school districts to discuss the possibility of cost-sharing a portion of the cost to staff the locations with crossing guards. There would be a partnership between the City and the school districts to ensure the safety of children going to and from school. The school districts have agreed to contribute a portion of the cost, which results in further cost savings to the City.

Transitioning the crossing guard program in-house aligns with the City’s goals of operational efficiency, improved service quality and enhanced community engagement. Staff are confident that this change will result in long-term benefits for the city and its residents.



ATTACHMENTS

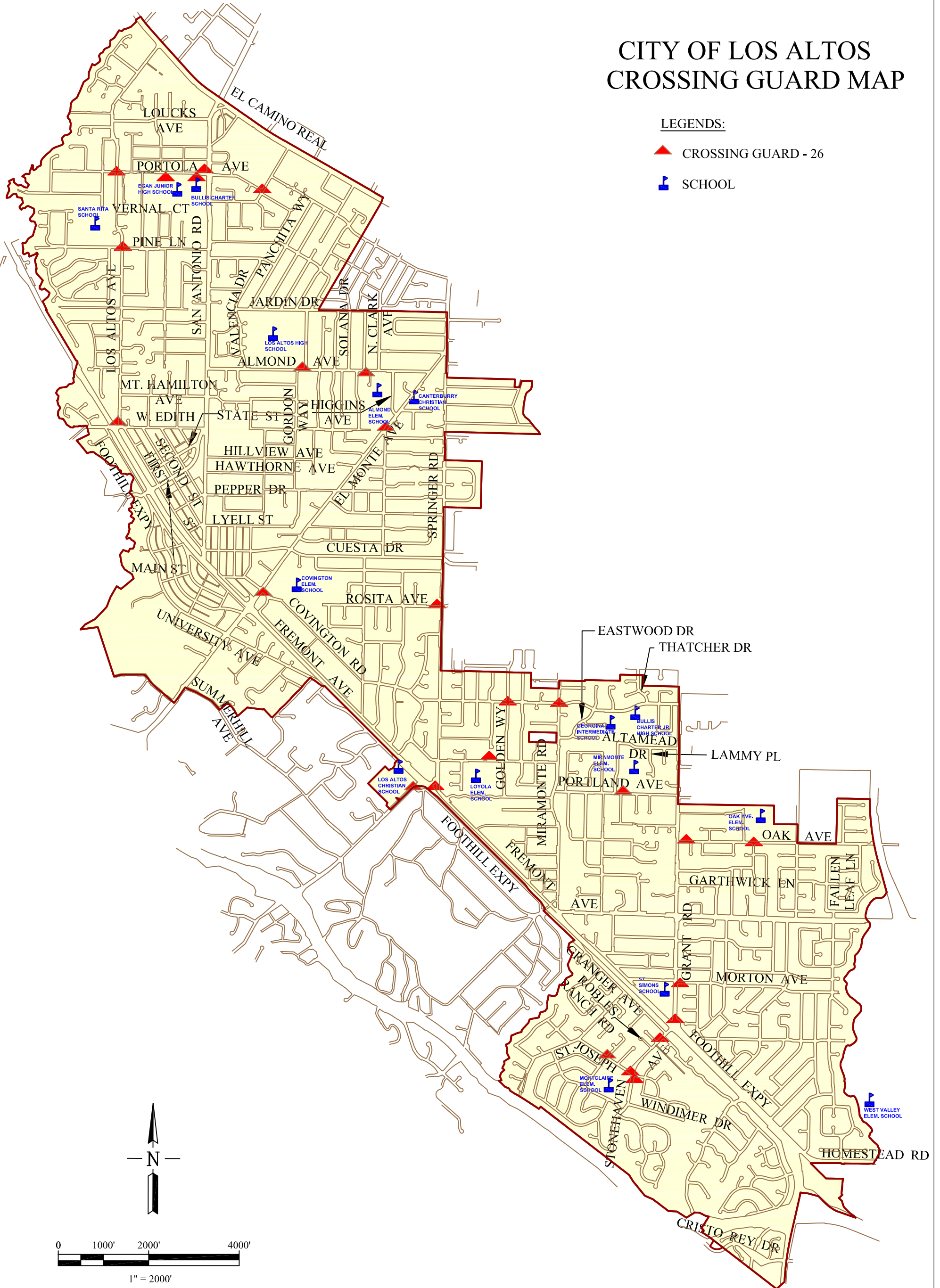
1. City of Los Altos Crossing Guard Map
2. Los Altos Crossing Guard Program Locations Table
3. Cost breakdown of in-house program
4. ACMS contract



CITY OF LOS ALTOS CROSSING GUARD MAP

LEGENDS:

-  CROSSING GUARD - 26
-  SCHOOL



Los Altos Crossing Guard Program

Location Number	School	School District	School Jurisdiction	Intersection	Currently Staffed	Location Code (ACMS)
1	Almond Elementary	LASD	Los Altos	Almond/Formway Ct	x	206
2	Almond Elementary	LASD	Los Altos	S. Clark/ S. El Monte Ave	x	711
3	Blach Jr High	LASD	Los Altos	Carmel Terrace/Portland Ave	x	579
4	Blach Jr High	LASD	Los Altos	Covington Rd/Miramonte Ave	x	779
5	Blach Jr High	LASD	Los Altos	Covington Rd/Golden Way	x	3776
6	Covington Elementary	LASD	Los Altos	S El Monte/Giffin Rd	x	958
7	Egan Jr High And Bullis Charter	LASD SCOES	Los Altos	W Portola/Pleasant Way (Bullis Parking lot entrance)	x	2662
8	Egan Jr High and Bullis Charter	LASD SCOES	Los Altos	W Portola/Pleasant Way (Bullis Parking lot exit)	x	1990
9	Egan Jr High	LASD	Los Altos	Jordan Ave/E Portola Ave	x	4561
10	Egan Jr High	LASD	Los Altos	N San Antonio Rd/W Portola Ave	x	208
11	Egan Jr High	LASD	Los Altos	W Portola Ave/Los Altos Ave	x	4492
12	Gardner Bullis Elementary	LASD	Los Altos Hills	Foothill Exwy/W Edith Ave	x	2663
13	Los Altos High School	MVLA	Los Altos	Almond Ave/North Gordon Way	x	2096
14	Loyola Elementary	LASD	Los Altos	Berry Ave/Golden Way	x	1175
15	Loyola Elementary	LASD	Los Altos	Foothill Exwy/Springer Rd/Magdalen		3772
16	Loyola Elementary	LASD	Los Altos	Springer Rd/ Fremont Ave	x	1740
17	Montclair Elementary	CUSD	Los Altos	St Joseph/Laver Ct	x	7579
18	Montclair Elementary	CUSD	Los Altos	St. Joseph/Stonehaven	x	7577
19	Montclair Elementary	CUSD	Los Altos	St Joseph/Deodara Dr	x	7578

Location Number	School	School District	School Jurisdiction	Intersection	Currently Staffed	Location Code (ACMS)
20	Montclair Elementary	CUSD	Los Altos	Stonehaven Dr./St Matthew Way	x	7580
21	Oak Avenue Elementary	LASD	Los Altos	Grant Rd/Oak Ave	x	2097
22	Oak Avenue Elementary	LASD	Los Altos	Oak Ave/Marlborough Ave	x	1174
23	Santa Rita Elementary	LASD	Los Altos	Los Altos Ave/Pine Ave	x	6963
24	Springer Elementary	LASD	Mountain View	Springer Rd/Rose Ave	x	1072
25	St Simon Parrish/Montclair	Private School/ CUSD	Los Altos	Foothill Exwy/St Joseph Ave	x	2445
26	St Simon Parrish	Private School	Los Altos	Grant Rd/Morton Ave	x	535

IN-HOUSE CROSSING GUARD PROGRAM COST ESTIMATE

Base Hourly Rate	Hrs/Pay Per	Pay Periods				
\$ 25.00	20	21.5				
Base Pay Annual Cost for 1 Crossing Guard	\$ 10,750.00					
Medicare Annual Cost for 1 Crossing Guard	\$ 155.88					
WC Insurance Cost for 1 Crossing Guard	\$ 95.03					
OBRA 457 Annual Cost for 1 Crossing Guard	\$ 403.13					
UI Annual Cost for 1 Crossing Guard	\$ 1,250.00		# of Crossing Guards	Base Pay Annual Cost for # Crossing Guard	Annual Admin Cost	Total Program Cost
Loaded Annual Cost for 1 Crossing Guard	\$ 12,654.03	X	23	\$ 291,042.69	\$ 120,311.61	\$ 411,354.30

Recruitment & Hiring	Hrs Spent on 1 Crossing Guard per Year					Total Cost
	Staff Involved	Base Hr Cost	# of Crossing Guards			
Job Description	0.5	HR Analyst II	\$ 68.65	N/A	\$ 34.33	
Opening Requisition	0.75	HR Analyst II	\$ 68.65	N/A	\$ 51.49	
Job Posting	0.5	HR Analyst II	\$ 68.65	N/A	\$ 34.33	
Job Advertising	1	HR Analyst II	\$ 68.65	N/A	\$ 68.65	
Screening Applicants	2	HR Analyst II	\$ 68.65	30	\$ 4,119.00	
Scheduling Interviews	0.75	HR Analyst II	\$ 68.65	30	\$ 1,544.63	
Reviewing Interview	0.75	CSO	\$ 49.26	30	\$ 1,108.35	
Conditional Offer	0.5	HR Analyst II	\$ 68.65	30	\$ 1,029.75	
Background Check/Drug Screen	0.25	HR Analyst I	\$ 56.45	30	\$ 423.38	
Appointment Letter	0.5	HR Analyst II	\$ 68.65	30	\$ 1,029.75	Recruitment & Hiring SubTotal
New Hire PAF	0.5	HR Analyst I	\$ 56.45	30	\$ 846.75	\$ 10,290.39

Onboarding & Training						
NH Orientation	1	HR Analyst II	\$ 68.65	30	\$	2,059.50
	1	HR Technician	\$ 51.08	30	\$	1,532.40
NH Entry	0.75	HR Technician	\$ 51.08	30	\$	1,149.30
NH Entry Review	0.15	HR Technician	\$ 51.08	30	\$	229.86
	0.15	HR Manager	\$ 88.00	30	\$	396.00
<u>Training(s):</u>						
Traffic Management	2	External	\$ 79.00	30	\$	2,370.00
CPR/First Aid	2	External	\$ 39.00	30	\$	1,170.00
Refresher		External			\$	-
<u>Materials:</u>						
ANSI Class 3 Vest	N/A	N/A	\$ 22.00	30	\$	660.00
Stop Sign	N/A	N/A	\$ 49.00	30	\$	1,470.00
Whistle	N/A	N/A	\$ 15.00	30	\$	450.00
Radio	N/A	N/A	\$ 60.00	30	\$	1,800.00
Flashlight	N/A	N/A	\$ 33.00	30	\$	990.00
Safety Flag	N/A	N/A	\$ 21.00	30	\$	630.00
						Onboarding & Training SubTotal
						\$ 14,907.06
Employee Management						
Schedule/Coordinate	215	CSO	\$ 49.26		\$	10,590.90
Check-In(s)	10.75	CSO	\$ 49.26	30	\$	15,886.35
Performance Evaluation	1.5	CSO	\$ 49.26	30	\$	2,216.70
Absence Coverage	0	CSO	\$ 49.26	30	\$	-
						Step A CSO (after 7.02% raise)
						\$90,372.51
						Employee Management SubTotal
						\$ 28,693.95
Timecards						
Supervisor Review	1.7917	CSO	\$ 49.26	30	\$	2,647.77
HR Review	1.7917	HR Technician	\$ 51.08	30	\$	2,745.60
						Timecard SubTotal
						\$ 2,745.60
Offboarding						
Term PAFs	0.5	HR Analyst I	\$ 56.45	30	\$	846.75
Unemployment Elig. Forms	0.75	HR Technician	\$ 51.08	30	\$	1,149.30
						Offboarding SubTotal
						\$ 1,996.05
Other						
Quarterly Check-Ins	4	CSO	\$ 49.26	N/A	\$	197.04
Council Report Out	2	CSO	\$ 49.26	N/A	\$	98.52
						Other SubTotal
						\$ 295.56
						In-house cost (staff)
						\$ 120,311.61



AGREEMENT FOR CROSSING GUARD SERVICES

This AGREEMENT FOR CROSSING GUARD SERVICES (the “Agreement”) is dated March 28, 2024 and is between the CITY OF LOS ALTOS (hereinafter called the "City"), and ALL CITY MANAGEMENT SERVICES, INC., a California corporation (hereinafter called the "Contractor").

WITNESSETH

The parties hereto have mutually covenanted and agreed as follows:

1. This Agreement is for a period which commences on or around July 1, 2024 and ends on June 30, 2025 and for such term thereafter as the parties may agree upon by written amendment to this contract. Service shall begin on a best availability basis until such a time as Contractor has hired, trained and deployed Crossing Guards to all sites requested by the City. City agrees to provide site locations for Contractor to then assign and deploy Crossing Guards. Contractor shall assume liability for only those sites agreed to by both Contractor and the City by written amendment stating effective date of assignment.
2. The Contractor will provide personnel equipped and trained in appropriate procedures for crossing pedestrians in marked crosswalks. Such personnel shall be herein referred to as a “Crossing Guard”. The Contractor is an independent contractor and the Crossing Guards to be furnished by it shall at all times be its employees and not those of the City.
3. The City’s representative in dealing with the Contractor shall be designated by the City of Los Altos.
4. The City shall determine the locations and times where Crossing Guards shall be furnished by the Contractor. The Contractor shall provide at each designated location personnel properly trained as herein specified for the performance of duties as a Crossing Guard. The Contractor shall provide supervisory personnel to see that Crossing Guard activities are taking place at the required places and times, and in accordance with the terms of this Agreement.
5. The Contractor shall maintain adequate reserve personnel to be able to furnish alternate Crossing Guards in the event that any person fails to report for work at the assigned time and location and agrees to provide immediate replacement.
6. In the performance of its duties the Contractor and all employees of the Contractor shall conduct themselves in accordance with the conditions of this Agreement and all applicable laws of the state in which the Services are to be performed.
7. Persons provided by the Contractor as Crossing Guards shall be trained in all applicable laws of the state in which the Services are to be performed pertaining to general pedestrian safety in school crossing areas. Contractor is responsible for providing such training, and for knowledge of all such applicable laws, provided, however, that City may, if necessary, alert Contractor to applicable laws with which Crossing Guards should comply, and Contractor shall direct its personnel accordingly.

8. Crossing Guard Services (the “Services”) shall be provided by the Contractor at the designated locations and times on all days in which school is in session in the area under City’s jurisdiction. The Contractor also agrees to maintain appropriate communication with the designated schools to maintain proper scheduling.
9. The Contractor shall provide all Crossing Guards with apparel by which they are readily visible and easily recognized as Crossing Guards. Such apparel shall be uniform for all persons performing the duties of Crossing Guards and shall be worn at all times while performing said duties. This apparel must be appropriate for weather conditions. The Contractor shall also provide all Crossing Guards with hand-held Stop signs and any other safety equipment which may be necessary.
10. The Contractor shall at all times provide workers' compensation insurance covering its employees and shall provide City a Certificate of Insurance naming the City and its officials, officers and employees as additional insureds. Such insurance shall include Commercial General Liability with a combined single limit of not less than \$2,000,000.00 per occurrence and in aggregate for property damage and bodily injury. Such insurance shall be placed with an insurer with an A.M. Best rating of at least A-VII. Such insurance shall also be primary with respect to any insurance maintained by the City and shall not call on the City's insurance contributions. Such insurance shall be endorsed for contractual liability and personal injury and shall include the City, its officers, employees, agents and interest of the City. Such insurance shall not be canceled, reduced in coverage or limits or non-renewed except after thirty (30) days written notice has been given to the City.
11. Contractor agrees to defend, indemnify and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions, claims for damages to persons or property, penalties, obligations or liabilities, including attorneys’ fees (each a “Claim” and collectively, the “Claims”), including, without limitation, for death, property damage, bodily injury, or actual or alleged nonpayment of wages, taxes, or benefits for Contractor’s personnel, that may be asserted or claimed by any person, firm, entity, corporation, political subdivision or other organization arising out of the negligent acts or omissions, or willful misconduct, of Contractor, its agents, employees, subcontractors, representatives or invitees, excepting any Claim arising out the City’s gross negligence or willful misconduct.
 - a) Contractor will defend any action or actions filed in connection with any of said Claims and will pay all costs and expenses including attorney's fees incurred in connection herewith.
 - b) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising out of or in connection with the negligence of Contractor hereunder (excepting any Claims arising out of the City’s gross negligence or willful misconduct), Contractor agrees to pay City, its officers, agents, or employees, any and all costs and expenses incurred by the City, its officers agents or employees in such action or proceeding, including, but not limited to, reasonable attorney's fees.
 - c) In the event that a court determines that liability for any Claim was caused or contributed to by the negligent act or omission or the willful misconduct of City, liability will be apportioned between Contractor and City based upon the parties’ respective degrees of culpability, as determined by the court, and Contractor’s duty to indemnify City will be limited accordingly.

- d) Notwithstanding anything to the contrary contained herein, Contractor's indemnification obligation to City for Claims under this Agreement will be the amount of \$4,000,000 (Four Million Dollars).
- 12. Either party shall have the right to terminate this Agreement by giving sixty (60) days written notice to the other party.
- 13. The Contractor shall not have the right to assign this Agreement to any other person or entity except with the prior written consent of the City.
- 14. The City agrees to pay the Contractor for the Services rendered pursuant to this Agreement the sum of Thirty-eight Dollars and Twenty-six Cents (**\$38.26**) per hour, per Crossing Guard during the term. Based on a minimum of twenty-six (26) sites and upon a projected (14,400) hours of service the cost shall not exceed Five Hundred Fifty Thousand, Nine Hundred and Forty-four Dollars (\$550,944.00) per year.
- 15. Payment is due within thirty (30) days of receipt of Contractor's properly prepared invoice.
- 16. Contractor may request a price increase during the term as a result of any legally-mandated increases in wages or benefits imposed in the state or municipality in which the Services are to be performed and to which Contractor's employees would be subject. Contractor shall provide City with 60 days-notice of its request to increase pricing. City agrees to review and respond to said notice within 30 days of receipt.
- 17. The City shall have an option to renew this Agreement. In the event this Agreement is extended beyond the end of the term set forth above, the compensation and terms for the Services shall be established by mutual consent of both parties.
- 18. This Agreement constitutes the complete and exclusive statement of the agreement among the parties with respect to the subject matter hereof and supersedes all prior written or oral statements among the parties, including any prior statements, warranties, or representations. This Agreement is binding upon and will inure to the benefit of the parties hereto and their respective heirs, administrators, executors, successors, and assigns. Each party hereto agrees that this Agreement will be governed by the law of the state in which the Services are to be performed, without regard to its conflicts of law provisions. Any amendments, modifications, or alterations to this Agreement must be in writing and signed by all parties. There will be no presumption against any party on the ground that such party was responsible for preparing this Agreement or any part of it. Each provision of this Agreement is severable from the other provisions. If any provision of this Agreement is declared invalid or contrary to existing law, the inoperability of that provision will have no effect on the remaining provisions of the Agreement which will continue in full force and effect. There are no third-party intended beneficiaries of this Agreement. This Agreement may be signed in counterparts, each of which shall be deemed an original.

[SIGNATURES FOLLOW ON NEXT PAGE]


IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year written below.


CITY

CONTRACTOR

City of Los Altos

All City Management Services, Inc.

By 
Gabriel Engeland (Apr 3, 2024 12:54 PDT)
Signature


By 
Demetra Farwell (Apr 3, 2024 13:06 PDT)
D. Farwell, Corporate Secretary

Gabriel Engeland City Manager
Print Name and Tittle

Date **Apr 3, 2024**

Date **Apr 3, 2024**

Approved as to Form:

By 
Jolie Houston (Apr 3, 2024 12:46 PDT)
Signature

jolie houston City Attorney
Print Name and Tittle

Date **Apr 3, 2024**



CERTIFICATE OF LIABILITY INSURANCE

Agenda Item # 10.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC Marsh & McLennan Ins. Agency LLC 1 Polaris Way #300 Aliso Viejo CA 92656	CONTACT NAME: PHONE (A/C, No. Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: occerts@marshmma.com														
License#: 0H18131	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Lexington Insurance Company</td> <td style="text-align: center;">19437</td> </tr> <tr> <td>INSURER B : AXIS Surplus Insurance Company</td> <td style="text-align: center;">26620</td> </tr> <tr> <td>INSURER C : Westchester Surplus Lines Insurance Co</td> <td style="text-align: center;">10172</td> </tr> <tr> <td>INSURER D : National Casualty Company</td> <td style="text-align: center;">11991</td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Lexington Insurance Company	19437	INSURER B : AXIS Surplus Insurance Company	26620	INSURER C : Westchester Surplus Lines Insurance Co	10172	INSURER D : National Casualty Company	11991	INSURER E :		INSURER F :	
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INSURER D : National Casualty Company	11991														
INSURER E :															
INSURER F :															

COVERAGES **CERTIFICATE NUMBER: 1352577065** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> 500,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	N	052114698	8/1/2023	8/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			P00100118039401	8/1/2023	8/1/2024	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCC334410A	1/1/2024	1/1/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Excess Layer			G72535522003	8/1/2023	8/1/2024	AGGREGATE \$ 6,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 City of Los Altos is included as additional insured as respects to General Liability per attached endorsement.

CERTIFICATE HOLDER City of Los Altos One North San Antonio Road Los Altos CA 94022-0000	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED REQUIRED BY WRITTEN CONTRACT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY POLICY, COVERAGE APPLICABLE TO COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE (SECTION I - COVERAGES) ONLY

- A. **Section II - Who Is An Insured** is amended to include any person or organization you are required to include as an additional insured on this policy by a written contract or written agreement in effect during this policy period and executed prior to the "occurrence" of the "bodily injury" or "property damage."
- B. The insurance provided to the above described A additional insured under this endorsement is limited as follows:
 - 1. **COVERAGE A BODILY INJURY AND PROPERTY DAMAGE** (Section I - Coverages) only.
 - 2. The person or organization is only an additional insured with respect to liability arising out of "your work" or "your product".
 - 3. In the event that the Limits of Insurance provided by this policy exceed the Limits of Insurance required by the written contract or written agreement, the insurance provided by this endorsement shall be limited to the Limits of Insurance required by the written contract or written agreement. This endorsement shall not increase the Limits of Insurance shown in the Declarations pertaining to the coverage provided herein.
 - 4. The insurance provided to such an additional insured does not apply to "bodily injury" or "property damage" arising out of an architect's, engineer's, or surveyor's rendering of or failure to render any professional services, including, but not limited to:
 - i. The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, or drawings and specifications; and
 - ii. Supervisory, inspection, architectural, or engineering activities.
- 5. This insurance does not apply to "bodily injury" or "property damage" arising out of "your work" or "your product" included in the "product-completed operations hazard" unless you are required to provide such coverage by written contract or written agreement and then only for the period of time required by the written contract or written agreement and in no event beyond the expiration date of the policy.
- 6. Any coverage provided by this endorsement to an additional insured shall be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis.
- C. In accordance with the terms and conditions of the policy and as more fully explained in the policy, as soon as practicable, each additional insured must give us prompt notice of any "occurrence" which may result in a claim, forward all legal papers to us, cooperate in the defense of any actions, and otherwise comply with all of the policy's terms and conditions. Failure to comply with this provision may, at our option, result in the claim or "suit" being denied.

**Authorized Representative OR
Countersignature (In states where applicable)**

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LX9776 (08/04)



ALL CITY MANAGEMENT SERVICES

February 8, 2024

Chief Angela Averiett
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Dear Chief Averiett,

It is once again the time of the year when many agencies are formulating their budgets for the coming fiscal year. Toward that end, please allow this letter to serve as confirmation of our interest in extending our agreement for Crossing Guard Services through the 2024-2025 fiscal year.

As you may know hiring challenges have impacted all sectors of the labor market, across the nation. Our post-COVID workforce continues to transform from a traditionally older workforce to a younger workforce. The expectations of this younger workforce continues to require higher wages and in some cases more hours to sustain themselves. Consequently, our employee turnover rate continues to increase dramatically impacting our advertising, recruitment and training costs.

Additionally, effective in April of this year Governor Newsom signed into law AB1228. This law increases the minimum wage for all Fast-Food employees in California to \$20.00 per hour. We anticipate this will have a direct impact on our workforce. We will need to offer competitive wages in light of AB1228 to retain and effectively recruit employees.

For these reasons, as well as cost increases in some segments of our business, we must appeal for an increase in our hourly billing wage for the upcoming 2024-2025 fiscal year. To facilitate the calculation of the 2024-2025 annual cost of your Crossing Guard program, we have developed and included with this letter a Client Worksheet. This Worksheet details the new hourly billing rate and the overall estimated program cost, based on the number of sites and the hours worked at each site.

While we remain committed to providing a safe, cost-effective and professional School Crossing Guard Program we hope you will find this new pricing acceptable. If you have any questions or need additional information, please contact Claudia Than at (800) 540-9290. Take care.

Sincerely,

Baron Farwell,
General Manager

Client Worksheet 2024 - 2025

Department: 1003506

Billing Rate for 2024 - 2025: \$ 38.26

City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

Sites with traditional calendar:

	57		180		\$38.26	=	\$392,547.60
19 Sites at 3.00 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		
4 Sites at 3.00 hrs per day	12		144		\$38.26	=	\$66,113.28
4 Sites at 3.00 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		
4.00 hrs early release	16		36		\$38.26	=	\$22,037.76
4.00 hrs early release	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		
3 Sites at 3.00 hrs per day	9		108		\$38.26	=	\$37,188.72
3 Sites at 3.00 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		
4.00 hrs early release	12		72		\$38.26	=	\$33,056.64
4.00 hrs early release	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

TOTAL PROJECTED HOURS 14,400.00 TOTAL ANNUAL PROJECTED COST \$550,944.00



CERTIFICATE OF LIABILITY INSURANCE

Agenda Item # 10.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

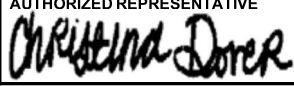
PRODUCER Marsh & McLennan Agency LLC Marsh & McLennan Ins. Agency LLC 1 Polaris Way #300 Aliso Viejo CA 92656 License#: 0H18131 ALLCITYMAN	CONTACT NAME: PHONE (A/C, No. Ext): E-MAIL ADDRESS: occerts@marshmma.com	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Lexington Insurance Company	NAIC # 19437
	INSURER B : AXIS Surplus Insurance Company	26620
	INSURER C : Westchester Surplus Lines Insurance Co	10172
	INSURER D : National Casualty Company	11991
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 1352577065 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
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 - 4. The insurance provided to such an additional insured does not apply to "bodily injury" or "property damage" arising out of an architect's, engineer's, or surveyor's rendering of or failure to render any professional services, including, but not limited to:
 - i. The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, or drawings and specifications; and
 - ii. Supervisory, inspection, architectural, or engineering activities.
- 5. This insurance does not apply to "bodily injury" or "property damage" arising out of "your work" or "your product" included in the "product-completed operations hazard" unless you are required to provide such coverage by written contract or written agreement and then only for the period of time required by the written contract or written agreement and in no event beyond the expiration date of the policy.
- 6. Any coverage provided by this endorsement to an additional insured shall be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis.
- C. In accordance with the terms and conditions of the policy and as more fully explained in the policy, as soon as practicable, each additional insured must give us prompt notice of any "occurrence" which may result in a claim, forward all legal papers to us, cooperate in the defense of any actions, and otherwise comply with all of the policy's terms and conditions. Failure to comply with this provision may, at our option, result in the claim or "suit" being denied.



**Authorized Representative OR
Countersignature (In states where applicable)**

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LX9776 (08/04)

RESOLUTION NO. 2025-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE TRANSITION OF CROSSING GUARD SERVICES FROM
A THIRD-PARTY CONTRACTOR TO IN-HOUSE MANAGEMENT**

WHEREAS, the safety of children and pedestrians in school zones is a top priority for the City of Los Altos; and

WHEREAS, crossing guard services are essential to ensuring safe passage for students and pedestrians at designated school crossings; and

WHEREAS, the City of Los Altos has historically contracted with a third-party provider for crossing guard services, and the current agreement with All-City Management Services (ACMS) will expire on June 30, 2025; and

WHEREAS, an internal review of the current model for crossing guard services has identified potential benefits of in-house management, including improved oversight, enhanced training, increased accountability, cost savings and better alignment with the City’s operational and safety priorities; and

WHEREAS, transitioning to an in-house crossing guard program aligns with the City’s strategic goals of fostering community engagement, providing quality municipal services and ensuring pedestrian safety; and

WHEREAS, the City is committed to ensuring a seamless transition with minimal disruption to service and has developed an implementation plan to recruit, train and deploy crossing guards; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the transition of crossing guard services from All-City Management Services (ACMS) to an in-house program managed by the Human Resources Department and Police Department.

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 January 14, 2025 by the following vote:

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

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC,
CITY CLERK



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Jon Maginot

Approved By: Gabe Engeland

Subject: City Council Norms and Procedures

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Review the City Council Norms and Procedures and provide modifications as needed

FISCAL IMPACT

None

ENVIRONMENTAL REVIEW

Not Applicable

PREVIOUS COUNCIL CONSIDERATION

Last adopted by City Council on June 13, 2023

BACKGROUND

The Council Norms and Procedures (Norms) were originally adopted in 2004 and are reviewed periodically by the Council. Section 1.3 of the Norms states that a review should occur after a new Council member has been seated.

DISCUSSION

Staff has drafted proposed revisions to the Norms based on current Council practices and policies. It is recommended that Council review the proposed revisions to the updated Norms and Procedures and provide modifications as needed.

ATTACHMENTS

1. Draft revised City Council Norms and Procedures

CITY COUNCIL NORMS AND PROCEDURES



COUNCILMEMBERS

Pete Dailey

Neysa Fligor

~~Lynette Lee Eng~~ Larry Lang

Sally Meadows

Jonathan Weinberg

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**CITY OF LOS ALTOS
CITY COUNCIL NORMS AND PROCEDURES**

SECTION 1. GENERAL

- 1.1 Purpose. The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council, staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Los Altos. The Norms also inform the public about what to expect from their elected representatives while performing their duties.
- 1.2 Values. Councilmembers shall represent the best interests of the City and community at large. Councilmembers shall treat fellow Councilmembers, members of the public, Commission and Committee members, and staff and consultants with respect, civility, and courtesy. All Councilmembers shall respect each other’s individual points of view and right to disagree. When addressing the public in any way, all Councilmembers shall make certain their opinions are expressed solely as their own, and do not necessarily reflect the opinions of any other Councilmember. Councilmembers shall respect and abide by the decisions of the majority of the Council at all times.
- 1.3 Review. The City Council shall conduct a review of this document biennially, or whenever a new Councilmember has been seated or Council deems necessary, to assist Councilmembers in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.
- 1.4 Compliance with Applicable Laws. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with all applicable laws, including but not limited to State laws such as the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act, as amended. If there is a conflict between the Norms and Procedures and an applicable law, the applicable law shall govern.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

- 2.1 Reorganization. The reorganization of the Council and the seating of new Councilmembers shall occur at a special meeting held on the earliest available Tuesday following the certification of election results, which is typically on the first or second Tuesday of December. If the certification is delayed because of a recount or other reason, the Council will wait until the certification is final before holding its reorganization special meeting.

Seating preferences on the dais shall be made by the Mayor, Vice Mayor and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.

A community reception honoring the incoming and outgoing Mayor and Councilmembers will be held immediately following the reorganization meeting.

2.2 Election of Mayor. Only Councilmembers elected by the voters or appointed to the City Council due to the cancelation of an election may serve as Mayor.

The term of office shall be one year. The Councilmember must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Councilmember with a minimum of 23 months of service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.

If there are two or more such members who have served more than 23 months and have never served as Mayor, the one having served the longest time on the Council shall be designated as Mayor.

In the event there are two or more members who have never served as Mayor and have served the same length of time, the one who received the greatest number of votes at his/her/their election or re-election to the Council shall become Mayor.

In the event there are two or more members who have served as Mayor, who have served the same continuous length of time, and who have been re-elected to the Council, the one who received the greatest number of votes at his/her/their re-election to the Council shall become Mayor.

In the event three new members are elected to the Council, then an exception to Sections 2.2 and 2.3 will apply, allowing the immediate appointment of a Vice Mayor without the normal 11 months of prior service, and the following year such person may be appointed as the Mayor without the normal 23 months of prior service. Any member re-elected to the Council after a break in service will be treated in the normal sequence for appointment as Vice Mayor and Mayor, without regard to such person's service prior to the break in service.

The Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Mayor should be made to the City Manager.

2.3 Election of Vice Mayor. Only Councilmembers elected by the voters or appointed to the City Council due to the cancelation of an election may serve as Vice Mayor.

The selection process for determining who shall serve as Vice Mayor will follow that of Mayor, except the Councilmember must have served at least 11 months to be eligible to serve as Vice Mayor.

The Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Vice Mayor should be made to the City Manager.

2.4 Councilmembers Serving After a Break in Service. The time of continuous service for any elected member of the Council who previously served on the Council prior to a break in service shall be considered to have started at his/her/their election after their break in service.

2.5 Appointment of Vacancy. In the event of a vacancy of office by the death or resignation of any Councilmember, the Council shall appoint a new Councilmember within sixty (60) days

after a vacancy becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

SECTION 3. COUNCIL SUBCOMMITTEES

- 3.1 Responsibility. The Mayor shall appoint Councilmembers to standing and ad hoc subcommittees as required to accomplish the work of the Council, subject to affirmation by the Council at its next regular meeting. It will be the responsibility of these subcommittees to inform and make recommendations to the Council and submit them to the Council for a vote. Staff shall work with, and support, Council subcommittees as required.
- 3.2 Instructions and Expectations. The Council shall make certain that all Council subcommittees are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the committee’s efforts shall be defined in writing and approved by a majority of the City Council.
- 3.3 Reporting. Council subcommittee members are to keep the Council informed of the work and progress of their subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.
- 3.4 Standing Subcommittees. From time to time, the City Council may vote to establish standing subcommittees. These include: the Council Youth Commission Interview Committee, ~~the Open Government Committee,~~ and joint committees with the different school districts that serve Los Altos residents.

The Council Youth Commission Interview Committee consists of two members of the City Council and is responsible for conducting interviews of applicants for the Youth Commission and making recommendations to the City Council regarding the appointments. The Committee meets as needed.

The City/ School District Committees consist of two members of the City Council and two members of the Board of Trustees of the applicable School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern by both legislative bodies, as directed by the City Council and/or School Board. Meetings are open to the public and are generally held at least bi-annually.

~~The Open Government Committee consists of two members of the City Council and advises the City Council and provides information to the City Manager on potential ways to implement the Open Government Policy. The Committee develops appropriate goals to ensure practical and timely implementation of the Open Government Policy and proposes any amendments to the Policy.~~

SECTION 4. COMMISSIONS AND COMMITTEES

- 4.1 Responsibility. The Council may appoint residents of the community to the City’s non-Council standing commissions and committees. Commission and committee members shall represent the interests of the community at-large when serving on these bodies. These commissions and committees will respect the public and staff and shall take seriously their responsibility for reporting to the Council. 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.

- 4.2 Governing. The City’s Commissions and Committees are governed by the Commission Handbook as adopted and amended by the City Council. If there is a conflict between the Commission Handbook and the Norms and Procedures, the Commission Handbook shall control as to the Commissions and Committees.
- 4.3 Commission Liaisons. To facilitate the exchange of information between the Council and its Commissions, the Mayor will at least annually make liaison appointments to the Commissions. These appointments shall be ratified by the Council. Councilmembers shall respect the separation between policy making and advisory Commissions by: A) not attempting to lobby or influence Commissions on any item under their consideration; B) attending meetings of assigned Commissions, but not taking a position on an item before the Commission; C) not voting at the Commission’s meeting on any item; and D) assisting the Commission in scheduling recommendations to be heard by the Council.

If an issue arises regarding a member of any Commission, staff may work with the assigned Council Liaison to resolve the issue.

- 4.4 Attendance Requirement for Commissioners. Commissioners are expected to attend meetings in accordance with the Commissioner Handbook. If a Commissioner is not meeting the attendance requirement, the Commission Chair will first address the issue by talking with the Commissioner and will give the Commissioner an opportunity to meet the requirements. If the Commissioner continues to not meet the attendance requirement, the Chair can give the Commissioner an opportunity to resign from the Commission. If the Commissioner does not want to resign and continues to not meet the attendance requirement, the Chair should discuss with the staff liaison and Council liaison the appropriate action to address it.
- 4.5 Discipline or Removal of a Commissioner. Commissioners serve at the pleasure of the City Council. 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 agendize the discipline or removal of a certain Commissioner, the item will be placed on a Council agenda.

SECTION 5. AD HOC COMMITTEES AND TASK FORCES

- 5.1 Instructions and Expectations. The Council shall make certain that all Council-appointed Ad Hoc Committees and Task Forces are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the Committee’s or Task Force’s efforts shall be defined in writing and formally approved by a majority of the City Council.
- 5.2 Reports. Ad Hoc Committees and Task Forces are responsible for keeping the Council informed about issues being considered, and their progress. This is to be accomplished by meeting minutes distributed in the Council meeting packets or through oral reports to Council. Ad Hoc Committees and Task Forces are responsible for advising the Council of any need for information or more specific instructions.

- 5.3 Redirection. Ad Hoc Committees and Task Forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.
- 5.4 Noticing. Per Resolution No. 2015-09, Ad Hoc Committees and Task Forces that are created by the City Council and are composed of less than a quorum of the Council and have members of City Commissions and/or members of the public on the committee are subject to the provisions of State Law.

SECTION 6. ADMINISTRATIVE MATTERS

- 6.1 Attendance. City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings unless unable. Councilmembers will notify the Mayor or the City Clerk if they will be absent from a meeting.
- 6.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Councilmembers/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests for correspondence concerning legislation directly affecting municipalities. The Mayor may send a letter without first obtaining Council review if the content of the letter aligns with the Council’s position on the subject issue. A copy of the letter should be sent to all Councilmembers.

City letterhead will be made available for routine, discretionary correspondence (i.e., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Councilmembers should be respectful, professional, and consistent with the City’s Electronic Use Policy.

- 6.3 Regional Boards. The Mayor shall appoint Councilmembers to Regional Committees/Commissions/Boards as required by the governing bodies. These appointments are subject to affirmation by the Council. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Los Altos is appropriate on some boards; this is generally the case when other local governments have their own representation.

The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Los Altos. If an issue should arise that is specific to Los Altos, and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with the Council’s position.

Council representatives to such boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. If a Councilmember is unable to attend, he/she should notify his/her/their alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

Appointments to regional boards shall terminate upon the expiration of Councilmember’s term unless: 1) the Councilmember is reelected and can serve the full term on the regional board; or 2) action is taken by the Council to reappoint the individual to the regional board, and such appointment is consistent with the regional board’s policies.

- 6.4 Response to Public. It will be the responsibility of the City Manager to ensure a response is provided to all public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services and provide a copy of such correspondence to the City Council, as appropriate.
- 6.5 Proclamations. Proclamations are discretionary public announcements directing attention to a local resident, organization, or event. The Mayor, without formal action of the Council, may issue proclamations. Requests for proclamations should be submitted at least one week in advance. This allows the Mayor to decide if a proclamation should be issued. Alternatively, the Mayor, at his/her/their discretion, may refer a request to Council.
- 6.6 Reimbursement. City Councilmembers may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember. Reimbursements shall be subject to the City’s Travel and Expense Policy.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the City Council.

- 6.7 Training.
Ethics: Members of the City Council and commissions shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/her/their public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions.

Sexual Harassment: In addition, Councilmembers shall receive two hours of sexual harassment prevention training every two years, per State law. New members must receive this training within their first six months of service.

Brown Act: Members of the City Council and those individuals appointed by the City Council to serve on a commission or advisory committee will receive training on the requirements of the Brown Act at the time they begin their service and again when there is a scheduled Commission training.

Anti-Bias: At least every 2 years, Councilmembers and Commissioners will receive anti-bias training organized by the City.

Other Training. From time to time, the City Council may direct that Members of the City Council and Commissions receive training on different topics.

The City Clerk is required to keep training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

6.8 Use of Electronic Devices during Council Meetings. The City Council permits and promotes the utilization of technology to ensure efficient and effective conduct of the people’s business, in accordance with applicable open meetings and records laws, due process rights of interested parties, and other applicable law and city policies.

- i. Councilmembers’ use of electronic communications and data devices (including – but not limited to – laptop computers, cell phones, tablet computers, pagers, wearable technology, and similar devices), at a meeting during which the Councilmember is subject to the provisions of State Law shall be limited to personal use (note taking, etc.) and to access documents only available to the member (e.g., personal files stored on the cloud) or documents available to the public (e.g. documents on the City’s website, websites available to the public, etc.).
- ii. At a meeting during which a Councilmember is subject to the provisions of State Law, the Councilmember may not use electronic devices to read electronic communications from, or send electronic communications to, members of the public, other Councilmembers, and parties to city proceedings. If a Councilmember receives an electronic communication which the member believes to be a family emergency, the Councilmember should ask the Mayor to take a break so the Councilmember may address the issue. The Councilmember should not read the electronic communication during the meeting.

6.9 City Mission and City Seal. The Mission of the City of Los Altos is a statement that reflects the values of our residents. The City Seal is an important symbol of the City of Los Altos. No change to the City Mission and/or City Seal shall be made without Council approval. Use of the City Seal shall be by permission of the City Clerk.

6.10 Use of email. City Councilmembers shall strive to use only their City email account for City business.

SECTION 7. COUNCIL RELATIONSHIP WITH STAFF

7.1 City Manager. City Councilmembers are always free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department, or any employee must be directed to the City Manager. City Councilmembers shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Councilmembers. The City Manager may delegate this responsibility to Department Heads.

7.2 Agenda Item Questions. The Council shall not abuse, embarrass, or harass staff. If a Councilmember has a question on a subject, the Councilmember should contact the City

Manager prior to any meeting at which the subject may be discussed. This does not restrict Councilmembers from asking questions during a Council meeting.

- 7.3 Complaints. Councilmembers shall encourage people to file all complaints related to work or services provided by City staff directly with the City Manager and the appropriate staff member. The City manager and staff shall ensure that all people receive a response. If a Councilmember receives a complaint directly, the Councilmember should forward the complaint to the City Manager. If all Councilmembers are copied on the same complaint and the City Manager is not copied, the Mayor is responsible for forwarding the complaint to the City Manager.
- 7.4 Staff. Councilmembers may ask Department Heads for information. This informal system of direct communication is not to be abused.

SECTION 8. MEETINGS

- 8.1 Open to Public. All meetings of the City Council, except for closed sessions as authorized by law, shall be open to the public. All meetings shall be noticed as required to allow action to be taken by the Council. All meetings of the City Council, with the exception of Closed Sessions, shall be held in a hybrid manner in which members of the public may participate in person or via videoconference.
- 8.2 Broadcasting of City Council Meetings. All regular Council meetings and study sessions shall be scheduled in the Community Meeting Chambers to allow for web streaming, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor. All regular City Council meetings and study sessions shall be video-recorded, unless the City is unable to do so due to unforeseen circumstances or circumstances beyond the City’s control in which case the meeting shall be audio-recorded. All other public meetings of the City Council shall be audio recorded as practical. Each such video and audio recording shall be a public record subject to inspection pursuant to State Law. The video recording of meetings of the City Council shall be made available within one week of the meeting by webcast on the City’s website and shall remain on the City’s website permanently. The audio and video record of all meetings under this section shall be kept permanently.
- 8.3 Regular Meetings. The City Council shall conduct its regular meetings at the time and place established by ordinance. At the first regular meeting in December, the City Council will approve the schedule of meetings for the next calendar year, which shall be the Council’s adopted regular meeting schedule. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 8.5, if necessary. If the Council schedules a meeting that is not part of the adopted regular meeting schedule, that meeting shall be a special meeting or a study session.

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.

- 8.4 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency

or when a majority of members have confirmed in writing to the City Manager their unavailability to attend a meeting or agreement to cancel a meeting.

- 8.5 Special Meetings. A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with State Law. Written notice of any such meeting must specify the purpose of the meeting and the identities of members making the call. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to attend to City business. These meetings will be coordinated by the City Clerk. Study sessions, which are special meetings, are scheduled to provide Councilmembers the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

- 8.6 Virtual Meetings. If, pursuant to applicable laws or orders, the City Council holds a virtual special or regular meeting, the requirements set forth in the Norms and Procedures shall still apply, to the extent these requirements are feasible. Any feature on the platform hosting the virtual meeting that allows members of the public and/or Councilmembers to communicate outside of the approved methods of communication for the meeting, for example a “chat” feature, shall be disabled during the meeting.

- 8.7 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or a majority of the City Council may call closed session meetings at any time. Requests for a closed session should be made to the City Manager.

- 8.8 Annual Retreat. The City Council shall hold an annual retreat following the reorganization of the Council (typically in December or January). The primary purpose of the retreat shall be to review accomplishments for the past calendar year and to discuss and set priorities for the City Council for the following calendar year. The Mayor may also work with the City Manager to organize other activities for the annual retreat such as team building exercises and having guest speaker(s). The retreat may be held over multiple days.

- 8.9 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Councilmembers appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Councilmember in the absence of the Mayor and Vice Mayor, or in the absence of all Councilmembers, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

- 8.10 Minutes. Staff shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Councilmember. Closed session minutes, if any, shall be approved by all Councilmembers and kept in strict confidence.

8.11 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special, or closed session meeting to a time and place specified in the order of adjournment and permitted by law. Similar to all sections in the Norms and Procedures, this section is subject to section 14 of the Norms and Procedures.

SECTION 9. POSTING NOTICE AND AGENDA

9.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be in accordance with State law. The policy of the City shall be that the notice and agenda for regular meetings will be posted by 5:00 p.m. on the Thursday prior to the meeting.

9.2 Location of Posting. The notice and agenda shall be posted in accordance with State law.

SECTION 10. AGENDA CONTENTS

10.1 Setting the Agenda. The Mayor, in consultation with the City Manager or his/her/their designee, and the City Clerk shall organize the agenda.

10.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.

10.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.

10.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- A. Upon a majority determination that an “emergency exception” (as defined by State Law) exists; or
- B. Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that an “urgency exception” (as defined by State Law) exists and the Council needs to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.
- C. Two Councilmembers are required to request an item be placed on the agenda for the full Council to determine if the item meets the urgency or emergency exception. This determination is done in accordance with Section 10.4A or 10.4B above and occurs soon after the Council meeting begins. If the Council votes to hear the emergency or urgency item, the item would then be placed as a discussion item on that Council meeting’s agenda.

10.5 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Establish Quorum, Pledge of Allegiance, Closed Session Announcement (if needed), Changes to the Order of the Agenda, Special Items, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Discussion Items, Informational Items, City Council Reports, Future Agenda Items, and Adjournment.

- 10.6 Changes to the Order of the Agenda. “Changes to the Order of the Agenda” will be an agenda item that is heard soon after the Council meeting begins whereby the Mayor, Councilmembers and/or City staff may request a change to the order in which agenda items are to be considered. The Mayor will ask if there are any changes to the order of the agenda. Any requested changes will be made in the form of a motion and a vote will be taken. If there are no requests for changes, the agenda will be taken in the prescribed order.
- 10.7 Consent Calendar. A Councilmember may remove an item from the Consent Calendar. At the Mayor’s discretion, items removed from the Consent Calendar may be considered immediately after approval of the balance of the Consent Calendar or elsewhere in the agenda. Councilmembers shall be given the opportunity to ask a clarifying question about a consent item or make a brief comment about an item without having to remove the item from the Consent Calendar.
- 10.8 Tentative Council Calendar. The Tentative Council Calendar shall list items pending to come before Council within the next 12 months period and will be included as part of each Council Meeting’s Agenda Packet. City Staff will post the Tentative Council Calendar on the City’s website and make updates to the Tentative Council Calendar, as necessary.

The Tentative Council Calendar shall be included in each City Council regular meeting agenda packet as an Informational Item. Each quarter, the Tentative Council Calendar should be brought to Council as a Discussion Item for Council's review, discussion and possible action. At this time, Councilmembers may request new items be added with the required support from other Councilmembers depending on whether a staff report is required. The Councilmember requesting the item shall state the topic and which Council priority the request aligns to. Council and staff shall agree as to where the new item shall be placed on the Tentative Council Calendar.

- 10.9 Placing items on a future agenda. Members of the City Council may have any matter that can be legally agendized placed on the agenda of the City Council by indicating their desire to do so under that portion of the City Council agenda designated, “Future City Council Agenda Items.” Placing an item on a future agenda requires two Councilmembers to support the item if no staff work is required and three Councilmembers if staff work is required. Unless an item is deemed an urgency exception or emergency exception, as defined in the Norms, Councilmembers shall request the placement of items on future agendas at a public Council meeting.
- 10.10 Council questions. Councilmembers shall strive to provide questions to city staff on agenda items as early as possible before a council meeting to allow adequate time to respond to the questions. Staff will provide all questions and answers to Council questions to all Councilmembers prior to the subject Council meeting, and, excepting attorney-client communications, to the public as soon as possible. Councilmembers shall strive to notify staff if they plan to raise a specific question at the Council meeting. If a Councilmember feels they need additional information to make a decision on an item, and the item is not time sensitive, the Councilmember may request the item be continued to a future meeting during Changes to the Order of the Agenda.
- 10.11 Emergency Meetings. The City Council may hold an emergency meeting (as defined in State Law) without complying with either the 24-hour notice requirement, or the 24-hour posting requirement, or both of the notice and posting requirements.

SECTION 11. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

11.1 Role of Mayor.

- A. The Mayor is responsible for running the meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Councilmembers and among Council, staff and public. The Mayor has the prerogative to be the last Councilmember to vote on an item. The Mayor and Councilmembers are responsible to self-monitor their own conduct and speaking time to ensure a timely meeting.
- B. Communication with Councilmembers
 - 1. Councilmembers shall request the floor from the Mayor before speaking.
 - 2. When one member of the Council has the floor and is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.
- C. Communication with Members of the Public Addressing the Council
 - 1. The Mayor shall open the floor for public comment as appropriate.
 - 2. Councilmembers may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
 - 3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Councilmembers and among Councilmembers and members of the public.
 - 4. Members of the public shall direct their questions and comments to the Council.

11.2 Rules of Order. The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

- A. Although permitted, a motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.
- B. All motions, except nominations, require a second.
- C. A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.
- D. A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Councilmembers present.

11.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.4 Public Hearing Procedures. All land use public hearing items shall follow the following procedures:

- A. Staff presentation and/or report followed by clarifying questions from the Council
- B. Disclosure of communications: Councilmembers shall disclose all personal communications with any individual, including, but not limited to, the project applicant, prospective project applicants, neighboring property owners, residents, or any other party regarding development projects. These disclosures shall include a full description of the nature of the discussion, and in particular, any information not presented as part of the public record
- C. The Mayor shall open the public hearing
 - a. Applicant presentation; the applicant shall be given a total of up to 10 minutes to present to the City Council
 - b. The Council shall take public comments
 - c. Applicant rebuttal period; the applicant shall be given a total of up to 5 minutes rebuttal time. If there are no public comments, the applicant shall not be given time for rebuttal
- D. The Mayor shall close the public hearing
- E. Council discussion, consideration, and decision

11.5 Staff and Consultant Reports. Staff and consultant reports will be given a limit of up to 10 minutes. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

11.6 Public Comment.

- A. Persons present at meetings of the City Council may comment on individual items on the agenda. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.
- B. The limit for speakers will be 1 to 3 minutes, depending on the number of speakers, and the number of items that the Council is discussing at that meeting.
A single speaker may cede their time to one other speaker. The designated speaker will be given the time which would have been allocated to the other speaker (to a maximum of five minutes). Individuals wanting to delegate time to another must be present at the meeting and must indicate their desire to cede time to a single individual by noting on a speaker card they are doing so. Persons who have ceded their time will not be permitted to speak on the topic at that meeting. Members of the public are not permitted to cede their time during quasi-judicial proceedings.
- C. In order to facilitate an orderly meeting, anyone wishing to address the City Council is asked to fill out a Request to Speak card, indicating their name, address, and agenda item number/topic. A separate card is requested for each item. The request to speak cards shall be turned into the City Clerk before the item is heard by the City Council.
- D. Upon addressing the Council, each speaker is requested, but not required, to first state his/her/their/their name, whom they represent and/or city of residence.
- E. After the speaker has completed their remarks, Councilmembers may ask questions of the speaker after being acknowledged by the Mayor. Councilmembers shall be respectful of the speakers and shall not enter into a debate with any member of the public.

- F. Upon conclusion of the Public Comment section for any item, the Mayor may provide Councilmembers and/or staff with an opportunity to respond to statements made by the public.
- G. All Councilmembers shall listen to all public discussion as part of the Council’s community responsibility. Individual Councilmembers should remain open-minded to comments made by the public.
- H. The Mayor has the right to ask a member of the public to step down if over the allotted time or if comments are not germane.

11.7 Motions. It will be the practice of the City Council for the Mayor to provide Councilmembers an opportunity to ask questions of staff, comment on, and discuss any agendized item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Councilmember may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Councilmember recognized by the Mayor. Customarily, the Mayor will take the floor after all other Councilmembers have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Councilmember may request the Mayor or moving party divide the motion into separate motions to provide Councilmembers an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Councilmembers are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter.

If a tie vote results at a time when less than all members of the Council, who may legally participate in the matter, are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

11.8 Reconsideration of a Council Action.

A.

Request for Reconsideration by a Councilmember

1. Request by a member of the City Council.

Only a member of the City Council who voted in the majority may request reconsideration. The request may be made at the same meeting, or 144 hours in advance of the next regular meeting. The request needs to be supported by two (2) Councilmembers, including the requesting Councilmember, for it to be added to the agenda. A request added to an agenda shall be structured in a manner that a motion for reconsideration may be considered immediately following approval of the request for reconsideration.

In presenting a request for reconsideration, the City Councilmember making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments. A member of the public may ask a Council member who voted in the majority to request reconsideration.

2. Motion for Reconsideration.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting), or in accordance with Section 11.8A1. A motion to reconsider an action may be made only by a Councilmember who voted in the majority but may be seconded by any Councilmember and is debatable.

The motion must be approved by a majority of the entire City Council. At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters, and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the Council Norms and Procedures. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

11.9 Council Discussions and Deliberations.

- A. The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Councilmembers on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Councilmembers should disclose any ex parte communication prior to discussion on an item.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the

Mayor. A member who has been recognized should limit his/her/their time to 3 minutes.

C. Speaking More Than Once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Councilmember has already spoken, other Councilmembers wishing to speak shall then be recognized. No Councilmember shall be allowed to speak a second time until after all other Councilmembers have had an opportunity to speak.

D. Relevancy of Discussion.

All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Councilmembers shall avoid repetition and strive to move the discussion along. Arguments, for or against a measure, should be stated as concisely as possible.

A motion, its nature, or consequences, may be debated vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Councilmember who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

It is the responsibility of each Councilmember to maintain an open mind on all issues during discussion and deliberation. It is not necessary for all City Councilmembers to speak or give their viewpoints if another Councilmember has already addressed their concerns.

E. Mayor’s Duties During Discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Councilmember who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

F. After the Vote.

Once a majority of the Council has approved a motion, no further discussion shall be made unless the item is brought for reconsideration as described previously.

11.10 Councilmember Respect. Councilmembers shall abide by the majority decision of the Council, even if in the minority. Councilmembers appointed to serve on regional boards and committees shall maintain the Council’s position on an item, even if the Councilmember disagrees with that position.

11.11 Council and Staff Reports and Directions on Future Agenda Items. Council and staff reports at the end of Council meetings shall be limited to announcing Council, Regional Board activities on which Councilmembers serve, City and City-sponsored activities.

Community groups may announce their activities during Public Comments at the beginning of Council meetings.

- 11.12 **Conflict of Interest.** If a Councilmember becomes aware of a potential conflict of interest that would require the Councilmember to not participate in a discussion or vote on an agenda item before the City Council, the Councilmember should discuss with the City Attorney prior to agenda item being heard by the City Council. The Councilmember is expected to follow the direction of the City Attorney. If the Councilmember decides to request an opinion from the California Fair Political Practices Commission (“FPPC”), the Councilmember shall disclose at the next scheduled Council Meeting that such a request has been made. If the Councilmember is still waiting for the FPPC opinion at the time the agenda item will be heard by the City Council, the Councilmember may abstain from participating until the FPPC opinion is received. Upon receiving the FPPC opinion, the Councilmember shall share the opinion with the City Council and public at the next scheduled Council meeting.
- 11.13 **Teleconferencing.** City Council members may participate in meetings via teleconference in accordance with State law (Gov. Code sec. 54953 and AB 2449). Members participating via teleconferencing must fulfill all requirements under State law. 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 City Council 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 noticed teleconference, the Mayor, or the Vice Mayor if the Mayor 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. At a meeting in which a member is participating under AB 2449, the Mayor will ask the member to confirm whether a member of the public aged 18 or older is present in the room at the remote location with the member and the general nature of the relationship with any such individual.

SECTION 12. CLOSED SESSIONS

- 12.1 **Purpose.** It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City’s position, and could cost the taxpayers of Los Altos financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded for the closed session portion of the meeting.

Prior to convening the closed session portion of the meeting, the Mayor or City Clerk shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Councilmembers shall keep all written materials and verbal information provided to them in closed session in complete confidence to ensure that the City’s position is not compromised. No mention of information in these materials shall be made to anyone other

than Councilmembers, the City Attorney or City Manager, except where authorized by a majority of the City Council.

- 12.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Councilmembers and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

- 12.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and State Law. Violation of this rule shall be considered a breach of this rule of confidentiality.
- 12.4 Agenda. The agenda for a closed session will contain that information required to be disclosed pursuant to State Law.
- 12.5 Permissible Topics. All closed sessions will be held in strict compliance with the State Law. The City Attorney, or his/her/their designee, will advise in advance on topics that may be discussed in a closed session.

12.6 Rules of Decorum.

- A. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Councilmembers to disagree. Councilmembers shall strive to make each other feel comfortable and safe to express their points of view. All Councilmembers have the right to insist upon strict adherence to this rule.
- B. Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Councilmembers.
- C. The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

12.7 Conduct of Meeting.

- A. The Mayor will call the closed session to order promptly at its scheduled time.
- B. The Mayor will keep discussion focused on the permissible topics.
- C. The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
- D. If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Councilmember, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter, which was

discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

12.8 Public Disclosure After Final Action.

- A. State Law requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the Mayor or the City Attorney shall publicly report any final action taken in closed session, and the vote, including abstentions, as directed by State Law.
- B. The report may be oral or written. The report will state any reportable action taken by the Council and how each Councilmember voted, if applicable. All other closed session discussions will remain confidential. Unless authorized by the majority of the City Council and if permitted under applicable law, the report will not state the debate or discussion that occurred.

SECTION 13. DECORUM

13.1 Councilmembers. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. When speaking, a Councilmember’s tone should remain neutral and non-verbal communication aspects should be considerate and polite. Formal business attire is required only when Council meetings, workshops, or study sessions are held in Community Meeting Chambers and/or televised.

13.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Councilmembers and members of the public.

13.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. City Code Chapter 2.05, *Public Meeting Rules for Conduct*, shall apply to all City Council Meetings.

13.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Community Meeting Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

SECTION 14. VIOLATIONS OF PROCEDURES

Unless otherwise approved by at least a majority of Councilmembers or prohibited by law or due to circumstances beyond the City’s control, for example, a declared state of emergency, all Councilmembers are required to comply with these Norms and Procedures.

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law. Violations of these Norms and Procedures may be subject to review under the City Council Accountability Policy.

This document shall remain in effect until modified by the City Council.

AMENDED AND APPROVED: June 13, 2023.

APPENDIX A

ROSENBERG'S RULES OF ORDER





City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Jon Maginot

Approved By: Gabe Engeland

Subject: Funding Options for Public Safety Infrastructure (Police Building & Fire Stations)

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Staff recommends the City Council discuss and provide further direction.

FISCAL IMPACT

No fiscal impact has been incurred in the preparation of this agenda item. If a ballot initiative were to be placed on the November 2026 ballot, or at earlier elections, ballot additional costs will be incurred by the City. Exact costs are not provided by the County elections office. The City Council may also consider retaining a firm to poll for this and other potential ballot measures, at a cost to be determined.

ENVIRONMENTAL REVIEW

This action does not qualify as a “project” as defined in California Government Code Section 15378(b) of the Guidelines for California Environmental Quality Act (CEQA)

PREVIOUS COUNCIL CONSIDERATION

June 25, 2024

DISCUSSION/ANALYSIS

At the June 25, 2024 City Council meeting, staff was directed to bring back options for funding a new police station. In the past three years the City Council has twice completed a survey of the general population of Los Altos to determine if a special or general tax measure, used to fund a new police station, is supported by the community. Each survey had similar findings that residents in Los Altos are highly satisfied with their quality of life (87%) and have confidence and trust in the operation of the government (74%). However, each survey also showed a highly polarized electorate where ballot measures did not achieve the simple majority required for the approval of

a general tax measure. Polling below the 50% threshold also means any special tax, which would require a 2/3 majority for approval, is unlikely to pass.

The tax measure that polled the highest in the most recent survey was a general purpose UUT measure, which came the closest to achieving a simple majority at 49%. A parcel tax was also surveyed, however, the support for a parcel tax declined as residents were introduced to statements of opposition to applying a parcel tax for funding public safety.

The following services were considered critical by the respondents to the most recent survey:

- Upgrading Fire Stations to accommodate modern firefighting and life-saving emergency medical equipment;
- Updating police/ fire stations to ensure operations during an emergency/rapid emergency response time;
- Providing a police mental health response team for non-violent 911 calls, including suicide prevention, homelessness and substance abuse;
- Providing a modern and earthquake safe emergency dispatch center to ensure communications between police, fire and paramedics remain operational in a disaster.

The thematic elements below tracked closely with the services that scored the highest in the survey, which were centered on emergency response, neighborhood safety, and local control:

- **Emergency 911 response times:** For victims of heart attacks, strokes, accidents and other emergencies, seconds can be the difference between life and death. ...[We must]...help ensure fast emergency response times.
- **Emergency Communications:** [We must]... update and maintain police facilities and technology so we can maintain 9-1-1 dispatch, crime fighting and investigation services, keep neighborhoods safe, and ensure operations during an emergency
- **Updates for Emergency Operations:** Los Altos fire stations have not had adequate updates. ...[and need additional funding to]...ensure that they are operational during earthquakes, wildfires, and storms.
- **Local Control for Local Needs:** Los Altos [must have] control over local funds for local needs - allowing Los Altos to be self-reliant and requiring that our tax dollars be spent for Los Altos residents. No funds can be taken by Sacramento.

The measure tested was to raise approximately \$3.1M annually to pay for public safety improvements as outlined in the services and thematic elements described above. At the time, it was determined that any tax measure would need to raise \$3M-\$4M annually to fund a \$50M bond payable between 20-40 years, with the shorter the term of repayment leading to a higher annual cost. Since this calculation was made interest rates have increased.

The following rules apply to tax measures:

A general tax must be at the same election as the City Council, unless it is an emergency tax. An emergency tax can be placed on a special election, but the City Council must declare a financial

emergency, with findings, to hold a general tax at a special election. A general tax requires 50%+1 for adoption.

A special tax can be on any ballot. However, such a tax 1) must be earmarked for some purpose and 2) requires a two-thirds vote of the electorate for adoption.

Note that a general tax can usually be turned into a special tax by simply creating some restriction on the use of funds. That restriction can be very broad, such as “police, fire, roads, and parks and recreation.” Since money is fungible, and most existing dollars in a city budget are unrestricted, when a special tax is “limited” to a large number of services that comprise a large portion of the overall budget, such a special tax effectively places no more limitations on budgeting flexibility than would an unrestricted general tax.

A tax placed on the ballot by citizen initiative can be a special or general tax and can be considered by the electorate at any election and requires 50% +1 for approval.

As noted in this staff report and in previous surveys, no revenue measure tested achieves the 50% +1 threshold required to approve a general tax. Similarly, no revenue measure tested achieves the 2/3 majority required to pass a special tax. As recommended by the consulting partners at each of the last two surveys, it is not recommended to proceed with any special tax. It is also not recommended the City consider declaring a fiscal emergency as it would be difficult to make the required findings.

Since this item was first discussed, there have been a few notable changes that may cause the City Council to consider moving forward with a new strategy.

Financial Position of the City

At the time of the first survey the City did not believe it had adequate unassigned reserve fund balance to participate in the cost of the construction of a new police station. The strategy was to raise 100% of the annual bond financing through some type of revenue measure. The City Council has worked to reduce spending and increase reserves over each of the last three budgets and the City currently has approximately \$15M in unassigned reserve funds in the General Fund. A portion of these funds could be used to reduce the overall financed cost of a new police station, which would in turn reduce the amount of the funds necessary to be raised annually through a ballot measure.

Financing Mechanism

If the City Council decides to apply the unassigned reserve funds, it may allow an option of traditional financing to pay for the Police Station without the issuance of bonds. Depending on the rates available in the market, traditional borrowing may be an alternative to bond financing. Should the City Council decide to use some of the unassigned reserves, staff can investigate this option more thoroughly, and compare them to bond financing. It should be noted that if the Council uses this option other projects or programs in the City may not receive funding as future years may require austerity to pay for the Police Station financing. Additionally, this option will not plan for the capital needs of the Fire Station(s) in the future.

Type of Revenue Measure

If the City Council opts to use the unassigned reserves, and proceed with a tax measure, the City Council could consider a sales tax option as a smaller annual amount of funds would need to be raised. In previous discussions a sales tax measure was not tested as it was not financially feasible with the strategy deployed. This option would provide a new revenue source that could be applied to the capital needs of the Fire Station(s) in future year.

Similarly, the City Council could consider testing the parcel tax again as the lower annual amount may make the tax more palatable to property owners.

Charter City Option

The City Council may want to consider a charter city initiative with regards to taxation. This option is discussed in detail below. A charter city has the authority to set and apply a Real Property Transfer Tax (RPTT) rate that is greater than what is established for general law cities. Please refer to the agenda item “Charter City and City Council Term Limits Consideration” presented on January 14, 2025 for additional information on Charter City Initiatives.

Funding Options

Should the City Council decide to move forward with plans for a new Police Station, the total cost of construction is estimated to be around \$50M. Without applying any of the reserve fund balance, a revenue measure would need to raise between \$3-\$4M annually for a term of 20 – 40 years with a total repayment range of \$80-\$120M. Based on current market conditions for construction and the cost of financing, the total repayment range and the required annual amount could have a wider variability than estimated here.

Should the City Council decide to apply some of the unreserved fund balance, the amount of revenue raised annually and/or the term of repayment would be reduced.

The following options exist for the City Council to consider:

- General Tax for full amount
- General Tax with unreserved fund balance applied
- Real Property Transfer Tax rate (Charter City Option)

As a general tax, any revenue raised could go to any governmental purpose. The current identified needs are in public safety. In addition to the Police Station, these needs include necessary modifications, improvements and construction to both of the City’s fire stations in the future. The general tax could not be limited to only public safety uses, but Council could prioritize these uses for the general tax.

General Tax for full amount:

If the Council elects to move forward with a ballot measure and does not apply unreserved fund balance, the Council should consider the UUT general tax as recommended by the consultant, first prior to considering other revenue measures. As noted in this report, the UUT did not garner 50% + 1 support when tested, but support for the measure did not erode when oppositional statements were introduced, making it the most durable revenue measure polled.

General Tax where unreserved fund balance is applied

If the Council would like to apply some of the unreserved fund balance, the Council should conduct a survey of likely voters in the 2026 general election to determine the viability of a sales tax measure or property tax measure and compare them to the viability of a UUT measure. A sales tax or property tax may be favored over a UUT if the total amount of funding raised is less than what was surveyed previously.

Real Property Transfer Tax Rate (Charter City Option)

Alternatively, the City Council could consider moving forward with a vote to establish Los Altos as Charter City. This vote could take place in November of 2026. Charter Cities may set the rate of the Real Property Transfer Tax greater than what is established in State Law.

Some charter cities have enacted a Real Property Transfer Tax that imposes a tax on the conveyance of real property based on the value of the property in addition to the amount authorized by State Law (Revenue & Tax Code §11911). Courts have determined that such charter city taxes do not violate either Proposition 13 or Proposition 62. Although Government Code 37100.5 gives a general law city the authority to impose the same type of taxes that a charter city imposes, a general law city is subject to the restrictions of Proposition 62, which specifically prohibits a transaction tax on the sale of real property. Accordingly, while charter cities may consider additional real property transfer taxes beyond State Law (Revenue & Tax Code §11911), general law cities may not.

For general law cities, this amount of the Real Property Transfer Tax is set at \$0.55 per \$1,000 of property value. Please see attachment #1 for the property transfer tax rate for all cities in California, attachment #2 for the property transfer tax rate for charter cities, and attachment #3 for potential self-funding options.

As a general law City, the City has collected the following revenues from this tax:

- FY 2020/21: \$930,000
- FY 2021/22: \$1,000,000
- FY 2022/23: \$690,000

As charter cities, Palo Alto and Mountain View have opted to set their rates at \$3.30 per \$1,000 of property valuation. Mountain View just passed a ballot measure increasing the rate to \$15 per \$1,000 of property valuation for sales above \$6 million. San Jose, also a charter city, has established the rate as \$3.30 per \$1,000 of property valuation, with an additional percentage increase based on the value of the property, ranging from 0.75% to 1.5%.

Please see the chart below for more information:

City	Per \$1,000 of Property Value	County Rate	Total per \$1,000 of Property Value
Los Altos	\$0.55	\$0.55	\$1.10
Mountain View	\$0M-\$6M \$3.30	\$1.10	\$4.40
	\$6M+ \$15.00	\$1.10	\$16.10
Palo Alto	\$3.30	\$1.10	\$4.40
San Jose	\$0-\$2M \$3.30	\$1.10	\$4.40
	\$2M - \$5M: \$3.30 + 0.75%	\$1.10	\$11.90
	\$5M-\$10M: \$3.30 + 1.0%	\$1.10	\$14.40
	Over \$10M: \$3.30 + 1.5%	\$1.10	\$19.40

In Mountain View (for properties under \$6 million) and Palo Alto the total rate per \$1,000 of valuation is 4 times higher than in Los Altos. Other Charter Cities have established rates per \$1,000 of value as follows: Alameda (\$12), Berkely (1.5% up to \$1.5M and 2.5% over 2.5M), Hayward (\$8.50), San Leandro (\$11), San Rafael (\$2), and Vallejo (\$3.30).

If Los Altos had rates similar to Mountain View (for property under \$6 million) and Palo Alto, revenue raised would have been as follows:

- FY 2020/21: \$5.58M
- FY 2021/22: \$6.00M
- FY 2022/23: \$4.10M

Though these rates fluctuate, the amount of revenue raised would allow for the bond payment on the construction of a new police station and would also provide adequate funding for the needs of Fire, 911 services, conversion of police fleet vehicles, as well as other future needs in the City.

At this time, staff considers these three options as the most likely to result in adequate funding for a new police station.

In order to fund the public safety needs of the City, however, the RPTT or some type of new revenue measure should be considered. Should Council provide direction to further explore including a Real Property Transfer Tax as part of a City Charter, staff will engage the services of an expert in this type of taxing to help guide the City through the various options.

RECOMMENDATION

Consider the following options for funding of a new police station:

1. Inclusion of a Real Property Transfer Tax rate in a Charter City ballot measure
2. A parcel tax or other revenue measure for the full amount of police and fire stations
3. A parcel or sales tax for a police station only and use of General Fund Unreserved Fund Balance to pay a portion

ATTACHMENTS

1. California City Real Property Transfer Tax Rates
2. Real Property Transfer Tax rates for various charter cities
3. Self-funding options

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
ALAMEDA COUNTY			\$ 1.10	\$ 1.10
ALAMEDA	Chartered	\$ 12.00	\$ 1.10	\$ 13.10
ALBANY	Chartered	\$ 15.00	\$ 1.10	\$ 16.10
BERKELEY	Chartered	1.5% for up to \$1.5M value 2.5% properties over \$2.5M	\$ 1.10 \$ 1.10	\$ 16.10 \$ 26.10
DUBLIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EMERYVILLE	Chartered	\$ 12.00	\$ 1.10	\$ 13.10
FREMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HAYWARD	Chartered	\$ 8.50	\$ 1.10	\$ 9.60
LIVERMORE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEWARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OAKLAND	Chartered	1% up to \$300k 1.5% \$300k-\$2M 1.75% \$2M-\$5M 2.5% over \$5M	\$ 1.10 \$ 1.10 \$ 1.10 \$ 1.10	\$ 11.10 \$ 16.10 \$ 18.60 \$ 26.10
PIEDMONT	Chartered	\$ 13.00	\$ 1.10	\$ 14.10
PLEASANTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN LEANDRO	Chartered	\$ 11.00	\$ 1.10	\$ 12.10
UNION CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ALPINE COUNTY			\$ 1.10	\$ 1.10
AMADOR COUNTY			\$ 1.10	\$ 1.10
AMADOR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IONE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
JACKSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLYMOUTH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUTTER CREEK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BUTTE COUNTY			\$ 1.10	\$ 1.10
BIGGS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CHICO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
GRIDLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OROVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PARADISE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALAVERAS COUNTY			\$ 1.10	\$ 1.10
ANGELS CAMP	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLUSA COUNTY			\$ 1.10	\$ 1.10
COLUSA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILLIAMS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CONTRA COSTA COUNTY			\$ 1.10	\$ 1.10
ANTIOCH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BRENTWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CLAYTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CONCORD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DANVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
EL CERRITO	Chartered	\$ 12.00	\$ 1.10	\$ 13.10
HERCULES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAFAYETTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARTINEZ	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORAGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OAKLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ORINDA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PINOLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PITTSBURG	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLEASANT HILL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RICHMOND	Chartered	0.7% under \$1M	\$ 1.10	\$ 8.10
		1.25% \$1M-\$3M	\$ 1.10	\$ 13.60
		2.5% \$3M-\$10M	\$ 1.10	\$ 26.10
		3% over \$10m	\$ 1.10	\$ 31.10
SAN PABLO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN RAMON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WALNUT CREEK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DEL NORTE COUNTY			\$ 1.10	\$ 1.10
CRESCENT CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL DORADO COUNTY			\$ 1.10	\$ 1.10
PLACERVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH LAKE TAHOE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FRESNO COUNTY			\$ 1.10	\$ 1.10
CLOVIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COALINGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FIREBAUGH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOWLER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FRESNO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
HURON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KERMAN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KINGSBURG	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MENDOTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ORANGE COVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PARLIER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REEDLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANGER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN JOAQUIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SELMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GLENN COUNTY			\$ 1.10	\$ 1.10
ORLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILLOWS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUMBOLDT COUNTY			\$ 1.10	\$ 1.10
ARCATA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BLUE LAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EUREKA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
FERNDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FORTUNA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
RIO DELL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TRINIDAD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IMPERIAL COUNTY			\$ 1.10	\$ 1.10
BRAWLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALEXICO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALIPATRIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL CENTRO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
HOLTVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IMPERIAL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WESTMORLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
INYO COUNTY			\$ 1.10	\$ 1.10
BISHOP	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KERN COUNTY			\$ 1.10	\$ 1.10
ARVIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BAKERSFIELD	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CALIFORNIA CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DELANO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARICOPA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MCFARLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIDGECREST	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SHAFTER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TAFT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEHACHAPI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WASCO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KINGS COUNTY			\$ 1.10	\$ 1.10
AVENAL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CORCORAN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HANFORD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LEMOORE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LAKE COUNTY			\$ 1.10	\$ 1.10
CLEARLAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKEPORT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LASSEN COUNTY			\$ 1.10	\$ 1.10
SUSANVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS ANGELES COUNTY			\$ 1.10	\$ 1.10
AGOURA HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ALHAMBRA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ARCADIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ARTESIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
AVALON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
AZUSA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BALDWIN PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BELL	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
BELLFLOWER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BELL GARDENS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BEVERLY HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BRADBURY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BURBANK	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CALABASAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CARSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CERRITOS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CLAREMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COMMERCE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COMPTON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
COVINA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CUDAHY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CULVER CITY	Chartered	<\$1.5m AV: 0.45%	\$ 1.10	\$ 5.60
		\$2M-\$3M: 1.95%	\$ 1.10	\$ 20.60
		\$3M-\$10M: 3.45%	\$ 1.10	\$ 35.60
		=<\$10M: 4.45%	\$ 1.10	\$ 45.60
DIAMOND BAR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DOWNEY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
DUARTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL MONTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL SEGUNDO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GARDENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GLENDALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
GLENDORA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HAWAIIAN GARDENS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HAWTHORNE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HERMOSA BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HIDDEN HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUNTINGTON PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
INDUSTRY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
INGLEWOOD	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
IRWINDALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LA CANADA FLINTRIDGE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA HABRA HEIGHTS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA MIRADA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LANCASTER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LA PUENTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA VERNE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAWNDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOMITA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LONG BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LOS ANGELES	Chartered	\$ 4.50	\$ 1.10	\$ 5.60
LYNWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
MALIBU	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MANHATTAN BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MAYWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONROVIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTEBELLO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTEREY PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NORWALK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PALMDALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PALOS VERDES ESTATES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PARAMOUNT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PASADENA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PICO RIVERA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
POMONA	Chartered	\$ 2.20	\$ 1.10	\$ 3.30
RANCHO PALOS VERDES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDONDO BEACH	Chartered	\$ 2.20	\$ 1.10	\$ 3.30
ROLLING HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROLLING HILLS ESTATES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROSEMEAD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN DIMAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN FERNANDO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN GABRIEL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN MARINO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CLARITA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA FE SPRINGS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA MONICA	Chartered	<\$5m AV: \$3.00	\$ 1.10	\$ 4.10
		\$5m+ AV: \$6.00	\$ 1.10	\$ 7.10
SIERRA MADRE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SIGNAL HILL	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH EL MONTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH GATE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH PASADENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEMPLE CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TORRANCE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
VERNON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WALNUT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEST COVINA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEST HOLLYWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WESTLAKE VILLAGE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WHITTIER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MADERA COUNTY			\$ 1.10	\$ 1.10
CHOWCHILLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MADERA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARIN COUNTY			\$ 1.10	\$ 1.10
BELVEDERE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CORTE MADERA	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
FAIRFAX	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LARKSPUR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MILL VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NOVATO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROSS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN ANSELMO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN RAFAEL	Chartered	\$ 2.00	\$ 1.10	\$ 3.10
SAUSALITO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TIBURON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARIPOSA COUNTY			\$ 1.10	\$ 1.10
MENDOCINO COUNTY			\$ 1.10	\$ 1.10
FORT BRAGG	General Law	\$ 0.55	\$ 0.55	\$ 1.10
POINT ARENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
UKIAH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILLITS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MERCED COUNTY			\$ 1.10	\$ 1.10
ATWATER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DOS PALOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GUSTINE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LIVINGSTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS BANOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MERCED	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MODOC COUNTY			\$ 1.10	\$ 1.10
ALTURAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONO COUNTY			\$ 1.10	\$ 1.10
MAMMOTH LAKES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTEREY COUNTY			\$ 1.10	\$ 1.10
CARMEL-BY-THE-SEA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DEL REY OAKS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GONZALES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GREENFIELD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KING CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MARINA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MONTEREY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PACIFIC GROVE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SALINAS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAND CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SEASIDE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOLEDAD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NAPA COUNTY			\$ 1.10	\$ 1.10
AMERICAN CANYON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALISTOGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NAPA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAINT HELENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YOUNTVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
NEVADA COUNTY			\$ 1.10	\$ 1.10
GRASS VALLEY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
NEVADA CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TRUCKEE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ORANGE COUNTY			\$ 1.10	\$ 1.10
ALISO VIEJO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ANAHEIM	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
BREA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BUENA PARK	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
COSTA MESA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CYPRESS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
DANA POINT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOUNTAIN VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FULLERTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GARDEN GROVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUNTINGTON BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
IRVINE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA NIGUEL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA HABRA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKE FOREST	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA PALMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS ALAMITOS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MISSION VIEJO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEWPORT BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ORANGE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLACENTIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO SANTA MARGARITA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN CLEMENTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN JUAN CAPISTRANO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA ANA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SEAL BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
STANTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TUSTIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VILLA PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WESTMINSTER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YORBA LINDA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLACER COUNTY			\$ 1.10	\$ 1.10
AUBURN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLFAX	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LINCOLN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOOMIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROCKLIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROSEVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
PLUMAS COUNTY			\$ 1.10	\$ 1.10
PORTOLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIVERSIDE COUNTY			\$ 1.10	\$ 1.10
BANNING	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BEAUMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BLYTHE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALIMESA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CANYON LAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CATHEDRAL CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COACHELLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CORONA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DESERT HOT SPRINGS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
EASTVALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HEMET	General Law	\$ 0.55	\$ 0.55	\$ 1.10
INDIAN WELLS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
INDIO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
JURUPA VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKE ELSINORE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA QUINTA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MENIFEE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORENO VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MURRIETA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NORCO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PALM DESERT	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PALM SPRINGS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PERRIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO MIRAGE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
RIVERSIDE	Chartered	\$ 1.10	\$ 1.10	\$ 2.20
SAN JACINTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEMECULA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILDOMAR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SACRAMENTO COUNTY			\$ 1.10	\$ 1.10
CITRUS HEIGHTS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ELK GROVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOLSOM	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
GALT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ISLETON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO CORDOVA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SACRAMENTO	Chartered	\$ 2.75	\$ 1.10	\$ 3.85
SAN BENITO COUNTY			\$ 1.10	\$ 1.10
HOLLISTER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN JUAN BAUTISTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN BERNARDINO COUNTY			\$ 1.10	\$ 1.10
ADELANTO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
APPLE VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
BARSTOW	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BIG BEAR LAKE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CHINO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CHINO HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FONTANA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GRAND TERRACE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HESPERIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HIGHLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOMA LINDA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MONTCLAIR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEEDLES	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ONTARIO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO CUCAMONGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDLANDS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIALTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN BERNARDINO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TWENTYNINE PALMS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA WOODS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
UPLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VICTORVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
YUCAIPA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YUCCA VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN DIEGO COUNTY			\$ 1.10	\$ 1.10
CARLSBAD	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CHULA VISTA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CORONADO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DEL MAR	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
EL CAJON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ENCINITAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ESCONDIDO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IMPERIAL BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA MESA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LEMON GROVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NATIONAL CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OCEANSIDE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
POWAY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN DIEGO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN MARCOS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTEE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SOLANA BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VISTA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN FRANCISCO COUNTY				
SAN FRANCISCO	Chartered		Over \$100,000 AV => 0.5%, Over \$250,000 AV => 0.68% Over \$1 million AV => 0.75%, Over \$5 million AV => 2.25% Over \$10 million AV => 5.50%, over \$25 million => 6.00% Discounts for certain solar & seismic improvements.	

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
SAN JOAQUIN COUNTY			\$ 1.10	\$ 1.10
ESCALON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LATHROP	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LODI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MANTECA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIPON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
STOCKTON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TRACY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN LUIS OBISPO COUNTY			\$ 1.10	\$ 1.10
ARROYO GRANDE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ATASCADERO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL PASO DE ROBLES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GROVER BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORRO BAY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PISMO BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN LUIS OBISPO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN MATEO COUNTY			\$ 1.10	\$ 1.10
ATHERTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BELMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BRISBANE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BURLINGAME	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DALY CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EAST PALO ALTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOSTER CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HALF MOON BAY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HILLSBOROUGH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MENLO PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MILLBRAE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PACIFICA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PORTOLA VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDWOOD CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN BRUNO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN CARLOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN MATEO	Chartered	0.5% of value	\$ 1.10	\$ 6.10
SOUTH SAN FRANCISCO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WOODSIDE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA BARBARA COUNTY			\$ 1.10	\$ 1.10
BUELLTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CARPINTERIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GOLETA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GUADALUPE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOMPOC	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA BARBARA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA MARIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
SOLVANG	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CLARA COUNTY				
CAMPBELL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CUPERTINO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GILROY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LOS ALTOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS ALTOS HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS GATOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MILPITAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTE SERENO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORGAN HILL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MOUNTAIN VIEW	Chartered	\$ 3.30	\$ 1.10	\$ 4.40
PALO ALTO	Chartered	\$ 3.30	\$ 1.10	\$ 4.40
SAN JOSE	Chartered	\$2m AV: \$3.30	\$ 1.10	\$ 4.40
		\$2M-\$5M: \$3.30+0.75%	\$ 1.10	\$ 11.90
		\$5M-\$10M: \$3.30+1.0%	\$ 1.10	\$ 14.40
		over \$10m: \$3.30+1.5%	\$ 1.10	\$ 19.40
SANTA CLARA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SARATOGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUNNYVALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CRUZ COUNTY				
CAPITOLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CRUZ	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SCOTTS VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WATSONVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SHASTA COUNTY				
ANDERSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDDING	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SHASTA LAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SIERRA COUNTY				
LOYALTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SISKIYOU COUNTY				
DORRIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DUNSMUIR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ETNA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FORT JONES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTAGUE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MOUNT SHASTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TULELAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEED	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YREKA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOLANO COUNTY				
BENICIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DIXON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FAIRFIELD	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
RIO VISTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUISUN CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VACAVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VALLEJO	Chartered	\$ 3.30	\$ 1.10	\$ 4.40
SONOMA COUNTY			\$ 1.10	\$ 1.10
CLOVERDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COTATI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HEALDSBURG	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PETALUMA	Chartered	\$ 2.00	\$ 1.10	\$ 3.10
ROHNERT PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA ROSA	Chartered	\$ 2.00	\$ 1.10	\$ 3.10
SEBASTOPOL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SONOMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WINDSOR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
STANISLAUS COUNTY			\$ 1.10	\$ 1.10
CERES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUGHSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MODESTO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
NEWMAN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OAKDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PATTERSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIVERBANK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TURLOCK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WATERFORD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUTTER COUNTY			\$ 1.10	\$ 1.10
LIVE OAK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YUBA CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEHAMA COUNTY			\$ 1.10	\$ 1.10
CORNING	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RED BLUFF	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEHAMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TRINITY COUNTY			\$ 1.10	\$ 1.10
TULARE COUNTY			\$ 1.10	\$ 1.10
DINUBA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
EXETER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
FARMERSVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LINDSAY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PORTERVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TULARE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
VISALIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WOODLAKE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TUOLUMNE COUNTY			\$ 1.10	\$ 1.10
SONORA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VENTURA COUNTY			\$ 1.10	\$ 1.10
CAMARILLO	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

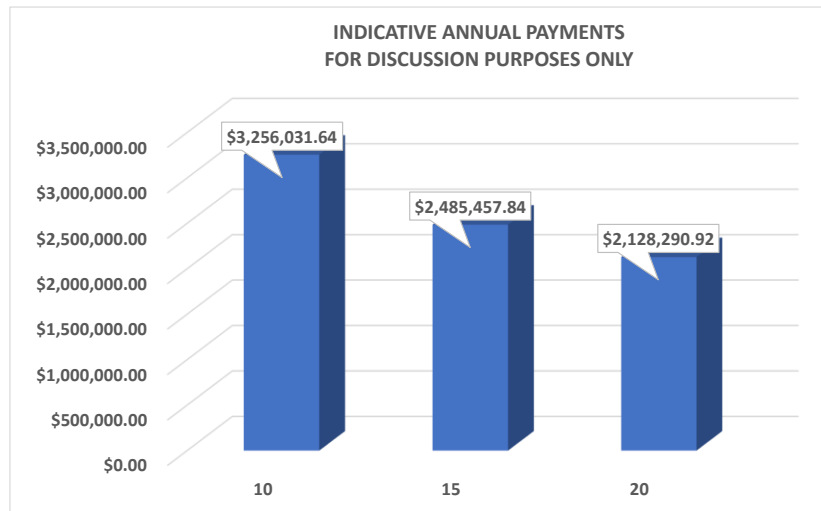
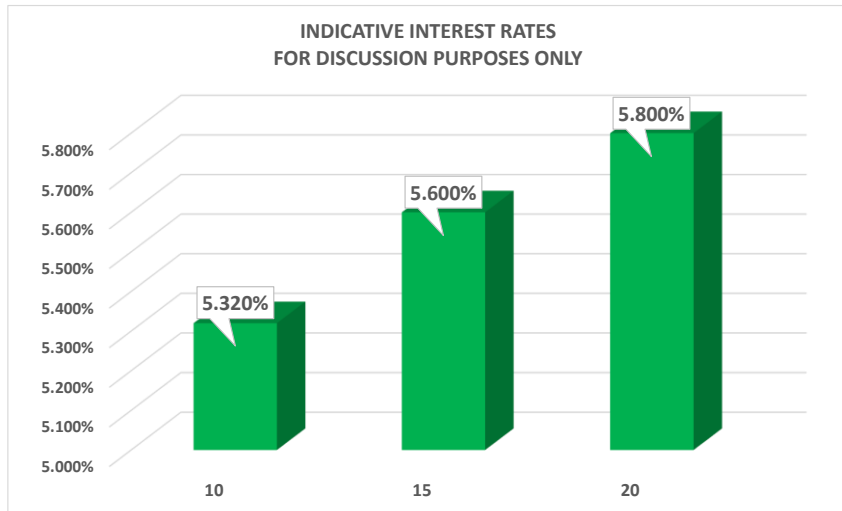
	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
FILLMORE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MOORPARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OJAI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OXNARD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PORT HUENEME	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN BUENAVENTURA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA PAULA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SIMI VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
THOUSAND OAKS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YOLO COUNTY			\$ 1.10	\$ 1.10
DAVIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEST SACRAMENTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WINTERS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WOODLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YUBA COUNTY			\$ 1.10	\$ 1.10
MARYSVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WHEATLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10

Source: CaliforniaCityFinance.com

Charter City	Per \$1k Property Value	
Alameda		\$12
Albany		\$15
Berkeley	1.5% for up to \$1.5M; 2.5% for over \$2.5M	
Emeryville		\$12
Hayward		\$8.50
Oakland	Sliding scale dependent on value	
Piedmont		\$13
San Leandro		\$11
El Cerrito		\$12
Richmond	Sliding scale dependent on value	
Culver City	Sliding scale dependent on value	
Los Angeles		\$4.50
Pomona		\$2.20
Santa Monica	\$3 for less than \$5M; \$6 for over \$5M	
San Rafael		\$2
Riverside		\$1.10
San Francisco	Sliding scale dependent on value	
San Mateo	0.5% of value	
Mountain View		\$3.30
Palo Alto		\$3.30
San Jose	Sliding scale dependent on value	
Vallejo		\$3.30
Petaluma		\$2
Santa Rosa		\$2

Inputs	
Project Cost	\$ 25,000,000.00
(-) Equity Contribution	\$ -
(=) Financing Amount	\$ 25,000,000.00
Payment Frequency Per Year	2

Years	Interest Rate	Semi-Annual Payment	Annual Payments	Total Principal and Interest	Excess Cash Flow Per Year
10	5.320%	\$1,628,015.82	\$3,256,031.64	\$32,560,316.40	
15	5.600%	\$1,242,728.92	\$2,485,457.84	\$37,281,867.60	\$770,573.80
20	5.800%	\$1,064,145.46	\$2,128,290.92	\$42,565,818.40	\$1,127,740.72

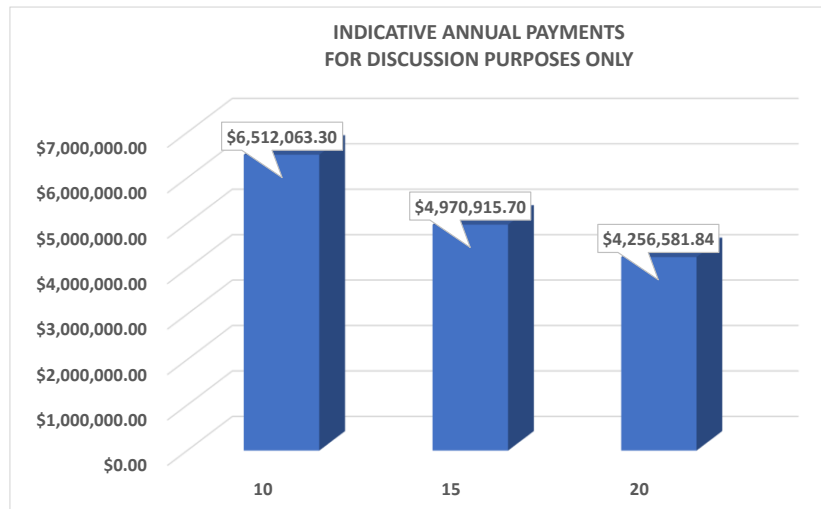
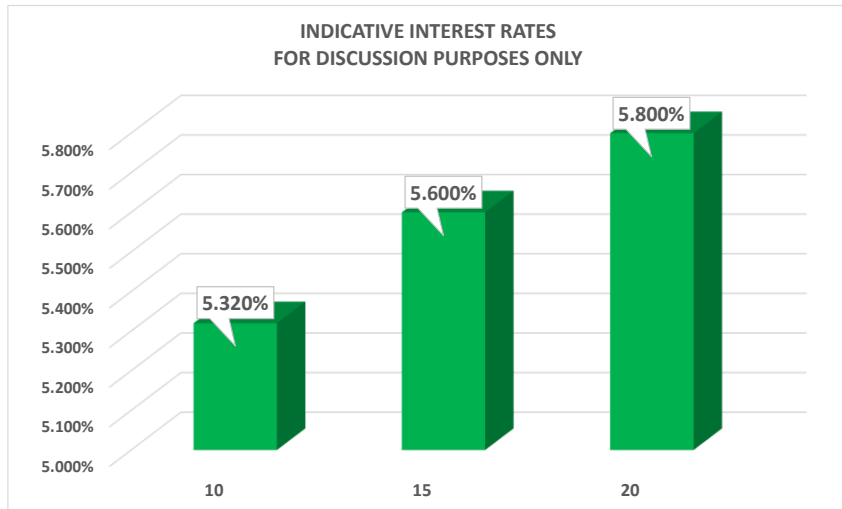


FOR DISCUSSION PURPOSES ONLY

DIRECT LENDING BENEFITS
Buyout Debt Obligation on any Scheduled Payment Date
No Rating Agency Fees
No Trustee Fees
No Underwriting Fees
30 - 45 Day Rate Lock Period to Close Transaction
Transaction Funding within 30 Days

Inputs	
Project Cost	\$ 50,000,000.00
(-) Equity Contribution	\$ -
(=) Financing Amount	\$ 50,000,000.00
Payment Frequency Per Year	2

Years	Interest Rate	Semi-Annual Payment	Annual Payments	Total Principal and Interest	Excess Cash Flow Per Year
10	5.320%	\$3,256,031.65	\$6,512,063.30	\$65,120,633.00	
15	5.600%	\$2,485,457.85	\$4,970,915.70	\$74,563,735.50	\$1,541,147.60
20	5.800%	\$2,128,290.92	\$4,256,581.84	\$85,131,636.80	\$2,255,481.46



FOR DISCUSSION PURPOSES ONLY

DIRECT LENDING BENEFITS
Buyout Debt Obligation on any Scheduled Payment Date
No Rating Agency Fees
No Trustee Fees
No Underwriting Fees
30 - 45 Day Rate Lock Period to Close Transaction
Transaction Funding within 30 Days



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Jolie Houston
& Nick Zornes

Approved By: Gabe Engeland

Subject: Charter City and City Council Term Limit Considerations

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Provide direction on process and next steps regarding consideration of becoming a Charter City and City Council term limits.

FISCAL IMPACT

No fiscal impact has been incurred in the preparation of this agenda item. If a ballot initiative were to be placed on the November 2026 ballot additional costs will be incurred by the City. Exact costs are not provided by the County elections office. The City Council may also consider retaining a firm to poll for this and other potential ballot measures, at a cost to be determined.

ENVIRONMENTAL REVIEW

This action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 and 15061(b)(3) as it pertains to organizational structure change that will not result in any direct or indirect physical change in the environment.

PREVIOUS COUNCIL CONSIDERATION

On October 22, 2024, the City Council requested future agenda items for discussion regarding City Council term limits, and consideration of becoming a Charter City.

CHARTER CITY BACKGROUND

Cities generally obtain their authority from the California Constitution, which provides that "a city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws." This is commonly known as the "police power." A city's police power may be preempted by federal or state laws.

There are two types of cities in California: general law cities and charter cities. General law must comply with the constitution and all state laws. A charter city's authority comes from the constitution; however, this authority is also limited by the charter itself and may only extend to matters concerning municipal affairs. A charter is a voter approved document and may only be amended by voter approval.

The City of Los Altos is currently a general law city subject to State restrictions even in municipal affairs. In recent times, the City of Los Altos has wanted to pursue certain initiatives that are only available to charter cities. Most recently, residents and the City Council have expressed a desire to examine other types of voting systems (such as Rank Choice Voting) currently not available to general law cities, other local election regulations, or other key benefits afforded to charter cities.

CITY COUNCIL TERM LIMITS BACKGROUND

The Los Altos Municipal Code (LAMC) of the City of Los Altos (“City”) limits Councilmembers from serving more than two consecutive terms. However, the LAMC does not prohibit a City Councilmember from taking a “break in service” and then being elected to the Council if he or she desires. This is supported by Measure G, adopted by the voters on November 2, 1999, as well as prior City ordinances. City Council Term Limits can be taken up as a separate topic as it was previously done in prior actions, or it can be included within a charter city ballot measure.

Voter Approved 1999 – Measure G. On November 2, 1999, Measure G was adopted by the voters and approved Ordinance No. 99-370 (Attachment #2). Ordinance No. 99-370 was adopted on June 8, 1999. It was to apply to persons elected to the City Council or appointed thereto on November 2, 1999, and thereafter, “provided that a majority of the voters voting in said election pass and adopt the proposition approving the above ordinance.” Measure G complied with state law that allowed the City Council to enact an ordinance restricting the number of terms a person may serve on the City Council.

Existing Los Altos Municipal Code

2.04.020 - Limitation of terms for councilmembers.

*No person shall serve more than two consecutive terms on the Los Altos city council, plus the completion of any unexpired term to which such person was elected or appointed. [Emphasis added] *Prior code § 2-2.02, renumbered as § 2.04.020.*

CHARTER CITY ANALYSIS

General Law Cities vs. Charter Cities. In California, there are two types of cities: general law cities and charter cities. General law cities get their authority from the general laws passed by the State legislature. Charter cities get their authority from the California Constitution’s home rule provision, which allows them to preside over all municipal affairs, limited only by their own charters and State law on “matters of statewide concern.”

The California Constitution does not define “municipal affairs.” What constitutes a municipal affair has been interpreted by the courts on a case-by-case basis. Courts have found the following to constitute municipal affairs:

- Form (structure) of Government.

- Procedural aspects of resolution and ordinance adoption.
- Local elections, including qualifications for office and campaign funding.
- Term limits, vacancies and termination of office.
- Public Contracting Policy.
- Aspects of Local Zoning and Land Use.
- Scope of authority related to taxes and assessments.

Differences between general law cities and charter cities have been reduced in recent years. The Legislature has extended to general law cities many of the same powers as charter cities; a benefit to general cities. Additionally, the Legislature has established many laws affecting cities as matters of statewide concern, and applicable to all cities (general law and charter).

Generally, a matter that is of statewide concern as opposed to a municipal affair is when its impact is primarily regional. The following are matters determined to be of statewide concern and not subject to modification by local charter:

- Educational school systems.
- Traffic and vehicle regulations.
- Ralph M. Brown Act (open meeting laws).
- Meyers-Milias-Brown Act (employee organization).
- California Environmental Quality Act (CEQA)
- Housing Accountability Act & Housing Crisis Act

CITY COUNCIL TERM LIMITS ANALYSIS

The City of Los Altos does currently have limitation of terms for councilmembers pursuant to section 2.04.020 of the Los Altos Municipal Code, as approved Voter Approved 1999 – Measure G. The existing provisions regarding term limits however only limit a maximum of two consecutive terms, not a cumulative maximum of two terms.

The City Council may consider changing the terms for Council members. However, if an initiative is adopted by the Council, or adopted by the voters, it can be repealed or amended only by the voters, unless the ballot language provides otherwise. Govt. Code § 9217; *Mobilepark W. Homeowners Ass’n v. Escondido Mobilepark W.* (1995) 35Cal.App.4th 32.

CHARTER CITY DISCUSSION

Steps to Become a Charter City. To become a charter city, a city must adopt a charter. The California Constitution authorizes the voters to adopt a city charter. There are two ways to draft a charter: (1) the City Council drafts the charter; or (2) the City’s voters elect a charter commission to draft the charter. (Gov. Code, §§ 34451, 34458.) In either case, the charter is not adopted by the City until it is ratified by a majority vote of the City’s voters at a statewide regular election. (Gov. Code, §§34457, 34458.) The next possible time for the City of Los Altos to consider becoming a Charter City is on the November 2026 ballot during the statewide regular election.

After the proposed charter has been drafted, it may be sent to the voters for ratification at the next established statewide general election, provided there are at least 88 days remaining before the election. (Gov't Code § 34458.) Before a proposal to adopt a charter is submitted to the voters, the City Council must hold at least two public hearings on the proposal of a charter and the content of the proposed charter. Notice of the public hearings shall be given by publication in a newspaper designated by the City Council and circulated throughout the city, and by posting notice in three public places within the city at least 21 calendar days prior to the date of each public hearing. The second public hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The City Council shall not conduct a vote on whether to approve the submission to the voters of the proposal to adopt a charter until 21 days after the second public hearing. (Gov. Code, § 34458.) The majority of voters must vote in favor of the proposed charter for the charter to be adopted. (Gov. Code, § 34459.)

Contents of Proposed Charter. While there are no provisions required to be in a city charter, cities often reserve the greatest amount of power possible when they adopt charters. Under the California Constitution, it is sufficient to provide in any city charter that the city governed under it may make and enforce all ordinances and regulations regarding municipal affairs, subject only to restrictions and limitations provided in the charter. (Cal. Const. art. XI, § 5, subd. (b).)

Generally, many charter cities adopt a charter that generally provides that the City will follow California law in all areas except those stated in the charter; specifically, the City could include local term limits for elected officials and create new funding mechanisms for the establishment of new public safety facilities as necessary, such as a real property transfer tax. This procedure links the required voter approval of the charter to the required voter approval of the tax, so that both would be approved or disapproved in one ballot measure, avoiding the problem of inconsistent votes on two separate ballot measures. However, separate ballot measures can be proposed for specific components afforded to charter cities. Additionally, separate ballot measures can be proposed in proceeding years which update the initial charter.

CITY COUNCIL TERM LIMITS DISCUSSION

If the Council wishes to proceed with a ballot measure changing the Council Term Limits, it will apply prospectively. Govt. Code § 36502. The Council may wish to explore the following options:

- Adopt a ballot measure repealing Term Council Limits (Repeal Measure G)
- Adopt a ballot measure repealing Term Limits (Measure G) and prohibiting any person from serving on the Los Altos City Council for no more than two terms, or no more than eight consecutive years total.
- Actual ballot language would need to be developed.

City Council Term Limits can be included in the initial City Charter ballot measure, or it can be done separately, and/or it can be done separately and at a later date.

RANK CHOICE VOTING DISCUSSION

Should the City proceed with a transition to charter city status, if the City Council wishes to change to implement Rank Choice Voting (RCV) in its local elections, the City Attorney recommends that the ballot measure related to the charter also have an option for RCV. The City Attorney proposes

that the elections section of the charter include language allowing the City to have the power to adopt ordinances establishing procedures, rules, or regulations concerning the election of the City's officials, including allowance for alternative election methods such as RCV. By including an alternative such as RCV within the charter itself, it is clear to voters what they are voting for when voting for a charter, but it does not commit the City to RCV should there be legal risks with this electoral system.

Alternatively, after the charter is adopted in November of 2026, RCV may be implemented by (a) a citizens' initiative; (b) the City Council's adoption of an ordinance establishing same; or (c) residents may vote on a measure to establish RCV in the March or June of 2027 special elections.

In California, counties oversee the printing, mailing, verifying, and counting of ballots. As Los Altos is in Santa Clara County, the County's Registrar of Voters administers the election ballots and elections process for the City. Currently, all cities in the County utilize either an at-large or district-based elections system. When the City elects to transition to a RCV elections system, the County will remain the implementing entity. According to Mr. Mitchell of Redistricting Partners, if the County is unable or refuses to administer RCV elections for the City, the City would have to run its own elections.

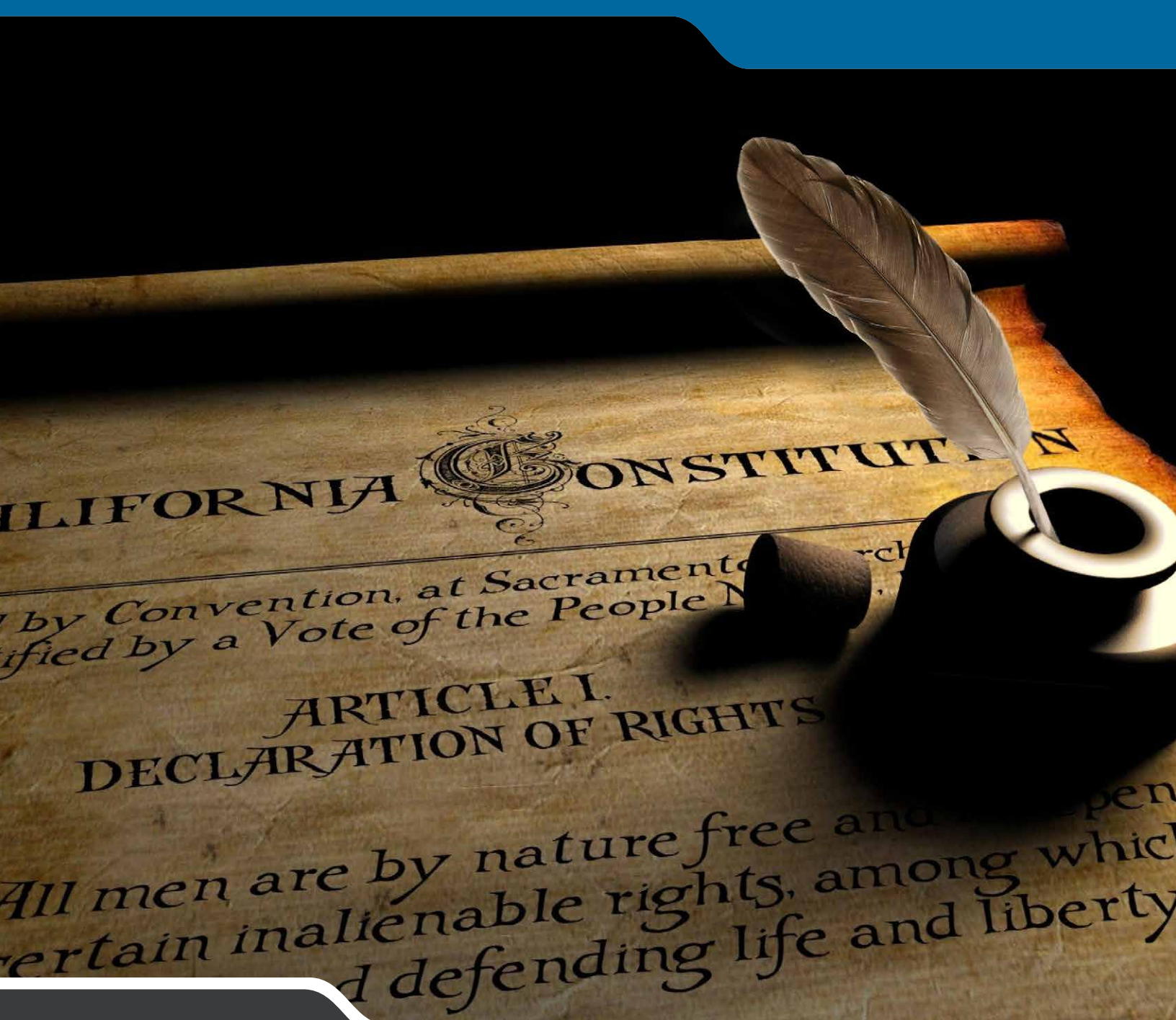
There are many complexities associated with administering a RCV electoral system. As a general matter, the County has struggled with RCV for more than two decades. The County has been attempting to utilize RCV in its own elections since 1997, but only with the passage of AB 1227 in the Fall of 2023 did the State Legislature allow the County to use RCV to elect county officers. (Even with the passage of AB 1227, the County Assessor still maintains that it cannot administer RCV elections in the County.)

ATTACHMENTS

- 1. League of California Cities Reference Document**
- 2. Ordinance No. 99-370**

Charter City Toolkit

THE LEAGUE OF CALIFORNIA CITIES



ACKNOWLEDGEMENTS

The League thanks the following individuals for their work on this publication:

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Charter City Toolkit



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Chapter 1

HISTORY OF MUNICIPAL HOME RULE

The desire for home rule is an important part of the history of California. There is a common misconception among even some California city officials that only charter cities possess home rule powers. Both general law and charter cities possess home rule. This chapter describes the historical evolution of the constitutional municipal home rule doctrine in California in three separate stages before embarking in later chapters on explaining in more detail the additional home rule powers of charter cities. The tension between cities and the state has been with us since the dawn of statehood, and it has manifested itself in various state constitutional amendments over time that reiterate how home rule is really the birthright of every California city.

A. Before Home Rule — 1850–1879

City governments already existed when California became a state in 1850. In some areas they took the form of the Mexican alcaldes (who embodied the role of mayor, judge, and sheriff) or local legislative bodies like the 15-member assembly created in San Francisco before it was declared illegal by a military governor in June 1849 when he called the first Constitutional Convention.¹ The 1849 California Constitution gave the Legislature the exclusive power to establish cities and to enlarge or restrict city powers.² This naturally led to extensive state involvement in city affairs, including the appointment of special commissions to actually manage the property and funds of Sacramento, San Jose, and San Francisco, as well as other legislation directing cities to pay special claims of parties that provided political inducements to the Legislature.³

The desire for home rule is an important part of the history of California.

B. All Cities Granted Inherent Home Rule Powers to Legislate Without Legislative Grant of Authority — 1879

State meddling in city affairs in those first 30 years caused the deep resentment throughout the state that ultimately led to the 1879 Constitutional Convention. During that convention, delegates borrowed heavily from the home rule provisions of the constitution of Missouri, the first state to grant home rule powers to its cities. Incorporating that constitution's provisions almost verbatim, the California Constitution of 1879 banned special legislation, banned special act incorporations, and granted the power to frame freeholder charters to communities with at least 100,000 people.⁴ The 1879 Constitution also took the power to impose local taxes away from the Legislature with the intention "to bring matters of a local concern home to the people."⁵

In addition to these changes, the most significant home rule provision in the 1879 amendments was article XI, section 11 (now art. XI, § 7), which provides a general grant of inherent home rule power to every city — general and charter cities alike — to "make or enforce within its limits all local, police, sanitary, and other ordinances or regulations not in conflict with the general laws." Sometimes this provision of the California Constitution is called the police power. The California Supreme Court declared later that the drafters' intent was "... to emancipate municipal governments from the authority and control formerly exercised over them by the Legislature."⁶

The 1879 home rule amendment finally freed cities from the need to seek specific state legislation to authorize their legislative acts on traditional municipal matters. Since the constitution empowered them to act without prior permission of the Legislature, cities instead simply had to inquire whether a proposed ordinance conflicted with a general state law. Years later the California Court of Appeal described the effect of this amendment: “[t]he constitution has, by direct grant, vested in them [cities] plenary power to provide and enforce such . . . regulations as they determine shall be necessary for the health, peace, comfort and happiness of their inhabitants, provided such regulations do not conflict with the general law. And the Legislature has no authority to limit the exercise of the power thus directly conferred upon cities, counties and towns by the organic law.”⁷

Former California Supreme Court Associate Justice and Hastings College of the Law Professor Joseph Grodin, in his authoritative study of the California Constitution, explains how section 7 changed everything for cities and counties:

Section 7 presents the most widely used of the home rule provisions of the California Constitution. In contrast to sections 4 and 5, it applies equally to all cities and counties, regardless of their charter status. Section 7 empowers cities and counties to use their general authority, called their police power, to control and regulate any matter or activity that is otherwise an appropriate subject for governmental concern.

The drafters intended that local authorities “ought to be left to do all those things that in their judgment are necessary to be done, and that are not in conflict with the general laws of the state.” The decision was made then not to restrict local governments narrowly to those specified powers that are overtly granted to them by the legislature *but to allow them to exercise whatever powers appeared necessary, without the need to request legislative authorization before taking action.*⁸ (Emphasis added.)

In summary, under article XI, section 7, all cities are free to legislate on a matter unless it conflicts with a general law of the state and is, therefore, said to be preempted by the state law. What constitutes a conflict? The California Supreme Court articulated the basic analysis in upholding the validity of a city ordinance banning medical marijuana dispensaries and cultivation. In summary, it said:

- Cities have constitutionally granted powers to regulate land use and other traditional local matters. Absent a clear indication of preemptive intent from the Legislature, local regulations are not preempted.
- A local law conflicts with a general state law if the local legislation (1) duplicates the state law, (2) contradicts the state law (i.e., requires what state law forbids or prohibits what state law requires), or (3) enters an area that is fully occupied by general state law. A local ordinance does not conflict with state law if it is reasonably possible to comply with both the state and local laws.
- The courts are reluctant to infer legislative intent to preempt local regulations, and there is a presumption of validity of the local ordinance against an attack of state preemption when there is a significant local interest to be served that may differ from one locality to another.⁹

The 1879 home rule amendment finally freed cities from the need to seek specific state legislation to authorize their legislative acts on traditional municipal matters.

C. Voter Approved Charters Allowed to Trump State Law Over Municipal Affairs — 1896–1914

While the 1879 Constitution gave all cities basic home rule powers subject to conflicting state laws, over the following decade it became clear that cities needed the ability to engage in certain core municipal functions despite the conflicting general laws of the state. The 1896 Constitution introduced the concept of municipal affairs. The authority to adopt a charter is found in section 3 of article XI, which also contains this provision in subparagraph (a) explaining the status of the charter vis-à-vis state law: “The provisions of a charter are the law of the State and have the force and effect of legislative enactments.” In 1899, the California Supreme Court explained that provisions relating to charter cities “were enacted upon the principle that the municipality itself knew better what it wanted and needed than the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs.”¹⁰

The 75 years of constitutional history leading to the authorization for voters to approve city charters that could, depending on the subject, supersede the general laws of the state, was explained by the California Supreme Court in 1992:

- [I]n 1896 article XI was amended in two significant respects. Former section 6 was revised to read as follows: “Cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of the constitution, *except in municipal affairs*, shall be subject to and controlled by general laws.” (emphasis added.) In addition, former section 8 was adopted, allowing consolidated charter city and county governments to regulate “the manner in which, the times at which, and the terms for which the several county officers shall be elected ... [and] for their compensation”
- “What was the good to be gained by this amendment? The answer is common, everyday history. It was to prevent existing provisions of charters from being frittered away by general laws. It was to enable municipalities to conduct their own business and control their own affairs to the fullest possible extent in their own way. *It was enacted upon the principle that the municipality itself knew better what it wanted and needed than the state at large, and to give that municipality the exclusive privilege and right to enact direct legislation which would carry out and satisfy its wants and needs. ...* This amendment, then, was intended to give municipalities the *sole* right to regulate, control, and govern their internal conduct independent of general laws”
- [A]rticle XI [in 1914] was revised to give charter cities the power “*to make and enforce all laws and regulations in respect to municipal affairs*, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws.” (Former section 8 of the same article was likewise amended by the insertion of a similar provision: “It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may *make and enforce all laws and regulations in respect to municipal affairs*, subject only to the restrictions and limitations provided in their several charters and in respect to all other matters they shall be subject to general laws.”¹¹

“The provisions of a charter are the law of the State and have the force and effect of legislative enactments.” Cal. Const., art. XI, § 3(a).

In addition to the jurisdiction granted in subdivision (a) of section 5 of article XI to make and enforce all ordinances and regulations concerning municipal affairs, subdivision (b) of section 5 of article XI specifically identifies four subjects that can be included in a charter: (1) a city police force; (2) subgovernment in all or part of the city; (3) conduct of city elections; and (4) election, appointment, removal, and compensation of municipal officers and employees whose compensation is paid by the city.¹²

The California Constitution provides no definition of what is or is not a municipal affair. The California Supreme Court noted that “the constitutional concept of municipal affairs is not a fixed or static quantity ... [but one that] changes with the changing conditions upon which it is to operate ... our cases display a growing recognition that home rule is a means of adjusting the political relationship between state and local governments in discrete areas of conflict.”¹³ What was once a matter of local concern can later become a matter of statewide concern, controlled by the general laws of the state.¹⁴ The Court also made it clear that this is a legal matter of state constitutional interpretation for the courts and not solely a factual one.¹⁵ Later chapters will address the options available for adopting a charter and what are and are not municipal affairs as determined by the California Supreme Court.

D. Home Rule Authority Granted to All Cities over Public Works, Utilities and Public Property, Improvements and Funds — 1911–1970

Until 1911, it was believed that only charter cities could operate a public utility, so the Legislature proposed and the people enacted section 9 (formerly section 19) of article XI, providing broad plenary authority to any city to “establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communications.”¹⁶ The section allows cities to provide similar services in other cities with their consent.

In 1970, voters further amended this section to effectively allow cities to issue franchises to persons or corporations to provide such services “ ... upon conditions and under regulations that the city may prescribe under its organic law.” These franchise powers must be construed, however, in conjunction with the broad authority over such activities granted to both the Legislature and the Public Utilities Commission by article XII. On the distribution of powers between the state and cities on this subject, however, article XII, section 8 is quite clear:

A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power of the Commission. This section does *not* affect the power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city’s electors, or the right of *any city* to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law. (*Emphasis added.*)

Finally, general law and charter cities alike are protected by the provisions of article XI, section 11, subdivision (a), of the California Constitution that prohibits just the types of special commissions to control local property and funds that so outraged Californians prior to the 1879 Constitutional Convention. It states: "the Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions." This provision was one of the two constitutional limitations on the power of the Legislature over cities and counties that compelled the California Supreme Court to strike down a 2000 state law that attempted to delegate final decisions in public safety labor negotiations to a private arbitration panel.¹⁷

E. California Home Rule Today

Today the California Constitution authorizes both general law and charter cities to: (1) make and enforce all local laws and regulations not in conflict with general state laws (art. XI, § 7); (2) to establish, purchase, and operate public works and utilities or franchise others to do so (art. XI, § 9); and to be free from state legislation delegating to a private person or body control over city property, funds, tax levies and municipal functions (art. XI, § 11).

Cities with voter-approved charters have additional home rule authority or supremacy over their municipal affairs, police, subgovernments, city elections, and their elected and appointed city officials and employees (art. XI, § 5). The provisions of a city charter and the ordinances adopted by a charter city prevail over general state law in areas that a court determines are municipal affairs, including the specific areas enumerated in section 5, subdivision (b) of article XI.¹⁸ As to matters of statewide concern, however, charter cities remain subject to state law.¹⁹ Therefore, whether a charter city may act independent of state general law in a particular domain, including the specific areas enumerated in section 5, subdivision (b) of article XI, depends upon a court's determination of whether it is a municipal affair or a matter of statewide concern.

ENDNOTES

- 1 See Detweiler, *Home Rule: An Historical Perspective* (Jan. 1997) Western City, at page 15.
- 2 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 394-395.
- 3 See Thomas, *California Cities and the Constitution of 1879: General Laws and Municipal Affairs* (1980) 7 Hastings Const. L. Q. 642.
- 4 See Detweiler, *supra* note 1, at p. 16.
- 5 *People v. Martin* (1882) 60 Cal. 153; See Cal. Const., art. XIII, § 24, subd. (b).
- 6 *People v. Hoge* (1880) 55 Cal. 612, 618.
- 7 *In re Walter Ackerman* (1907) 6 Cal.App. 5, 9–10.
- 8 Grodin et al., *The Cal. State Constitution: A Reference Guide* (1993) pp. 192 (citing remarks of Mr. Eli Blackmer during debates at the California constitutional convention).
- 9 *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, 742-744. It is worthy of note that this case involves the regulatory legislation of a charter city, the City of Riverside, since charter cities as well as general law cities exercise home rule under the inherent police power granted to all cities by article XI, section 7. In other words, the City of Riverside did not rely on its status as a charter city under article XI, section 5, but rather on its home rule authority under article XI, section 7.
- 10 *Fragley v. Phelan* (1899) 126 Cal. 383, 387.
- 11 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 395-397. (Emphasis in original) Empty brackets [] denote omitted language from the Supreme Court opinion.
- 12 In some cases, the courts have narrowly construed the subject matter described in section 5, subdivision (b) of article XI. See, e.g., *Baggett v. Gates* (1982) 32 Cal.3d 128 (applying the Public Safety Officers Procedural Bill of Rights to charter cities because it was limited to providing “procedural safeguards” to police officers and did not interfere with a charter city’s authority to set compensation).
- 13 *State Building and Construction Trades Council of California v. City of Vista* (2012) 54 Cal.4th 547, 557.
- 14 *Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 61; *California Fed. Sav. & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 13 (rejecting static and compartmentalized description of “municipal affairs” in favor of a more dialectical one); *Codding Enterprises v. City of Merced* (1974) 42 Cal.App.3d 375, 377.
- 15 *State Building and Construction Trades Council of California v. City of Vista, supra*, 54 Cal.4th at 558.
- 16 *California Apartment Association v. City of Stockton* (2000) 80 Cal.App.4th 699, 707.
- 17 *County of Riverside v. Superior Court* (2003) 30 Cal.4th 278.
- 18 Cal. Const., art. XI, § 5; *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal.3d 296, 315.
- 19 *Bishop v. City of San Jose, supra*, 1 Cal.3d at p. 61.

Chapter 2

A CHARTER CITY'S ADDITIONAL HOME RULE AUTHORITY

This chapter will discuss more fully the origins of city charters, why a city may want to have a charter, how the charter home rule provision has been interpreted by the courts and ultimately, for practical purposes, what power a charter city possesses.

A. What is a Charter?

Charters have been used since medieval times in Europe and more recently in the United States and elsewhere to establish and empower cities and other institutions such as colleges and universities, companies, academies, and clubs. The British Crown has reportedly issued over 980 royal charters — the first of which was for the Town of Tain in 1066 — and continues to issue charters today.¹

A charter is granted by a sovereign authority such as a monarch, parliament, legislature, or by direct public vote. After only a few months of difficulty with granting city charters in early 1850, the California Legislature gave the job to county courts and then in 1856 to county boards of supervisors.² In 1879, the California Constitution was amended to authorize voters to approve freehold charters³ in cities with over 100,000 residents.⁴ This authority was subsequently expanded through later amendments to give the voters in any city the right to approve a charter for their city.

The dictionary defines a charter as “a document issued by a government that gives rights to a person or group; a document which declares that a city, town, school, or corporation has been established; and a document that describes the basic laws, principles, etc. of a group.”⁵ California city charters today most closely resemble the last definition in that the municipal charter provides the highest legal framework for the purpose, governance, and operation of the city government in all its most fundamental dimensions. There is one important difference between the dictionary definition of a charter and the charter of a California city: the charter of a California city is a limitation on authority, not a grant. The grant of authority over municipal affairs is found in the Constitution itself.

The purpose of a city charter, as one of the authors of the National Civic League’s *Model City Charter*, Luther H. Gulick, wrote: “is to present, in the form of a legal document, a general plan of municipal government which is (a) democratic — that is to say responsive to the electorate and the community — and at the same time (b) capable of doing the work of the city effectively and translating the voters’ intentions into efficient administrative action as promptly and economically as possible.”⁶

A city charter can have two purposes: to explain how the city will exercise its discretion over the matters affecting the city, and to limit or constrain the ways in which the city is governed and its municipal affairs are managed. It is what some charters refer to as the organic law of the city with city-council adopted ordinances containing many of the detailed laws and regulations.

Preamble of Downey City Charter: “We, the people of the City of Downey, State of California, do ordain and establish this Charter as the organic law of said City under the State Constitution.”

B. Interpretation of a Charter: Limitation of Authority not a Grant of Authority

As noted in Chapter 1, California's charter home rule provision is contained in the California Constitution, article XI, section 5. This section reserves to a charter city the right to adopt and enforce laws (i.e. ordinances) regarding municipal affairs, subject only to the conflicting provisions in the state or federal constitutions, federal laws, or state statutes in matters of statewide concern.⁷

There is a common misconception that the authority of a charter city is derived from its charter. The home rule authority of a charter city flows directly from the California Constitution; the charter itself defines and limits how the city will use that authority. "The charter operates not as a grant of power, but as an instrument of limitation and restriction on the exercise of power over all municipal affairs which the city is assumed to possess; and the enumeration of powers does not constitute an exclusion or limitation."⁸

In plain English this means that a charter city has authority over all municipal affairs and does not need to enumerate those powers in the charter.

Rather, the charter describes how those powers are carried out and may limit how those powers are exercised. A charter often addresses some but not all municipal affairs. For example, a charter might provide for a strong mayor form of government, but a council-adopted ordinance might provide for elections by district. As the California Supreme Court said: "accordingly, the city is empowered to exercise full control over its municipal affairs unaffected by general [state] laws on the same subject matters and subject only to the limitations found in the Constitution and the City Charter."¹⁰

A city charter is sometimes described as the city's constitution. However, it is important to dig a little deeper into this comparison. A city charter is similar to the California Constitution and not to the federal Constitution. Unlike the U.S. Constitution, which operates as a grant of power to Congress, the California Constitution is a limitation or restriction on the power of the Legislature.¹¹ Congress may not legislate in an area unless it finds authority in the federal Constitution. On the other hand, the California Legislature may legislate in any area unless it finds a restriction or limitation on its authority in the California Constitution. A city charter is comparable to the California Constitution, is governed by the same principles, and operates as a limitation or restriction on the inherent power of the city council of a charter city to legislate on municipal affairs.¹²

Limitations and restrictions in a city charter are interpreted in favor of the city council's exercise of power over municipal affairs and against any limitation or restriction that is not expressly stated in the charter.¹³ This means that a city council or its voters looking to limit a city council's authority to act should draft the restrictions as explicitly as possible. The courts will not imply a restriction on the exercise of a charter city's power over municipal affairs.¹⁴ The restrictions placed by the voters in a charter are an expression of the singularly local character of the community. Here are a few examples:

- The Porterville City Charter limits the purposes for which special taxes may be imposed to the support and maintenance of the fire department, acquisition of public improvements, public libraries, parks, and music and entertainment.¹⁵
- The voters of the City of Napa amended the city charter to prohibit a city-owned park from being used or developed for any purpose other than passive recreation and open space.¹⁶

Example: The Napa City Charter includes a typical city charter provision to explicitly implement this constitutional authority. It provides: The City of Napa shall have and may exercise all powers which now are or may hereafter be conferred upon municipalities by the Constitution and laws of the State of California, and which it would be lawful for this Charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in and by this Charter shall be held to be exclusive.⁹

- The voters of the City of Newport Beach prohibited the city council from authorizing any red light camera or other automated traffic enforcement system.¹⁷
- The Santa Barbara City Charter prohibits the city council from approving development that exceeds established building height limits in various parts of the city.¹⁸
- The Watsonville City Charter includes a limitation on the total dollar amount of bonded debt that may be issued.¹⁹

In addition to being contrary to the legal underpinnings of a charter, using a charter as a grant of authority will not necessarily prevail over a limitation otherwise imposed on the authority of the city council. For example, the provision of the Los Angeles City Charter that vested authority to manage the fiscal affairs of the city in the city council did not trump the binding arbitration provision of an MOU agreed to by the city council.²⁰

C. Municipal Affairs

The California Constitution gives charter cities the power to “make and enforce all ordinances and regulations in respect to municipal affairs;” however, it does not define the term municipal affair. And although the Constitution enumerates four (sometimes called core) municipal affairs, what is a municipal affair is not limited to this enumeration and these four subjects are not unassailable municipal affairs.²¹ The phrase municipal affairs has defeated efforts at a defining formulation since it was added to the Constitution in 1896. The courts continue to discern whether a particular subject is a municipal affair, over which a charter city has authority, or is a matter of statewide concern, over which the Legislature has authority, on a case-by-case basis. Although the courts give the Legislature’s intentions in this regard great weight, the Legislature is neither empowered to determine what a municipal affair is nor to transform a municipal affair into one of statewide concern.²²

Until 1991, the approach employed by courts in defining a municipal affair was to categorize certain subjects as municipal affairs. More recently, however, the courts have treated what is a municipal affair as fluid and changing over time as local issues may become statewide concerns, and vice versa. The constitutional concept of municipal affairs is not a fixed quantity, but one that changes with the changing conditions upon which it is to operate. The California Supreme Court has said the task of determining whether a given activity is a municipal affair or one of statewide concern is an ad hoc inquiry in light of the facts and circumstances surrounding each case and entails a four-step analysis to determine what is a municipal affair, which can be summarized as follows:²³

- Step One:** Does an actual conflict exist between the local law and the state law? (If the answer is no, there is no need to go further and determine if the matter is municipal affair or statewide concern.)
- Step Two:** If yes, does the local law implicate a municipal affair?
- Step Three:** If yes, does the state law involve extramural concerns that require paramount state control?
- Step Four:** If yes, is the state statute reasonably related and narrowly tailored to the resolution of the statewide concern?

If the answer to all of the questions is yes, then it is a matter of statewide concern and the city is preempted from adopting and enforcing an ordinance or charter provision that conflicts with the state law. If the answer to either of the last two questions is *no*, then the state law does not address an area of statewide concern and the local law addresses a municipal affair that is beyond reach of the Legislature and state statutes.

1. Municipal Affairs Listed in the Constitution

California Constitution, article XI, section 5, subdivision (b), approved at the special election in June 1970, also provides a non-exclusive list of four municipal affairs: (1) regulation and government of a city police force; (2) sub-government in all or part of the city; (3) conduct of city elections; and (4) election, appointment, removal and compensation of municipal officers and employees whose compensation is paid by the city. Each of these areas is subject to the four-step test explained above.

a. Regulation and government of a city police force

In a general law city, the police department is under the control of the chief of police.²⁴ In contrast, under article XI, section 5, subdivision (b), a charter city may, for example, establish a police commission that is authorized to review and make recommendations to the public, city council and city manager concerning policies, practices and procedures in relation to the city's police department.²⁵ The San Jose City Charter establishes the office of independent police auditor to review police department investigations of complaints against police officers, to make recommendations with regard to police department policies and procedures, and to conduct public outreach to assist the community with the process and procedures for investigation of complaints against police officers. The San Jose City Charter prohibits the city council and mayor from dictating the appointment or removal of any employee appointed by the independent police auditor.²⁶ The San Bernardino City Charter places the police and fire departments under the supervision of the mayor.²⁷ Be aware that the specific reference to this municipal affair in the Constitution has not prevented the courts from determining that the Police Officers Procedural Bill of Rights applies to a charter city because the state law interfered "only minimally on a charter city's authority to regulate and govern its police force."²⁸

b. Sub-government

The Government Code prescribes the form of a general law city's government. The government of a general law city is vested in a city council of at least five members, a city clerk, a city treasurer, a police chief, a fire chief, and any subordinate officers or employees provided by law.²⁹ A general law city's registered voters may adopt an ordinance that provides for a different number of councilmembers.³⁰ Absent formal action by the city council or the voters of a general law city, the council retains authority over the management of the city. However, the city council or voters may pass an ordinance establishing a city manager form of government.³¹ In a charter city, the charter can provide for any number of council members, a directly elected mayor, term limits, and any form of government that a general law city may have.³² In addition to these options, a charter city can opt for a strong mayor form of government, which typically gives the mayor the unilateral authority to hire and fire the city manager and department heads and present a budget to the city council.

There are many examples of sub-government structures in charter cities. Here are a few:

- Santa Rosa: Section 10 of the city charter requires the city council to establish a district commission encompassing the entire city. The commission is composed of representatives of seven to 14 districts whose boundaries are established by the council. The representatives of each district advise the council regarding various city matters including public safety issues, capital improvement budget priorities for their district, and neighborhood planning matters.
- Chula Vista: Section 609 of the city charter establishes a civil service commission.
- Santa Clara: Section 1012 of the city charter establishes a board of library trustees.
- Riverside: Section 810 of the city charter establishes a community police review commission.

For a general law city, the Government Code states that a majority of the city council constitutes a quorum for the transaction of business.³³ Additionally, resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of the city council.³⁴ Certain actions require a supermajority vote.

In contrast, charter cities may establish their own voting and quorum requirements. For example, the Richmond City Charter requires five members to vote affirmatively to authorize expenditures of \$1,000 or more.³⁵ However, there is certain legislation requiring supermajority votes that applies to charter cities as well as to general law cities. For example, a charter city may not commence an eminent domain proceeding until its city council has adopted a resolution of necessity by a vote of two-thirds of all the members of the city council, unless a greater vote is required by statute, charter, or ordinance.³⁶

General law cities may establish their own rules regarding the procedures for adopting, amending, or repealing resolutions,³⁷ other than the rule that resolutions require a recorded majority vote of the total membership of the city council.³⁸ The same is not true for adopting ordinances, which procedures are governed by the Government Code for general law cities. Ordinances require two readings: one introduction and, at least five days thereafter, a second reading and vote.³⁹ Ordinances may be introduced at any type of meeting but must be passed only at a regular meeting, not at a special meeting.⁴⁰ There is an exception to that rule for urgency ordinances, which may be passed immediately upon introduction and either at a regular or special meeting with a four-fifths vote of the city council and an urgency finding.⁴¹ Ordinances must be signed by the mayor and attested by the city clerk.⁴² The city clerk must cause publication of each ordinance, within 15 days after passage, in a newspaper of general circulation published and circulated in the city.⁴³ Ordinances take effect 30 days after their final passage, with certain listed exceptions.⁴⁴

Like general law cities, charter cities may establish their own procedures for adopting, amending or repealing resolutions.⁴⁵ Unlike general law cities, however, charter cities also have the authority to opt out of general laws for enacting local ordinances, as the mode and manner of passing ordinances have been deemed a municipal affair.⁴⁶ The Seal Beach City Charter recognizes that in periods of emergency resulting from a disaster, the city council needs the power to provide for the continuity of city operations, etc. Section 107 of the

charter requires the city council to conform to the provisions of the charter except so as to allow the council to make purchases and enter into contracts without calling for bids, to the extent the emergency so requires.

c. Elections

Conduct of city elections gives charter cities the authority to regulate the manner of electing municipal officers. It provides plenary authority over the manner in which, the method by which, the times at which, and the terms for which the several municipal officers shall be elected. Of course, this does not absolve a charter city from complying with the equal protection clauses and other parts of the state and federal Constitutions. For example, a charter city may not ban write-in voting⁴⁷ or allow incumbents on a ballot to state occupations but disallow challengers from doing the same.⁴⁸ Further, courts have held that at least some portions of the California Voting Rights Act apply to charter cities.⁴⁹ (See discussion in Chapter 4.)

A charter city, so long as it does not violate the state and federal constitutions as described above, is free to establish election rules if those rules do not actually conflict with general law. For example, the San Jose City Charter makes the city council the judge of the election and qualifications of its members with the power to subpoena witnesses, require production of evidence, etc.⁵⁰ Likewise, a number of charter cities provide for a redistricting commission to establish city council districts in accordance with the census.⁵¹ If there is a conflict with general law, the charter city provisions prevail unless the Legislature has found a need for paramount state control over the issue and the general law is both reasonably related to the area of statewide concern and narrowly tailored to resolve the problem being addressed as a statewide concern.⁵²

In the context of local elections, the balancing of those issues has led courts to uphold many charter city rules for local elections.

d. Officers and Employees

California Constitution, article XI, section 5, subdivision (b) grants extensive authority over municipal officers and employees as follows:

It shall be competent in all city charters to provide ... the manner in which, the method by which, the times at which and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

Example: Courts have upheld the following charter provisions:

- A comprehensive charter elections program that did not require the mailing of candidate qualification statements where a statewide Elections Code rule purported to require a city clerk to mail such statements.⁵³
- A comprehensive local campaign charter provision that limited campaign expenditures for local office as a condition of receiving public funds for such campaigning where there was a statewide prohibition against public funding of election campaigns.⁵⁴
- A charter city placing a general tax before the voters by simple majority vote of the city council as opposed to the two-thirds vote requirement for a general law city council.⁵⁵

Likewise, the California Attorney General has opined that a charter city may provide for a partisan municipal election (where the candidates are identified by their political party affiliation) whereas a general law city may not.⁵⁶

Example: An example of a municipal officer created by charter that is not identified in the general law can be found in the Stockton City Charter. Stockton has created the position of city auditor, who is responsible for the annual post audits of fiscal transactions, performance audits, special audits and investigations, and is given other duties and specified powers.⁶⁰ In addition, the Folsom City Charter and the Shafter City Charter give the authority to appoint the city attorney to the city manager and not the city council.

The California Constitution does not mandate what city offices and subordinate offices a charter city has to have, but it recognizes the right of a charter city to make this choice. That fact does not relieve charter cities from complying with preemptive state laws on matters of statewide concern. For example, the courts have recognized that, in a charter city, the charter controls the organization of the police department.⁵⁷ As the California Attorney General has opined, there is no constitutional or statutory requirement that a charter city have a chief of police.⁵⁸ Further, where a charter city does in fact establish the office of chief of police, the chief, like all subordinate officers, is subject to the Public Safety Officers Procedural Bill of Rights.⁵⁹

A charter city is likewise able to establish rules and conditions for service by its municipal officials.⁶¹ General law does cover how to fill a vacancy in public office and applies to charter cities in only limited respects.⁶² A charter city has plenary authority to legislate in this area as well.⁶³ In addition, a charter may establish different rules than mandated by general law for dealing with officials holding incompatible offices,⁶⁴ for conflicts of interest,⁶⁵ and for incompatible activities, which may result in a forfeiture of public office.⁶⁶ Further, several charter cities have charter provisions that limit city council members from being paid city employees during their term of office or for some period after leaving office.⁶⁷ Several city charters include provisions for impartial arbitration for fire department employees.⁶⁸ Other charters create offices such as city auditor⁶⁹ or public information officer.⁷⁰ The Santa Cruz City Charter includes a section on the process the city council must follow for layoffs.⁷¹

2. More About Municipal Affairs

In addition to these four core municipal affairs listed in California Constitution, article XI, section 5, subdivision (b), from time to time, courts have determined that certain other areas are municipal affairs. These provide examples of how courts have evaluated the distinction between a municipal affair and a statewide concern, based on the four-step analysis summarized above. Occasionally, the face of a state statute identifies a conflict between the local law and the state law (step one of the four-step analysis) when the statute specifically excludes charter cities from its scope.

a. Public Contracting

The Public Contract Code requires that a general law city and any charter city that has not explicitly exempted itself from the Public Contract Code (see below) publicly bid any project that exceeds \$5,000.⁷² There are requirements for public notice, and then the city must award the contract for that project to the lowest responsible bidder.⁷³ Alternatively, a city may adopt the Uniform Public Construction Cost Accounting Act (UPCCAA).⁷⁴ Under those statutes, there are three tiers of contracts: (1) the least expensive public projects may be performed by the employees of a public agency by force account, negotiated contract, or purchase order; (2) more expensive public projects may be awarded to a contractor by following an expedited bid procedure; and (3) the most expensive public projects must be awarded to a contractor after following more timely and onerous bidding procedures.⁷⁵ Either way, a city operating under the standard public bidding statutes or the UPCCAA has to publicly bid at least some of its public works project agreements, and must follow strict procedures for all of its public works contracts.

Charter cities, however, may opt out of the Public Contract Code's public bidding requirements.⁷⁶ To opt out, the city's charter or an ordinance must expressly exempt the city from the Public Contract Code or include a provision that conflicts with a provision in the Public Contract Code.⁷⁷ This allows charter cities to have different noticing requirements, use different claims resolution procedures,⁷⁸ and generally structure their public works bidding process as they see fit, if they even require public bidding. This can be time-saving and cost-cutting. For examples of charter cities that have opted out of the Public Contract Code's public bidding requirements, see section 608 of the Placentia City Charter and section 1217 of the San Jose City Charter.

Additionally, while contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms do not need to be competitively bid, general law cities must award such contracts "on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required."⁷⁹ There is no clear court opinion on whether charter cities may opt out of this statute, but a San Diego City Attorney's opinion suggests that charter cities may establish their own rules for awarding professional services contracts that are locally funded and local in nature.⁸⁰

b. Prevailing Wage

Prevailing wage law requires contractors and subcontractors on public works projects over \$1,000 to pay their workers' wages as set by the Director of Industrial Relations.⁸¹ In this context, the term public works refers to construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, with particular exceptions.⁸² General law cities must require that their contractors and subcontractors pay prevailing wages on public works projects.

It is unclear how much higher prevailing wages are from standard industry wages. In a case between the State Building and Construction Trades Council of California and the City of Vista, city staff estimated up to a 20 percent increase in the cost of public works projects due to the payment of prevailing wages.⁸³ The California Institute for County Government has conducted research and determined that "prevailing wages are substantially higher than market wages. In fact, California's published prevailing wage rates are about one-third to one-half higher than comparable market wages."⁸⁴ The executive summary of that study explains:

We found that the prevailing wage requirements increased overall project costs by about 11 percent, even while controlling for other factors known to influence costs such as regional variations in construction costs and characteristics of the structures themselves. We further found that the impact from these expanded prevailing wage requirements varies across the state, with some areas expected to experience cost increases of as little as six percent while others will likely experience increases of more than 15 percent.

Thus, requiring prevailing wages may affect the cost of a public works project significantly. Additionally, prevailing wage law includes many other regulations, such as the requirement that contractors on public works projects hire apprentices from state-approved apprenticeship programs.

The California Supreme Court has determined that the wage levels of contract workers constructing locally funded public works were a municipal affair rather than a matter of statewide concern.⁸⁵ Thus, charter cities are not subject to the state's prevailing wage law for locally funded public works projects and have the discretion to require or not require the payment of prevailing wages for such projects. Prevailing wages may still be required where such payment is compelled by the terms of a state or a federal grant or the contract does not involve a municipal affair. Examples of contracts that do not involve municipal affairs include regional projects such as a regional municipal utility project located outside of the jurisdiction, an animal services facility that serves multiple cities, or a regional sewer plant. Where cities have formed a joint powers authority (JPA), it is unclear whether the JPA must pay prevailing wages on a JPA project, particularly where there is at least one charter city and one general law city. In such cases, however, a JPA project is likely to be a regional project, and thus subject to payment of prevailing wages on that ground.

Although charter cities may opt not to require the payment of prevailing wages, Senate Bill 7 (Stats. 2013, ch. 794 adding section 1782 to the Labor Code) imposes consequences for doing so. For further discussion on prevailing wages and Senate Bill 7, see Chapter 5.

c. Fiscal Affairs

1. Taxes

Until the early 1990s, charter cities were able to rely on a broad power of taxation as a municipal affair.⁸⁶ For example, courts have upheld charter cities' license taxes⁸⁷ and real estate transfer taxes (also referred to as documentary transfer taxes.)⁸⁸ But then three things changed. First, in 1982 (in the wake of Proposition 13), the Legislature passed a statute allowing a general law city to levy any tax a charter city may levy.⁸⁹ Thus, as a general rule, charter cities do not have any distinct taxation authority that is unavailable to general law cities. However, courts have upheld the authority of charter cities to establish and impose real estate transfer taxes that exceed the limits imposed on general law cities under Government Code section 53725 and Revenue and Tax Code sections 11911 et seq., as long as other constitutional requirements for voter approval are satisfied.⁹⁰ Second, the California Supreme Court recognized that sometimes aspects of local taxation have an effect outside the city's jurisdiction that implicates a matter of statewide concern.⁹¹ Finally, charter cities must comply with Propositions 13, 26 and 218, which require certain procedures, including voter approval on taxes.⁹²

2. Investments

State law allows general law cities having money in their treasuries not required for immediate needs to invest in particular types of investments.⁹³ Charter cities may set up their own investment policies and programs, and they are only constrained by basic constitutional limitations.

3. Appropriations

Local appropriations are another area that has not been tested as to whether it applies to charter cities.

An appropriation is an authorization to expend funds. The appropriations of general law and charter cities are limited by a formula found in the Constitution that adjusts annual appropriations by cost of living and change in population (Gann limit).⁹⁴ The formula involves a base year with allowable adjustments based on increases in population and inflation. There are certain items that are exempt from the Gann limit, such as indebtedness and treatment of certain income as proceeds of taxes. The Gann limit applies to charter cities.⁹⁵

Cities set apart a named sum of money in the treasury and make it available for the payment of particular claims or demands through an appropriation. A city may accomplish this by adopting a budget or passing an appropriations ordinance or resolution.⁹⁶ General law cities are then authorized to pay funds through the warrant process.⁹⁷ The custodian of funds issues a warrant, which is an order authorizing the bank or other depository of city funds to pay a particular sum of money. If funds are available for the payment of an approved claim, the warrant becomes a check directing the bank or depository of city funds to pay the funds to the payee. When funds are unavailable, the warrant becomes an interest-bearing municipal obligation.

4. Expenditures

There are three main limitations on expenditures of general law cities. First, a general law city may not make a gift of public funds.⁹⁸ Any expenditure with a public purpose, however, is not a gift of public funds. The prohibition on gifts of public funds provision does not apply to charter cities.⁹⁹ Second, a city may not pay extra compensation to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed to any degree, or to authorize the payment of a claim against the city under an illegally made agreement.¹⁰⁰ This provision applies to charter cities by virtue of California Constitution article XI, section 10.¹⁰¹ Finally, the constitutional debt limitation states that no city may incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters of the public entity voting at an election to be held for that purpose.¹⁰² This limitation includes several exceptions such as the long-term lease exception.¹⁰³ This limit applies to charter cities.¹⁰⁴

d. Land Use and Planning

Government Code section 65700, which relates to local planning, generally exempts charter cities from its coverage, with some exceptions.¹¹⁰ Government Code section 65803 includes similar provisions.

The gift of public funds clause of the California Constitution states: "The Legislature shall have no power . . . to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever."¹⁰⁵ The general rule is that a contribution from one public agency to another entity for a purely local purpose is not allowed unless the contribution serves the public purpose of the donor agency,¹⁰⁶ regardless of the benefit to the donee agency or incidental benefits to private persons.¹⁰⁷ A city's discretion to determine what constitutes a public purpose generally is not disturbed by the courts if that determination has a reasonable basis.¹⁰⁸

The constitutional prohibition against a gift of public funds is a restriction on the powers of the Legislature. The powers of charter cities, however, are not derived from the Legislature but rather from their respective charters, which are directly provided for in the California Constitution. Thus, the constitutional prohibition against making gifts of public funds does not apply to a charter city.¹⁰⁹

Unless the legislation states that it applies to charter cities in this area it likely does not. For example Government Code section 65860 requires a general law city to conform its zoning ordinances to its general plan. The section states that it shall apply to a charter city with a population of 2 million or more, which includes Los Angeles only. For charter cities other than Los Angeles, the mandatory elements of a general plan must be internally consistent,¹¹¹ there is no similar requirement that there be consistency between the general plan and zoning.¹¹² However, the California Environmental Quality Act may require a charter city to identify inconsistencies between a project, its zoning, and the charter city's general plan.

It is therefore incumbent upon charter cities to carefully review state legislation regarding zoning and planning to determine what sections purportedly apply to charter cities and which do not.

Examples: Some examples of Government Code provisions relating to planning and zoning which apply to charter cities are: scope of general plan (§ 65301); the Housing Accountability Act (§ 65589.5); conduct of zoning hearings (§ 65804); senior citizen housing (§ 65852.1); requirements for roof overhang manufactured home (§ 65852.5); mobile home park as permitted land use (§ 65852.7); interim ordinance procedures (§ 65860); variances (§ 65863.5); mobile home park conversion (§ 65863.5); wind energy systems (§ 65909.5); and processing fees for permits etc. (§ 65909.5). This list is not exhaustive.

3. Matters of Statewide Concern

As explained earlier, there are certain areas of California law that apply to charter cities if a court determines that the area is a matter of statewide concern. In these areas state legislation preempts local legislation. Below are some areas that courts have held to be matters of statewide concern. For further discussion, see Chapter 5.

a. School systems

Education and the operation of public schools have repeatedly been held by courts to be a matter of statewide concern rather than a municipal affair.¹¹³ As one court has pointed out: "The Legislature's power over the public school system has been variously described as exclusive, plenary, absolute, entire, and comprehensive, subject only to constitutional constraints."¹¹⁴ Thus, charter provisions, ordinances and regulations regarding schools are preempted.¹¹⁵ However, education may be made a municipal affair when the city acts "in promotion and not in derogation of the legislative school plans and purposes of the state."¹¹⁶ Thus, although a general law city is prohibited by the gifts of public funds clause of the Constitution, a charter city, which is not subject to this constitutional prohibition, may choose to render financial assistance to education.¹¹⁷

b. Licensing of members of a trade or profession

If the state has provided a broad and comprehensive plan for examining and licensing members of a specific trade or profession, such licensing is a matter of statewide concern. Thus, charter cities and general law cities may not impose additional requirements on these trades or professions. The rationale is that the statewide scheme is intended not just to be prohibitory, but also permissive, authorizing licensed individuals to engage in their occupations anywhere in the State, and local requirements conflict with that intent.¹¹⁸ Courts have applied this general rule regarding the licensing of electrical contractors,¹¹⁹ painting contractors,¹²⁰ plumbing contractors,¹²¹ attorneys,¹²² psychiatrists,¹²³ civil engineers and land surveyors,¹²⁴ and fire insurance adjusters.¹²⁵

c. Regulation of Traffic and Vehicles

Although courts have recognized that the regulation of traffic upon public streets is of special interest to municipalities, they have refused to treat such regulation as a municipal affair.¹²⁶ The state has claimed plenary power over the entire field of traffic control in California Vehicle Code Section 21. Thus, unless expressly provided by the Legislature, a city has no authority over vehicular traffic control.¹²⁷ Ordinances inconsistent with state regulation of vehicles and traffic are invalid.¹²⁸ Therefore, the authority of a charter city to regulate traffic on public streets is equivalent to the authority of a general law city, and subject to state law.

d. Government Claims Act

The Government Claims Act establishes procedures for any person who seeks money or damages from a city, and it establishes substantive requirements to establish liability against a city.¹²⁹ "It is undisputed that the matter of the liability of and payment by a city for its tort is not a municipal affair."¹³⁰ Even if damage or injury results from a charter city taking action that is clearly a municipal affair (such as the faulty maintenance of a city building), the charter city's liability for that action is a matter of statewide concern.¹³¹ Therefore, a charter city may not establish its own procedural or substantive requirements for filing claims against the city that are in conflict with the Government Claims Act.

e. The Brown Act

The Ralph M. Brown Act, more commonly known as the Brown Act, is California's sunshine law for local government.¹³² In essence, the Brown Act requires local government business to be conducted at open and public meetings, except in certain limited situations, and includes agenda requirements. The Brown Act declares that it applies to a "city, whether general law or chartered."¹³³ Additionally, a court has held that the Brown Act does not impermissibly infringe on a charter city's control over its municipal affairs and "addresses a genuine and pure matter of statewide concern."¹³⁴

f. The Meyers-Milias-Brown Act

The Meyers-Milias-Brown Act (MMBA) is intended "to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations."¹³⁵ The MMBA requires a city council or its designated representative to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of such recognized employee organizations.¹³⁶ If agreement is reached by the two parties, the meet and confer process concludes in a jointly prepared written memorandum of understanding, which must be approved by the city council to become binding.¹³⁷

The California Supreme Court has held that "the procedures set forth in the MMBA are a matter of statewide concern, and are preemptive of contradictory local labor-management procedures."¹³⁸ However, the California Supreme Court has clarified that:

[T]here is a clear distinction between the substance of a public employee labor issue and the procedure by which it is resolved. Thus there is no question that 'salaries of local employees of a charter city constitute municipal affairs and are not subject to general laws.' [Citation.] Nevertheless, the process by which salaries are fixed is obviously a matter of statewide concern and none could ... argue that a charter city need not meet and confer concerning its salary structure.¹³⁹

Thus, like general law cities, charter cities must meet and confer in good faith with their public employee labor unions and attempt to reach mutual agreements. For further discussion on the MMBA and charter cities, see Chapter 5.

g. CEQA

The California Environmental Quality Act (CEQA) establishes detailed procedures by which a city is required to analyze the potential impacts of its actions upon the environment.¹⁴⁰ The Legislature has stated that CEQA is a matter of statewide concern, and that governmental agencies at all levels, which includes charter cities, are required to comply with its provisions.¹⁴¹

h. Eminent Domain

The power of eminent domain is a matter of statewide concern, not a municipal affair — it must be exercised in accordance with state law.¹⁴² Cities have no inherent power of eminent domain and can exercise it, if at all, only when expressly authorized by law.¹⁴³ Therefore, a charter city must comply with the California Constitution, the Eminent Domain Law and the relocation assistance statutes.¹⁴⁴

i. Annexations

The Legislature establishes policies and procedures for setting territorial boundaries of cities, including the annexation of territory to a city, which are generally implemented through local agency formation commissions.¹⁴⁵ The annexation of territory by a city is a statewide concern.¹⁴⁶ Therefore, a charter city may not adopt provisions of a local ordinance or charter “pertaining to annexation which are contrary to the general laws of statewide application.”¹⁴⁷

j. Public Records Act

The California Public Records Act (CPRA) codifies the procedures by which any person may gain access to a city’s public records, including particular definitions for what constitutes a public record, and exemptions from access for specified types of records.¹⁴⁸ The CPRA expressly applies to all cities, “whether general law or chartered.”¹⁴⁹ In 2004, the California Constitution was amended to broadly construe existing legislation that furthers the people’s right of access to public information (such as the CPRA), and to narrowly construe any limits to access, and it specifically provides that: “The people have the right of access to information concerning the conduct of the people’s business, and therefore ... the writings of public officials and agencies shall be open to public scrutiny.” In 2014, the California Constitution was amended again to require each local agency to comply with the CPRA and the Brown Act as they might be amended by the Legislature in the future.¹⁵⁰

ENDNOTES

- 1 *Royal Charter*, Wikipedia <http://en.wikipedia.org/wiki/Royal_charter> [as of April 20, 2016].
- 2 Detweiler, *Home Rule: An Historical Perspective* (January 1997) Western City, page 15.
- 3 A freeholders charter is a charter that originates with the municipality's electors as compared to a legislative charter, which is created by statute. 2A McQuillin, *The Law of Municipal Corporations* (3d ed. 2006) § 9.7, p. 230.
- 4 Detwiler, *supra* note 2, at p. 15.
- 5 *Charter*, Merriam Webster's Online Dictionary, <<http://www.merriam-webster.com/dictionary/charter>> [as of April 20, 2016].
- 6 National Civic League, *Model City Charter* (8th ed. 2011), p. xii.
- 7 *Harman v. City and County of San Francisco* (1972) 7 Cal.3d 150, 161.
- 8 *Grass Valley v. Walkinshaw* (1949) 34 Cal.2d 595, 598-599.
- 9 Napa City Charter, § 4.
- 10 *Rivera v. City of Fresno* (1971) 6 Cal.3d 132, 135.
- 11 *Methodist Hospital of Sacramento v. Saylor* (1971) 5 Cal.3d 685, 691.
- 12 *Adams v. Wolff* (1948) 84 Cal.App.2d 435, 441.
- 13 *Domar Electric Inc. v. City of Los Angeles* (1994) 9 Cal.4th 161.
- 14 *City of Glendale v. Trondsen* (1957) 48 Cal.2d 93, 99.
- 15 Porterville City Charter, § 44.
- 16 Napa City Charter, § 185.
- 17 Newport Beach City Charter, § 426.
- 18 Santa Barbara City Charter, § 1506.
- 19 Watsonville City Charter § 1116.
- 20 *City of Los Angeles v. Superior Court* (2013) 56 Cal.4th 1086, 1104.
- 21 The phrase "municipal affair" was once referred to by a justice of the California Supreme Court as those "wild words." *California Fed. Savings & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 7.
- 22 *State Building and Construction Trades Council v. City of Vista* (2012) 54 Cal.4th 547, 558.
- 23 *California Fed. Savings & Loan Assn. v. City of Los Angeles, supra*, 54 Cal.3d at p. 16.
- 24 Gov. Code, § 38630.
- 25 *Brown v. City of Berkeley* (1976) 57 Cal.App.3d 223.
- 26 San Jose City Charter, §§ 809, 809.1.
- 27 San Bernardino City Charter, § 180.
- 28 *Baggett v. Gates* (1982) 32 Cal.3d 128.
- 29 Gov. Code, § 36501.
- 30 Gov. Code, §§ 36501, 34871.
- 31 Gov. Code, § 34851.
- 32 Cal. Const., art. XI, § 5.
- 33 Gov. Code, § 36810.
- 34 Gov. Code, § 36936.
- 35 Richmond City Charter, art. III, § 7.
- 36 Code of Civ. Proc., §§ 1245.220, 1245.240; *City and County of San Francisco v. Ross* (1955) 44 Cal.2d 52, 55.

- 37 See, e.g., *Pasadena v. Paine* (1954) 126 Cal.App.2d 93, 96.
- 38 Gov. Code, § 36936. Orders for the payment of money also require a recorded majority vote of the membership of the city council.
- 39 Gov. Code, § 36934.
- 40 *Ibid.*
- 41 *Ibid.*
- 42 Gov. Code, § 36932.
- 43 Gov. Code, § 36933.
- 44 Gov. Code, § 36937.
- 45 *Brougher v. Board of Public Works* (1928) 205 Cal. 426, 438-39; *Sacramento Paving Co. v. Anderson* (1905) 1 Cal.App. 672, 673.
- 46 *Brougher v. Board of Public Works, supra*, 205 Cal. at 438; *Morton v. Broderick* (1897) 118 Cal. 474, 486-87.
- 47 *Canaan v. Abdelnour* (1985) 40 Cal.3d 703, 710.
- 48 *Rees v. Layton* (1970) 6 Cal.App.3d 815, 822-823.
- 49 *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781.
- 50 San Jose City Charter, § 405.
- 51 See, e.g., Santa Barbara City Charter, § 515; Compton City Charter, § 505; Newport Beach City Charter, § 1005; San Jose City Charter, § 403; Watsonville City Charter, § 413; San Francisco City Charter, § 13.110; San Diego City Charter, § 5.1.
- 52 *Johnson v. Bradley* (1992) 4 Cal.4th 389, 404.
- 53 *Mackey v. Thiel* (1968) 262 Cal.App.2d 362 (under former art. XI, § 8 1/2).
- 54 *Johnson v. Bradley, supra*, 4 Cal.4th at pp. 410-411.
- 55 *Trader Sports v. City of San Leandro* (2001) 93 Cal.App.4th 37.
- 56 56 Ops.Cal.Atty.Gen. 289 (1973).
- 57 *Brown v. City of Berkeley* (1976) 57 Cal. App. 3d 223.
- 58 63 Ops.Cal.Atty.Gen. 829 (1980).
- 59 *Ibid.*
- 60 Stockton City Charter, art. XV, § 1501.
- 61 Cal. Const., art. XI, § 5, subd. (b).
- 62 Gov. Code, § 1770, subd. (m)(1) (provision applying to charter cities).
- 63 *Ector v. City of Torrance* (1973) 10 Cal. 3d 129, 132-133. This decision was subsequently overruled by a 1976 amendment to California Constitution article XI, section 10, subdivision (b) prohibiting any city or charter city from requiring “that its employees be residents of such city ... except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.”
- 64 73 Ops.Cal.Atty.Gen. 357, 361 (1990).
- 65 See also Gov. Code § 87300 et seq. (requiring the adoption and updating of local conflict of interest codes).
- 66 81 Ops.Cal.Atty.Gen. 207 (1998).
- 67 See Sacramento City Charter, art. III, § 35; San Jose City Charter, § 406; Santa Rosa City Charter, § 5. General law cities are subject to the provisions of Government Code section 53227 et seq.
- 68 Salinas City Charter, § 120; Santa Rosa City Charter, § 56; Watsonville City Charter, § 1007; Redwood City City Charter, § 96; Hayward City Charter, § 809.

- 69 San Jose City Charter, § 805.
- 70 San Jose City Charter, § 808.
- 71 Santa Cruz City Charter, § 1112.
- 72 Pub. Contract Code, § 20162.
- 73 *Ibid.*
- 74 Pub. Contract Code, § 22030.
- 75 Pub. Contract Code, § 22032.
- 76 Pub. Contract Code, § 1100.7.
- 77 *Ibid.*
- 78 Pub. Contract Code, § 20104 et seq.
- 79 Gov. Code, § 4526.
- 80 See Memorandum of Law, “Selection for Professional Services; Application of California’s ‘Little Brooks Act,’” from John W. Witt, San Diego City Attorney, to Jack McGrory, City Manager (April 9, 1991) <<http://docs.sandiego.gov/memooflaw/ML-91-28.pdf>> [as of April 20, 2016].
- 81 Lab. Code, § 1771.
- 82 Lab. Code, §§ 1720-1720.6.
- 83 See California Construction Compliance Group, Are Charter Cities Taking Advantage of State-Mandated Construction Wage Rate (“Prevailing Wage”) Exemptions (3d Ed. Summer 2012).
- 84 California Institute for County Government, Impact of Prevailing Wage Rate Requirements on the Costs of Affordable Housing in California (June 9, 2004).
- 85 *State Building and Construction Trades Council v. City of Vista* (2012) 54 Cal.4th 547.
- 86 *West Coast Advertising Co. v. City and County of San Francisco* (1939) 14 Cal.2d 516, 524.
- 87 *Id.*; *City of Los Angeles v. A.E.C. Los Angeles* (1973) 33 Cal.App.3d 933, 939.
- 88 *Fielder v. City of Los Angeles* (1993) 14 Cal.App.4th 137, 145-46; *Cohn v. City of Oakland* (1990) 223 Cal.App.3d 261, 262.
- 89 Gov. Code, § 37100.5.
- 90 *Fielder v. City of Los Angeles, supra*, 14 Cal.App.4th at 145-46; *Cohn v. City of Oakland* (1990) 223 Cal. App.3d 261; Gov. Code, § 53275; Rev. & Tax. Code, § 11911.
- 91 The local taxation of savings and loans is a matter of statewide concern. *Cal. Fed. Savings & Loan Assn. v. City of Los Angeles* (1991) 54 Cal.3d 1, 6.
- 92 *Howard Jarvis Taxpayers Assn. v. City of San Diego* (2004) 120 Cal.App.4th 374, 391.
- 93 Gov. Code, § 53601.
- 94 Cal. Const., art. XIII B, § 1.
- 95 *City of Sacramento v. State of California* (1990) 50 Cal.3d 51.
- 96 See, e.g., Watsonville City Charter, § 1103; Ventura City Charter, § 1216; Gilroy City Charter, § 1101.
- 97 Gov. Code, §§ 53910-53914.
- 98 Cal. Const., art. XVI, § 6.
- 99 *Los Angeles Gas & Elec. Corp. v. City of Los Angeles* (1922) 188 Cal. 307, 317.
- 100 Cal. Const., art. IV, § 17.
- 101 *Nelson v. City of Los Angeles* (1971) 21 Cal.App.3d 916, 918.
- 102 Cal. Const., art. XVI, § 18.
- 103 *City of La Habra v. Pellerin* (1963) 216 Cal.App.2d 99, 102.

- 104 See *Shelton v. Los Angeles* (1929) 206 Cal. 544; *Redondo Beach v. Taxpayers, Property Owners, Citizens & Electors* (1960) 54 Cal.2d 126, 136.
- 105 The gift clause was originally adopted in 1879 as article IV, section 31 of the California Constitution. From 1966 until 1974 it was located in article XIII, section 25. From 1974 to the present it has been located in article XVI, section 6. This explains why over the years the cases dealing with gifts of public funds refer to different sections of the Constitution.
- 106 *City of Oakland v. Garrison* (1924) 194 Cal. 298, 304; *Golden Gate Bridge & Highway Dist. v. Luehring* (1970) 4 Cal.App.3d 204, 208.
- 107 *Board of Supervisors v. Dolan* (1975) 45 Cal.App.3d 237, 243.
- 108 *Ibid.*
- 109 *Los Angeles Gas & Electric Corp. v. City of Los Angeles, supra*, 188 Cal. at 317; *Sturgeon v. County of Los Angeles* (2008) 167 Cal.App.4th 630, 637 n.5; *Mullins v. Henderson* (1946) 75 Cal.App.2d 117, 132.
- 110 Government Code sections 65590-65590.1 apply generally to the destruction of residential structures in the coastal zone.
- 111 Gov. Code § 65300.5.
- 112 *City of Irvine v Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868.
- 113 *Cobb v. O'Connell* (2005) 134 Cal.App.4th 91; *California Teachers Assn. v. Hayes* (1992) 5 Cal.App.4th 1513, 1524; *Whisman v. San Francisco Unified Sch. Dist.* (1978) 86 Cal.App.3d 782, 789; *Esberg v. Badaracco* (1927) 202 Cal. 110, 115; *Butterworth v. Boyd* (1938) 12 Cal.2d 140, 152.
- 114 *California Teachers Assn. v. Hayes* (1992) 5 Cal.App.4th 1513, 1524.
- 115 *Whisman v. San Francisco Sch. Dist., supra*, 86 Cal.App.3d at 789.
- 116 *Whitmore v. Brown* (1929) 207 Cal. 473, 480; see also *Madsen v. Oakland Unified School Dist.* (1975) 45 Cal.App.3d 574, 579.
- 117 *Madsen, supra*, 45 Cal.App.3d at 579; *Berkeley Unified Sch. Dist. v. City of Berkeley* (1956) 141 Cal. App.2d 841, 846-47.
- 118 *Agnew v. City of Los Angeles* (1952) 110 Cal.App.2d 612, 621; *N. Cal. Psychiatric Soc'y v. City of Berkeley* (1986) 178 Cal.App.3d 90, 108.
- 119 *Horwith v. City of Fresno* (1946) 74 Cal.App.2d 443, 447; *Agnew v. City of Los Angeles* (1952) 110 Cal. App.2d 612, 623.
- 120 *City and County of San Francisco v. Boss* (1948) 83 Cal.App.2d 445.
- 121 *Collins v. Priest* (1949) 95 Cal.App.2d 179, 181-82.
- 122 *Baron v. Los Angeles* (1970) 2 Cal.3d 535, 540-41.
- 123 *N. Cal. Psychiatric Soc'y v. City of Berkeley, supra*, 178 Cal.App.3d at p. 108.
- 124 *Verner, Hilby & Dunn v. City of Monte Sereno* (1966) 245 Cal.App.2d 29, 35.
- 125 *Robillwayne Corp. v. City of Los Angeles* (1966) 241 Cal.App.2d 57, 62-63.
- 126 *Ex parte Daniels* (1920) 183 Cal. 636, 639.
- 127 *Rumford v. City of Berkeley* (1982) 31 Cal. 3d 545, 550.
- 128 *Ex parte Daniels, supra*, 183 Cal. at p. 641.
- 129 Gov. Code, § 810 *et seq.*
- 130 *Dept. of Water & Power v. Inyo Chem. Co.* (1940) 16 Cal.2d 744, 753.
- 131 *Helbach v. City of Long Beach* (1942) 50 Cal.App.2d 242, 246.
- 132 Gov. Code, § 54950 *et seq.*
- 133 Gov. Code, § 54951.
- 134 *San Diego Union v. City Council* (1983) 146 Cal.App.3d 947, 958.

- 135 Gov. Code, § 3500.
- 136 Gov. Code, § 3505.
- 137 Gov. Code, § 3505.1.
- 138 *Voters for Responsible Retirement v. Board of Supervisors* (1994) 8 Cal.4th 765, 781.
- 139 *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach* (1984) 36 Cal.3d 591, 600 n.11.
- 140 Pub. Resources Code, § 21000 et seq.
- 141 Pub. Resources Code, §§ 21000, 21001, 21003, 21062 and 21063.
- 142 *Wilson v. Beville* (1957) 47 Cal.2d 852, 859.
- 143 *San Francisco v. Ross* (1955) 44 Cal.2d 52, 55.
- 144 See Cal. Const., art I, § 19. The Eminent Domain Law may be found at Code of Civil Procedure section 12310.010 et seq. and the relocation assistance statutes may be found at Government Code section 7260 et seq.
- 145 Cal. Const., art. XI, § 2; Gov. Code, § 56300 et seq.
- 146 *Ferrini v. City of San Luis Obispo* (1983) 150 Cal.App.3d 239, 246.
- 147 *Id.* at p. 247.
- 148 Gov. Code, § 6250 et seq.
- 149 Gov. Code, § 6252, subd. (a).
- 150 Cal. Const., art. I, §3, subd. (b).

Chapter 3

DRAFTING, ADOPTING, AMENDING AND CHALLENGING A CHARTER

This chapter addresses the various ways in which a charter can be drafted or amended; the pros and cons of each option; the degree to which a proposed charter should be flexible versus restrictive and how much detail it should contain; what steps must be taken before submitting a proposed charter or amendment to the voters; and what happens after the voter approval of any charter measure.

A. Adopting, Amending, and Repealing a Charter

A charter may only be adopted, amended, or repealed by majority voter approval.¹ A ballot measure to approve a charter may be submitted to the voters by either an elected charter commission or by the city council. Once a charter is in place, there are three ways that amendments (including repeal) can be submitted to the voters: by an elected charter commission, by initiative, or through action of the city council.² Although an amendment to an existing charter can be proposed directly by initiative, adoption of a charter cannot. However, an initiative may propose election of a charter commission, which would then draft a charter for submittal to the voters, as discussed below.

The process for adopting and amending a charter is a matter of statewide concern governed exclusively by general laws that supersede conflicting provisions in a city or county charter.³ The argument that the procedure for putting charter amendments on the ballot is immune from conflicting state laws has been rejected.⁴

B. Drafting the Charter

A charter may be drafted by charter commission (elected by voters), a charter committee (appointed by the city council), or the city council itself.⁵ When a charter is drafted by a charter committee or the city council, then the city council decides whether or not to submit the draft charter to the voters. Although the city council will have input into the work of a charter commission, the draft of a charter commission is submitted to the voters with or without city council approval. When a charter is submitted to the voters, the ballot must include a description of new city powers that result from adoption of the charter including whether the city council will have the power to raise its own compensation and the compensation of other city officials without voter approval.⁶

1. Elected Charter Commission

The members of a 15-member charter commission are elected by the voters as set forth in Government Code section 34450 et seq. Either the council calls an election to form a charter commission⁷ or formation of the commission is proposed by initiative.⁸ Such an initiative may only be on the ballot at a general election.⁹ The format of the ballot measure is as follows:

- The voters first vote on the following question: Shall a charter commission be elected to propose a new charter?

- If this question receives a majority vote, then the 15 candidates receiving the highest number of votes will organize as the charter commission.¹⁰

Once formed, a charter commission has two years from the date of the election to complete and submit a proposed charter. At the end of that two year period, the charter commission is abolished.¹¹ A failure to submit a charter proposal within the two years could mean that the commission would have nothing to submit at the end of the term, and could not continue its work. A charter commission may, however, submit portions of a proposed charter to the voters from time to time during its term.¹² A vacancy on the charter commission is filled by an appointment by the mayor.¹³ Finally, the charter commission is subject to the Brown Act.

Any charter proposal from the charter commission requires the signature of a majority of charter commissioners, and is then filed with the city clerk's office.¹⁴ Once filed, the proposed charter must be submitted to the voters of the city at the next established statewide general election, provided there are at least 95 days before the election.¹⁵

2. City Council

A city council may submit a draft charter to the voters without a charter commission or charter committee.

3. Appointed Charter Committee

The members of a charter committee are appointed by the city council. There is no fixed number of members, nor is there a fixed time for the charter committee to complete its work. When its work is completed, the charter committee submits the proposed charter as a recommendation to the city council. This allows the city council an opportunity to modify a proposed charter or totally reject the proposed charter and not submit it to the voters.

While the charter commission must complete its work within two years, a charter committee could take more time, if needed, to draft a charter or revision. On the other hand, the charter commission process provides for an absolute end point in which to complete the work of drafting a charter proposal.

C. Length

There is no prescribed length for a city charter. Some charters that have been passed are very short (e.g., Buena Park, at just over one page); others may be very long (e.g., Newport Beach, at over 100 sections). The length will be determined by how much detail the voters wish to put into the charter.

Consideration should be given to including in the charter two broad categories:

- Provisions relating to the four core municipal affairs (elections; matters relating to labor relations including compensation for officers and employees; governance structure; and regulation of the police force). Not every charter city will include each "core" municipal affair. But many charter cities will have an interest in including provisions regarding the governance structure and elections.
- The constraints on legislative authority that are relevant to the voters of the particular charter city. For examples, see Chapter 2.

D. How Much Detail?

The goal of becoming a charter city is to exert control over municipal affairs in the interests of the community. In order to become a charter city, the voters must approve a charter. However the charter is a limitation on a city council's control over municipal affairs. Thus, a simple charter that establishes the city as a charter city and provides that all matters deemed municipal affairs may be controlled by ordinance enacted by the city council, provides maximum flexibility (and thus power) to the city council. However, such a charter does not explain how the voters intend the control to be exercised and therefore provides no policy direction to the city council. A more complex charter, which explains in more detail how to exercise control over municipal affairs, will restrict future councils' power with respect to municipal affairs.

There are risks of both being too prescriptive and not being prescriptive enough. Rules built into the charter can provide protection against abuse, but at the same time be unduly restrictive in light of changed circumstances. For example, one city charter enacted in the 1950s contained a provision which requires public bidding for all public works contracts over \$5,000. At the time, that certainly may have seemed an appropriate safeguard to prevent against contracting abuse by council members or staff. However, with the passage of time and inflation, the provision severely limited the city's ability to use more modern statutory methods such as the Uniform Public Construction Cost Accounting Act Procedures (allowing for less formal bidding for contracts up to \$175,000) or design/build contracting. On the other hand, areas that are less susceptible to change over time, such as governance structure, election procedures, voting systems, etc. may be appropriate to include in a charter to provide stability to the municipal organization. For further discussion related to the role charter provisions for police and fire employees' salaries played in the bankruptcy of San Bernardino, see Chapter 5.

Thus, it is recommended that *a prescriptive charter provision be evaluated with the ultimate goal of imposing the desired safeguard without overly restricting the ability to address changed social or economic circumstances*. In the case of public works contracts, for example, use of a formula that takes inflation into account (rather than a fixed amount) as the threshold for public bidding would provide the requisite safeguard without being unduly restrictive in the future. Or there could be a charter provision that allows the amount for a bid requirement to be set by ordinance. Or perhaps the goal of a charter provision is to allow much more leeway in whether public bidding is necessary or to allow exemptions that are not provided for in the general law. The important point is that limiting language should be carefully evaluated to ensure an appropriate amount of flexibility for the future. The amount of detail that is included in a proposed charter is a policy decision to be made by each city.

E. CEQA Compliance

When a city council votes to place a citizen-sponsored initiative concerning the question of whether to create a charter commission, or to amend or repeal a charter, on a ballot, it is not a project which is subject to the California Environmental Quality Act (CEQA).¹⁶ The ministerial duty CEQA exemption also applies to a situation where the city council has a mandatory option to either submit the initiative to the voters or to simply adopt the measure¹⁷ because it has a ministerial duty to do one or the other under the Elections Code.¹⁸ Thus, in the situation where the city council acts to place a voter initiative on the ballot to either create a charter commission or to amend or repeal a charter, or where it acts to place a charter prepared and approved by an elected charter commission on a ballot, any of these actions are exempted from CEQA.

However, where the council acts on its own to place a proposed charter on a ballot (or to amend or repeal a charter), it is a project, and full compliance with CEQA will be required before placing the matter on the ballot.¹⁹ Exactly what must be done to comply with CEQA will vary depending upon the provisions contained in a proposed charter. Land use restrictions in a charter could obviously have at least a potential impact on the environment. Other provisions will have to be evaluated through an initial study unless the common sense exemption or some other CEQA exemption applies. Under the common sense exemption, CEQA does not apply if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”²⁰

F. Meyers-Milias-Brown Act Compliance for Labor Items

The Meyers-Milias-Brown Act (Government Code section 3500 et seq., MMBA) requires good faith bargaining regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations prior to making a policy decision which could affect those issues.

Prior to the city council submitting a charter to the voters, a determination must be made as to whether any proposed element may affect wages, hours or other terms and conditions of employment for employees in one or more employee organizations. If so, the city will be required to meet and confer in good faith, which means that a public agency and recognized employee organizations have the obligation to personally meet and confer promptly upon request by either party and continue for a reasonable period to try and reach agreement on matters within the scope of representation prior to proposing a charter or amendments thereto.²¹ The process should include adequate time for the resolution of impasses when applicable or when such procedures are used by mutual consent.²²

The requirement to meet and confer prior to submitting a charter proposal or amendment to the voters does not abridge the council’s power to propose charter amendments under California Constitution article XI, section 3, subdivision (b). Although the statutory requirement of the MMBA encourages binding agreements resulting from bargaining, the governing body retains the ultimate power to refuse an agreement and to make its own decision.²³ “This power preserves the council’s rights under article XI, section 3, subdivision (b) — it may still propose a charter amendment if the meet-and-confer process does not persuade it otherwise.” Thus, the meet-and-confer requirement is compatible with the city council’s constitutional power to propose charter amendments.²⁴

G. Voter Approval

Prior to seeking voter approval of a charter committee or council-drafted charter, there must be at least two public hearings of the city council concerning the fact that a charter is being proposed and on the content of the proposed charter. Public hearing notice must be posted in three public places at least 21 calendar days prior to each public hearing.²⁵ The meetings must be at least 30 days apart, and at least one of them must be held outside normal business hours. No vote by the council can occur to place the proposed charter on a ballot until at least 21 days after the second public hearing.²⁶

Thereafter, if the council determines to move forward with a proposed charter measure, it may proceed under either Government Code section 34458 or Elections Code section 1415. A council proposed charter and a charter commission proposed charter must be placed before the voters "at the next established statewide general election" under Elections Code section 1200, if there are at least 88 days prior to the election.²⁷

A charter (or charter amendment) proposed by a charter commission, once signed by a majority of the commissioners and filed with the city clerk, is required to be placed before the voters for consideration. If proceeding under Government Code section 34450 et seq., section 34457 requires submission of the measure at the next established statewide general election under Elections Code section 1200, if there are at least 95 days prior to the election.²⁸

Public funds may not be used to advocate in favor of the passage or the defeat of any ballot measure, including a proposed charter measure. Informational materials are allowed.²⁹

The description of the ballot measure proposing the charter must enumerate the new city powers that result from the adoption of the charter, including whether the city council will have the power to raise its own compensation and the compensation of other city officials without voter approval.³⁰

The charter must be approved by a majority vote of the city's voters.³¹ Following certification of the election results, the charter does not take effect until it is filed with and accepted by the Secretary of State in accordance with Government Code section 34460.³² After a charter is adopted by the voters, three copies of the adopted charter are signed by the mayor and city clerk. One copy is recorded with the county recorder, one is retained in the city archives, and the third is filed with the Secretary of State. Those recorded and filed in the city's archives must include certified copies of all publications and notices required by law relating to the calling of the election and the charter process, certified copies of arguments for and against the measure, and a certified abstract of the vote.³³ A charter is also published in the State Statutes at Large.³⁴

H. Procedures for Amended or Repealed Charter

The procedure for amending, revising, and repealing a charter is essentially the same as the adoption of a charter, with some exceptions.³⁵ First, unlike adoption of a charter, an amendment, revision or repeal of a charter can be proposed by initiative.³⁶

Second, certain types of amendments must be presented at statewide general elections, while others may be placed on municipal or state primary election ballots. Charter amendments must be placed before the voters "at the next established statewide general election" under Elections Code section 1200, if there are at least 88 days prior to the election³⁷ unless the proposed amendment (or repeal) falls into one of two categories: (1) one which does not alter a procedural or substantive employment right of an employee or retiree; or (2) one which is proposed to amend the charter to comply with an injunction, consent decree or state or federal voting rights laws. These two types of charter amendments may be scheduled for "the next regularly scheduled general municipal election ... or at any established statewide general or statewide primary election" at least 88 days away.³⁸ This amendment was designed to preclude consideration of charter amendments affecting employee rights from being considered other than at a statewide general election.

A Case Study: Los Angeles Dueling Charter Revision Committee and Commission³⁹

In the opinion of some, Los Angeles' 1925 charter provided for a weak form of mayor-council government because the mayor needed council concurrence to appoint and dismiss department heads and shared some of the administrative functions. In the mid-to-late 1990s, charter reform was championed as a way of solving Los Angeles' problems by seeking to strengthen the mayor's role. At the same time, a secessionist movement in the San Fernando Valley, San Pedro and Hollywood was gaining momentum and charter reform was seen as a method to stymie that movement. The Los Angeles City Charter had not been extensively revised since 1925, although there were amendments through the years. Unfortunately, the mayor and city council could not agree on how to proceed.

In 1996, the council rejected the idea of an elected charter commission and instead appointed a charter committee. Other interests sponsored an elected charter commission initiative, which was approved by the voters in April 1997. For the next year and a half, both the charter committee and charter commission worked independently and held separate hearings. In November 1998, both the committee and commission formed a subcommittee to attempt to mediate and propose a unified charter.

A comprehensive proposal was reached. This unified charter proposal was sent back to the committee and commission for their review and approval. The compromise did not give the mayor complete authority to fire department heads but rather allowed an appeal to the council, which could reinstate a department head by two-thirds vote. The charter committee approved the unified charter but, the charter commission rejected it. After a ground swell of public outcry, the charter commission reversed itself and approved the unified charter. Thereafter, the city council approved it unaltered for the June 1999 election.

Even though the council placed the unified charter on the ballot, the council and others opposed its passage. The mayor, city attorney, city controller, secessionist's leaders, Chamber of Commerce, NAACP, churches, other nonprofits, three leading newspapers and chairs of the committee and commission endorsed the unified charter. The unified charter passed by 60 percent of the vote.

The unified charter created a system of neighborhood councils and area planning commissions. These changes gave residents more decision making authority in land use matters, delivery of services and the budget process. The new charter took much of the structure of government out of the charter and into administrative and municipal codes. And as mentioned, the charter made the mayor stronger than under the previous charter. Lastly, the revised charter focused on general principles, so as not to be so prescriptive.

I. Challenging Adoption, Amendment or Repeal of a Charter

Once a proposed charter adoption, amendment, or repeal takes effect (i.e., it is approved by the voters and filed with the Secretary of State), the only way to challenge its procedural regularity, such as whether the city council was required to meet and confer prior to submitting the measure to the voters, is through a quo warranto action pursuant to Code of Civil Procedure section 803 et seq.⁴⁰ In determining whether to grant a private party the authority to file an action in quo warranto, the Attorney General's office looks to whether the application thereof would present a substantial issue of fact or law that would warrant resolution by the courts, and whether such an action would ultimately be in the public's interest.⁴¹

ENDNOTES

- 1 Cal. Const., Art. XI, §3, subd. (a).
- 2 *Id.*; Elec. Code, § 9255, subd. (b).
- 3 *Id.*
- 4 *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach* (1984) 36 Cal.3d 591, 598-99.
- 5 The procedure for submitting a charter to the voters by a charter commission or the city council itself is found at Government Code sections 34450-34462. The procedure for a city council-appointed charter committee is found at Elections Code sections 9255-9268.
- 6 Gov. Code, § 34458.5.
- 7 Gov. Code, § 34452, subd. (a).
- 8 Gov. Code, § 34452.
- 9 *Ibid.* (citing Elec. Code, §§ 1000 & 10403).
- 10 See Gov. Code, § 34452.
- 11 Gov. Code, § 34462, subd. (a).
- 12 Gov. Code, § 34462, subd. (b)
- 13 Gov. Code, § 34452, subd. (b).
- 14 Gov. Code, § 34456.
- 15 Gov. Code, § 34457.
- 16 Cal. Code Regs., tit. 14, § 15378, subd. (b)(3); *Stein v. City of Santa Monica* (1980) 110 Cal.App.3d 458.
- 17 CEQA review is not required before direct adoption of an initiative. *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029.
- 18 *Native American Sacred Site & Environmental Prot. Assn. v. City of San Juan Capistrano* (2004) 120 Cal. App.4th 961.
- 19 *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 191 (finding that initiatives placed on the ballot by a city are subject to CEQA).
- 20 Cal. Code. Regs., tit. 14, § 15061, subd. (b)(3).
- 21 *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach* (1984) 36 Cal.3d 591.
- 22 Gov. Code, § 3505.
- 23 *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach, supra*, 36 Cal.3d at p. 601.
- 24 *Ibid.*
- 25 Gov. Code, § 6066.
- 26 Gov. Code, § 34458, subd. (b).

- 27 Gov. Code, §§ 34457 & 34458, subd. (a); Elec. Code, § 1415, subd. (a)(1). In an interesting, but perhaps minor, quirk of the law, it appears that if a council acts to submit without revision a charter proposed by a charter commission that is appointed by the council, such a charter proposal would be subject to the 95-day time period pre-election rather than the 88-day period for charters proposed by the governing body. See Elec. Code, § 9255, subd. (a) (providing for charter or amendment proposed by either elected or appointed commission to be submitted at statewide election held at least 95 days away); cf. Elec. Code, § 9255, subd. (b) (charter proposals of governing board submitted at statewide general election held at least 88 days away).
- 28 Gov. Code, § 34457.
- 29 *Vargas v. City of Salinas* (2009) 46 Cal.4th 1; *Stanson v. Mott* (1976) 17 Cal.3d 206.
- 30 Gov. Code, § 34458.5. Copies of the proposed charter must be printed in at least 10-point type. Gov. Code, § 34456.
- 31 Cal. Const., art. XI, § 3, subd. (a). If more than one conflicting charter measures are on the same ballot and both receive a majority vote, the one receiving the highest affirmative vote is the one which is deemed passed. Cal. Const. art. XI, § 3, subd. (d).
- 32 Cal. Const., art. XI, § 3, subd. (a); Gov. Code, § 34459.
- 33 Gov. Code, § 34460.
- 34 Cal. Const., art. XI, § 3, subd. (a).
- 35 *Ibid.*
- 36 Cal. Const., art. XI, § 3, subd. (b).
- 37 Elec. Code, § 1415, subd. (a)(1).
- 38 Elec. Code, § 1415, subd. (a)(2); Gov. Code, § 34458, subd. (a).
- 39 Information for this case study came from League of Women Voters of Los Angeles, “Los Angeles: Structure of City Government” by Ralph J. Sonenshein, Ph.D. (2006) and “Richard Riordan & Los Angeles Charter Reform” by Matthew J. Parlow & James T. Keane (2002).
- 40 95 Ops.Cal.Atty.Gen. 31 (2012); *International Assn. of Fire Fighters, Local 55, AFL-CIO v. City of Oakland* (1985) 174 Cal.App.3d 687.
- 41 96 Ops.Cal.Atty.Gen. 1 (2013).

Chapter 4

CHARTER CITY ORGANIZATION AND ELECTIONS

Charter cities may create their own governmental structure and establish procedures for local elections. This chapter describes the different types of governmental structures available to charter cities and discusses the organizational issues that must be addressed when varying from the typical general law city structure. This chapter also discusses different election systems and summarizes the California Voting Rights Act, a state law being used to attack the traditional "at large" voting structure in local governments across California.

A. Form of Government

State law vests authority to manage a general law city in a city council of at least five members, a city clerk, a city treasurer, a police chief, a fire chief, and any subordinate officers or employees provided by law. However, all general law cities may elect to be governed by the city manager (or council-manager) form of government that is established by an ordinance adopted by the council or voters. Such an ordinance must define the powers and duties of the city manager, which may include the power to hire and fire city employees except the city attorney. When the offices of city clerk and city treasurer are appointive, appointments to such offices are made by the city council unless the city council vests such power in the city manager by ordinance. The ordinance may also fix the city manager's compensation or the minimum amount he or she is to receive.

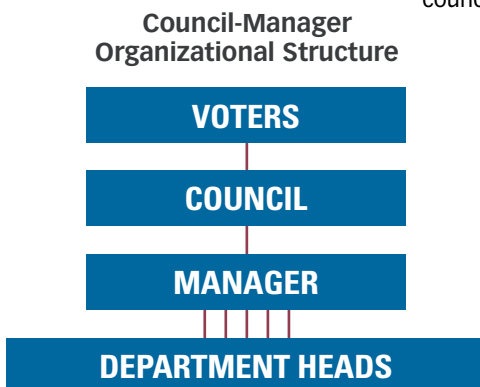
As stated in Chapter 2, a charter city is not limited by the general laws and, therefore, can provide for any form of government, including the council-manager and strong mayor and other forms.

This means that a charter city may adopt, for example, a city manager form of government that looks and operates quite differently from a general law city because the charter city is not limited by the provisions of the Government Code described in the above paragraph.

1. Council-Manager Form of Government

Born out of the United States progressive reform movement at the turn of the 20th century, the council-manager form of government was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure. Since its establishment, the council-manager form has become the most popular structure of local government in the United States.

In the council-manager form of government, the elected city council is the policy making, governing body of the city. The council hires the professional manager to carry out the policies it establishes.



The council provides legislative direction while the manager is responsible for day-to-day administrative operations of the city based on the council’s policy input. The mayor and council collectively set policy and approve the budget. The manager serves at the pleasure of the council, as the council’s chief management advisor and is responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel. The city attorney reports directly to the council as the council’s chief legal advisor.

In a council-manager form of government, the mayor is recognized as the political head of the municipality, but is a member of the legislative body who does not have special authority such as the power to veto legislative actions. In some cities, the mayor is directly elected by the voters. In other cities, the mayor is appointed by the city council often on a rotational basis.

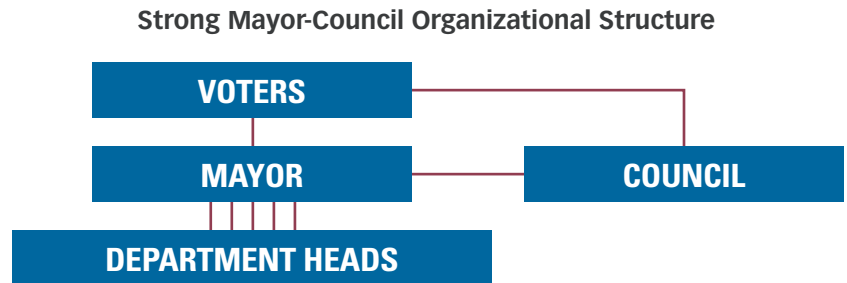
2. Strong Mayor Form of Government

The strong mayor-council form of government is the form that most closely parallels the federal government (and California government) with an elected legislature and a directly elected executive. It is called strong mayor because the mayor has more authority than the mayor in a city manager form of government.

The mayor is designated as the head of the executive branch of the city government and the extent of his or her authority can range from purely ceremonial functions to full scale responsibility for day-to-day operations. The duties and powers can include: hiring and firing department heads, preparation and administration of the budget, and veto power (which may be overridden) over council actions. The office of mayor in such a circumstance is typically a full-time job, and the mayor is therefore more involved in the day-to-day management of the city. The council has the following responsibilities: adoption of the budget, passage of legislation, auditing the performance of the government, and adoption of general policy positions.

In some cities, however, the mayor may assume a larger policy-making and political leadership role, and responsibility for day-to-day operations is delegated to a manager or chief administrator appointed by and responsible to the mayor.

In California, five charter cities have adopted the strong mayor-council structure: San Francisco (population 837,442), Fresno (population 509,924), Los Angeles (population 3.9 million), Oakland (population 406,253), and San Diego (population 1,355,896).



B. Organization Considerations

1. Council Size

General law cities must have at least five council members.⁸ If the council is elected by or from districts (see section C below), the number of districts must be five, seven or nine, unless there is an elected mayor, in which case the number is four, six or eight.⁹

Charter city councils are not limited by the state law size requirements and council size can be set by charter or ordinance.

2. Elected Mayor

The mayor of a general law city is generally selected by a vote of the members of the city council.¹⁰ However, upon a vote of its citizens, a general law city may establish a system for direct election of the mayor by voters and whether an elected mayor serves for two or four years.¹¹

Charter cities have authority to determine the procedures for selecting a mayor and such charter provisions override any conflict in state law.¹²

Case Studies: Two examples of the strong mayor form of government are found in the cities of San Diego and Fresno. The San Diego City Charter makes the mayor the chief executive officer of the city.¹ He or she has the authority to execute and enforce all laws, ordinances, and policies of the city, including the right to promulgate and issue administrative regulations that give controlling direction to the administrative service of the city.² He or she has the sole authority to appoint the city manager (subject to council confirmation), exercises direct control over the city manager, and may dismiss the city manager, chief of police or chief of the fire department.³ The mayor has the sole authority to appoint most city representatives to boards, commissions, committees and governmental agencies.⁴ In Fresno, the mayor has the sole authority to appoint and remove the chief administrative officer and exercises control over him or her.⁵ In both cities, the mayor may veto any legislation passed by the city council.⁶ In both cities, the mayor prepares the annual city budget to submit to the council, and in Fresno, he or she and may veto a particular budgetary line item.⁷

3. Term Limits

For general law cities, state law gives the voters the option to impose (or repeal) term limits on council members, an elected mayor, or both.¹³ Prior case law held that charter cities can establish term limits either by charter or ordinance.¹⁴ The statute enacted in 1995 specifically refers to charter cities.¹⁵ As of publication, there were no cases determining that this statute is applicable to charter cities.

4. Compensation

The California Constitution gives charter cities plenary authority to establish the salaries of its officials, including council members and employees. California Constitution, article XI, section 5, subdivision (b) provides:

... (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide ... the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

For general law cities, council member compensation is prescribed by state law unless otherwise approved by vote of the electors.¹⁶ The maximum monthly compensation level depends upon the city's population. These monthly rates range from \$300 (for cities with populations up to 35,000) to \$1,000 (for cities with populations over 250,000).¹⁷ Further, these amounts may be increased by ordinance; however, the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last salary adjustment in effect when the ordinance was enacted.¹⁸ Furthermore, increases may only take effect upon the seating of newly elected council members.¹⁹

The compensation limit that applies to general law cities includes any compensation a council member receives for serving on any city board or commission and for the most part such compensation is limited to a stipend of up to \$150 per month for each commission or board.²⁰ Compensation does not include payments by a city for retirement, health and welfare, and federal social security benefits. For general law cities, salary of appointed officers and employees is set by the city council.²¹

Scandals regarding excessive salaries for elected and some other officials in the City of Bell, a charter city, led to the passage of several general laws regarding compensation. Among the new rules that purport to apply to charter cities, as well as general law cities, is a section of the Brown Act requiring that any decisions regarding compensation be made at a regular meeting in open session.²² Additional sections prohibit both an automatic renewal of a contract that provides an automatic increase in level of compensation that exceeds a cost of living adjustment and a maximum cash settlement that exceeds levels set in the Government Code.²³ As of publication, no cases have analyzed whether these statutes apply to charter cities.²⁴

Other legislation adopted as a result of the Bell scandal requires any new proposal to adopt a charter include in the ballot description an enumeration of new city powers as a result of the adoption of the charter, including whether the city council will have the power under the new charter to raise its own compensation without voter approval.²⁵ Lastly, the Brown Act was further modified to require that, prior to holding a serial or simultaneous meeting, the clerk or a member of the legislative body must verbally announce the amount of compensation that members of the legislative body will receive for attending the serial or simultaneous meeting.²⁶ The Brown Act applies to charter cities.

5. Council Qualifications

For general law cities, council member qualifications are:

- Be a United States citizen;
- Be at least 18 years old;
- Be a registered voter;
- Be a resident of the city at least 15 days prior to the election and throughout his or her term; and
- If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected.²⁷

Charter cities can establish their own qualifications for holding city office provided they do not violate the federal Constitution.²⁸ However, the most common eligibility requirements are residency within the city (or district as appropriate) at the time of the election.²⁹

C. Elections

In general law cities, municipal elections are conducted in accordance with the California Elections Code.³⁰ The Constitution grants charter cities plenary authority over how the city council and other officers are elected.³¹

1. At-Large vs. By-District vs. From-District

There are three primary ways in which council members are elected. The first is at-large where candidates live anywhere within the jurisdiction of the city, and all voters vote for all councilmembers. The second is by-district where candidates live in a particular district and are elected only by voters in that district. The third is from-district where candidates live in the district, but are elected by voters citywide.

2. Other Election Processes

a. Instant Runoff or Ranked Choice

Four charter cities in California currently use some form of instant runoff or ranked-choice voting: San Francisco, Oakland, San Leandro and Berkeley. In instant runoff voting, voters rank the candidates in order of preference. The ballots are initially counted as one vote for the voter's first choice candidate. If a candidate secures a majority of votes cast, that candidate wins. If no majority is achieved, the candidate with the fewest votes is eliminated, and a new round of counting takes place, with each ballot counted as one vote for the highest ranked candidate that has not been eliminated. The process continues until the winning candidate receives a majority of the votes against the remaining candidates.

b. Cumulative Voting

Voters may vote for separate candidates or cast all of their votes for a single candidate. Cumulative voting can help minority candidates because their supporters can single-shot all their votes behind one candidate, while majority voters may be more likely to spread out their votes among several candidates. Cumulative voting is a form of at-large voting.

c. Seat-Based Voting

Under a seat-based system, council positions remain at-large, however, candidates are allowed to designate which particular seat they are running for, depending on which seats are open. Seats are often denominated by number. Voters are allowed to vote for a candidate for each available seat. Such a method arguably allows candidates a greater chance of being elected because they are running only against other candidates for that same seat; however, there is no assurance of how many candidates may choose to run for particular seats.

d. Limited Voting

Regardless of how many seats are open, voters only cast one vote.

3. Timing and Method of Municipal Elections

In general law cities, the timing and method of local elections are conducted in accordance with the Elections Code.³² While the Legislature recently passed two laws significantly limiting the timing of elections relating to certain charter changes, charter cities may still establish their own election dates (other than elections relating to certain charter changes) and may still adopt their own election rules and procedures.³³ Another recently-passed bill that goes into effect on January 1, 2018 (AB 415) requires cities to hold general elections on a statewide election date if an election held on a non-statewide election date in the past four elections had less than a 25 percent voter turnout. On its face, the bill does not directly state that it applies to charter cities.

Furthermore, charter cities may conduct all mail-in ballot elections, rather than the traditional polling place method of voting. The City of Burbank has its own election code and has conducted all mail-in ballot elections since 2001.³⁴ The Santa Barbara City Charter allows the city council to conduct all mail-in ballot elections.³⁵ Both cities use all mail-in ballot elections, in part, as a way to contain municipal election costs.

4. Campaign Reform

In *Johnson v. Bradley*, the Supreme Court considered the City of Los Angeles' amendments to the city charter that adopted a comprehensive campaign, election and ethics reform plan (Measure H), which included direction to the city council to adopt a system of using public funds to fund campaigns under certain specified circumstances. A lawsuit was brought challenging Measure H arguing it was in conflict with state law imposing various campaign contribution restrictions.³⁶ The California Supreme Court upheld Measure H. First the court found that the city's public financing system was a municipal affair and then determined that although state law reflected a statewide concern regarding the integrity of the electoral process, its ban on public financing was not reasonably related to this concern.³⁷

5. California Voting Rights Act Challenges

a. Violations

The California Voting Rights Act (CVRA) was enacted to implement the equal protection and voting guarantees of the California Constitution. The Act sets forth the circumstances where an at-large electoral system may not be imposed to dilute or abridge a protected class's opportunity to elect candidates.³⁸ Protected class means a class of voters who are members of a race, color or language minority group, as defined in the federal Voting Rights Act.³⁹

When at-large or from-district voting dilutes the vote of a protected class in California, the CVRA provides a private right of action.⁴⁰ To prove a CVRA violation, the plaintiffs must show that the voting was racially polarized.⁴¹ However, they do not need to show either that members of a protected class live in a geographically compact area or demonstrate a discriminatory intent on the part of voters or officials.⁴²

b. CVRA Applicability to Charter Cities

The CVRA, purports to apply to cities without making any explicit distinction between general law or charter cities.⁴³ The City of Palmdale, a charter city, was sued for violating the CVRA in its at-large elections. Although the city raised as a defense its charter status, both the Superior Court and the Court of Appeal held that the CVRA applied to charter cities. The Superior Court found that Palmdale's at-large system violated minority voting rights. The Court found that Palmdale's system was designed to protect current incumbents and that the city had a history of racially polarized voting. As a remedy the court issued an injunction prohibiting the city from certifying the results from its at-large election of council members, ordered by-district elections, and required new elections for all existing council members who were deemed unlawfully elected.⁴⁴

The Court of Appeal began its analysis of whether the CVRA applies to a charter city by acknowledging that how city council members are elected is the "essence of a municipal affair."⁴⁵ Then it noted that since Palmdale's system of at-large elections diluted minority voting rights, it was in conflict with the CVRA that prohibited such dilution. The Court analyzed whether there was a basis for the Legislature to act in what otherwise was a local affair — city council elections — and concluded that implementing the equal protection and voting rights provision of the California Constitution was a matter of statewide concern.⁴⁶

c. Standing

Any voter who is a member of a protected class and who resides in a political subdivision where a violation of the CVRA is alleged may file a lawsuit.⁴⁷

d. Remedy

Upon finding a violation of the CVRA, a court must implement appropriate remedies, including the imposition of district-based elections tailored to remedy the violation.⁴⁸ The fact that members of a protected class are not geographically compact or concentrated, while not supporting a violation of the CVRA, may be a factor in determining an appropriate remedy.⁴⁹ The scope of the court's ability to fashion a remedy will likely be the subject of future litigation and legislative efforts.

e. Attorney's Fees

A successful CVRA plaintiff is entitled to reasonable attorney's fees and litigation expenses, including expert witness fees and expenses. A prevailing city, by contrast, is not entitled to recover any costs unless the court finds the action to have been frivolous, unreasonable or without foundation.⁵⁰

f. District Elections

The CVRA does not apply to by-district elections in which the council member candidate resides within an election district and is elected only by voters residing within that district. California's counties and most of its largest cities, including Los Angeles, San Diego and Long Beach, elect council members by geographic district.⁵¹ The CVRA does not mandate the abolition of at-large election systems, but makes the use of at-large election systems more susceptible to a legal challenge.

ENDNOTES

- 1 San Diego City Charter, art. XV, § 265, subd. (b)(1).
- 2 San Diego City Charter, art. XV, § 265, subd. (b)(2).
- 3 San Diego City Charter, art. XV, § 265, subds. (b)(7), (b)(8), (b)(9) & (b)(10).
- 4 San Diego City Charter, art. XV, § 265, subd. (b)(12).
- 5 Fresno City Charter, § 400, subds. (b) & (c).
- 6 San Diego City Charter, art. XV, § 265, subd. (b)(5); Fresno City Charter, § 400, subd. (e).
- 7 San Diego City Charter, art. XV, § 265, subd. (b)(14); Fresno City Charter, § 400, subds. (d) & (f).
- 8 Gov. Code, § 36501. Prior to January 1, 2001, a general law city could only have 5 members. The law was changed in 2000 to provide for "at least five members." The vast majority of general law cities were incorporated prior to 2000 and therefore have only five members.
- 9 Gov. Code, § 34871, subds. (a)-(d).
- 10 Gov. Code, § 36801.
- 11 Gov. Code, §§ 34900-34906.
- 12 *Rees v. Layton* (1970) 6 Cal.App.3d 815.
- 13 Gov. Code, § 36502, subd. (b).
- 14 *Cawdrey v. City of Redondo Beach* (1993) 15 Cal.App.4th 1212 (term limits are a municipal affair).
- 15 Gov. Code, § 36502, subd. (b).
- 16 Gov. Code, § 36516.
- 17 Gov. Code, § 36516.
- 18 *Ibid.*
- 19 Gov. Code, § 36516.5
- 20 Gov. Code, § 36516.
- 21 Gov. Code, § 36506.
- 22 Gov. Code, § 54596, subd. (b).
- 23 Gov. Code, §§ 3511.1, 3511.2.
- 24 Government Code section 3511.1, subdivision (c) defines "local agency" to include "charter city." However, as explained in Chapter 2, the courts, not the Legislature, make the final determination of whether this is a matter of statewide concern or a municipal affair. The analysis would begin with the clear statement found in article XI, section 5, subdivision (b) that a charter city has plenary authority over establishing compensation for its officers and employees. However, the courts give "great weight" to the intent of the Legislature that the statute applies to charter cities.
- 25 Gov. Code, § 34458.5.
- 26 Gov. Code, § 54952.3.

- 27 Elec. Code, § 321; Gov. Code, §§ 34882, 36502; 87 Ops.Cal.Atty.Gen. 30 (2004).
- 28 Cal. Const., art. XI, § 5, subd. (b); 82 Ops.Cal.Atty.Gen. 6, 8 (1999).
- 29 See, e.g., Riverside City Charter, §401; San Jose City Charter, § 404; Santa Barbara City Charter, § 501.
- 30 Elec. Code, § 10101.
- 31 Cal. Const., art. XI, § 5, subd. (b). Just as in other municipal affairs, a charter city's enactments may not violate other provisions of the California or federal Constitution such as the First Amendment, or the equal protection clause. Note that in some cases the courts are reluctant to rely on the "plenary" authority granted for these "core" areas. For example, in *Johnson v. Bradley* (1992) 4 Cal.4th 389, a case challenging the City of Los Angeles' charter provisions regarding election campaign finance reform, the California Supreme Court relied on section 5, subdivision (a) to determine that how a city spends its tax dollars was a "municipal affair" rather than finding that election campaign finance reform was related to a "core" area under section 5, subdivision (b).
- 32 Elec. Code, § 10101.
- 33 Cal. Const., art. XI, § 5, subd. (b); Elec. Code § 10101 *et seq.*
- 34 Burbank City Charter, § 800 and Burbank Municipal Code, T. 2, Ch. 3.
- 35 Santa Barbara City Charter, § 1306.
- 36 Gov. Code, § 85300 ("No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking office.")
- 37 *Johnson v. Bradley* (1992) 4 Cal.4th 389.
- 38 Elec. Code, §§ 14026, subd. (a), 14027.
- 39 42 U.S.C. § 1973 *et seq.*
- 40 *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 667.
- 41 "Racially polarized voting" is defined in the California Voting Rights Act (CVRA) to mean voting in which there is a difference, as defined in case law under the federal Voting Rights Act (FVRA), in the choice of candidates or other electoral choices preferred by voters in a protected class, as compared to the rest of the electorate. The methodologies for estimating group voting behavior that may be used to prove that elections are characterized by racially polarized voting are those approved in federal cases enforcing the FVRA. Elec. Code, § 14026, subd. (e).
- 42 *Id.*; *Rey v. Madera Unified Sch. Dist.* (2012) 203 Cal.App.4th 1223, 1228-29. "Protected class" is defined in the CVRA to mean a class of voters who are members of a race, color or language minority group, as referenced and defined in the FVRA. Elec. Code, § 14026, subd. (d).
- 43 Elec. Code, § 14026, subd. (c).
- 44 The court did not order a new election for the City's directly elected mayor.
- 45 *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781 (2014).
- 46 *Id.* at p. 798.
- 47 Elec. Code, § 14032.
- 48 Elec. Code, § 14029.
- 49 Elec. Code, § 14028, subd. (c).
- 50 Elec. Code, § 14030.
- 51 Merl, *Voting Rights Act leading California cities to Dump At-large Elections* (September 14, 2013) L.A. Times <<http://www.latimes.com/local/la-me-local-elections-20130915,0,295413.story>> [as of Apr. 20, 2016].

Chapter 5

COMMON CONCERNS ABOUT CHARTER CITIES

Considering adopting a charter can become a charged and controversial proposal. Proponents tout the potential for more local autonomy from the state and considerable budgetary savings. Opponents are concerned about the expense to adopt a charter, the risk of councilmembers running amok in paying themselves excessive salaries, employee unions taking control of the budget, higher taxes, and even bankruptcy. Additionally, some may argue that becoming a charter city does not really change a city's status because of the growth of the statewide concern doctrine. This chapter discusses some of the most common concerns raised about becoming a charter city or being a charter city, to help frame the issues and the law.

A. Growth of Statewide Concerns

One often hears that there has been a loss of local control or home rule for California cities and that the state has taken more and more control over local government autonomy. There is an argument that this is true for both general law and charter cities.¹ For example, the loss of fiscal control by all cities in the state is well documented. It occurred through a series of actions and events that started with Proposition 13, later followed by Proposition 218, and most recently by Proposition 26 and the state's dissolution of redevelopment agencies.²

Some argue that charter cities are more protected from a loss of local control.³ Others argue that, at least for purposes of protecting local revenue or creating revenue, there is no real benefit to being a charter city.⁴

There are still a number of advantages to being a charter city, but there is no question that the Legislature will continue to enact legislation that purports to apply to charter cities and that the judicial response to these enactments will be difficult to predict.

1. What Does Growth of Statewide Concerns Mean?

As described in Chapter 2, the measure of a charter city's autonomy from the state, and thus the real benefit to being a charter city is captured by the phrase municipal affairs.⁵ A charter city's authority over municipal affairs, free from conflicting state statutes and regulations, is the difference between a charter city and a general law city. However, a matter of statewide concern developed as the conceptual limitation on the scope of municipal affairs and thus the supremacy of charter city measures over conflicting state legislative enactments. The courts have not made an attempt to define municipal affairs but rather have endeavored to adopt a judicial procedure to follow in analyzing whether a challenged ordinance adopted as a municipal affair must defer to a matter of statewide concern.

Therefore, when growth in statewide concerns is discussed, it means more cases in which the courts have struck down a charter city’s local enactment because the matter was of statewide concern. Examples are included in the chart below:

1948	Regulation of Trades	Court ruled that licensing of a trade or profession was a matter of statewide concern. Court overturned a San Francisco ordinance requiring every contractor to obtain a business certificate or license and also included additional regulation as to the quality and character of installations. Court found local ordinance conflicted with State Contractor’s Laws (Bus. & Prof. Code, § 7000 et seq.) and was not a municipal affair. ⁶
1957	Eminent Domain	Court held that power of eminent domain was not a municipal affair but a matter of statewide concern and charter cities only had the power if given by the Legislature. ⁷
1959	Regulation of Telephone Systems	Court ruled that regulation of telephone system was a matter of statewide concern. ⁸
1961	Telephone Franchises	Court held that regulation of telephone communication was a matter of statewide concern, and a city cannot require a telephone company to obtain a franchise from the city. ⁹
1963	Labor	Court held that the organizational rights of firefighters are a statewide concern.
1976	Labor	Court held that charter cities are subject to the Meyers-Milias-Brown Act. ¹⁰ Court found that even though the general rule is that the fixing of compensation for city employees is a municipal legislative function, local legislation may not conflict with statutes such as the Meyers-Milias-Brown Act, which are intended to regulate the entire field of labor relations of affected public employees throughout the state.
1982	Labor	Court found that Public Safety Officer’s Procedural Bill of Rights applies to charter cities. ¹¹
1991	Taxing of Financial Institutions	Court ruled that charter city’s tax on savings and loan institutions was not a municipal affair. ¹²
1995	Public Contracting	Court found that, although a public works contract was a municipal affair, a provision in a bid specification did enter into an area of statewide concern related to minority and women’s outreach programs.
1998	Utility Liens	Court ruled that an ordinance allowing the city to create and record a super-priority lien on property for unpaid utility charges was not a municipal affair. ¹³

2. A New Try with an Old Tactic

There has always been a tug-of-war between the state and charter cities over local control. The Legislature often attempts to stake out its authority in an area by stating a matter is of statewide concern, and as such, controlling on charter cities.¹⁴ The California Supreme Court has stated that the Legislature does not have the power to transform a municipal affair into a statewide concern,¹⁵ by its own declaration. However, historically the courts give great weight to the Legislature's stated intent.¹⁶ The Legislature usually prefers that a particular policy to be followed uniformly throughout the state. Usually this is accomplished by enacting a law that the Legislature asserts applies to charter cities because it is a matter of statewide concern. A lesser-used technique is for the Legislature to tie the receipt of state funds to charter city's compliance with a state law that otherwise intrudes into an area that has been determined to be a municipal affair.

In 1978, the Legislature bailed-out cities and counties with state surplus funds to make up for the significant decrease in property taxes caused by Proposition 13. However the distribution of state surplus funds was prohibited to any local public agency granting to its employees a cost-of-living wage or salary increase for the 1978–79 fiscal year that exceeded the cost-of-living increase provided for state employees. Long Beach and Santa Clara challenged the statute as interfering with their autonomy as charter cities. The court recognized that a charter city's right to determine how much to pay its employees was a core municipal affair over which a charter city has plenary authority. The court rejected the state's argument that compensation of city employees was a matter of statewide concern because of the fiscal emergency occasioned by Proposition 13.¹⁷

A more recent example of this tactic can be found in the area of prevailing wage law. Charter cities are not required to pay prevailing wages on public works projects that are not funded by state or federal funds and that serve the municipality rather than a regional project.¹⁸ What this means in practical effect is that the charter city and its city council and voters have the ability to determine if and when to pay prevailing wage on local public works contracts. Charter cities have taken a variety of approaches on this issue and based the decision on what they believe best meets the needs of their community. Some charter cities have express provisions in their charter opting out of prevailing wage rate law and others have a local ordinance, resolution, or other policy expressly opting out of prevailing wage rate law. However, it is not necessary for a charter city to have a charter provision or local ordinance to not be subject to prevailing wage rate law; it is an inherent part of home rule granted by the state constitution.¹⁹ Consequently, a charter city can elect to not be subject to prevailing wage rate law by not requiring it in its public works contracts, so long as the project does not use state or federal funds²⁰ and only serves local versus regional interests.²¹

In 2012, the California State Supreme Court held that payment of prevailing wages by a charter city is a municipal affair, regardless of the language in the statute.²²

In 2013, the Legislature enacted Senate Bill 7 (SB 7) adding section 1782 to Labor Code to:

- Prohibit a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or an ordinance that authorizes a contractor to not comply with state prevailing wage rate law.
- Prohibit a charter city from receiving or using state funding or financial assistance for a construction project if the city has awarded within the prior two calendar years a public works contract without requiring the contractor to comply with the State prevailing wage rate law.²³

- Allow a charter city to receive or use state funding or financial assistance for a construction project if the charter city has adopted an ordinance that includes requirements that in all respects are equal to or greater than state prevailing wage rate law.

The legality and constitutionality of SB 7 was challenged in court by a group of cities (El Centro, Carlsbad, El Cajon, Fresno, and Vista). The Court of Appeal concluded that SB 7 was constitutional, finding that SB 7 “does not conflict with these charter city laws as it does not mandate or require that charter cities do anything, such as paying prevailing wages for its public works projects. Rather, [SB 7] provides the Cities with a choice, to meet the requirements set forth in [SB 7] to obtain state funding or financial assistance on its public works projects, or forgo eligibility for those funds.”²⁴

3. Uncertainty and Ambiguity

Charter cities and general law cities considering becoming charter cities live with the reality of the Legislature continuing to apply new laws to charter cities based upon legislative declarations and findings that the matter is of statewide concern. Some of these laws do not get challenged in court. A charter city must then make a decision about whether to follow the state law or adopt a local ordinance in conflict with the state law based upon its city attorney’s legal opinion that a court would ultimately determine that the area was a municipal affair that did not require deference to the legislative enactment.

For example, state law has extensive regulatory schemes limiting cities’ ability to adopt regulations for the retrieval of shopping carts.²⁵ It requires a city that retrieves a shopping cart to hold it for the owner for 30 days. The city cannot collect its costs or fine the owner as long as the owner retrieves the cart. The state statute expressly provides that “The Legislature hereby finds that the retrieval by local government agencies of shopping carts ... is in need of statewide regulation and constitutes a matter of statewide concern.”²⁶

It seems arguable that the Legislature could demonstrate the retrieval of a shopping cart “under the historical circumstances” indicates “the state has a more substantial interest in the subject than a charter city.”²⁷ The legislative analysis for the bill identified the rationale for making it applicable to charter cities:

Cart owners are concerned that a multiplicity of local cart retrieval regulations, along with expensive fees, are bad for business and fail to acknowledge their diligent retrieval efforts. Grocers want state law to limit local officials’ cart retrieval regulations.²⁸

There are no published cases where a court has determined that shopping cart retrieval is a matter of statewide concern on the basis that local regulations may be bad for business. Therefore, a charter city must weigh the legal risks, benefits, and consequences of adopting an ordinance in conflict with this state law and act accordingly.

4. It Is About More than the Growth of Statewide Concerns

As hopefully has been made clear by now, being a charter city does not mean complete autonomy from the Legislature nor does it mean that areas that are now considered municipal affairs will be considered municipal affairs forever. Being a charter city is not only about how much autonomy the city has from state control. Being a charter city also means providing the city's voters with a vehicle and forum for proposing their vision for how the city should provide services and regulate conduct. It is an opportunity for the voters to clearly identify what is most important to the community, the types of issues that make the community different from its neighbors, and how they would like to see the city governed.

B. Compensation of Elected Officials

The California Constitution gives plenary authority for charter cities to establish the salaries of its officials and employees. By contrast, the salaries of general law cities' officials and employees are controlled by the provisions of the Government Code. For a more in-depth discussion, see the Compensation section of Chapter 3.

1. Concerns about Excessive Compensation

The scandal in the City of Bell raised the issue of compensation of city officials in charter cities.²⁹ The small City of Bell, where part-time council members paid themselves salaries of \$100,000 per year and their city manager was paid at least \$800,000 per year, has made many ask if part of the issue was the city being a charter city.³⁰ Some have used what happened in the City of Bell to help defeat proposals for charter adoptions.

In 2012, the voters of the City of Auburn rejected a ballot measure to make the city a charter city. The second most often cited reason for opposing the charter amendment in the voter guide was that council members could pay themselves thousands of dollars in extra compensation.³¹ Opponents of the measure argued the charter would open the door to corruption and even possibly bankruptcy.³²

The Legislature responded to concerns about council members in charter cities paying themselves excessive compensation by adopting a state law that requires a proposal to amend or adopt a charter to include whether the city council will, pursuant to the adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.³³

Of course, salaries only tell part of the story and often not the largest part of the city's outlay. Benefit packages can create the larger liability for a city. The *Los Angeles Times* in 2011 looked at reported salary and benefit information for the councils of charter cities and general law cities and found that, if the salary and benefits were combined, almost 50 percent of charter cities were paying over the salary cap set by state law. In contrast, less than a third of the general law cities were paying, combined in salary and benefits, over what the state law caps for salaries.³⁴ As noted above, the state law does not include benefits in the compensation caps.³⁵

The *Los Angeles Times* also found that generally most cities, including charter cities, paid under the state cap set in the Government Code. But charter cities tended to pay their council members higher salaries than general law cities and were more likely to exceed the state law cap.³⁶

TIPS FOR CHARTER CITIES ABOUT CITY COUNCIL COMPENSATION

When drafting a charter proposal, consideration might be given to the following regarding city council compensation:

- Review the state law schedule for council compensation to gauge whether city council compensation will be in line with general law cities of the same size.
- Review the limitation in state law on the amount of compensation the city council can receive for service on other city boards, commissions, and authorities and determine whether a limitation on this amount is appropriate.
- Consider whether adjustments to city council salary should require voter approval; should be made automatically through an annual cost of living adjustment; or may be adopted by city council ordinance.³⁹
- Consider whether council compensation should be established by another method or point of comparison. For example, section 407 of the San Jose City Charter provides for council salary setting by the Council Salary Setting Commission. Section 24 of the San Bernardino City Charter provides that the mayor's salary shall be 50 percent of the salary of a Superior Court Judge in San Bernardino County.

In response to the Bell scandal, the State Controller in 2010 required all cities, including charter cities, to disclose all salary information in their financial reports to the state and posted the results on the state's website.³⁷ The program referred to as the Government Compensation in California Program is intended to capture the salary, compensation, and benefit information for every compensated employee in any city, county, or independent special district who receives a W-2. The website is: <http://publicpay.ca.gov>.

2. Inadequate Salaries

As charters may only be amended by a vote of the electors, some cities' compensation for elected officers can be locked in at amounts that might limit who can afford to serve. For example, the City of Needles provides in their charter that council salaries are limited to \$1 per month.³⁸ In less affluent communities where city council compensation is nominal, the expenses associated with service, as well as the potential loss of income from the council member's regular business and occupation, may skew the composition of the council toward those citizens that can afford it.

C. Bankruptcy

Declaring bankruptcy for a city comes at a heavy cost. The initial transaction costs, which can run into the millions, are only the start. Filing can bring a stigma to the city.⁴⁰ A city's credit rating will likely be suspended or downgraded. Borrowing costs can increase for years to come. Businesses will be dissuaded from locating in the community, resulting in fewer jobs and a decline in the real estate market.⁴¹ In the last thirty years, only forty-nine cities or counties in the nation declared bankruptcy.⁴²

Since 2008, three of those have been California cities: Vallejo (2008), Stockton (2012) and San Bernardino (2012). All three cities are charter cities.⁴³ Some have asked if this were more than a coincidence.⁴⁴ The answer suggests that while being a charter city was not the sole or principal reason these cities went bankrupt, provisions in each of the cities' charters played a role in placing the city on a fiscally unsustainable path.

More specifically, the problematic charter provisions (1) acted to limit the authority of the city councils to reduce police and fire salaries and benefits, and (2) placed restrictions on city council authority that could not have been placed on a general law city.

San Bernardino has a charter provision that ties public safety employees' salaries to an average of similar employees' salaries paid by 10 other, mostly, more affluent cities. In 2014 the voters rejected a ballot proposal to amend the charter to remove this provision.⁴⁵ Additionally, San Bernardino had an unusual government structure that diffused executive authority between the council, the mayor, and the city manager and arguably made it difficult to change the status quo even when the status quo could lead to financial ruin. When the city filed for bankruptcy, the budget for public safety salaries alone was \$10 million more than the city's expected revenues. Police and fire employee salaries made up 72 percent of the budget.⁴⁶

Stockton's charter, until recently, allowed for binding arbitration for fire fighters' compensation. This tied the city's hands when the city and employees' associations could not come to an agreement on reductions. Public Safety employee salaries and benefits made up 76 percent of the city's budget.⁴⁷ In November 2010, this charter provision was repealed by the voters.⁴⁸

Vallejo's charter mandated binding arbitration for all of its unions.⁴⁹ Employee salaries made up 85 percent of the city's budget, with the largest share going towards police and fire employees. Between 2006 and 2008 (the year Vallejo declared bankruptcy), salaries of public safety employees had scheduled increases of over 21 percent, while all other employees had scheduled increases of approximately 10 percent.⁵⁰ On June 8, 2010 voters repealed this charter provision.⁵¹

Only three of the 121 California charter cities have declared bankruptcy. Being a charter city does not necessarily mean a city will be fiscally unsustainable and being a general law city does not necessarily save a city from potential bankruptcy.⁵²

Additionally, some argue that being a charter city can help a city maintain a stronger financial footing.⁵³ Historically, some charter cities have saved money by not paying prevailing wages⁵⁴ and by contracting out for municipal services.⁵⁵ On the other hand, some cities' charters restrict such authority.

Employment costs can get out of control in general law cities as well as charter cities. However, if provisions of a charter affect the financial stability of a city, then voter approval is required to amend or repeal them. Changing identical provisions in a general law city may simply require a vote by the majority of the city council, or a renegotiation of an MOU under the Meyers-Milias-Brown Act.

D. Labor Relations

A common concern about becoming a charter city centers on the effect on labor relations. However, in many ways, charter cities are subject to the same or similar requirements as general law cities in the area of labor relations. For example, the major public sector labor relations statute applicable to local government, i.e., the Meyers-Milias-Brown Act (MMBA)⁵⁶ applies to charter cities.⁵⁷ In addition, the Public Safety Officers Procedural Bill of Rights (POBR)⁵⁸ has been found to apply to charter cities.⁵⁹ Similarly, the Firefighters Procedural Bill of Rights (FFBOR)⁶⁰ also applies to charter cities.⁶¹

1. Wages and Benefits

A concern about becoming a charter city is that the charter itself can circumvent the collective bargaining process. This can include items like binding arbitration as well as limiting wages and benefits based on a survey of comparable cities.⁶² These items are usually the subject of negotiations under the MMBA, but can be added to city charters by either a city council-sponsored initiative or by a petitioned initiative. However, this same process can work both ways. For example, the City and County of San Francisco successfully defended its charter provision requiring increases or decreases in employee benefits to be approved by the voters. The court found in favor of San Francisco by determining that nothing in the MMBA prohibited the San Francisco Board of Supervisors from executing an agreement changing employee benefits and making final approval subject to approval by the voters as required by the charter.⁶³

TIPS FOR AVOIDING BANKRUPTCY FOR CHARTER CITIES

Those drafting a charter may want to consider whether the following provisions/language should or should not be included in your charter:

- Salary formulas. If salary formulas are included, consider provisions that allow the city council flexibility to adjust during times of financial crisis.
- Requiring a balanced budget.
- Requiring a two-year budget.
- Requiring a reserve percentage of the general fund budget as a minimum unless there is a super majority vote of the city council.
- Reserving the authority to contract out for general services.

City charters can also be used as vehicles to set salaries of some (like public safety) or all city employees based upon those salaries provided to employees of similarly-sized cities (or any other criteria). Such charter provisions take the salary-setting authority from the city council and place it into a formula that may or may not consider the overall financial condition of the city in the short or long term. Charter provisions might constrain the financial flexibility of the city council.⁶⁴ The City of Fresno was able to amend its charter to delete a provision requiring a survey of specified cities as the basis of the city's opening bargaining position. This was accomplished during the window between when all collectively bargaining units had a memorandum of understanding (MOU) and before the time the city and the bargaining units opened collective bargaining for subsequent MOU's. This allowed the city to avoid violating the MMBA's meet and confer requirements because the provision merely set the city's initial bargaining position and not wages.⁶⁵

Another city provided an additional management benefit (3 percent of salary) to a group of management employees electing not to be in an employee association, but denied this benefit to those in the same job classifications electing to be in the employee association. The court determined this management benefit discriminated against employees electing to exercise their rights to collectively bargain with the city and being a charter city did not prevent this outcome. The court directed the city to take one of two actions to remedy the situation — either extend the additional management benefit to those employees who otherwise qualify but who are in the employee association or discontinue the management benefit for those declining to join the employee association.⁶⁶

City charters can also be utilized to adopt agreements with employee associations that conflict with provisions of the Labor Code. For example, the County of Los Angeles adopted a MOU with its probation officers' association that provided a different method to compensate employees for meal periods and working through meal periods than provided under the Labor Code. The Court denied the probation officer's legal challenge, indicating that the charter county's status coupled with an MOU provision covering the same issue was sufficient for the county to prevail.⁶⁷

2. Pension Benefits

A number of charter cities have been exploring the ability to alter the pension benefits offered to their employees, including both those vested in the system and new hires. Notably both San Diego (Initiative Proposition B passed in June 2012 with 65 percent approval) and San Jose (Council Submitted Measure B passed in June 2012 with 69 percent approval) have had initiatives designed to change the pension benefit allocation between the employer and employee and to reduce the benefits long-term.⁶⁸ Legal challenges have been made to both efforts, including by the Public Employment Relations Board (PERB) for failure to collectively bargain the changes. San Diego won its pre- and post-election court challenges by PERB,⁶⁹ but it faced additional charges of unfair labor practices in connection with the measure by PERB. In proceedings against San Jose, PERB also found the city failed to bargain in good faith under the MMBA before putting the measure on the ballot. Those proceedings are still pending. In a separate lawsuit by employee unions challenging Measure B, a superior court judge held that invalidated the parts of the measure that required higher contributions from current employees but upheld other parts of the measure.⁷⁰ The city has appealed the ruling.

Similarly, in the City of Bakersfield, the police officer association was also given authority by the California Attorney General to sue in the name of the People of the State of California to challenge a charter amendment and implementing ordinances. The amendment and ordinances resulted in a different pension benefit formula and contribution level for new police department hires, as well as providing that the new formula and contribution level could only be changed by the voters. The legal challenge alleges that this charter amendment violates the meet-and-confer obligations of the MMBA.⁷¹

3. Binding Arbitration

The Legislature cannot require binding arbitration for charter or general law cities.⁷² This limitation applies even when the legislation allows the general law city, charter city, county, or city and county to bypass the arbitrator's decision by a unanimous vote of the governing body.⁷³

General law cities and charter cities have the authority to agree to binding arbitration as part of a MOU with labor organizations. The voters in a charter city have the authority to adopt binding arbitration as a part of a city charter. As reported earlier, some cities' voters are repealing such provisions under threat of bankruptcy (cities of Vallejo and Stockton.⁷⁴) and others are doing this as a proactive measure to ensure city council control over labor relations.⁷⁵

E. Cost to Become a Charter City

In addition to weighing the policy costs and benefits of becoming a charter city, there are a significant number of transactional costs associated with becoming a charter city that cities are advised to factor in as well. Although the amount of those costs will vary depending on the particular situation, general law cities considering becoming charter cities should expect to incur the following transactional costs:

1. Becoming a Charter City

The process to become a charter city is typically a multi-year process with significant resources expended. There are costs associated with all of the following activities:

- Legal, administrative and staffing costs to draft the charter.
 - » Costs can vary depending upon the charter process used. For example, the use of a formal charter commission with direct authority to place something on the ballot can be higher based on the complexity and time such a process can take.
 - » If subjects impacting wages, hours or other terms and conditions of employment are included in the proposed charter, there may be a cost to meet and confer with employee associations under the MMBA.
 - » Costs may also be necessary under the California Environmental Quality Act.
- Public education outreach.
- Holding an election.
 - » The cost can vary greatly depending on whether the city holds a stand-alone election or consolidates with another election, such as a statewide election, which may be required in light of new legislation.⁷⁶ Consolidating with another election can save a substantial amount of money.
 - » Election cost estimates by cities have ranged from \$5,000 and higher.

- » Associated costs can include hiring election consultants, purchasing election supplies, labor costs for election workers, and paying the county registrar or election official to hold the election.

2. After Becoming a Charter City

There are also many costs that will be incurred above those a general law city would incur after charter adoption. These include costs associated with the following:

- Training staff on new processes and procedures and what it means to be a charter city.
- Implementing required procedural changes, including adopting ordinances and amending the municipal code to take advantage of new charter authority. If the charter is drafted with flexibility in mind, these changes can be made over a number of years to spread the cost of the changes and staff retraining, so that it is manageable given other city priorities.
 - » If public contracting is addressed in the charter and new bid thresholds are established, contract documents and bid packets will also need to be updated.
 - » Any financial or accountability procedures included in the charter will require implementing procedures by the city finance department, including a review to ensure that proper internal and external controls are in place.
 - » Any personnel, civil service, or labor relations changes will require changes to existing processes, procedures, and rules and may require a meet and confer process with recognized employee associations.
- Lawsuits arising from exercising charter powers.
 - » Gray areas in the law invite lawsuits. As charters can be different and may vary in their provisions, there is no case law on how to interpret specific charter provisions. However, a charter city is typically aware of these gray areas and can legislate based upon an analysis of risks and benefits.
- All charter amendments and repeal, including those mandated by changes in the law, require an election. Often, consolidation with regularly-scheduled elections will reduce the cost.

ENDNOTES

- 1 For a discussion of the loss of home rule for general law cities, see Albuquerque, *California and Dillon: The Times They Are A-Changing* (1998) 25 *Hastings Const. L.Q.* 187, 191.
- 2 See, e.g., Strauss & Coleman, *Waiting for the State to Get Its House in Order: The Origin of Cities' Fiscal Relationship with the State* (1998) <<http://www.californiacityfinance.com/HouseWC9811.pdf>> [as of Apr. 20, 2016]; see also Hogen-Esch, *Fragmentation, Fiscal Federalism, and the Ghost of Dillon's Rule: Municipal Incorporation in Southern California, 1950-2010* (2011) Vol. 3, No. 1 *Cal. Journal of Pol. & Policy*; Coleman & Colantuono, *The Origin & Devolution of Local Revenue Authority* (June 2003) *Western City*, at page 22; Saxton, Hoene, & Erie, *Fiscal Constraints and the Loss of Home Rule: The Long-Term Impacts of California's Post-Proposition 13 Fiscal Regime* (2002) Vol. 32, No. 4 *Am. Rev. of Pub. Admin.* 423-454.
- 3 Albuquerque, *supra* note 1, at p. 190 (arguing that recent cases have given new life and vibrancy to the constitutional powers of charter cities).
- 4 Miadich & Daniels, *The Illusion of Autonomy: Why Charter City Status Does Not Protect Local Revenue* (June 18, 2013) <http://www.smartcitiesprevail.org/resources/Illusion_of_Autonomy_full_report.pdf> [as of Apr. 20, 2016].
- 5 Grodin et al., *The California State Constitution: A Reference Guide* (1993) p. 188.

- 6 *City and County of San Francisco v. Boss* (1948) 83 Cal.App.2d 445.
- 7 *Wilson v. Beville* (1957) 47 Cal.2d 852, 856.
- 8 *Pacific Tel. & Tel. Co. v. City of Los Angeles* (1955) 44 Cal.2d 272, 280.
- 9 *Pacific Tel. & Tel. Co. v. City and County of San Francisco* (1961) 197 Cal.App.2d 133, 148.
- 10 *San Leandro Police Officers Assoc. v. City of San Leandro* (1976) 55 Cal.App.3d 553.
- 11 *Baggett v. Gates* (1982) 32 Cal.3d 128, 140 (“There must always be doubt whether a matter which is of concern to both municipalities and the state is of sufficient statewide concern to justify a new legislative intrusion into an area traditionally regarded as ‘strictly a municipal affair.’ Such doubt, however, ‘must be resolved in favor of the legislative authority of the state.’”)
- 12 *Cal. Fed. Savings & Loan Assn. v. Los Angeles* (1991) 54 Cal.3d 1.
- 13 *Isaac v. City of Los Angeles* (1998) 66 Cal.App.4th 586, 600.
- 14 Grodin, *supra* note 5, at p. 190.
- 15 *Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 64.
- 16 Grodin, *supra* note 5; *Baggett v. Gates* (1982) 32 Cal.3d 128.
- 17 *Sonoma County Organization of Public Employees v. County of Sonoma* (1979) 23 Cal.3d 296.
- 18 *State Building and Construction Trades Council of California v. City of Vista* (2012) 54 Cal.4th 547.
- 19 *Minor v. City of Sacramento* (1977) 66 Cal.App.3d 863, 867-868; *City and County of San Francisco v. Callanan* (1985) 169 Cal.App.3d 643, 647-648.
- 20 *Young v. Superior Court of Kern County* (1932) 216 Cal. 512; *Southern California Roads Company v. McGuire* (1934) 2 Cal.2d 115.
- 21 *Wilson v. City of San Bernardino* (1960) 186 Cal.App.2d 603; *Pacific Telephone and Telegraph Company v. City and County of San Francisco* (1959) 51 Cal.2d 766. On November 1, 2013, the Department of Industrial Relations determined that a charter city’s use of state gasoline sales tax revenues, in whole or in part for a project, subjects the entire project to the payment of prevailing wages.
- 22 *City of Pasadena v. Charleville* (1932) 215 Cal. 384, 389; *State Building and Construction Trades Council of California v. City of Vista, supra*, 54 Cal.4th at p. 557. Note that the basis of the City of Vista decision — that a charter city should be able to determine the best use of its tax dollars — is very similar to the basis used in the decision upholding the Los Angeles City Charter provision allowing City of Los Angeles funds to be contributed to local election campaigns.
- 23 This prohibition does not apply to contracts awarded or advertised for bids prior to January 1, 2015. Lab. Code, § 1782, subd. (f).
- 24 *City of El Centro v. Lanier* (March 29, 2106, D066755) __ Cal.App.4th __ [2016 WL 1221948].
- 25 Bus. & Prof. Code, § 22435 *et seq.*
- 26 Bus. & Prof. Code, § 22435.7.
- 27 *C.f., Pac. Tel. & Tel. Co. v. City and County of San Francisco, supra*, 51 Cal.2d at p. 771.
- 28 Sen. Local Gov. Com., Bill Analysis on Assem. Bill No. 317 (1995-1996 Reg. Sess.) (June 26, 1996) <http://www.leginfo.ca.gov/pub/95-96/bill/asm/ab_0301-0350/ab_317_cfa_960624_173000_sen_comm.html> [as of Apr. 20, 2016].
- 29 St. John, *California Cities Shift to Charters, Raising Questions About Officials’ Salaries*. (August 6, 2010) KPBS <<http://www.kpbs.org/news/2010/aug/06/officials-salaries-charter-cities/>> [as of Apr. 20, 2016].
- 30 *See, e.g., Gang & Begley, Inland Charter Cities Offer Similar Pay to Managers, Council* (August 1, 2010) The Press Enterprise <<http://www.pe.com/local-news/local-news-headlines/20100802-inland-charter-cities-offer-similar-pay-to-managers-council.ece>> [as of Apr. 20, 2016].
- 31 Placer County Ballot Guide, Special Elec. (June 5, 2012) analysis of Measure A by county counsel <http://www.placerelections.com/uploads/documents/06052012/06052012_Measure_A-City.pdf> [as of Apr. 20, 2016].
- 32 *Ibid.*

- 33 Gov. Code, § 34458.5.
- 34 *California City Council Compensation Scorecard* (Aug. 1, 2011) LA Times <<http://spreadsheets.latimes.com/city-council-salaries/>> [as of Apr. 20, 2016].
- 35 Gov. Code, § 36516, subd. (d).
- 36 *California City Council Compensation Scorecard*, *supra* note 34; Henry, *Berkeley City Council Paid More Than State Guideline*. (Aug. 3, 2011) Berkeley Patch <<http://berkeley.patch.com/groups/politics-and-elections/p/berkeley-city-council-paid-more-than-state-guideline>> [as of Apr. 20, 2016].
- 37 Cal. State Controller's Office, *Press Release, Controller Requires Cities, Counties to Report Salaries of Government Officials* (Aug. 2010) <http://www.sco.ca.gov/eo_pressrel_controller_requires_salary_reporting.html> [as of Apr. 20, 2016].
- 38 Gang, *supra* note 30.
- 39 For example, section 402 of the Newport Beach City Charter provides for an annual cost of living adjustment for council compensation.
- 40 Watkins, *Note: In Defense of Chapter 9 Option: Exploring the Promise of Municipal Bankruptcy as Mechanism for Structural Political Reform* (2012-2013) 39 J. of Legis. 89, 94.
- 41 *Ibid.*; see also Knox & Levinson, *Municipal Bankruptcy: Avoiding and Using Chapter 9 in Times of Fiscal Stress* (2009) <<http://www.orrick.com/Events-and-Publications/Documents/1736.pdf>> [as of Apr. 20, 2016].
- 42 Watkins, *supra* note 40.
- 43 A fourth California city, Mammoth Lakes, also filed for bankruptcy during this period of time. However, the Mammoth Lakes case was somewhat unusual, as the small town with a budget of \$19 million filed bankruptcy seeking protection from a developer lawsuit seeking \$43 million in damages. The city won a dismissal of the bankruptcy case after it settled the lawsuit. Church, *Mammoth Lakes Bankruptcy Case Ends After Accord in Suit* (November 19, 2012) Bloomberg <<http://www.bloomberg.com/news/2012-11-19/mammoth-lakes-bankruptcy-case-ends-after-accord-in-suit.html>> [as of Apr. 20, 2016].
- 44 Audi, White & Traves, *California's 'Charter' Cities Are Under the Microscope* (July 18, 2012) Wall Street Journal <<http://online.wsj.com/article/SB10001424052702303612804577531181167707276.html>> [as of Apr. 20, 2016]; see also Rozansky, *The Problem and Promise of Charter Cities* (August 22, 2012) City Journal <<http://www.city-journal.org/2012/cjc0817jr.html>> [as of Apr. 20, 2016].
- 45 Ballotpedia, *City of San Bernardino Public Safety Employees Salary Charter Amendment, Measure Q* (Nov. 2014) <[http://ballotpedia.org/City_of_San_Bernardino_Public_Safety_Employees_Salary_Charter_Amendment,_Measure_Q_\(November_2014\)](http://ballotpedia.org/City_of_San_Bernardino_Public_Safety_Employees_Salary_Charter_Amendment,_Measure_Q_(November_2014))> [as of Apr. 20, 2016].
- 46 George Mason University, State and Local Government Leadership Center, *San Bernardino Full Case Study* (2012) <http://psc.gmu.edu/wp-content/uploads/GMU_San_Bernardino_9.13.pdf> [as of Apr. 20, 2016].
- 47 Evans, Kosenko & Polyakov, *How Stockton Went Bust: A California City's Decade of Policies and the Financial Crisis that Follows* (May 24, 2012) <<http://uscommonsense.org/research/how-stockton-went-bust-a-california-citys-decade-of-policies-and-the-financial-crisis-that-followed/>> [as of Apr. 20, 2016].
- 48 Ballotpedia, *City of San Bernardino Public Safety Employees Salary Charter Amendment, Measure Q* (Nov. 2014) <[http://ballotpedia.org/City_of_Stockton_Binding_Arbitration_for_Fire_Department_Employees,_Measure_H_\(November_2010\)](http://ballotpedia.org/City_of_Stockton_Binding_Arbitration_for_Fire_Department_Employees,_Measure_H_(November_2010))> [as of Apr. 20, 2016].
- 49 George Mason University, San Bernardino Full Case Study *supra* note 46.
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- 51 Ballotpedia, *City of Vallejo Repeal of Binding Arbitration, Measure A* (June 2010) <[http://ballotpedia.org/City_of_Vallejo_Repeal_of_Binding_Arbitration,_Measure_A_\(June_2010\)](http://ballotpedia.org/City_of_Vallejo_Repeal_of_Binding_Arbitration,_Measure_A_(June_2010))> [as of Apr. 20, 2016].

- 52 Compare Welch, *These California Cities Could Be Next in Bankruptcy* (May 15, 2013) USA Today <<http://www.usatoday.com/story/news/nation/2013/05/15/ten-california-cities-in-distress/2076217/>> [as of Apr. 20, 2016] (naming five general law cities in California that may be facing bankruptcy); with Moore, *20 Cities That May Face Bankruptcy After Detroit* (August 8, 2013) Newsmax <<http://www.newsmax.com/Newsfront/cities-bankruptcy-after-detroit/2013/08/06/id/519081>> [as of Apr. 20, 2016] (citing to three California cities that may be facing bankruptcy, all of them charter cities).
- 53 Vo, *Costa Mesa Charter Issue to be Decided by Voters* (Aug. 1, 2012) Orange County Register.
- 54 This may change with the enactment of SB 7 in 2013.
- 55 Vo, *supra* note 53.
- 56 Gov. Code, § 3500 *et seq.*
- 57 *International Association of Firefighters, Local 230 v. City of San Jose* (2011) 195 Cal.App.4th 1179, 1187; *People ex. Re. Seal Beach Police Officers Association v. City of Seal Beach* (1984) 36 Cal.3d 591, 597.
- 58 Gov. Code, §§ 3300-3311.
- 59 *Baggett, supra* note 11.
- 60 Gov. Code, §§ 3250-3262.
- 61 *International Association of Firefighters, Local 230 v. City of San Jose* (2011) 195 Cal. App.4th 1179, 1206.
- 62 City of Auburn, Report to City Council, Pros and Cons of Adopting a City Charter (June 28, 2010) at page 3.
- 63 *United Public Employees, Local 390/400, SEIU, AFL-CIO v. City and County of San Francisco* (1987) 190 Cal.App.3d 419, 426.
- 64 Audi, White & Traves, *supra* note 44.
- 65 76 Ops.Cal.Atty.Gen. 169 (1993); *City of Fresno v. the People ex. rel. Fresno Firefighters, IAFF Local 753* (1999) 71 Cal.App.4th 82.
- 66 *San Leandro Police Officers Association v. City of San Leandro* (1976) 55 Cal.App.3d 553.
- 67 *Dimon v. County of Los Angeles* (2008) 166 Cal.App.4th 1276, 1283.
- 68 See San Jose City Charter, § 1501-A; San Diego City Charter, art. IX, §§ 140-151.
- 69 Clingen, *Pension Reform: San Jose and San Diego Voters Weigh In* (Oct. 15, 2013) Ballotpedia <http://ballotpedia.org/Pension_reform:_San_Jose_and_San_Diego_voters_weigh_in> [as of Apr. 20, 2016].
- 70 Mendel, *San Jose Pension Reforms Ruled Violation of Rights* (Dec. 30, 2013) Calpensions <<http://calpensions.com/2013/12/30/san-jose-pension-reforms-ruled-violation-of-rights/>> [as of Apr. 20, 2016].
- 71 95 Ops.Cal.Atty.Gen. 31 (2012); see also 95 Ops.Cal.Atty.Gen. 50 (2012) (regarding challenge to City and County of San Francisco).
- 72 *County of Riverside v. Superior Court (Riverside County Sheriff's Association, R.P.I.)* (2003) 30 Cal.4th 278.
- 73 *County of Sonoma v. Superior Court* (2009) 173 Cal.App.4th 322.
- 74 Audi, *supra* note 44.
- 75 In 2011, San Luis Obispo and Palo Alto voters removed binding arbitration from their charters.
- 76 Stats. 2013, ch 184 (SB 311).

Chapter 6:

CONCLUDING THOUGHTS

Each city has its unique culture and set of issues. This makes it difficult to generalize about whether any particular general law city should or should not become a charter city. With this in mind, the following is offered for your consideration:

1. **Each city's unique culture and set of issues.** A review of a variety of charter provisions reiterates the variety of issues facing cities statewide and the unique culture of each city. Charters include provisions varying from height limits to offshore drilling to red-light camera enforcement to pension reform. A charter is a forum for expressing the voters' wishes on issues they wish to reserve for themselves (by limiting city council discretion).
2. **Times change.** The extent of a charter city's authority is directly related to whether or not an area that otherwise is a municipal affair is deemed a matter of statewide concern. The courts determine whether an area is a matter of statewide concern. As times change, matters of statewide concern change. To be a charter city means to be a city that lives with change.
3. **More or less?** As discussed in Chapter 2, the provisions of a charter are a limitation on the authority of a charter city, not a grant of authority. This has led some cities to adopt a "short-form" charter that includes very few limitations. Other cities have decided to adopt more comprehensive charters that provide detailed provisions with respect to the city's exercise of its municipal affairs. Ultimately, the decision of how much limitation to include in a charter is a policy question that will be answered based on the input and recommendations received during the public drafting and review process.
4. **Words don't mean what they say.** Section 5, subdivision (a) of article XI of the Constitution grants a charter city authority over municipal affairs. Section 5, subdivision (b) grants plenary authority over four specific municipal affairs sometimes called core municipal affairs. The courts' decisions do not necessarily seem to be influenced by whether a charter city is relying upon section 5, subdivision (a) or section 5, subdivision (b) and have not been influenced, historically, by whether charter city was acting with plenary authority under section 5, subdivision (b).
5. **Some things seem pretty certain.** A few areas seem to consistently withstand a challenge:
 - » Municipal organization: The form of government and sub-government;
 - » Spending local funds: How a charter city decides to use its own tax dollars;
 - » Elections: Timing, qualifications, balloting, etc.;
 - » Salary and benefits (including retirement): City council, other officers and employees.



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ORDINANCE NO. 99-370

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ESTABLISHING A TERM LIMIT FOR COUNCILMEMBERS
AT TWO CONSECUTIVE TERMS PLUS COMPLETION
OF AN UNEXPIRED TERM

The City Council of the City of Los Altos does hereby ordain as follows:

Section 1.: Section 2-2.02 is hereby added to the Los Altos Municipal Code to read as follows:

"Section 2-2.02. Limitation of Terms for Councilmembers.

No person shall serve more than two consecutive terms on the Los Altos City Council, plus the completion of any unexpired term to which such person was elected or appointed."

Section 2.: Publication. This ordinance shall be published as provided in Government Code section 36933.

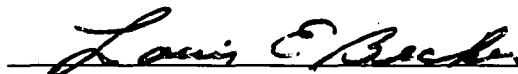
Section 3.: Effective Date. This ordinance shall apply to persons elected to the City Council or appointed thereto on November 2, 1999, and thereafter, provided that a majority of the voters voting in said election pass and adopt the proposition approving the above ordinance.

The above and foregoing ordinance was duly and properly introduced at a regular meeting of the Los Altos City Council held on May 25, 1999, and was thereafter, at a regular meeting of the Los Altos City Council held on June 8, 1999, duly passed and adopted by the following roll call vote:

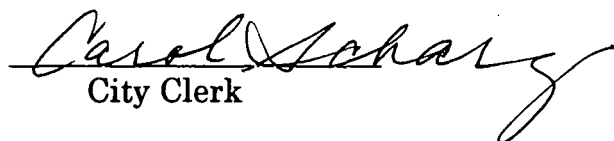
AYES: Mayor Becker, Councilmembers Casto, La Poll, Lear and Moss

NOES: None

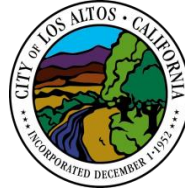
ABSENT: None


Mayor

ATTEST:


City Clerk

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City of Los Altos 2025 Tentative Council Agenda Calendar

JANUARY 28, 2025

CONSENT:

- Downtown Park Design Consultant Contract
- Dog Park Design Consultant Contract
- Approval of Lease with AT&T for Cell Site at MSC

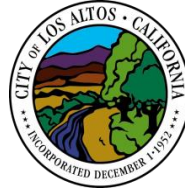
PUBLIC HEARINGS:

- 420 San Antonio Road – Tentative map as a part of a mixed use project
- 235 Yerba Santa Avenue – Tentative parcel map to subdivide one lot into two lots
- Weed Abatement Appeal

DISCUSSION ITEMS:

- City Council Priority Setting
- Flock Pilot Programs
- Parking Enforcement Contract Award and Code Change
- Private Zone Text Amendment Request

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.



City of Los Altos 2025 Tentative Council Agenda Calendar

FEBRUARY 11, 2025

STUDY SESSION (6:00 p.m.):

- **Joint Commission Meetings:**
 - **Environmental Commission**
 - **Historical Commission**
 - **Library Commission**
 - **Parks, Arts, Recreation & Cultural Commission**

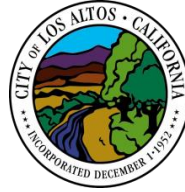
CONSENT:

- Adopt a Resolution Approving a Downtown Parking Strategy

DISCUSSION ITEMS:

- Childcare Subsidy Discussion

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda.



City of Los Altos 2025 Tentative Council Agenda Calendar

FEBRUARY 25, 2025

STUDY SESSION (6:00 p.m.):

- **Joint Commission Meetings:**
 - **Complete Streets Commission**
 - **Financial Commission**
 - **Senior Commission**
 - **Planning Commission**

Remaining 2025 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	COMPLETED
Program 6.G: Housing mobility	Allow more than one JADU (at least two per site)		with ADU Ordinance Update	COMPLETED
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		COMPLETED
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	COMPLETED
Program 1.H: Facilitate housing on City-owned sites.	Financial Analysis	July 1, 2023	December 31, 2023	COMPLETED
Program 3.D: Evaluate and adjust impact fees.		August 1, 2023	December 31, 2024	COMPLETED
Program 1.H: Facilitate housing on City-owned sites.	Release RFP	December 31, 2023		COMPLETED
Program 6.C: Target housing development in highest resource areas.	Initial Outreach		September 31, 2023	IN-PROGRESS
Program 6.D: Promote Housing Choice (Section 8) rental assistance program.			September 31, 2023	IN-PROGRESS
Program 2.A: Continue to implement and enhance inclusionary housing requirements.			December 31, 2023	ONGOING
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Housing in-lieu fee.		December 31, 2023	COMPLETED
Program 2.F: Water and Sewer Service Providers.			December 31, 2023	COMPLETED
Program 3.B: Modify building height in mixed-use zoning districts.	Downtown Districts		December 31, 2023	COMPLETED

Program 3.E: Ensure that the density bonus ordinance remains consistent with State law.			December 31, 2023	ONGOING
Program 3.H: Amend design review process and requirements.	Code Amendments		December 31, 2023	COMPLETED
Program 3.K: Standardize multimodal transportation requirements.	Bicycle Storage and Charging Regulations		December 31, 2023	COMPLETED
Program 3.K: Standardize multimodal transportation requirements.	Remove CSC Review of Housing Developments		December 31, 2023	COMPLETED
Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.			December 31, 2023	COMPLETED
Program 4.D: Allow transitional and supportive housing consistent with State law.			December 31, 2023	COMPLETED
Program 4.E: Allow employee/farmworker housing consistent with State law.			December 31, 2023	COMPLETED
Program 4.F: Reasonably accommodate disabled persons' housing needs.			December 31, 2023	COMPLETED
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Prepare Inventory.		December 31, 2023	IN-PROGRESS
Program 6.E: Prepare and distribute anti-displacement information.			December 31, 2023	IN-PROGRESS
Program 1.A: Rezone for RHNA shortfall.			January 31, 2024	COMPLETED
Program 1.G: Rezone housing sites from previous Housing Elements.			January 31, 2024	COMPLETED
Program 3.G: Amend Conditional Use Permits findings applicable to housing developments.			March 31, 2024	COMPLETED
Program 3.I: Allow residential care facilities consistent with State law.			January 31, 2024	COMPLETED
Program 3.J: Explicitly allow manufactured homes consistent with State law.			January 31, 2024	COMPLETED
Program 3.F: Reduce Conditional Use Permit requirement for residential mixed-use and multi-family.			September 31, 2024	COMPLETED
Program 1.B: Facilitate higher density housing in the Commercial Thoroughfare (CT) District.			January 31, 2024	COMPLETED

Program 1.C: Allow housing in the Office Administrative (OA) District.			January 31, 2024	COMPLETED
Program 1.E: Update the Loyola Corners Specific Plan.			January 31, 2024	COMPLETED
Program 2.D: Encourage and streamline Accessory Dwelling Units (ADUs).	Adopt-Permit Ready ADU Plans		December 31, 2024	IN-PROGRESS
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.	Downtown Parking Plan		December 31, 2024	COMPLETED
Program 3.A: Prepare a Downtown parking plan and update citywide parking requirements.	Comprehensive Parking Ordinance Update		December 31, 2024	COMPLETED
Program 3.B: Modify building height in mixed-use zoning districts.	Neighborhood (CN) District		December 31, 2024	COMPLETED
Program 3.C: Remove floor-to-area ratio (FAR) restriction at Rancho Shopping Center and Woodland Plaza.			December 31, 2024	COMPLETED
Program 3.M: Modify parking requirements for emergency shelters consistent with State law.			December 31, 2024	COMPLETED
Program 2.B: Establish an affordable housing in-lieu fee and commercial linkage fee.	Commercial linkage fee.	December 31, 2025		COMPLETED
Program 1.D: Allow housing on certain Public and Community Facilities District sites and facilitate housing on religious institution properties.			December 31, 2025	
Program 6.G: Housing mobility	Allow housing on all religious sites within the City		December 31, 2025	
Program 1.F: Rezone Village Court parcel.			January 31, 2024	COMPLETED
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	COMPLETED
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	ONGOING
Program 4.A: Support efforts to fund homeless services.			Ongoing	
Program 4.B: Continue to participate in local and regional forums for homelessness, supportive, and transitional housing.			Ongoing	
Program 5.A: Monitor condominium conversions.			Ongoing	

Program 5.B: Continue to administer the City's affordable housing programs.			Ongoing	
Program 5.C: Restrict commercial uses from displacing residential neighborhoods.			Ongoing	
Program 5.D: Implement voluntary code inspection program.			Ongoing	
Program 5.E: Help secure funding for housing rehabilitation and assistance programs.			Ongoing	
Program 6.A: Assist residents with housing discrimination and landlord-tenant complaints.			Ongoing	
Program 6.B: Maintain and expand an inventory of affordable housing funding sources.	Inform, Evaluate Apply/Submit		Ongoing	
Program 6.F: Affirmatively market physically accessible units.			Ongoing	
Program 7.A: Promote energy and water conservation and greenhouse gas reduction through education and awareness campaigns.			Ongoing	
Program 7.B: Monitor and implement thresholds and statutory requirements of climate change legislation.			Ongoing	



City Council Agenda Report

Meeting Date: January 14, 2025

Prepared By: Nick Zornes

Approved By: Gabe Engeland

Subject: Parking License Agreement – Report to City Council

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Not Applicable.

FISCAL IMPACT

The City will annually receive \$12,636.00 from Luna Mexican Grill unless the executed parking license agreement is amended or terminated.

ENVIRONMENTAL REVIEW

No Applicable.

PREVIOUS COUNCIL CONSIDERATION

February 27, 2024, the Los Altos City Council approved Section 14.74.120 of the Los Altos Municipal Code which establishes the authority to execute parking license agreements under specific terms.

DISCUSSION

Luna Mexican Grill desired to open a location at 145 and 151 First Street in Downtown Los Altos. The existing site is developed with an existing vacant building and minimal onsite parking. In order to approve a restaurant use at the subject site additional offsite parking is required to meet the parking demand as established in the Los Altos Municipal Code.

Pursuant to Section 14.74.120 (Authorization to execute parking license agreements) the city council authorizes the development services director (Assistant City Manager) to determine the parking requirements of any proposed project within the City of Los Altos consistent with the provisions of this code. When it is determined that providing the required parking on-site is

infeasible the development services director shall negotiate with consultation of the city attorney a parking license agreement to satisfy the parking requirements of Chapter 14.74 of the Los Altos Municipal Code.

The proposed restaurant requires an additional twenty-six (26) parking stalls than what is available onsite. The city is able to provide parking in adjacent parking plazas for a set fee as determined in the adopted Fee Schedule set by the City Council. The current rate is set at \$3.00 per square foot. A typical parking stall is 9 feet by 18 feet which is 162 square feet. \$3.00 per square foot times 162 square feet is \$486.00 per stall. 26 parking spaces times \$486.00 per stall equals \$12,636.00 annually for the parking license agreement.

This item is provided to the City Council as an Informational Item Only as no action is required for the authorized executed parking license agreement.