



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
DECEMBER 03, 2024
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
7:00 PM**

*Mary Badame, Mayor
Matthew Hudes, Vice Mayor
Rob Moore, Council Member
Rob Rennie, Council Member
Maria Ristow, Council Member*

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through Zoom Webinar (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom Webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

HOW TO PARTICIPATE

The public is welcome to provide oral comments in real-time during the meeting in three ways:

Zoom Webinar (Online): Join from a PC, Mac, iPad, iPhone or Android device. Please use this URL to join: https://losgatosca.gov.zoom.us/j/82232739012?pwd=1zlbRu029_33oyBb9l3AyTZQ7D2MEQ.kN8FbuOkINsmz-Jj
Passcode: 793054 You can also type in 822 3273 9012 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/> and use passcode 793054.

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.

Telephone: Please dial (877) 336-1839 for US Toll-free or (636) 651-0008 for US Toll. (Conference code: 1052180)

If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

In-Person: Please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk before the meeting or when the Mayor announces the item for which you wish to speak.

NOTES: (1) Comments will be limited to three (3) minutes or less at the Mayor’s discretion.

(2) If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment). All comments received will become part of the record.

(3) Deadlines to submit written comments are:

11:00 a.m. the Monday before the Council meeting for inclusion in an addendum.

11:00 a.m. on the day of the Council meeting for inclusion in a desk item.

(4) Persons wishing to make an audio/visual presentation on agenda items only must submit the presentation electronically to Clerk@losgatosca.gov no later than 3:00 p.m. on the day of the Council meeting.

CALL MEETING TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council Member to participate remotely under AB 2449 (Government Code 54953)).*

PLEDGE OF ALLEGIANCE

CONSENT ITEMS *(Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may remove an item from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 1 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

- [1.](#) Approve the November 19, 2024, Town Council Closed Session Meeting Minutes.
- [2.](#) Approve the November 19, 2024, Town Council Study Session Meeting Minutes.
- [3.](#) Approve the November 19, 2024, Town Council Meeting Minutes.
- [4.](#) Receive an Annual Report Regarding the Independent Police Auditor Function.
- [5.](#) Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Ordering Abatement, and Setting a Public Hearing Date of January 21, 2025, to Consider Objections for the Proposed Abatement.
- [6.](#) Adopt an Ordinance Amending Section 15.30.235 of the Town Code to Reduce the Speed Limit on Blossom Hill Road between Santa Cruz Avenue/Winchester Boulevard and Camino del Cerro.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Section 15.30.235, "Establishing Speed Limits on Certain Streets," of the Town Code Establishing Speed Limits.
- [7.](#) Adopt an Ordinance to Amend Chapter 14 of the Town Code to Rescind the Existing Pushcart Ordinance and Replace It with a New Sidewalk Vending Ordinance in Compliance with State Law and Amend the Existing Peddler and Solicitor Ordinance to Exclude Sidewalk Vendors From its Provisions.
Ordinance Title: "An Ordinance of The Town Council of The Town of Los Gatos Amending Sections 14.40.010, 'Definitions,' and 14.40.015, 'Nonapplicability,' of Article IV, 'Peddlers and Solicitors,' of Chapter 14, 'Licenses and Miscellaneous Business Regulations,' of the Town Code and Replacing Article VII, 'Pushcarts,' of Chapter 14, 'Licenses and Miscellaneous Business Regulations,' with a New Article VII, 'Sidewalk Vending.'"
- [8.](#) Adopt an Ordinance to Amend Chapter 29 of the Town Code to Adjust the Permitted Size of Signs at Intersections, Clarify Regulations Applicable to Temporary Signs on Private Property, and Prohibit Temporary Signage on Public Property.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning Regulations," Article I, "In General," Division 3, "Signs".

9. Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with Nichols Consulting Engineers for an Extension of Time for the Shannon Road Repair Project (CIP No. 811-0008).
10. Approve an Amendment to the Joint Powers Agreement of the West Valley Clean Water Program Authority to Support the Authority's Proposed Name Change.
11. Authorize The Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Villalobos and Associates Inc., and Authorize the Town Clerk to File for Recordation.
12. Authorize the Town Manager to Execute a Third Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC to Extend the Term of the Agreement from December 31, 2024, to June 30, 2025, for the Annual ADA Compliance Work Project (CIP No. 812-2013).
13. Authorize the Town Manager to Execute a Second Amendment to the Contract for Legal Services with the Law Firm of Atchison, Barisone & Condotti to Increase the Contract Amount by \$100,000 in an Amount Not to Exceed \$250,000 until December 31, 2025.
14. Authorize the Town Manager to Execute a Contract Amendment to the Contract for Legal Services with the Law Firm of Goldfarb & Lipman to Increase the Contract Amount in an Amount Not to Exceed \$165,000.
15. Direct Staff to Exercise the Option to Purchase the Below Market Rate (BMR) Unit at 653 Blossom Hill Road and Take Necessary Steps.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Town Council. The law generally prohibits the Town Council from discussing or taking action on such items. However, the Council may instruct staff accordingly. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were not heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Mayor.)*

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

16. Introduce An Ordinance to Repeal Town Code Sections 6.120.060, 6.120.070, and 6.120.080 (All Electric Construction Requirements).
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing Section 6.120.060, "All Electric Construction Definitions," Section 6.120.070, "Residential All Electric Construction," and Section 6.120.080, "Nonresidential All Electric Construction" of the Town Code.
17. Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding State Mandated Density Bonuses, Pursuant to Implementation Program R of the 2023-2031 Housing Element. Adoption of This Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65915

and Following. Town Code Amendment Application A-24-005. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code to Update the Town's Density Bonus Ordinance to Reflect Changes Made in State Law.

18. Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code to Add Low Barrier Navigation Centers as a By-Right Use in Mixed-Use and Nonresidential Zones, Pursuant to Implementation Program AD of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65660 - 65668. Town Code Amendment Application A-24-006. **Project Location: Town Wide.** Applicant: Town of Los Gatos. **Ordinance Title:** An Ordinance of the Town Council of the Town of Los Gatos to Add Division 11, "Low Barrier Navigation Centers," to Article I, "General" of Chapter 29, "Zoning Regulations," of the Town Code.

19. Introduce a Replacement Units Ordinance and Adopt a Resolution Adopting Replacement Units Guidelines, Pursuant to Implementation Program AU of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to State Law. Town Code Amendment Application A-24-007. **Project Location: Town Wide.** Applicant: Town of Los Gatos. **Ordinance Title:** An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code, to Add Division 12, "Replacement Housing Units," to Article I, "General."

OTHER BUSINESS (*Up to three minutes may be allotted to each speaker on any of the following items.*)

20. Receive the Los Gatos-Monte Sereno Police Department Organizational Assessment Report Completed by Meliora Public Safety Consulting.

COUNCIL / MANAGER MATTERS

CLOSED SESSION REPORT

ADJOURNMENT (*Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time.*)

ADA NOTICE In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104].



**TOWN OF LOS GATOS
COUNCIL CLOSED SESSION MINUTES**

MEETING DATE: 12/03/2024

ITEM NO. 1.

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting – Closed Session
Tuesday, November 19, 2024
5:15 P.M.**

The Town Council of the Town of Los Gatos conducted a special meeting in-person.

MEETING CALLED TO ORDER AT 5:15 P.M.

ROLL CALL

Present: Mayor Mary Badame, Vice Mayor Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie, and Council Member Maria Ristow.

Absent: None.

VERBAL COMMUNICATIONS (ONLY ON ITEMS ON THE AGENDA)

None.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): 2 cases.
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): 1 case.

The Town Council reconvened in open session. There was no reportable action taken.

ADJOURNMENT

The meeting adjourned at approximately 5:45 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Town Clerk

Chris Constantin, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 2

ITEM NO. 2.

**DRAFT
Minutes of the Special Town Council Meeting – Study Session
Tuesday, November 19, 2024
5:45 P.M.**

The Town Council of the Town of Los Gatos conducted a special meeting in person and via teleconference.

MEETING CALLED TO ORDER AT 5:48 P.M.

ROLL CALL

Present: Mayor Mary Badame, Vice Mayor Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie, Council Member Maria Ristow.

Absent: None

VERBAL COMMUNICATIONS

Jeffrey Suzuki

- Commented on having a Town-wide Traffic Study Model to better understand and manage traffic patterns.

Linda Swenberg

- Commented on concerns with the proposed “pork-chop” island removal at Blossom Hill Road and Cherry Blossom.

Erik Miller

- Commented on the benefits of having a Town-wide Traffic Study Model.

OTHER BUSINESS

1. Receive an Introductory Report on the Capital Infrastructure Needs of the Town of Los Gatos.

Chirs Constantin, Town Manager, provided introductory comments and background on the Capital Improvement Program.

Nicolle Burnham, Parks and Public Works Director, presented the staff report.

The Council received the report, provided individual comments, and supported a tiered project list.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Special Meeting of November 19, 2024

DATE: November 19, 2024

ADJOURNMENT

The meeting adjourned at 6:48 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 3

ITEM NO. 3.

**DRAFT
Minutes of the Town Council Meeting
Tuesday, November 19, 2024
7:00 P.M.**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and via teleconference.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Mary Badame, Vice Mayor Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie, Council Member Maria Ristow.

Absent: None

PLEDGE OF ALLEGIANCE

Girl Scouts Rylin, Sihi, and Skyla led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

- i. Los Gatos Thrives Foundation Presentation on a potential Community Center.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve the Minutes of the October 15, 2024, Town Council Meeting.
2. Receive the Monthly Financial and Investment Report for September 2024.
3. Authorize the Town Manager to Execute a Four-and-a-Half-Year Agreement with ECS Imaging, Inc. for Laserfiche Software Maintenance, Support, and Scanning Services in a Total Amount Not to Exceed \$315,000.
4. Authorize the Town Manager to Execute a One-Year Agreement for Services with OpenGov, Inc. for Enterprise Asset Management System Services and Procurement System Services Effective December 30, 2024, Through December 29, 2025, for a Total Agreement Amount of \$66,355.59 With Four One-Year Options Thereafter.
5. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Smart Signals Field Improvements Project (Traffic Signal Modernization) CIP No. 813-0227 Completed by St. Francis Electric, Inc., and Authorize the Town Clerk to File for Recordation.
6. Authorize the Town Manager to Enter into an Agreement with MBS Business Systems (MBS) to Provide Multifunctional Printer Purchases, Replacement, and Maintenance Services for the Town of Los Gatos in an Amount Not to Exceed \$260,540.

Mayor Badame opened public comment.

PAGE 2 OF 8

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Ristow to approve consent items one through six.
Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Jeffrey Suzuki, Los Gatos Anti-Racism Coalition

- Commented in support of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

Gus Who

- Welcomed the new Town Manager; Commented on concerns with safety on Lynn Avenue and Pinehurst Avenue, and water rate increases.

Johanes Swenberg

- Commented on concerns with a resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

Lynley

- Commented on the presidential election and accountability of council members.

Lee Quintana

- Commented in support of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

Linda Swenberg

- Commented in opposition of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics and about concerns on Town processes.

Autumn

- Commented in support of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

Lee Fagot

- Commented on concerns with agendizing a proposed resolution [to prohibit the use of Town resources to implement potential federal regulations on certain topics] and Town involvement in Federal regulations.

PAGE 3 OF 8

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

Chris Wiley

- Commented on concerns with theft in Safeway stores and the strain it has on Police resources and inquired about painting crosswalks.

Ali Miano, Los Gatos Anti-Racism Coalition

- Commented on support of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

Annie Schwartz

- Commented in support of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

Kinsey Lee

- Commented in support of agenizing a proposed resolution to prohibit the use of Town resources to implement potential federal regulations on certain topics.

PUBLIC HEARINGS

7. Consider Adoption of a Resolution of Necessity to Authorize Acquisition of Private Property Through Eminent Domain for the Shannon Road Capital Improvement Project (CIP No. 811-0008). **RESOLUTION 2024-050**

Gabrielle Whelan, Town Attorney; Nicholas Muscolino, Special Counsel; and Nicolle Burnham, Parks and Public Works Director, presented the staff report.

Mayor Badame opened public comment.

Julie Houston, Representative of the Property Owner

- Stated the property owner and the Town discussed issues raised in her letter (submitted as an addendum) and reached an agreement.

Lee Fagot

- Inquired about road repairs prior to the Town acquiring the property and asked about provisions to offset the additional repair cost.

Mayor Badame closed public comment.

Council discussed the item.

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

MOTION: Motion by Council Member Ristow to adopt a Resolution of Necessity in attachment two to authorize acquisition of the private property through eminent domain for the Shannon Road Capital Improvement Project; make those findings [included in the resolution]; authorize the Town Attorney to take all steps necessary to commence legal proceedings to acquire the property, to deposit the probable amount of just compensation with the State Condemnation Fund, to apply to the Superior Court for an order permitting the Town to take immediate possession and make immediate use of the property for the project, to take all necessary steps to acquire the property under the law, and to take such actions as our Attorney may deem advisable or necessary in connection therewith. **Seconded by Vice Mayor Hudes.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

8. Approve the Youth Commission Work Plan for School Year 2024/25.

Jamie Field, Police Chief presented the staff report. Youth Commission Chair Balasingam and Vice Chair Idemoto, and Commissioners Gwyneth Pang, Rushil Sharma, Anjali Kalia, and Elijah Asheghian presented the Commission’s workplan.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Badame to approve the Youth Commission Workplan for school year 2024/25. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

9. Consider and Provide Direction to Staff regarding the Finance Commission’s Recommendation that the Town Council Engage a Professional Consulting Firm to Prepare a Comprehensive Fiscal Impact Analysis, Including Scenario Sensitivity Analysis, with Risks and Opportunities, which will Evaluate the Potential Fiscal Impact of Planned Growth.

Joel Paulson, Community Development Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

PAGE 5 OF 8

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to ask staff to return to the Council at a time the Town Manager feels appropriate, with proposals on how to complete the Fiscal Impact Analysis given the scope of the Housing Element, SB330, and Builder's Remedy applications. **Seconded by Mayor Badame.**

VOTE: Motion passed unanimously.

Mayor Badame called a recess at 9:03 p.m.

Mayor Badame reconvened the meeting at 9:15 p.m.

PUBLIC HEARINGS

10. Consider the Following Actions Related to Certain Sections of Blossom Hill Road:

- a. Accept the 2023 Engineering and Traffic Survey Update; and
- b. Introduce an Ordinance Amending Section 15.30.235 of the Town Code Establishing Speed Limits. Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Section 15.30.235, "Establishing Speed Limits on Certain Streets," of the Town Code Establishing Speed Limits. **ORDINANCE 2362**

Gary Heap, Town Engineer, presented the staff report.

Mayor Badame opened public comment.

Erik Miller

- Commented in support of the item and requested the speed limit be reduced to 25 miles per hour (mph).

Lee Fagot

- Commented in support of the item, requested the speed limit be reduced to 25 mph, and stated the speed limit should be enforced for electric bikes.

John Shepardson

- Commented in support of a 30 mph speed limit from Blossom Hill/Union to Harwood, and requested electronic monitoring and bike lanes in that area.

Mayor Badame closed public comment.

Council discussed the item.

PAGE 6 OF 8

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

MOTION: Motion by Council Member Moore to accept the 2023 Engineering and Traffic Survey (ETS) update, introduce an ordinance amending section 15.30.235 of the Town Code establishing speed limits, and add a clause for staff to conduct an Engineering and Traffic Survey on the eastern portion of Blossom Hill Road after the quick build solutions on that eastern portion are made. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

11. Introduce an Ordinance Amending the Town Code Chapter 14 Related to “Peddlers and Solicitors” and Replacing Article VII “Pushcarts” with “Sidewalk Vending.” Ordinance Title: An Ordinance of The Town Council of The Town of Los Gatos Amending Sections 14.40.010, “Definitions,” and 14.40.015, “Nonapplicability,” of Article IV, “Peddlers And Solicitors,” of Chapter 14, “Licenses and Miscellaneous Business Regulations,” of The Town Code and Replacing Article VII, “Pushcarts,” of Chapter 14, “Licenses and Miscellaneous Business Regulations,” with a New Article VII, “Sidewalk Vending” in the Town Code. **ORDINANCE 2363**

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Badame to introduce an ordinance amending the Town Code Chapter 14 related to “Peddlers and Solicitors” and replacing Article VII “Pushcarts” with “Sidewalk Vending.” **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

12. Introduce a Draft Revised Sign Ordinance. Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, “Zoning Regulations,” Article I, “In General,” Division 3, “Signs,” of the Town Code Regarding Sign Regulations. **ORDINANCE 2324**

Nicolle Burnham, Parks and Public Works Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

PAGE 7 OF 8

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Ristow to introduce the draft revised sign ordinance.
Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie attended the Finance Commission meeting; met with two Silicon Valley Clean Energy Authority (SVCEA) Board Members; met with the Meadows rebuild team; and attended the SVCEA Board Meeting and the Los Gatos-Saratoga Recreation Thanksgiving Luncheon.
- Council Member Ristow stated she attended the Santa Clara Valley Water Commission meeting; the Valley Transportation Authority (VTA) Policy Advisory Committee meeting; the one-year update of the Highway 17 update of the wildlife under and overcrossing at Laurel Curve; and announced that Midpeninsula Open Space District recently opened trails in Bear Creek Redwoods.
- Vice Mayor attended the League of California Cities Annual Conference; met with the Los Gatos Thrives Executive Committee; met with Council Member Tina Walia from Saratoga; met with Director of NUMU; met with Summerhill regarding Los Gatos Lodge; attended the Santa Clara Cities Association meeting; attended the Santa Clara Cities Association Legislative Action Committee meeting; attended a Community Health and Senior Services Commission meeting; attended the "Here I am Silicon Valley" event; and attended a Democracy Tent meeting.
- Mayor Badame participated in the Los Gatos-Monte Sereno Police Foundation Recognition Luncheon; attended a West Valley Mayors and Managers meeting; participated in a ribbon cutting for a reopening of the Discovery Shop; participated in a ribbon cutting for the 10th Anniversary of Coup de Thai; attended a meeting with the executive director of the West Valley Solid Waste Management Authority; participated as a guest speaker at a Democracy Tent meeting; participated in the Fischer Middle School Veterans Day Ceremony; attended a Finance Commission meeting; participated in the West Valley Clean Water Authority and West Valley Solid Waste Management Authority Board meetings; was a guest speaker at the Rotary Club; participated in a ribbon cutting at Carnico Tools & Provisions; attended Art in the Council Chambers; participated in Los Gatos Recreation Veterans Event; and attended the Los Gatos Recreation Thanksgiving Luncheon.
- Council Member Moore discussed his request to agendize a resolution to prohibit the use of Town resources to implement potential federal regulation on topics such as immigration, homelessness, climate, women's rights, and LGBTQ+ rights.

There were no further comments or actions on Council Matters.

PAGE 8 OF 8

SUBJECT: Draft Minutes of the Town Council Meeting of November 19, 2024

DATE: November 19, 2024

Town Manager Matters

- Thanked the Council, staff, and the community for a warm welcome; Assistant Town Manager Nomura for her work as Interim Town Manager; and previous Town Manager Prevetti for her leadership.

ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO. 4.

ITEM NO: 4

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Receive an Annual Report Regarding the Independent Police Auditor Function

RECOMMENDATION:

Receive an annual report regarding the Independent Police Auditor function.

BACKGROUND:

The Los Gatos-Monte Sereno Police Department (LGMSPD) personnel are held to the highest standards of conduct both on and off duty. As a critical component of building and maintaining trust with the community, allegations from the community of misconduct by sworn members of the LGMSPD must be investigated in a manner that is fair, impartial, independent, thorough, and timely.

On September 8, 2020, the Town hosted a Community Workshop regarding Police practices, and subsequently, potential changes were reviewed and discussed with community input at the September 15, 2020, and November 3, 2020, Town Council meetings. On November 3, 2020, the Town Council voted to authorize the Town Manager to establish an Independent Police Auditor (IPA) function with a panel of diverse rotating independent investigators and requested the publication of quarterly IPA reports. Due to the low number of complaints, reports are provided to the Town Council annually. On May 18, 2021, the Town Council authorized the Town Manager to enter into agreements with three law firms who responded to a Request for Qualifications and were determined to be the most qualified to serve as independent investigators.

The IPA function creates distance between the Police Department in the review, investigation, and analysis of community complaints regarding police activities. For this reason, complaints may be submitted to the Town Clerk or through an online complaint form. The Town Attorney

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Independent Police Auditor Function Annual Report

DATE: November 20, 2024

then reviews the complaint and any applicable materials, such as video footage, in order to determine whether the complaint should be referred to an independent investigator who is overseen by the Town Attorney. This process has been documented in an Administrative Procedure which has been updated by the Town Manager consistent with Town procedures. Staff is now considering possible additional improvements to the procedure.

DISCUSSION:

The current procedure provides that complaints may be made either in writing or verbally. The Town received three complaints in 2024 by email. The nature of the complaints were as follows:

- 1) One complaint in which allegations could not be determined.
- 2) Two complaints alleging officer misconduct.

The first complaint was deemed demonstrably unfounded because it was not possible to determine what was being alleged. After review of incident reports and body cam videos, the second complaint was also determined to be demonstrably unfounded. The third complaint is currently under review.

CONCLUSION:

Staff is giving the Council an annual report regarding the Independent Police Auditor function. Three complaints have been received thus far in 2024.

COORDINATION:

The Town Attorney's Office, Town Manager's Office, and Town Clerk's Department coordinated this report.

FISCAL IMPACT:

Based upon recent experience, preparing and sending the required notices and handling of a complaint averages approximately 15 hours of staff time, which includes review of the complaint and any related body camera footage and communication with the complainant. Additionally, about five hours of Police Department staff time is necessary per complaint to provide case documentation and footage, consult with the Town Attorney, State reporting requirements, and case retention. The work and the associated costs are absorbed into the Town Attorney's and Police Department's budget. Fees have not been established to recover these costs. The adopted budget contains funds to pay for consultant costs if an independent investigation is warranted.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO. 5.

ITEM NO: 5

DATE: November 27, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Ordering Abatement, and Setting a Public Hearing Date of January 21, 2025, to Consider Objections for the Proposed Abatement

RECOMMENDATION:

Adopt a resolution declaring certain hazardous vegetation growing in the Town of Los Gatos to be a public nuisance, describing properties where such nuisance exists, ordering abatement, and setting a public hearing date of January 21, 2025, to consider objections for the proposed abatement (Attachment 1).

BACKGROUND:

The Weed Abatement Program (the Program) is a different, but complementary program to the Brush Abatement Program. Both programs work to protect the Town by reducing fire hazards created by vegetation growth and the accumulation of combustible debris with the goal of voluntary compliance. The Town of Los Gatos Municipal Code Chapter 11, Article II, requires property owners to prevent potential fire hazards on their property and any nearby structures by clearing hazards. The Program is administered by the County of Santa Clara (County) on behalf of the Town and is funded from fees assessed on the properties included on the assessment list. Every year while in the Program, each of the property owners is charged an annual compliance inspection fee and some incur costs for additional inspections, administrative, and abatement fees. The annual compliance inspection fee is currently \$107.

Typically, a property is placed in the Program after a County inspector identifies a potential fire hazard on the premises. Fire Departments, Code Enforcement, Public Works, and other public

PREPARED BY: Meredith Johnston
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

PAGE 2 OF 3

SUBJECT: Actions Related to the 2025 Weed Abatement Program, Including Scheduling a Hearing for January 21, 2025

DATE: November 27, 2024

agencies can also submit complaints to the County. Once a parcel is placed in the Program, it will remain until it displays compliance for three consecutive years, at which point it will be removed.

Property owners in the Program are given the opportunity to abate their weeds prior to receiving an annual compliance inspection by County staff to confirm if the property has been cleared of hazards according to the requirements defined in the Santa Clara County Weed Abatement Program (<https://weedabatement.santaclaracounty.gov/home>). If the property owner has not complied with the requirements of the Program by the time of the County inspection, then the Town authorizes the County to remove the weeds. The County recovers its costs through a special assessment on each parcel's property tax bill.

DISCUSSION:

The Weed Abatement program process consists of eight steps that begin in November and go through August of the following year. Currently, the process is at Step 2 on the list as illustrated below.

1. When properties are identified as having hazardous weeds, they are placed in the program, monitored, and must be compliant for three consecutive years in order to be removed from the program. The County prepares a report of all properties that have been identified and provides a Commencement Report to the Town (Exhibit A to Attachment 1) (November).
2. The Town Council adopts a resolution declaring weeds on such properties a public nuisance and sets a hearing date to consider objections to the proposed abatement (December).
3. The County sends notice to property owners on the report notifying them of the hearing date, along with guidelines on the Weed Abatement Program explaining that they must remove weeds by the abatement deadline, or it will be done for them, and the cost of the abatement plus administrative costs will be assessed by the County Tax Collector against the respective property (December).
4. The Town Council holds a public hearing to consider objections to the proposed abatement and adopts a resolution ordering abatement (January).
5. The County sends a courtesy letter to property owners on the report notifying them again of the abatement deadline (January).
6. After the deadline, the properties are inspected by the County Weed Abatement Inspector to verify that weeds were removed and proceeds with abatement if the inspection fails. The County creates an assessment report of all costs associated with the abatement and provides that report to the Town (June-July).
7. The Town notifies the property owners on the assessment report notifying them of the August public hearing date (July).

PAGE 3 OF 3

SUBJECT: Actions Related to the 2025 Weed Abatement Program, Including Scheduling a Hearing for January 21, 2025

DATE: November 27, 2024

8. The Town Council holds a hearing, considers objections, and adopts a resolution confirming the assessment report, authorizing the collection of the assessment charges (August).

CONCLUSION:

Staff recommends that the Town Council adopt the necessary resolution (Attachment 1) to declare certain vegetation growing on identified properties in the Town of Los Gatos to be a public nuisance. Adoption of the resolution will establish a public hearing date of January 21, 2025, to consider objections to the proposed abatement.

COORDINATION:

This program has been coordinated with the Santa Clara County Consumer and Environmental Protection Agency (CEPA) - Weed Abatement Program and the Town Attorney.

FISCAL IMPACT:

The County's Weed Abatement Program administers services for 13 local agencies under a cost recovery model, paid for by fees imposed on the parcel owners. The estimated program cost related to each agency is based on the number of parcels per agency.

Should the funding associated with the assessments fall short of the total program cost, the Town will be billed for a pro-rata share of the program such that the County achieves full cost recovery. If the County needs to request additional funds, this would be absorbed in the Parks and Public Works Fiscal Year 2024/25 Operating Budget. The Fiscal Year 2024/25 Operating Budget has sufficient funds to cover the cost of publishing all required legal notices.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15304, the Town's weed abatement program is categorically exempt as a minor alteration to land.

Attachments:

1. Resolution for the 2025 Town of Los Gatos Weed Abatement Program with Exhibit A – Commencement Report

DRAFT RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DECLARING CERTAIN HAZARDOUS VEGETATION GROWING IN
THE TOWN OF LOS GATOS TO BE A PUBLIC NUISANCE, DESCRIBING PROPERTIES
WHERE SUCH NUISANCE EXISTS; ORDERING ABATEMENT AND SETTING A PUBLIC
HEARING DATE OF JANUARY 21, 2025 TO CONSIDER OBJECTIONS FOR PROPOSED
ABATEMENT**

WHEREAS, Section 39501 and Section 39502 of the Government Code of the State of California authorizes the Town of Los Gatos to prescribe a procedure for compelling the owner, lessees, or occupant of buildings, grounds, or lots to remove hazardous vegetation (weeds) from such buildings or grounds and adjacent sidewalks, and, upon his failure to do so, to remove such hazardous vegetation (weeds) at owner's expense, making the cost thereof a lien upon such property; and

WHEREAS, the Town of Los Gatos, by ordinance, has adopted such a procedure, codified in Chapter 11, Article II, Sections 11.20.010 through 11.20.045 of the Los Gatos Town Code.

NOW, THEREFORE, BE IT RESOLVED: that the Town Council hereby finds that hazardous vegetation "weeds," as that term is defined in Section 11.20.010, are growing upon and adjacent to certain private property within the Town of Los Gatos as presented in Exhibit A, and declares that all hazardous vegetation (weeds) growing upon any private property or properties, and in any sidewalk street, or alley within the Town of Los Gatos are a public nuisance and should be abated.

BE IT FURTHER RESOLVED that unless such nuisance be abated by the destruction or removal of such hazardous vegetation (weeds) within thirty (30) days after the adoption of this resolution, or within the time specified in a written agreement with the Town of Los Gatos Director of Parks and Public Works, or their representative, whichever time shall be later, as provided in Chapter 11, Article II, of the Los Gatos Town Code, the Town of Los Gatos shall cause such nuisance to be abated, and the expense thereof assessed upon the lots and lands from which, or in the front and rear of which, such hazardous vegetation (weeds) shall have been destroyed or removed, such expense constituting a lien upon such lots or lands until paid, and to be collected upon the next tax roll upon which general municipal taxes are collected.

BE IT FURTHER RESOLVED that the Town Engineer shall execute a "Notice to Destroy Hazardous Vegetation (Weeds)" in the form set forth in Section 11.20.020(b) and shall cause same to be published and posted in the manner prescribed by Section 11.20.020(c).

BE IT FURTHER RESOLVED that on the 21st day of January 2025 at a meeting of the Town Council beginning at 7:00 p.m. in the Council Chambers of the Civic Center, 110 E. Main Street, Los Gatos, California, and via Teleconference, a public hearing will be held during which all property owners in the Town of Los Gatos having any objections to the proposed destruction or removal of such hazardous vegetation (weeds) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the _____ day of _____, 2024 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**2025 Weed Abatement Program
Commencement Report
Town of Los Gatos**

ITEM NO. 5.

Situs			APN
831	POLLARD	RD	406-26-011
102	VIA TERESA		407-12-016
	CALLE MARGUERITA		409-04-049
	CALLE MARGUERITA		409-04-052
	WEDGEWOOD	AV	409-08-001
17351	WEDGEWOOD	AVE	409-14-017
14344	LA RINCINADA	DR	409-14-019
14330	LA RINCINADA	DR	409-14-020
14341	BROWNS	LN	409-14-035
14329	MULBERRY	DR	409-15-021
17631	WEDGEWOOD	AVE	409-17-010
103	SPORLEDER	CT	409-24-035
109	SPORLEDER	CT	409-24-036
110	SPORLEDER	CT	409-24-037
104	SPORLEDER	CT	409-24-038
14810	CLARA	ST	409-25-030
14821	GOLF LINKS	DR	409-27-005
14885	LA RINCINADA	DR	409-32-004
14635	GOLF LINKS	DR	409-46-025
215	DRAKES BAY	AV	421-27-018
16245	BURTON	RD	424-06-115
	BURTON	RD	424-06-116
14823	LOS GATOS	BL	424-07-065
14990	TERRENO DE FLORES	LN	424-10-004
14926	LOS GATOS	BL	424-10-009
14911	NATIONAL	AVE	424-10-058
142	LESTER	LN	424-13-061
16171	SUN RAY	DR	424-19-070
15710	WINCHESTER	BLVD	424-27-013
17094	SUMMIT	WY	424-30-037
	LAUREL	AV	510-41-068
	WOOD	RD	510-46-006
	WOOD	RD	510-46-007
110	WOOD	RD	510-47-038
138	WOOD	RD	510-47-044
148	HILLBROOK	DR	523-11-018
120	HILLBROOK	DR	523-11-025
15839	DEL CERRO	CT	523-24-036
	UNION	AVE	523-42-011
72	DRYSDALE	DR	527-02-007
101	DRYSDALE	DR	527-04-008

15777	SHADY	LN	527-05-005
	CAMINO DEL CERRO		527-08-001

ITEM NO. 5.

Situs			APN
	CAMINO DEL CERRO		527-08-002
16065	CAMINO DEL CERRO		527-08-003
16045	CAMINO DEL CERRO		527-08-009
16300	GREENRIDGE	TR	527-12-003
16084	GREENRIDGE	TER	527-15-002
	LARGA VISTA	DR	527-16-013
401	SURMONT	DR	527-20-002
14510	BLOSSOM HILL	RD	527-23-027
110	BELVALE	DR	527-30-020
125	BELVALE	DR	527-30-028
175	BELWOOD	GATEWAY	527-30-032
14841	BLOSSOM HILL	RD	527-42-003
310	SANTA ROSA	DR	527-55-036
615	BLOSSOM HILL	RD	529-16-026
17045	PINE	AVE	529-20-011
	BELLA VISTA	AVE	529-23-015
	BELLA VISTA	AVE	529-23-016
401	ALBERTO	WY	529-23-018
	BELLA VISTA	AVE	529-23-019
	BELLA VISTA	AVE	529-23-020
50	RESERVOIR	RD	529-29-065
30	RESERVOIR	RD	529-29-066
39	RESERVOIR	RD	529-33-022
63	HIGHLAND	AVE	529-36-044
140	FOSTER	RD	529-37-015
	TOURNEY	RD	529-39-047
16461	KENNEDY	RD	532-17-027
16481	KENNEDY	RD	532-17-028
150	BROOKE ACRES	DR	532-18-039
17511	PHILLIPS	AV	532-39-009
17435	PHILLIPS	AVE	532-39-013
17681	FOSTER	RD	537-03-036
15310	KENNEDY	RD	537-15-001
233	FORRESTER	RD	537-21-010
135	WOODED VIEW		537-23-042
15876	SHANNON	RD	537-26-009
15780	SHANNON	RD	537-26-016
15760	SHANNON	RD	537-26-018
209	FORRESTER	RD	537-28-005
15975	CERRO VISTA	DR	537-30-007

20769	LOCUST DR		558-20-089
16380	HARWOOD	RD	567-18-068
16220	HARWOOD	RD	567-18-076
104	ALMOND BLOSSOM	LN	567-18-077

ITEM NO. 5.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO. 6.

ITEM NO: 6

DATE: November 27, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Adopt an Ordinance Amending Section 15.30.235 of the Town Code to Reduce the Speed Limit on Blossom Hill Road between Santa Cruz Avenue/Winchester Boulevard and Camino del Cerro.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Section 15.30.235, "Establishing Speed Limits on Certain Streets," of the Town Code Establishing Speed Limits

RECOMMENDATION:

Adopt an ordinance amending section 15.30.235 of the Town Code to reduce the speed limit on Blossom Hill Road between Santa Cruz Avenue/Winchester Boulevard and Camino Del Cerro.

BACKGROUND:

At the regular meeting of November 19, 2024, the Town Council held a public hearing to consider and introduce an ordinance amending Town Code section 15.30.235, "Establishing Speed Limits on Certain Streets," of the Town Code to reduce the speed limit on Blossom Hill Road between Santa Cruz Avenue/Winchester Boulevard and Camino Del Cerro. The Town Council voted unanimously to approve the introduction of the ordinance.

This ordinance is returning to the Town Council for final adoption. The ordinance will take effect 30 days after its adoption. Signs will be installed once the ordinance takes effect.

COORDINATION:

This report was coordinated with the Police Department, the Town Attorney's Office, and the Town Manager's Office.

PREPARED BY: Gary Heap
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Adopt an Ordinance Amending Section 15.30.235 of the Town Code Establishing
Speed Limits

DATE: November 27, 2024

FISCAL IMPACT:

Changing the speed limit on Blossom Hill Road would require the posting of new speed limit signage. There is a need to replace eight (8) 35-mile-per-hour (mph) signs with 30 mph signs. The cost to replace the signs is approximately \$300 per sign for a total cost of \$2,400. The adopted Fiscal Year (FY) 2024/25 Parks and Public Works Operating Budget (Streets) includes sufficient funds to cover the cost.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Ordinance

DRAFT ORDINANCE**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING SECTION 15.30.235, "ESTABLISHING SPEED LIMITS ON CERTAIN
STREETS," OF THE TOWN CODE ESTABLISHING SPEED LIMITS**

WHEREAS, the Town recently completed a "road diet" project along Blossom Hill Road between Camilla Terrace and Cherrystone Drive to enhance bicycle and pedestrian safety along the corridor in the vicinity of Blossom Hill Elementary School;

WHEREAS, the project resulted in a reduction of vehicle travel lanes along Blossom Hill Road between Camilla Terrace and Cherrystone Drive;

WHEREAS, the Town conducted an Engineering Traffic Survey (ETS) to evaluate the project's impact on the travel speeds along the Blossom Hill Road corridor between Los Gatos Boulevard and Camino Del Cerro in conformance with California Vehicle Code Section 40802 which requires the reevaluation of non-statutory speed limits on segments of roadways that have undergone significant changes since the last review, such as the addition or elimination of parking or driveways, changes in the number of travel lanes, changes in the configuration of bicycle lanes, changes in traffic control signal coordination, or significant changes in traffic volumes;

WHEREAS, the ETS determined that the speed limits along this segment of Blossom Hill Road could be reduced from 35 mph to 30 mph;

WHEREAS, the Parks and Public Works Engineering Division also has an ETS on file that justifies the reduction of speed limits along Blossom Hill Road between Santa Cruz Avenue/Winchester Boulevard and Los Gatos Boulevard from 35 mph to 30 mph;

WHEREAS, California Vehicle Code Section 22357 states that, whenever a local authority determines upon the basis of an engineering and traffic survey (ETS) that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may, by ordinance, determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe;

WHEREAS, California Vehicle Code Section 22358.7 authorizes the Town to reduce the speed limit by an additional 5 mph if the roadway is adjacent to any land or facility that generates high concentrations of bicyclists or pedestrians, especially those from vulnerable groups such as children, seniors, persons with disabilities, and the unhoused; and

WHEREAS, the Town Council, acting as the local authority, may reduce the speed limit along Blossom Hill Road between Santa Cruz Avenue/Winchester Boulevard and Camino Del Cerro from 35 mph to 30 mph by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Section 15.30.235, "Establishing Speed Limits on Certain Streets," of the Town Code is amended to read as follows:

Sec. 15.30.235. - Establishing speed limits on certain streets.

It is hereby determined upon the basis of an engineering and traffic survey that the following speed limits will facilitate the orderly movement of vehicular traffic and are reasonable and safe and are declared the prima facie speed limits and shall be effective when appropriate signs giving notice thereof are erected upon the street.

Prima Facie Speed Limit Declared 15 mph

Charles Street, from Bella Vista Avenue to Los Gatos Boulevard

Marchmont Drive, from Hilow Road to east end

North Santa Cruz Avenue, from Main Street to Los Gatos-Saratoga Road

Prima Facie Speed Limit Declared 20 mph

Bella Vista Avenue, from New York Avenue to Caldwell Avenue

Cleland Avenue, from Reservoir Road to Kimble Avenue

College Avenue, from East Main Street to Prospect Avenue

Cypress Way, from Spring Street to east end

Foster Road, from Johnson Avenue to south Town limits

Jackson Street, from Oak Hill Way to Central Avenue

Kennedy Road, from one thousand nine hundred (1,900) feet east of Forrester Road to east Town limits

Kimble Avenue, from Cleland Avenue to Prospect Avenue

Phillips Avenue, from Cypress Way to South Kennedy Road

Reservoir Road, from Cleland Avenue to Prospect Avenue

University Avenue from Main Street to Mullen Avenue

Villa Avenue, from Jackson Street to Fiesta Way

Prima Facie Speed Limit Declared 25 mph

Andrews Street, from University Avenue to west Town limits

Bicknell Road, from Quito Road to Montclair Road

Capri Drive, from north Town limits to Knowles Drive

Carlton Avenue, from Los Gatos-Almaden Road to National Avenue

Cherry Blossom Lane, from Shannon Road to Blossom Hill Road

Glenridge Avenue, from Bachman Avenue to Pennsylvania Avenue

Harwood Road, from Blossom Hill Road to Town limits

Hernandez Avenue, from Glen Ridge Avenue to Town limits

Hilow Road, from Cardinal Lane to Shannon Road

Loma Alta Avenue, from Los Gatos Boulevard to Cypress Way

Los Gatos Boulevard, from Alpine Avenue to Roberts East Road

East Main Street, from Route 17 to Alpine Avenue

West Main Street, from Broadway to Route 17

Massol Avenue, from Saratoga Avenue to Bean Avenue

Montclair Road, from Quito Road to Bicknell Road

More Avenue, from Pollard Road to Bicknell Road

National Avenue, from Samaritan Drive to Los Gatos-Almaden Road

Nino Avenue, from Los Gatos Boulevard to west end

Oka Road, from Lark Avenue to Mozart Avenue

Old Blossom Hill Road from west end to east end

West Parr Avenue, from Pollard Road to Capri Drive

Pennsylvania Avenue, from Bayview Avenue to Wissahickon Avenue

Quito Road, from Pollard Road to Bicknell Road

North Santa Cruz Avenue, from Los Gatos-Saratoga Road to Blossom Hill Road

South Santa Cruz Avenue, from Main Street to SR 17 ramp

Tait Avenue, from West Main Street to Saratoga Avenue

University Avenue, from Mullen Avenue to Blossom Hill Road

Wedgewood Avenue, from Pollard Road to Wimbledon Drive

Westhill Drive, from Blossom Hill Road to Bacigalupi Drive

Wimbledon Drive, from Winchester Boulevard to Wedgewood Avenue

Winchester Boulevard, from Blossom Hill Road to east Vineland Avenue

All remaining residential and commercial streets

Prima Facie Speed Limit Declared 30 mph

Blossom Hill Road, from North Santa Cruz Avenue/Winchester Boulevard to Camino Del Cerro

Hicks Road, from Shannon Road to north Town limits

Kennedy road, from Los Gatos Boulevard to one thousand nine hundred (1,900) feet east of Forrester Road

Knowles Drive from Winchester Boulevard to Dell Avenue

Lark Avenue, from Winchester Boulevard to Los Gatos Boulevard

Shannon Road, from Los Gatos Boulevard to Short Road

Shannon Road, from Short Road to Hicks Road

Short Road, from Shannon Road to Old Blossom Hill Road

Prima Facie Speed Limit Declared 35 mph

Blossom Hill Road, from Camino Del Cerro to east Town limits

Knowles Drive, from Pollard Road to Winchester Boulevard

Los Gatos-Almaden Road from Los Gatos Boulevard to east Town limits

Los Gatos Boulevard, from Roberts East Road to Samaritan Drive

Los Gatos-Saratoga Road from Los Gatos Boulevard to Alberto Way

Pollard Road, from Quito Road to Knowles Drive

Union Avenue, from Blossom Hill Road to Los Gatos-Almaden Road

University Avenue, from Blossom Hill Road to Lark Avenue

Winchester Boulevard, from Vineland Avenue to Knowles Drive

Prima Facie Speed Limit Declared 40 mph

Winchester Boulevard, from Knowles Drive to north Town limits

(Code 1968, § 16-43.2; Ord. No. 1810, § I, 2-5-90; Ord. No. 1866, §§ I, II, 9-3-91; Ord. No. 2028, §§ I, II, 2-18-97; Ord. No. 2119, §§ I, II, 10-20-03; Ord. No. 2223, §§ I, II, 11-18-13)

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION III. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that reducing the speed limit by five miles per hour will not impact the environment (CEQA Guidelines Section 15378).

SECTION IV. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of November 2024, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 3rd day of December 2024, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

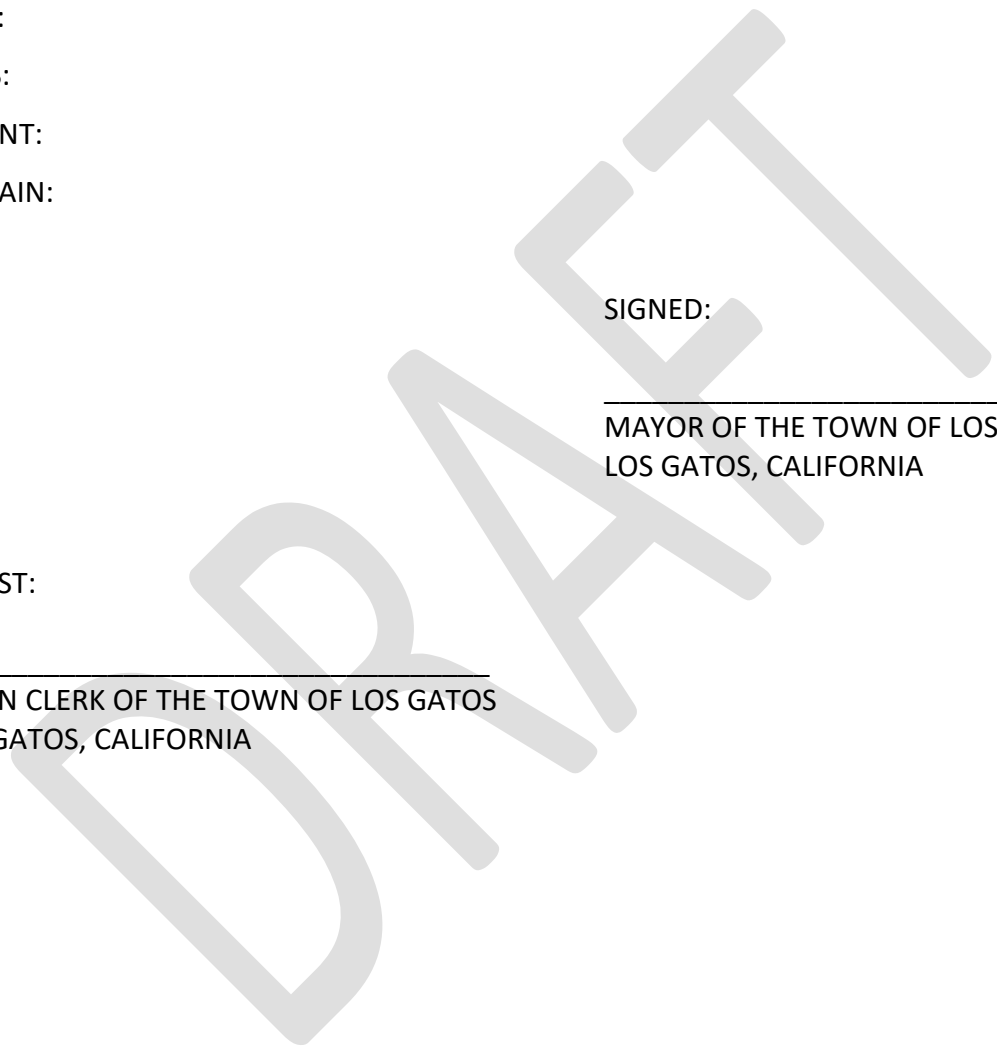
ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO. 7.

ITEM NO: 7

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Adopt an Ordinance to Amend Chapter 14 of the Town Code to Rescind the Existing Pushcart Ordinance and Replace It with a New Sidewalk Vending Ordinance in Compliance with State Law and Amend the Existing Peddler and Solicitor Ordinance to Exclude Sidewalk Vendors From its Provisions.
Ordinance Title: “An Ordinance of The Town Council of The Town of Los Gatos Amending Sections 14.40.010, ‘Definitions,’ and 14.40.015, ‘Nonapplicability,’ of Article IV, ‘Peddlers and Solicitors,’ of Chapter 14, ‘Licenses and Miscellaneous Business Regulations,’ of the Town Code and Replacing Article VII, ‘Pushcarts,’ of Chapter 14, ‘Licenses and Miscellaneous Business Regulations,’ with a New Article VII, ‘Sidewalk Vending.’”

RECOMMENDATION:

Adopt an ordinance to amending Sections 14.40.010, ‘Definitions,’ and 14.40.015, ‘Nonapplicability,’ of Article IV, ‘Peddlers and Solicitors,’ of Chapter 14, ‘Licenses and Miscellaneous Business Regulations,’ of the Town Code and Repealing Article VII, ‘Pushcarts,’ of Chapter 14, ‘Licenses and Miscellaneous Business Regulations,’ and replacing it with a New Article VII, ‘Sidewalk Vending’” and amend the existing peddler and solicitor ordinance to exclude sidewalk vendors from its provisions.

BACKGROUND:

At the regular meeting of November 19, 2024, the Town Council held a public hearing to considered the introduction an ordinance amending Town Code Sections 14.40.010, “Definitions,” and 14.40.015, “Nonapplicability,” of Article IV, “Peddlers And Solicitors,” of Chapter 14, “Licenses and Miscellaneous Business Regulations,” of The Town Code and Replacing Article VII, “Pushcarts,” of Chapter 14, “Licenses and Miscellaneous Business

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Community Development Director, Chief of Police, Finance Director, and Parks and Public Works Director

PAGE 2 OF 2

SUBJECT: Adopt an Ordinance Amending the Town Code Chapter 14 Related to “Peddlers and Solicitors” and Replacing Article VII “Pushcarts” with “Sidewalk Vending”

DATE: November 20, 2024

Regulations,” with a New Article VII, “Sidewalk Vending.” The Town Council voted unanimously to approve the introduction of the ordinance.

This ordinance is returning to the Town Council for final adoption. The Ordinance will take effect 30 days after its adoption.

COORDINATION:

This report was coordinated with the Town Manager’s Office, the Parks and Public Works Department, the Police Department, and the Community Development Department.

FISCAL IMPACT:

This proposed ordinance revision will not have a fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This ordinance update will not have a significant impact on the physical environment and is therefore not subject to CEQA.

Attachments:

1. Draft Ordinance

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING SECTIONS 14.40.010, "DEFINITIONS," AND 14.40.015,
"NONAPPLICABILITY," OF ARTICLE IV, "PEDDLERS AND SOLICITORS," OF
CHAPTER 14, "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS," OF
THE TOWN CODE AND REPLACING ARTICLE VII, "PUSHCARTS," OF CHAPTER 14,
"LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS," WITH A
NEW ARTICLE VII, "SIDEWALK VENDING" IN THE TOWN CODE**

WHEREAS, Town Code Sections 14.40.010 and following currently regulate peddlers and solicitors; and

WHEREAS, Town Code Sections 14.70.010 and following currently regulate pushcart vendors; and

WHEREAS, Senate Bill 946 amended Government Code Sections 51036, limits the regulation of sidewalk vendors by local jurisdictions; and

WHEREAS, the Town Code should be updated to reflect the requirements of Government Code Sections 51036 and following;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Section 14.40.010, "Definitions," of Article IV, "Peddlers and Solicitors," of the Town Code is amended to read:

Sec. 14.40.010. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Peddler. Any person, who goes from house to house, place to place or to any one (1) house or to any one (1) place, within the Town, selling and making immediate delivery or offering for sale and immediate delivery any goods, wares, merchandise, services or anything of value in the possession of the peddler, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities or services.

Solicitor. Any person, who engages in the business of going from house to house, place to place or to any one (1) house or to any one (1) place, within the Town, selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, services or other things of value, for future delivery or for services to be performed in the future, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities or services.

(Code 1968, § 19-1)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015.

SECTION II. Section 14.40.015, “Nonapplicability,” of Article IV, “Peddlers and Solicitors,” of the Town Code is amended to read:

Sec. 14.40.015. Nonapplicability.

The provisions of this article shall not apply to the following:

- (a) Any person peddling or soliciting orders for dairy, bakery, fruit, vegetables, meat, fish or poultry products, or other products intended for human consumption, except ice cream, candy, hot dogs, hamburgers, soft drinks and the like intended for immediate human consumption.
- (b) Any person peddling or soliciting subscriptions for newspapers or religious publications.
- (c) Any person peddling or soliciting on behalf of a religious, charitable or educational organization.
- (d) Any person soliciting for personal services to be performed by the person so soliciting.
- (e) Sidewalk vendors.
- (f) Any other person who files with the Town Clerk an affidavit setting forth the name and address of the affiant and which clearly establishes exemption from the provisions of this article by virtue of the Constitution or Statutes of the United States or of the State.

(Code 1968, § 19-2)

SECTION III. Chapter 14, “Licenses and Miscellaneous Business Regulations,” Article VII, “Pushcarts,” of the Town Code is repealed and replaced with the following:

Sec. 14.70.010. Purpose.

The Council finds and declares as follows:

- (a) Sidewalk vending on public streets in the Town serves the general welfare, if such operation is properly regulated by offering variety and convenience in shopping.
- (b) Without proper regulation, sidewalk vending causes problems of decreased accessibility for persons with disabilities; a lack of adequate access for first responder and emergency personnel; the monopolization of public spaces for private commercial use; traffic safety concerns for motorists, bicyclists, and pedestrians; and a lack of sales tax being collected.
- (c) It is therefore necessary to regulate sidewalk vending in such a manner as to obtain benefits for the Town while at the same time minimizing problems.

(Code 1968, § 19A.00.010)

Sec. 14.70.020. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved location. A site approved for location of a sidewalk vendor pursuant to this article.

Food means raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, chewing gum, and any other items defined as food by the California Retail Code.

Food preparation. The cooking or processing of food. It does not include assembling precooked or prepared foods or adding condiments.

Mobile vendor means any person in charge of or driving any motorized mobile vending vehicle requiring a state driver's license to operate, either as an agent, employee, or otherwise under the direction of the owner.

No vending or limited vending zone means an area where sidewalk vending is prohibited or limited due to objective public health, safety, or welfare concerns. The Town Council may establish no vending or limited vending zones by resolution, as set forth in this Chapter.

Permittee. Any person holding a valid sidewalk vending permit under this article. For purposes of this article, the act or omission of an agent or employee of any permittee is for all civil purposes the act or omission of the permittee.

Roaming sidewalk vendor means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Sidewalk vending means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food, goods, or merchandise on any public sidewalk, paved pedestrian path, park, or other public property, with or without the assistance of a vending device, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing any such food, goods, or merchandise, even if characterized by the sidewalk vendor as a donation.

Sidewalk vendor means a person who sells food or merchandise from a vending device or from one's person, upon a public sidewalk, paved pedestrian path, park, or other public property. This term is inclusive of both roaming and stationary sidewalk vendors.

Stationary sidewalk vendor means a sidewalk vendor who vends from a fixed location.

Vending device means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, nonmotorized conveyance (including trailers), freestanding table, chair, box, stand, or any container, structure, or other object used or capable of being used for holding, selling, advertising, or displaying tangible things, together with any associated seating facilities. Vending device does not include any street furniture such as benches or planters, any other structure permanently installed by the Town of Los Gatos or with the consent of the Town of Los Gatos.

Enforcement official means the Town Manager or designee, a Town code enforcement officer, a Parks Service Officer, and any Police Department sworn personnel and community service officers.

(Code 1968, §§ 19A.05.010—19A.05.050)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015.

Sec. 14.70.030. Sidewalk Vending Permit Required.

- (a) Sidewalk vending is not permitted without a sidewalk vending permit issued by the Town.
- (b) A sidewalk vending permit shall only permit the operation of one vending device at any one time.
- (c) No permit granted pursuant to this Chapter shall be transferable.
- (d) An approved stationary sidewalk vending permit grants the permittee the privilege of occupying a particular portion of the public path or sidewalk for the purpose of conducting the approved vending business. An approved stationary vending permit does not grant the permittee any estate or other property right or interest to operate at the location for which the permit is issued and/or to operate at any location in the public street.

Sec. 14.70.040. Sidewalk vending permit application and fees.

- (a) To apply for a sidewalk vending permit, the sidewalk vendor applicant must file an application with the Town. The application shall be in a form developed by Town staff and shall contain the following:
 1. The legal name and current address, telephone number, and email address of the applicant, who must be a natural person (i.e., an individual human being and not a corporation, firm, partnership, etc.), a copy of the applicant's California driver's license, California identification card, U.S. passport, individual taxpayer identification number, federal identification number, or other identification number or card issued by a foreign government;
 2. If sidewalk vending as a representative of a firm, association, or partnership, the name and address thereof and the names and residences of partners or association members. If sidewalk vending as a representative of a corporation, the name and address thereof and the names and residences of officers and a local manager;
 3. A Statement of Operations which includes the type of operation (mobile or stationary), description of the food or merchandise offered for sale, hours of operation, and location of operation;
 4. Copies of all required licenses and permits, including but not limited to, a Town of Los Gatos business license, California seller's permit, and copies of all permits and approvals needed from the County of Santa Clara Department of

Environmental Health. Each separate concurrently operating vending location requires its own business license and sidewalk vending permit.

5. The following release, indemnification, and acknowledgement requirements:
 - (i) An agreement by the applicant to waive and release the Town and its officials, agents, employees, contractors, and volunteers from and against any and all claims, costs, liabilities, expenses, or judgements (including attorneys' fees and court costs) related to or arising out of the applicant's sidewalk vending activities.
 - (ii) An agreement by the applicant to, to the greatest extent allowed by law, defend, indemnify, and hold harmless the Town, its officials, agents, employees, contractors, and volunteers from and against any and all claim related to or arising out of the applicant's sidewalk vending activities.
 - (iii) An acknowledgement and agreement that the applicant's use of the sidewalk or other Town facilities is at the applicant's own risk, and it is not the Town's responsibility to ensure that the vending location is safe or conducive to the vending activities.
6. Photos, dimensions, and a description of the vending device that will be used. If the vending device is mobile, the application shall also contain all applicable vehicle identification information including VIN, make, model and engine number;
7. An acknowledgement of having read and an agreement to abide by this Chapter; and
8. Commercial general liability, automobile, and workers compensation insurance policies and other such policy as the Town shall require.

(Code 1968, § 19A.15.060)

Cross reference(s)—Health and sanitation generally, Ch. 13; sewers and sewage disposal, Ch. 22.

Sec. 14.70.050. Sidewalk vending permit approval, conditions, denial, or revocation.

- (a) A sidewalk vending permit shall be approved unless it is determined that:
 - (1) Information contained in the application, or supplemental information requested from the applicant, is incomplete or false in any material detail; or
 - (2) The proposed operations are contrary to the provisions and operating standards of this Chapter;
 - (3) The applicant has failed to pay or otherwise resolve any previous administrative citations associated with a previous violation of this Chapter;

- (4) The location of the proposed vending operations has already been approved for another use (including other vending operations) at the time the applicant proposes to vend at the subject location; or
 - (5) The proposed vending operations are in violation of any federal, state, or local law or ordinance and/or the Town's approval of a sidewalk vending permit would be contrary to legal requirements applicable to the Town.
- (b) Reasonable sidewalk vending permit conditions, regulating the time, place, and manner of sidewalk vending may be added.
 - (c) If the permit is denied, written notice of such denial and the reasons therefore will be provided to the applicant.
 - (d) A sidewalk vending permit may be revoked for violation of this Chapter. A sidewalk vendor whose permit is revoked may apply for a new sidewalk vending permit upon the expiration of the term of the revoked permit.
 - (e) An applicant may appeal the decision to deny, revoke, or condition the application to the Town Manager within ten business days of the decision. An appeal hearing will be held by the Town Manager or their designee within ten business days from the date the appeal is received. At the hearing, both the applicant and the staff member denying the permit shall have the right to appear and to present evidence and arguments relevant to the grounds on which the decision to deny the application is appealed. The burden of proof shall be on the applicant to show that they meet the qualifications for a sidewalk vending permit. The decision of the Town Manager, or their designee, shall be final and conclusive upon the applicant.

(Code 1968, § 19A.15.080)

Sec. 14.70.060. Sidewalk Vending Permit Expiration and Renewal.

A sidewalk vending permit shall be valid for twelve months from the date of issuance, except that a sidewalk vending permit shall be deemed null and void upon the revocation or expiration of: a) the related Town-issued business license, b) a required permit from the County of Santa Clara Department of Environmental Health, and/or c) the California seller's permit issued pursuant to Revenue and Taxation Code Section 6067.

Sec. 14.70.070. Sidewalk Vending Standards.

Sidewalk vendors shall comply with the following standards in order to preserve Town infrastructure, prevent unreasonable conflicts with pedestrians and vehicular traffic, prevent improper disposal of trash, and to assure that pedestrians (including pedestrians with disabilities) have adequate and accessible thoroughfares, to minimize trip and fall hazards, to

address driver visibility or distraction concerns, and to address other public health, safety, and welfare concerns.

(a) Location.

- (1) Sidewalk vending is only permitted on paved surfaces.
- (2) To maintain accessibility, sidewalk vendors shall not place or allow any obstruction to be placed on the sidewalk or pedestrian pathway that would reduce the width of the sidewalk or pedestrian pathway below five feet or one-half of the sidewalk, whichever is greater, excluding curb, and excluding any sidewalk areas that are made non-passable due to any natural barriers or other existing conditions or obstructions such as posts, parking meters, street trees, planters, or signs that are located on the sidewalk, except for the brief duration of time for a roaming sidewalk vendor to conduct a sale. Sidewalk vendors shall maintain their vending devices at all times in a manner that provides sufficient access to the sidewalk and avoids impeding the flow of pedestrian traffic. At no time may a sidewalk vendor operate in such a fashion that would violate or cause a violation of the Americans with Disabilities Act or state law on accessibility, or cause the sidewalk to narrow in a fashion that violates the accessible path of travel for persons with disabilities, including persons who use wheelchairs or other mobility devices.
- (3) Sidewalk vendors are prohibited within 200 feet of an intersection.
- (4) Sidewalk vendors shall not interfere with access or use of Town infrastructure, including Town benches, bike racks, wheelchair access ramps, stairs, parking meters, trash receptables, or recycling receptables.
- (5) Sidewalk vendors shall maintain a clear distance of 48 inches from any fire hydrant, emergency exit, or other emergency facility; (3) any curb which is designated as white, yellow, green, blue, or red zone, or a bus zone; (4) any entrance or exit to a building, facility, or stairway access point; or (5) any driveway or driveway apron. Vending or operating in a way that violates the accessible path of for persons with disabilities is per se unreasonable.
- (6) Stationary sidewalk vendors shall not locate their vending device over or within fifteen feet of a storm drain.
- (7) Vendors may not operate within twenty-five feet (25') of an automatic teller machine (ATM).
- (8) At locations where on street parking is angled to the curb, the vending device or area shall be set back three feet (3') from the curb face.

(b) Display.

- (1) In no event may a sidewalk vendor's total operational size (including any vending display device) exceed fifteen square feet.

- (2) Vending devices shall be at least 18 inches in height. No person engaged in sidewalk vending may display or sell their wares on the ground, or on a cloth, tarp, or other similar material on the ground.
 - (3) No permittee shall employ or have any movable or permanent stands, tables, chairs or devices other than the permitted stand or pushcart and one (1) chair for the permittee situated at any approved location.
 - (4) No food sidewalk vendor may be accompanied by or in the custody or possession of an animal, except a service animal.
 - (5) Sidewalk vendors shall not use easy-ups, tents, or similar shade structures.
- (c) Operations.
- (1) Sidewalk vendors shall not vend to occupants of motorized vehicles in operation.
 - (2) Sidewalk vendors shall not cause onlookers, customers, or others to obstruct the accessible path of travel for persons with disabilities, or the free flow or view of pedestrian or vehicular traffic.
 - (3) To maintain the free movement of pedestrians and/or vehicles, sidewalk vendors shall not use signs in connection with the sale, display, or offering for sale of items, except for those signs affixed to or painted on a vending device and that are no larger than the vending device itself.
 - (4) Sidewalk vendors must provide a trash receptacle for customers and employ good faith efforts to ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations and/or the vendor's customers within a twenty-foot radius of the vending location. Sidewalk vendors are responsible for disposing of the trash or any residue associated with their business and may not use Town receptacles for this purpose.
 - (5) At all times while vending, food sidewalk vendors shall possess and display in plain view on the vending device a valid permit from the County of Santa Clara Department of Environmental Health.
 - (6) At all times while vending, sidewalk vendors shall possess and display in plain view on their person or on their vending device a valid sidewalk vending permit issued pursuant to this Chapter and a valid business license issued in accordance with Chapter 14 of the Town Code. A properly permitted sidewalk vendor must remain on site for all vending activities.
 - (7) Vending devices shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects

- within the public right-of-way. No vending devices shall become a permanent fixture on the vending site or be considered an improvement to real property.
- (8) Vending devices shall not be left or stored unattended on public property or within the public right-of-way.
 - (9) Sidewalk vendors shall not vend or distribute: (1) live animals, wildlife, fish, fowl, or insects; or (2) items that are otherwise illegal to sell or distribute under other laws (such as unlawful narcotics, cannabis, weapons, and counterfeit merchandise). Note that the unlawful possession or distribution of items is punishable according to the terms of applicable federal, state, or local law making such possession or distribution illegal.
 - (10) Sidewalk vendors shall not use sidewalks or public property as storage for extra inventory, merchandise, or personal belongings, except for: (1) vending devices, items placed on or in vending devices, and associated seating; and (2) personal belongings wholly contained underneath or inside or a vending device.
 - (11) No person shall use any street furniture, including any bench, planter, utility cabinet, or other street furniture or structure permanently installed on public property, for the display, sale, or distribution of food, goods, or merchandise.
 - (12) Trailers are not permitted on the sidewalk pursuant to California Vehicle Code 22500(f). Violation of this rule is punishable in accordance with the terms of the California Vehicle Code.
 - (13) Sidewalk vendors shall not connect to Town-owned utilities such as, but not limited to, electric boxes, water lines, and gas lines.
 - (14) Vendors shall not allow customers in their queue or encourage customers to interfere with or obstruct public right-of-way, paved pedestrian pathways, or traffic.
 - (15) In order to minimize noise impacts on residential units, in mixed use areas, a vendor may only engage in sidewalk vending between the hours of 9 a.m. and 5 p.m., or during hours of operation of adjacent businesses or uses on the same street, whichever is later.
 - (16) Sidewalk vendors shall be responsible for their own compliance with all applicable federal, state, and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulation; noise standards; alcoholic beverages, tobacco products, cannabis, electronic cigarette, smoking devices and controlled substances regulations; sanitation and health standards and the American with Disabilities Act and other disability access standards (both state and federal).
 - (17) Sidewalk vendors shall not operate or vend in a way that violates the terms of conditions of their sidewalk vending permit.

- (18) No permittee shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of a pushcart.
- (19) Food preparation is prohibited. Only ready-to-eat food may be sold.

Sec. 14.70.080. Restricted vending times and locations.

- (a) Stationary sidewalk vending is not permitted in the following areas:
 - (1) In any Town park when the park is closed or where the Town has entered into an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
 - (2) In areas that are zoned exclusively residential.
 - (3) Within 300 feet of a permitted certified farmers' market during the limited operating hours of that certified farmers' market or a special event for which a special event permit has been issued during the hours of that special event. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that Chapter.
 - (4) Within 400 feet of a school between the hours of 7:00 a.m. and 4:00 p.m. on school days.
 - (5) Within 600 feet of any entertainment establishment between the hours of 10 p.m. and 2 a.m.
 - (6) Within 200 feet of another sidewalk vendor.
 - (7) Within 50 feet of a location subject to a special event permit.
- (b) Both stationary and roaming sidewalk vending shall not be permitted on a bike path, a street (including within on-street parking spaces), within a driveway, or in a public parking lot.
- (c) In order to vend at Town parks, a park permit is required.
 - (1) A maximum of one vendor is permitted at each Town park.
 - (2) Vendors in parks are limited to two consecutive days within each 30-day period measured on a rolling basis.
 - (3) Vendors in parks are permitted only on paved surfaces within 20 feet of a park entrance.
 - (4) Vendors in parks are subject to the same permit requirements and fees as are imposed for vending permits outside of parks.
- (d) The Town Council may, by resolution, designate no vending or limited vending zones due to objective health, safety, or welfare concerns. In designating a no vending or limited

vending zone, the Town Council shall first determine that vending without limitation in the area would impede or interfere with public health, safety, or welfare.

- (e) This Section shall not be construed as prohibiting events that are conducted pursuant to, and in accordance with, a special event permit issued by the Town.

(Code 1968, § 19A.15.030)

Sec. 14.70.090. (Code 1968, § 19A.15.040)

Cross reference(s)—Food and food establishments generally, Ch. 10.

Sec. 14.70.100. Compliance with other laws.

Every permittee shall at all times have a valid business license. If food is being sold, a permit is also required from the County Health Department. Every permittee shall also comply with sections 28640 et seq. of the California Health and Safety Code.

(Code 1968, § 19A.15.050)

Sec. 14.70.120. Administrative Citations.

- (a) Unless otherwise provided, a violation of this Chapter by a sidewalk vendor who has a valid sidewalk vending permit from the city is punishable only by an administrative citation, in the amounts not to exceed the following:
- (1) One hundred dollars (\$100) for a first violation
 - (2) Two hundred dollars (\$200) for a second violation within one year of the first violation.
 - (3) Five hundred dollars (\$500) for each additional violation within one year of the first violation.
- (b) Unless otherwise provided, a person engaged in sidewalk vending without a valid town sidewalk vending permit shall be issued an administrative citation in amounts not to exceed the following, in lieu of the amounts set forth in subsection (a):
- (1) Two hundred fifty dollars (\$250) for a first violation.
 - (2) Five hundred dollars (\$500) for a second violation within one year of the first violation.
 - (3) One thousand dollars (\$1,000) for each additional violation within one year of the first violation.
- (c) A person issued an administrative citation pursuant to subsection (b), upon submitting proof of a valid sidewalk vending permit issued by the Town within ten calendar days of the date a citation is issued, may have the amount of their citation reduced to amounts set forth in subsection (a).

- (d) Unless otherwise provided, a violation of this Chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.
- (e) If an individual violated this Chapter and is issued an administrative citation, that person is required to come into reasonably prompt compliance with this Chapter. If a cited individual continues to operate unlawfully and/or fails to come into reasonably prompt compliance with this chapter, the individual may be issued a subsequent administrative citation on the same day, so long as at least one hour has passed between each administrative citation.
- (f) In order to facilitate the administration of this Chapter, Town enforcement staff are authorized to ask sidewalk vendors who are reasonably believed to be vending in violation of this Chapter for their identification card, or other identifying information, and said individuals are required to provide such information to the requestion enforcement staff.
- (g) A person who is issued an administrative citation(s) may contest the citation subject to the requirements and procedures of Chapter 1 of this Code. If the contest of the citation is successful, the hearing officer shall order the Town to return the fee paid for contesting the citation.
- (h) The Town shall also provide a person who receives a citation with a notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at any time before the assessed fine is paid, including while a judgment remains unpaid, when a case is delinquent, or when a fine has been referred to a comprehensive collection program. There shall be no charge for an ability-to-pay determination.
- (i) If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the Town shall accept, in full satisfaction, twenty percent of the fee assessed for an administrative citation imposed pursuant to this Chapter.
- (j) The Town may develop processes or regulations that would (1) allow for a person to complete community service in lieu of paying the total administrative fine; (2) provide for waivers of the administrative fine; or (3) provide for the offering of alternative dispositions.
- (k) Administrative citations issued under this section shall include the following notice: "You have a right to contest this citation within thirty (30) calendar days by completing a request for hearing form and returning it to the Town Clerk. If you do not contest the citation, you waive your right to contest it. You also have the right to request an ability-to-pay determination at any time before the assessed fine has been paid."

- (l) Failure to pay the assessed fine issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed for failure to pay an administrative citation fine.
- (m) No person shall willfully interfere with or obstruct any Town code enforcement officer, community services officer, or police officer in their enforcement of the provisions of this chapter. Willful (1) failure to properly identify oneself done for the purpose of attempting to evade an administrative citation, and/or (2) interference with or obstruction of an impoundment authorized pursuant to this Chapter shall constitute unlawful interference or obstruction under this subsection. Violation of this subsection is a misdemeanor.

(Code 1968, § 19A.15.100)

Sec. 14.70.130. Impoundment.

- (a) The Town may impound vending devices, food, goods, and/or merchandise that:
- (1) Reasonably appear to be abandoned on public property; or
 - (2) Are displayed, offered, or made available for rent or sale by sidewalk vendor who (A) operates in violation of this chapter; and (B) refuses or fails to provide identification, as required by this Chapter refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a Town enforcement official; or
 - (3) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (A) does not possess a valid applicable sidewalk vending permit; and (B) also refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a Town enforcement official; or
 - (4) Is (A) creating an imminent and substantial safety or environmental hazard by the location of the vending device or the nature of the goods being offered for sale, and (B) refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a Town enforcement official; Or
 - (5) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who has, within a twenty-four-month period, been found responsible for violating this Chapter four or more times.
- (b) The Town may immediately dispose of impounded materials that are perishable or cannot be safely stored.
- (c) An aggrieved vendor may, within ten days, appeal the impoundment of their property by requesting an administrative hearing before a hearing officer appointed by the Town. and if successful in their appeal, may have their property returned without paying an impound fee. The appeal hearing shall be conducted pursuant to the administrative

enforcement hearing. Any appeal fee paid by the sidewalk vendor shall be returned to the sidewalk vendor if they are successful on appeal.

- (d) An individual may recover impounded materials upon paying applicable impound fees and demonstrating proper proof of ownership.
- (e) The Town Council may by resolution adopt impound fees, which shall reflect the Town's enforcement, investigation, storage, and impound costs.
- (f) Any unclaimed items will be considered abandoned and forfeited to the Town after ninety days following impoundment.

SECTION IV. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION V. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION VI. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VII. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of ____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO. 8.

ITEM NO: 8

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Adopt an Ordinance to Amend Chapter 29 of the Town Code to Adjust the Permitted Size of Signs at Intersections, Clarify Regulations Applicable to Temporary Signs on Private Property, and Prohibit Temporary Signage on Public Property.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning Regulations," Article I, "In General," Division 3, "Signs"

RECOMMENDATION:

Adopt an Ordinance to amend the Town Code Chapter 29, "Zoning Regulations," Article I, "In General," Division 3, "Signs" to adjust the permitted size of signs at intersections, clarify regulations applicable to temporary signs on private property, and prohibit temporary signage on public property.

BACKGROUND:

At the regular meeting of November 19, 2024, the Town Council held a public hearing to consider the introduction of an ordinance to amend the Town Code Chapter 29, "Zoning Regulations," Article I, "In General," Division 3, "Signs" to revise Sections 29.10.110(15) to clarify the regulations applicable to temporary signs on private property, 29.10.115(8) to prohibit signs of any kind on objects in the public thoroughfare, and 29.10.115(15) to prohibit both temporary and free-standing signs in the public thoroughfare. The Town Council voted unanimously to approve the introduction of the ordinance.

This ordinance is returning to the Town Council for final adoption. The ordinance will take effect 30 days after its adoption.

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Adopt Ordinance Amending Sign Ordinance

DATE: November 20, 2024

COORDINATION:

This report was coordinated with the Town Manager's Office and the Community Development Department.

FISCAL IMPACT:

This proposed ordinance revision will not have a fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Sign Ordinance

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29, "ZONING REGULATIONS," ARTICLE I, "IN GENERAL,"
DIVISION 3, "SIGNS," OF THE TOWN CODE REGARDING SIGN REGULATIONS**

WHEREAS, the Town's Sign Ordinance is codified at Sections 29.10.100 through 29.10.140 of the Town Code and was most recently amended in May of 2024 in order to remove content-based regulations; and

WHEREAS, based on experience with application of the ordinance since then and in order to make the ordinance clearer, staff recommends minor edits to: specify that Section 29.10.110(15) addresses temporary signs on private property, Section 29.10.115(8) prohibits signs of any kind on objects in the public thoroughfare, and Section 29.10.115(15) prohibits both temporary and free-standing signs in the public thoroughfare; and

WHEREAS, the proposed revisions were presented to the Planning Commission and the Planning Commission has reviewed the proposed revisions and recommended that the ordinance be introduced at a Town Council meeting.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

The following sections of the Town Code are amended to read as follows:

SECTION I. Section 29.10.100, "Definitions," of the Town Code is amended to read as follows:

Section 29.10.100. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign located on a parcel of land or on a structure either of which is vacant for a period of ninety (90) days, a sign pertaining to a past occupant or business different from the present occupant of or business on the premises, a sign pertaining to a past event or any sign abandoned as the term is used in state law.

Arcade means a covered passageway with business establishments along at least one (1) side.

Attached sign means a sign which is affixed to and made an integral part of a building or structure. Attached signs include, but are not limited to wall signs, roof signs, and projecting signs, to distinguish them from freestanding and ground signs.

Attraction board is a sign constructed so that letters or other advertising material can be changed, and which relates to businesses or organizations which depend, on a large part, upon trade and attendance generated by temporary, independent and frequently changing events or showing, such as those engaged in providing live or filmed entertainment or sporting events.

Awning is synonymous with marquee.

Billboard means a sign, other than a directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a place other than where the sign is erected. Included are signs erected upon benches.

Bulletin board is a sign located on the same premises as a church, school, hospital, or public building, and allowing changeable messages.

Business frontage is that portion of a building which faces a street, parking lot, pedestrian mall, arcade or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street. If a building has more than one (1) business frontage with a customer entrance, the property owner must designate one (1) of them as the primary business frontage. Unless otherwise stated, the phrase "business frontage" means "primary business frontage." All other business frontage is secondary frontage. As used in this section, "parking lot" means either a publicly owned and operated parking lot or a parking lot located on the same parcel as the business frontage.

Canopy is synonymous with marquee.

Conformance means the state of being in conformity with the provisions of this division, either because of reconstruction or modification pursuant to a sign permit, or because of removal or obliteration.

Construction sign is a sign located on a construction site during the course of construction, which identifies the architects, engineers, contractors, financiers or other persons and other individuals or firms involved with the construction, or announcing the building, enterprise or function for which the construction is intended.

Convenience sign is a sign which facilitates traffic flow and safety, not erected by a governmental agency, such as entrance-exit, caution, parking, right or left turns only, stop, drive-up window, or towaway zone.

Entity means any person and any distinct business enterprise even where adjacent business enterprises are owned or operated by a single person.

Erect means to construct, place, relocate, enlarge, alter, attach, suspend, paint, post, display, hang, or affix.

Face of a sign is the portion or portions of the exterior surface of a sign intended to or particularly adapted either to display an advertising message or to attract attention to the sign. The face of a sign is often the front, but may be any surface including a rear or blank portion. A sign may have more than one (1) face and may be virtually all face. The fact that no message is imprinted on a portion of a sign does not necessarily prevent that portion from being a face, as in the case of a flat sign erected near and perpendicular to a street. Such sign would have two

(2) faces even if one (1) were blank. In determining what constitutes a sign face, weight will be given to whether the particular aspect in question is readily viewable from public property or any premises other than those where the sign is erected, but a sign face may exist even where the face is visible only from some part of the premises where the sign is erected if the face is viewable from out-of-doors and the other elements of the definition of face are present. Usually, all of one (1) face is visible from one (1) point. Where, for example, several "boards" of a sign are erected on a single plane or parallel planes, they together comprise one (1) face, and are measured within a single perimeter, including the spaces between them.

Freestanding sign is a sign which is wholly or partly supported by a structural element which is not an integral part of a building.

Ground sign is a freestanding sign less than seven (7) feet high.

Height of a freestanding sign is the elevation above finished grade of the highest point of either the sign or the stand, poles, wall or other structure upon which it is mounted. Finished grade is the general finished ground surface where the sign is erected, not taking into account mounding or other alterations to the surface made in regard to the sign. However, where finished grade is below the elevation of the top of the curb on the frontage where the sign is erected, or if there is no curb below the elevation of the margin of the street surface, height is the elevation above the top of the curb, or at the margin of the street surface if there is no curb. The point on the curb or the margin of the street surface to be used as a base point for measurement is the point intersected by a line drawn perpendicular to the centerline of the street which intersects the center of the base of the sign.

Lot frontage means the property line of a lot abutting on a public street which affords access to the lot. In the case of a corner lot and other lots which are bordered on more than one (1) side by a street, lot frontage is the lot line in respect to which the business for which the sign is provided has its primary business frontage.

Marquee means a temporary or permanent structure attached to or supported by a building, designed for shelter over a pedestrian or vehicular way and which may or may not project over public property.

Neighborhood identification sign is a ground sign situated where a street enters a residential neighborhood, which serves only to identify the neighborhood.

Nonconforming sign is one which was lawfully erected but which does not comply with this division because of:

- (1) Annexation of territory to the Town;
- (2) Amendment to the zoning ordinance;
- (3) Rezoning, other than rezoning when the application for rezoning is made by or joined in by the owner of the real property where the sign is located.

However, a sign which was lawfully erected but which does not comply with this division because of:

- (1) Division of real property where the sign is located;

- (2) Alterations to any building on the lot or parcel where the sign is located; or
- (3) Rezoning, when the application for rezoning was made by or joined in by the owner of the real property where the sign is located;

is not a nonconforming sign. A sign may be a nonconforming sign because of a single characteristic, such as height or brightness, correction of which may result in conforming status for the sign, or a new amortization date. This section does not list all classes of signs which are not nonconforming signs.

Off-premises sign is any sign not located on the same parcel as the entity it advertises.

Pedestrian directional sign is an on-premises sign which shows the direction to or location of a customer entrance to a business.

Portable sign is a sign which is movable, not structurally attached to the ground, nor to a building, structure, or sign. "A"-frame and sandwich signs are portable signs.

Projecting sign is any sign erected on the wall of a building or structure, or suspended from an overhang, with display surfaces generally not parallel to the wall.

Roof sign is an attached sign erected on a roof or projecting above the eave or rake of a building or coping of a parapet. A sign erected on top of a canopy, arcade, awning or marquee is a roof sign.

Sign is any thing, or element of a thing, located out of doors or in a place where it is visible from out of doors, created, adapted, or installed, by a person for the primary and apparent purpose of communicating a message, and may include supports, standards and fixtures. A color scheme or special lighting effect on the exterior of a building is a sign where the placement of the colors or lighting effect in relation to the building create a primary effect of advertising. Exceptions:

- (1) Merchandise on display is generally not a sign because merchandise is ordinarily possessed for the primary purpose of permitting sales from stock on hand. A merchandise display located at a distance from the point of sale or displayed in the unusual manner might constitute a sign.
- (2) A structural element of a building or the supports, standard, or fixtures of a sign would not be a sign where the element is related to reasonable structural necessity, and the circumstances show that the element is not intended to be identified by viewers with the sale or promotion of goods or services.
- (3) Nighttime, white illumination, within reasonable brightness limitations, of a building or of merchandise is not of itself a sign, where the result is only to make visible without undue emphasis that which can be seen in the daytime.

Sign area is the total area of the face or faces of a sign. Each face is measured by determining the smallest area within a single perimeter composed of not more than eight (8) straight lines drawn by the applicant enclosing the extreme limits of the face. Where a sign consists of letters or symbols on a wall, the wall is not designed so that one (1) of its main purposes is to support a sign, and the sign's background is an indistinguishable part of a wall.

For the purposes of measurement a six-inch margin around all of the words and symbols will be included in the perimeter composed of not more than eight (8) straight lines.

Sign permit is the permit issued by the Planning Director to evidence approval by any of the bodies or person authorized by this division to erect a sign.

Temporary sign is a sign, usually constructed of cloth or fabric, cardboard, wallboard, wood or other light materials, intended to be displayed for fewer than 90 days or a short period of time as set forth elsewhere in this Division. Examples of temporary signs are yard signs, for sale signs, for rent signs, flags, balloons, and banners.

Time and temperature sign is a sign which shows time and/or temperature and which contains no advertising.

Vehicular directional sign is an off-premises sign which shows the direction to or location of a use or activity.

Wall is a surface which has a slope steeper than one (1) foot horizontal to two (2) vertical.

Wall sign is a sign erected on a wall or fascia of a building or structure (other than a structure, one (1) of whose main purposes is to support a sign), the face of which is generally parallel to the wall or fascia and all of which is below the coping of the parapet, below the rake, the top of the fascia, the eave line, or in any event, below the top of the structure. A sign which meets the definition of this section but is erected between posts, pillars, or columns which support a roof or second story, rather than on a wall, is also a wall sign. A sign which is erected on and incidental to a freestanding wall or fence, including any gateway portion of a wall or fence, is also a wall sign.

Window sign is a sign which is displayed in or through a window, is less than twenty-four (24) inches inside glass, and is visible from a street, walkway, parking lot, or pedestrian plaza, any of which is accessible to the public.

Yard sign is a temporary freestanding sign that is supported by a frame, pole, or other structure placed directly in or upon the ground on private property.

SECTION II. Section 29.10.105, "Generally," of the Town Code is amended to read as follows:

Section 29.10.105. Generally.

- (a) *Application.* The regulations in this Division apply to all signs in all zones. Regulations of the number and area of signs refer to the signs allowed on a parcel, except where the regulations prescribe the number and area of signs allowed on a business frontage.
- (b) *Intent.* The intent of this Division is as follows:
 - (1) The Town is a predominantly residential community of natural beauty, distinctive architecture and historic character. The economic stability of the Town is dependent upon its high quality and Town-oriented, commercial and residential environment. Unregulated and uncontrolled erection and maintenance of advertising structures

tends to create a garish and gaudy atmosphere which is not in harmony with the character and environment of the business or residential community.

- (2) The purpose of a sign is to inform the general public that a business enterprise and function exists in the Town.
- (3) This Chapter recognizes the right of the public to be directed, warned, advised, and informed; and also recognizes the economic need for a sign to function as a means of identification, expression of business character, and positive notification of product and service availability for consumption.
- (4) This Chapter regulates the location, height, width, shape, proportion, design, illumination and construction (except as provided by building codes) of signs for the purpose of insuring that they are architecturally compatible with the planned image of the Town.
- (5) The purpose of this Chapter is to assist in the continuation of existing and introduction of new commercial activities in architectural harmony with the existing and planned Town, to take advantage of the unusual character of the Town and to encourage proper maintenance and rehabilitation of real property. To accomplish this:
 - a. Local public values must be balanced with general public rights and economic functions related to signs.
 - b. The size of a sign must be prevented from overpowering its surroundings or becoming a determinant factor in consumer evaluation of competitive enterprises.
 - c. The shape of a sign must not conflict with the architectural lines of its setting.
 - d. A sign must be prevented from overpowering its surroundings through hue, saturation, and brilliance or close combination of incompatible colors.
 - e. Normal maintenance and speedy repair is required for all signs.
- (c) *Permits.* Sign permits must be obtained before erection of all signs, except as provided by section 29.10.110. A building permit may be required by another ordinance.
- (d) *Variances.* The provisions of this Chapter concerning variances are not available to modify the terms of this division.
- (e) *Authority to erect.* No sign shall be erected without the express permission of the landowner. A lease to a lessee would be sufficient evidence of the authority to erect a sign.
- (f) *Noncommercial Signs.* Notwithstanding any provision of this Section, signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

SECTION III. Section 29.10.110, "Exceptions," of the Town Code is amended to read as follows:

Section 29.10.110. Exceptions.

A sign permit is not required for the signs described in this Section. The number and area of these signs are regulated only by this Section and they are allowed in addition to signs of other classes.

- (1) *House numbers, traffic, etc.* House numbers, street names, signs warning against danger, railroad crossing signs, authorized traffic or parking signs and rural delivery boxes.
- (2) *Nameplates.* Nameplates having an area not over one and one-half (1½) square feet, affixed flat against the wall of a building, which only show the name or address of a person or persons or entity occupying the area, up to a limit of six (6) plates per building.
- (3) *Building directories.* Building directories for buildings with more than six (6) tenants, the sign having an area not over nine (9) square feet, affixed flat against the wall of a building, which only show the name or address of the persons or entities occupying the building.
- (4) *Plaques.* Solid metal plaques or cut inscriptions, either erected by recognized historical agencies, or which show names of buildings and dates of erection, provided the sign does not exceed four (4) square feet in area.
- (5) *Temporary Signs.*
 - a. On Fence or Building. One (1) nonilluminated sign on each street frontage for any fence or building where the sign is located, provided the sign does not exceed twelve (12) square feet in area if the sign is in a commercial, professional or industrial zone, or six (6) square feet in area if the sign is in a residential zone. This exception is only available when all or part of the premises is actually available for sale or lease.
 - b. At Intersection or on Parcel. Nonilluminated, off-site, portable signs are permitted, unlimited in total number, but limited to one (1) double-faced sign per corner of an intersection or parcel. The signs shall not exceed an area of two (2) feet by two (2) feet per face and shall not be more than four (4) feet high. Prior permission shall be obtained from the property owner if the sign is to be placed on a privately owned parcel. The signs shall be removed each day. Such signs are an exception to the rule prohibiting off-premises signs and signs on public property.
- (6) *Interior signs.* Signs in the interior of a building, enclosed lobby or court, not visible from the outside and signs not visible from off the premises.
- (7) *Convenience signs.* Convenience signs not exceeding two (2) square feet in area providing directions only. Exception: Hospital emergency signs may be as large as four (4) square feet and may be illuminated.
- (8) *No trespassing signs.* "No trespassing" or "no dumping" signs not exceeding three (3) square feet in area.

- (9) *Window signs.* Window signs not exceeding twenty-five (25) percent of the window area.
- (10) *Parking signs.* Not more than one (1) parking control sign for each parking entrance, not exceeding an area of two (2) square feet. Parking control signs may contain the name(s) of the business(es) controlling the parking lot.
- (11) *Public notices and warnings.* Notices posted by a public officer in the performance of a public duty, or by any person for the purpose of giving legal notice, and warning or informational signs required or authorized by governmental regulations.
- (12) *Recycling and vending facilities.* Recycling and vending facility signs shall not exceed two (2) square feet, plus one (1) square foot for every one hundred (100) square feet of facility or machine in excess of one hundred (100) total square feet of floor area.
- (13) *Other public agency signs.* Street signs, traffic signs, emergency warnings, and the like erected by a public agency.
- (14) *Special event signs.* Any sign permitted by a special event permit issued under Article X of Chapter 14 of this Code.
- (15) *Temporary signs on private property.* With the exception of yard signs, any number of temporary signs on private property, either freestanding or attached, is permitted, limited to a total sign area not exceeding six (6) square feet in residential zones and eighteen (18) square feet in other zones. There is no limit on the number of yard signs, but no yard sign shall exceed six square feet in size. All persons who erect temporary signs, including yard signs, or who own or control the premises where temporary signs are erected, are jointly and severally responsible to remove such signs after ninety (90) days or as otherwise set forth in this Division. Temporary signs relating to an event, such as an election, shall be removed within seven (7) days after the event.

SECTION IV. Section 29.10.115, "Prohibited signs," of the Town Code is amended to read as follows:

Section 29.10.115. Prohibited signs.

Except as otherwise provided in this Chapter, the signs described in this Section are prohibited.

- (1) *Lighted signs.* Lighted signs that flash on and off, fluctuate or appear to move.
- (2) *Moving signs.* Signs that rotate or move in any fashion, except barber poles.
- (3) *Excessively bright signs.* Lighted signs whose brightness is detrimental to the reasonable enjoyment of surrounding property or are a traffic hazard.
- (4) *Obstructing signs generally.* Signs which prevent free use of a door, window or fire escape, or obstruct the view from any living area in the building to which the sign is attached.
- (5) *Signs obstructing standpipes, etc.* Signs attached to a standpipe or fire escape.
- (6) *Signs obstructing traffic devices.* Signs located so as to obstruct the view of a traffic sign, signal, or device.
- (7) *Confusing signs.* Signs which might be mistaken for or confuse the viewers of a traffic light or a signal.
- (8) *Signs in public thoroughfare.* Signs, placards, posters, announcement and similar signs erected on any fence, pole, tree, pavement, wall, bus stop, bench, or any other object in a public thoroughfare, except those defined in Section 29.10.110(11) or permitted in accordance with Section 29.10.120(4).
- (9) *Portable signs.* Portable signs and signs erected on parked vehicles or trailers, when such vehicles or trailers are parked in such a location or manner that it is clear the intention is to advertise the services of a business.
- (10) *Freeway signs.* Signs erected for the dominant purpose of being seen by travelers on a freeway.
- (11) *Off-premises signs.* Off-premises signs, except those authorized by sections 29.10.110(5), (15), 29.10.120(2), (4), and 29.10.130(1).
- (12) *Indecent signs.* Signs containing matter which is obscene under State law.
- (13) *Projected light signs.* Signs which are flashed or projected onto walls or other structures by means of a projector or other device.
- (14) *Billboards.* Any billboard sign.
- (15) *Temporary signs on Public Property and in the Public Right of Way.* With the exception of temporary signs permitted in accordance with Section 29.10.110(5)(b) and 29.10.120(4), temporary signs on public property, including parks and public right-of-way, which includes sidewalks, roads, street medians, and the portion of right of way between the road and sidewalk, are prohibited.

- (16) *Unauthorized signs.* Any sign not specifically authorized in Sections 29.10.110, 29.10.120 and 29.10.130.

SECTION V. Section 29.10.120, “Temporary signs,” of the Town Code is amended to read as follows:

Section 29.10.120. Temporary Signs Requiring Permits.

Every sign described in this Section, regardless of the manner of its construction, is a temporary sign. The number and area of such signs are regulated only by this Section and are in addition to the allowed number and area for other classes of signs.

- (1) *On Premises Sign Erected by Business.* Temporary signs erected on premises of a business are permitted for up to forty-five (45) calendar days. The total area of temporary signs may be equal to or less than the total sign area permitted for the business by Section 29.10.135. The permit shall state the maximum sign area allowed and the date the sign is to be removed as set by the erector or this Chapter, whichever is more restrictive.
- (2) *On Premises of Subdivision.* Nonilluminated, on-site signs on property which has received subdivision or development approval from the Town, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, are permitted, limited to one (1) double-faced sign not exceeding an area of twenty-five (25) square feet per face, placed at a right angle to the street, or two (2) single-faced signs not exceeding an area of twenty-five (25) square feet each placed parallel to a street. The signs shall not be more than fifteen (15) feet high and shall be erected at least fifteen (15) feet from a street right-of-way line. Up to four additional signs are permitted in residential subdivisions. Additional signs shall have an area not exceeding three (3) square feet, nor a height of more than four (4) feet. One off-premises signs erected by subdividers which are not located on a major arterial street as defined by the Town general plan is permitted. The sign shall not exceed eighteen (18) square feet in area, shall not be more than fifteen (15) feet high and shall be erected at least fifteen (15) feet from a street right-of-way line and shall be in a commercial or industrial zone. Such signs may be erected for up to 90 days. Off-premises signs erected by subdividers are an exception to the rules prohibiting billboards and off-premises signs.
- (3) *Sign Erected on Commercial, Office, or Industrial Development for Sale or Lease.* One (1) single-faced sign on property for sale or lease of a commercial, office, or industrial development to be built in the future. The sign shall not have an area exceeding twenty (20) square feet, shall not be more than fifteen (15) feet high, and shall be erected parallel to a street, at least fifteen (15) feet from a street right-of-way line. The sign shall not be erected for over 90 days.
- (4) *Sign Erected by Special Event Sponsor.*

- a. Subject to the conditions of this Section, a permit may be issued to the sponsor of a civic, political, charitable, cultural, recreational, educational or religious event as follows:
 - (i) An event in town sponsored by a non-profit organization; or
 - (ii) An event sponsored by a non-profit organization with its principal business address in Town; or
 - (iii) An event sponsored by a public school; or
 - (iv) An event sponsored by a non-profit organization to which the Town contributes funds; or
 - (v) An event co-sponsored by the Town.
- b. If a non-profit organization's event does not qualify under subsection (a), the non-profit organization may submit an application to the Town Planning Director for a temporary sign if the organization can demonstrate to the satisfaction of the Planning Director that the event will occur within Santa Clara County and the proceeds from the event will be used to benefit residents of Los Gatos. The Planning Director shall review the application and determine whether to grant the application based upon whether the proceeds from the event will benefit residents of Los Gatos. If the Director denies the application, the applicant may appeal the decision to the Town Council within ten (10) days of the Director's decision.
- c. Application. The event sponsor shall submit an application with applicable fee to the Planning Director. The application shall specify the proposed location for each sign for which approval is requested, a calculation of the total sign area proposed and permitted under section 29.10.135, and a description of the sign material and means of posting proposed.
- d. Conditions of approval.
 - (i) The sign may not be erected more than fourteen (14) days prior to the event and shall be removed within twenty-four (24) hours after the event.
 - (ii) The sign shall be no larger than permitted under section 29.10.135.
 - (iii) No more than a total of three (3) signs per event sponsor shall be allowed in the Town. Within this limit of three (3) signs, the following restrictions apply:
 - A. Except as provided under subsection (B) below, no more than one sign per event shall be permitted in the Downtown Area.
 - B. No more than one sign shall be permitted at the event site. Should the event have a number of locations or not have a fixed location, the event site sign shall be placed within five hundred (500) feet of the beginning or end of the event. Should the event site be

located within the Downtown Area, the sign at the event site shall not count against the limitation imposed by subsection (A) above.

- (iv) Event signs shall be secured at all four (4) corners to avoid flapping.
 - (v) No temporary structure may be erected for the purpose of displaying an event sign.
- e. General restrictions.
- (i) No more than three (3) event signs in total shall be permitted at any one time within five hundred (500) feet of any intersection in Town.
 - (ii) The square footage of an event sign shall not exceed the calculation of total sign area permitted under Section 29.10.135.
 - (iii) No more than one sign is permitted on any one property at one time.
- f. For purposes of this section, "non-profit organization" is defined as:
- (i) A non-profit corporation existing under Division 2 of Title 1 of the Corporations Code; or
 - (ii) A non-profit association as defined in Corporations Code Section 21000; or
 - (iii) A non-profit corporation existing under the laws of another state governing non-profit corporations and which is permitted to do business in California under California law.
- g. For the purposes of this section, Downtown Area means the C-2 zone.
- (5) *Signs on construction sites.* On parcels of under one acre, one (1) nonilluminated sign of not more than thirty-two (32) square feet in total area at each street frontage during the time of construction or remodeling of the property. On parcels of one acre or more, one (1) nonilluminated sign of not more than sixty-four (64) square feet in total area at each street frontage during the time of construction or remodeling of the property. No construction sign shall be erected prior to the issuance of a building permit, and each shall be removed as soon as a certificate of use and occupancy is issued.

SECTION VI. Section 29.10.135, "Zone regulations," of the Town Code is amended to read as follows:

Section 29.10.135. Zone regulations.

- (a) *Scope.* This Section specifies the signs which may be erected in each zone, other than signs which by the express provisions of this Chapter may be erected in all zones. Except where this Section specifies, nonconforming uses shall have only those signs allowed for the zone and not signs which might otherwise be allowed for similar uses in other zones.
- (b) *Residential zones.* In residential zones (defined by Section 29.40.010) the following signs may be erected:

Land Use		Class of Sign	Number of Signs	Total Area
1.	Multiple Family Developments:			
	a. Less than 10 units	wall signs	one per lot frontage	18 sq. ft.
	b. 10 units or more	wall signs	one per lot frontage	24 sq. ft.
2.	Authorized Nonresidential Uses (including recreational activities, schools, churches, public utilities, lawful nonconforming uses, etc.)	ground signs	one per parcel	24 sq. ft.
		wall signs	one per lot frontage	24 sq. ft.
3.	Neighborhood Identification Signs (only for neighborhoods with an area of 3 acres or more)	ground signs	number and location subject to determination by the deciding body	24 sq. ft.

(c) *Nonresidential zones.* The rules for nonresidential zones (defined by Section 29.50.010) are specified in this Section, and by number in the following list, table and footnotes. Rules 1 and 2 govern the calculation of the area of attached signs for each entity. Rules 3 through 9 govern the calculation of the total area of all signs for each parcel. The following paragraph applies to all nonresidential zones. The numbered rules apply only where the table so indicates. The maximum sign area for attached signs on any frontage may not exceed the area derived from the calculation for that frontage. Attached signs may be erected on any wall of the building, however, the area of a sign on a wall that is not a business frontage may not exceed twenty-five (25) percent of the sign area predicated on the primary business frontage. In addition, signs cannot be erected on a nonbusiness frontage wall if the parcel is contiguous to a residential zone and if the wall faces that zone.

- (1) Allowed sign area is one (1) square foot for each lineal foot of primary business frontage plus one (1) square foot for each lineal foot of secondary business frontage provided that the sign area generated by each secondary business frontage cannot exceed fifty (50) percent of the sign area generated by the primary business frontage.
- (2) Allowed sign area is one (1) square foot for each lineal foot of primary business frontage plus one-half square foot for each lineal foot of secondary business frontage.

- (3) For vehicle sales the area of freestanding signs is not restricted by any rule limiting total sign area on the parcel.
- (4) The total area of all signs on a parcel shall not exceed one (1) square foot of sign area for each lineal foot of lot frontage.
- (5) The total area of all signs on a parcel is limited to the area derived from the business frontage calculation.
- (6) For shopping centers the area of a ground sign is not restricted by any rule limiting total sign area on the parcel.
- (7) For shopping centers the area of a freestanding sign is not restricted by any rule limiting total sign area on the parcel.
- (8) The area of time and temperature signs is not restricted by any rule limiting total sign area.
- (9) The area of any attraction board shall be included in the calculation of the area of signs of the same class and in the calculation of the total area of signs on a parcel.

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TABLE OF SIGN REGULATIONS

ZONES	O	C-1	C-2	CH	LM	CM
ATTACHED SIGNS					(Maximum Area 100 sq. ft./sign)	
Wall	X	X	X	X	X	X
Roof		X	X	X		
Projecting		X	X	X		
Suspended from a Marquee (limited to one per entity)	X	X	X	X		
Formulas for Area Calculations	Rule 1	Rules 1 & 8	Rules 2 & 8	Rule 1	Rule 1	Rule 1
TIME & TEMPERATURE SIGNS (limited to one per zoning plot)						
Area per Face (sq. ft.)		12	12	12		
Total Area (sq. ft.)		24	24	24		
GROUND SIGNS (limited to one per zoning plot except in the O and CH District - See Note 3)		See Note 1				
Area per face (sq. ft.)	16	20	16	20	20	20
Total Area (sq. ft.)	32	40	32	40	40	40
May be used as a Tenant Directory	X		X		X	X
FREESTANDING SIGNS (limited to one per zoning plot except in the CH District - See Note 2)		For shopping centers only		FIRST SIGN	SECOND SIGN See Note 2	
Area per Face (sq. ft.)		50		125	75	
Total Area (sq. ft.)		100		250	150	
Height (ft.)		15		25	20	
ATTRACTION BOARDS		X	X	X		
Rules for Calculating Total Sign Area of Zoning Plot	Rule 4	Rules 5, 6, 7, 8 & 9	Rules 5, 6, 8 & 9	Rules 3, 5, 8 & 9	Rule 4	Rule 4
<p>Note 1: Shopping centers may have a ground sign in addition to a freestanding sign if the center has more than one lot frontage.</p> <p>Note 2: Zoning plots which exceed one acre and have more than one lot frontage may have an additional freestanding sign.</p> <p>Note 3: Zoning plots which have a lot frontage exceeding 300 feet may have a ground sign for each 300 feet of frontage or fraction thereof.</p>						

- (d) *Planned development overlay zone.* The signs shown on the official development plan referred to in Division 2 of Article VIII of this Chapter may be erected in the PD zone.

SECTION VII. Section 29.10.140, "Nonconforming signs," of the Town Code is amended to read as follow

Section 29.10.140. Nonconforming signs.

- (a) *Scope.* This section regulates the use and removal of nonconforming, unlawful, and abandoned signs.
- (b) *Modifications to nonconforming signs.* The following modifications to nonconforming signs are allowed:
 - (1) Changes in sign copy.

- (2) Modifications that reduce the extent to which the sign does not comply with this chapter.

No modification of a nonconforming sign shall have any effect on the length of the amortization period for the sign.

- (c) *Record of nonconforming signs.* The Planning Director shall prepare a list of all signs in the Town which are nonconforming signs.
- (d) *Mailing of notices.* The Planning Director shall mail a notice by certified return receipt mail to the occupant business, if known, and to the owner (as shown on the last equalized assessment roll) of the land where each nonconforming sign is located. The notice shall contain:
- (1) A description of the land where the sign is located and a description of the sign, both in terms reasonably sufficient for the owner to identify the sign.
 - (2) A statement that the sign is a nonconforming sign.
 - (3) The applicable date for removal of the sign under the provisions of subsection (f).

Information concerning more than one (1) sign, and information concerning separate amortization dates for different characteristics of one (1) or more single signs, separately stated, may be included in a single notice. If the Planning Director subsequently learns that for any reason notice has not been given in a timely manner, or that notice given is defective in any way, the Planning Director shall promptly mail a proper notice to the occupant and owner, even if the regular time for notification has expired. Notice mailed after the time required by this subsection meets the requirements of subsection (e) and is effective to start the time period provided in subsection (f).

- (e) *Effect of mailing of notices.* Notice mailed as provided in subsection (d) is deemed to be notice to the owners of nonconforming signs and to all persons having any right, title or interest therein. The mailing of notices is intended as a convenience to sign owners. However, no failure to give notice shall invalidate any proceeding to enforce this chapter to abate any sign, or to punish any sign violation.
- (f) *Duration of nonconforming signs.* A nonconforming sign which becomes nonconforming shall be a nonconforming sign for the applicable period shown on the following schedule:
- (1) Painted on wall signs, excessive brightness of signs, roof signs, signs suspended from a marquee: two (2) years.
 - (2) Freestanding signs, wall signs, projecting signs and all signs not otherwise specified in this section: five (5) years.
 - (3) Signs where total area of all signs on a building or parcel exceed permitted area: five (5) years.
- (g) *Notification and other procedures concerning subsequent nonconforming signs.* Within six (6) months of the date when a sign described in subsection (f) becomes a nonconforming sign, the Planning Director shall add the sign to the list of nonconforming signs and mail

notices in the manner specified in subsection (d), and such notices shall have the same effects as the notices provided for other nonconforming signs.

- (h) *Extension of nonconforming sign status.* During the deliberations on the provisions of this Chapter concerning signs, it was determined that this chapter should not include provisions for granting extensions of nonconforming status since the basic periods for nonconforming status were extended by the same number of years originally proposed for allowable extension.
- (i) *Removal of unlawful signs.* Any sign erected or maintained contrary to the provisions of this Division or any other ordinance of the Town including unlawfully erected signs, and formerly nonconforming signs whose nonconforming status has terminated, is in its entirety an unlawful sign. The provisions of Sections 29.20.950 and 29.20.955 are applicable to unlawful signs, and to those who erect or maintain them.
- (j) *Abandoned signs.* The owner must have all copy removed from an abandoned sign and the sign shall remain blank until a new entity has occupied the premises. Further, if any sign has been abandoned for a period of one (1) year the owner shall remove the sign and any appurtenant structures.
- (k) *Maintenance.* All signs shall be maintained and kept in repair and shall be painted and repainted at reasonable intervals. If the owner fails to comply, after ten (10) days' written notice by the Planning Director, or duly appointed deputy, to so maintain such signs, the Planning Director shall have the sign removed at the owner's expense.

(Ord. No. 1316, §§ 3.39.010—3.39.070, 6-7-76; Ord. No. 1380, 1-23-78)

SECTION VIII. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION IX. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION X. Publication.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 pf the Government Code of the State of California.

SECTION XI. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of May 2024, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 19th day of November, 2024, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO. 9.

ITEM NO: 9

DATE: November 27, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with Nichols Consulting Engineers for an Extension of Time for the Shannon Road Repair Project (CIP No. 811-0008).

RECOMMENDATION:

Authorize the Town Manager to execute the second amendment to the Consulting Services Agreement with Nichols Consulting Engineers for an extension of time for the Shannon Road Repair Project (CIP No. 811-0008).

BACKGROUND:

On May 31, 2021, the Town entered into an agreement with Nichols Consulting Engineers to design a repair of Shannon Road between Diduca Way and Santa Rosa Drive. The scope of work authorized in that agreement included development of topographic survey and right-of-way mapping, geotechnical analysis, design of stabilization structures, pavement design, and development of design plans through construction bidding. The scope also includes engineering support through the construction phase of the project.

The first amendment to the contract with Nichols Consulting, approved by the Town Council on August 15, 2023, increased the agreement amount by \$42,500, resulting in a total agreement amount not to exceed \$486,900. It also increased the scope to add three additional activities including:

1. Additional analysis of potential bike pull-out locations and associated design.
2. Development of an alternative full-closure traffic control plan with associated detours to limit the duration of overall project construction.

PREPARED BY: Gary Heap
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

PAGE 2 OF 3

SUBJECT: Second Amendment with Nichols Consulting Engineers for Shannon Road Repair
(CIP No. 811-0008)

DATE: November 27, 2024

3. Additional design work to modify the guardrail and storm drainage design to accommodate PG&E and adjacent property owner needs.

The project design is complete; however, the Town continues to negotiate with the adjacent property owner to acquire the needed right-of-way and easement area to construct the improvements. The construction schedule will depend on successful negotiations to acquire the property. It is anticipated that construction on the project could begin summer 2025, or sooner if possible.

DISCUSSION:

The current contract is set to expire on December 31, 2024. This second amendment would extend the contract to December 31, 2025. No additional funds are being added with this amendment.

CONCLUSION:

The proposed Second Amendment to the Agreement for Consulting Services with Nichols Consulting Engineers extends the contract from December 31, 2024, through December 31, 2025.

COORDINATION:

This memorandum has been coordinated with the Finance Department.

FISCAL IMPACT:

The adopted Fiscal Year 2024/25 – 2028/29 Capital Improvement Program (CIP) Budget for this project has sufficient funds for the Agreement.

SUBJECT: Second Amendment with Nichols Consulting Engineers for Shannon Road Repair
(CIP No. 811-0008)

DATE: November 27, 2024

Shannon Road Repair CIP No. 811-0008		
	Budget	
GFAR	\$ 5,376,064	
Total Budget	\$ 5,376,064	
		Costs
Consultant Services Including Encumbrance		\$ 549,973
Construction Services		\$ 141,213
Misc. Project Costs		\$ 118
Total Costs		\$ 691,305
Available Balance		\$ 4,684,759

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301). A Notice of Exemption has been filed.

Attachments:

1. Second Amendment with Exhibit A

SECOND AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 3rd day of December 2024 and amends that certain First Amendment to Agreement for Consultant Services dated August 15, 2023, made by and between the Town of Los Gatos, ("Town,") and Nichols Consulting Engineers, Chtd (" Consultant"), identified as a C Corporation and whose address is 1003 W Cutting Boulevard, Suite 110, Pt Richmond California 94804. "

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on May 3, 2021, (Agreement) and a First Amendment to Agreement for Consultant Services on August 15, 2023, copies of which is attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement to extend the term.

AMENDMENT

1. Section 2.2 Term and Time of Performance is amended to read as follows:
This contract shall remain in effect from May 3, 2021 and extend to December 31, 2025.
3. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos, by:

CONSULTANT, by:

Chris Constantin
Town Manager

Tim Mahoney, General Manager

Department Approval:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk

This FIRST AMENDMENT TO AGREEMENT is dated for identification this 15th day of August 2023 and amends that certain Agreement for Consultant Services dated May 3, 2021, made by and between the Town of Los Gatos, ("Town,") and Nichols Consulting Engineers, Chtd ("Consultant"), identified as a C Corporation and whose address is 1003 W Cutting Boulevard, Suite 110, Pt Richmond California 94804.

RECITALS

- C. Town and Consultant entered into an Agreement for Consultant Services on May 3, 2021, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Exhibit A to this Amendment.
- D. " " Town desires to amend the Agreement to add to the scope of services, extend the term, and increase the compensation.

AMENDMENT

1. Section 2.1 Scope of Services is amended to read as follows:

Consultant shall provide the additional services as described in that certain proposal sent to the Town on July 3, 2023, incorporated herein as Exhibit B.

2. Section 2.2 Term and Time of Performance is amended to read as follows:

This contract shall remain in effect until December 31, 2024

3. Section 2.6 Compensation is amended to read as follows:

Increase the compensation amount by \$42,500 for a total value of \$486,900 set forth in Exhibit B.

4. All other terms and conditions of the Agreement remain in full force and effect.

EXHIBIT A

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos:

DocuSigned by:
Laurel Prevetti
863FEEA2EB39479...

Laurel Prevetti, Town Manager

Approved as to Consent:

DocuSigned by:
Ryan Shafer
F58F4B83816B47D...

J. Ryan Shafer, PE, GE Principal, NCE

Department Approval:

DocuSigned by:
Nicolle Burnham
0E97831349644C3...

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534426...

Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood
BF6EBCBE2C214F9...

Wendy Wood, CMC, Town Clerk

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on May 3, 2021 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") Nichols Consulting Engineers, ("Consultant"), whose address is 501 Canal Blvd., Suite I, Richmond, CA 94804. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town desires to engage Consultant to provide services to provide design and construction support services for Shannon Road Repair Project (CIP No. 811-0008).
- 1.2 Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain Proposal sent to Town on April 26, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from date of execution to December 31, 2023.
- 2.3 Compliance with Laws. Consultant shall comply apply the reasonable standard of care with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services

pursuant to this Agreement are confidential until released by the Town to the public, and Consultant shall not make any of these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

- 2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$444,400**, inclusive of all costs as described in Exhibit A. Payment shall be based upon Town approval of each task.
- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

- 2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town

employee(s). With prior written consent, Consultant may perform some obligations under this Agreement by subcontracting but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

- 2.11 Litigation Support. Consultant shall receive compensation for preparing for and/ or appearing in any litigation at the request of the Town, except: (1) if such litigation costs are incurred by the Consultant in defending its work or services or those of any of its sub-consultants or (2) as may be required by the indemnification requirements of the Consultant. Compensation for litigation services requested by the Town shall be paid at a mutually agreed upon rate and/ or at a reasonable rate for such services.
- 2.12 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.13 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
- ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance in respect to the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

3.4 Mutual Indemnification. Consultant shall indemnify and hold harmless the Town, its officers, agents, and employees from any and all claims, suits, losses, pure economic damages, costs (including reasonable attorney's fees) and demands, administrative fees, penalties and fines imposed, and demands, including reasonable attorney's fees connected therewith, on account of personal injury, including death, or property damage, sustained by any person or entity not a part to this Agreement between the Consultant and the Town to the extent such injury, death or damage is caused by the negligence or willful misconduct of the Consultant or their respective employees, officers and agents.

Consultant agrees to the full extent permitted by law, to indemnify, defend, and hold harmless the Town, its officers, directors, and employees from and against any and all claims, demands, losses, penalties, fines and causes of action of every kind and character (including reasonable attorney fees) arising from or relating to Pre-existing Conditions.

3.5 Mutual Indemnification. Town shall indemnify and hold harmless the Consultant, its officers, agents, and employees from any and all claims, suits, losses, pure economic damages, costs (including reasonable attorney's fees) and demands, administrative fees, penalties and fines imposed, and demands, including reasonable attorney's fees connected therewith, on account of personal injury, including death, or property damage, sustained by any person or entity not a part to this Agreement between the Consultant and the Town to the extent such injury, death or damage is caused by the negligence or willful misconduct of the Town or its Consultant or their respective employees, officers and agents.

Town agrees to the full extent permitted by law, to indemnify, defend, and hold harmless the Consultant, its officers, directors, shareholders, employees, affiliates, and subsidiaries and their successors from and against any and all claims, demands, losses, penalties, fines

and causes of action of every kind and character (including reasonable attorney fees) arising from or relating to Pre-existing Conditions.

IV. GENERAL TERMS

- 5.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. Town and Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the Town, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the Town, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors **MUST** be a registered "public works contractor" with the DIR **AT THE TIME OF BID**. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.

- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the Town for any fines assessed by the California Department of Industrial Relations against the Town for such violation, including all staff costs and attorney's fee relating to such fine.
- 4.4.9 Town shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., Town may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Dispute Resolution. Town and Consultant agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement to mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association, effective as of the date of this Agreement.
- 4.8 Force Majeure. Neither party to this Agreement will be liable to the other party for delays in performing the services, nor for the direct or indirect cost resulting from such delays, that may result from labor strikes, riots, war, acts of governmental authorities, health crises, extraordinary weather conditions or other natural catastrophe, or any other cause beyond the reasonable control or contemplation of either party.
- 4.9 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
 Attn: Town Clerk
 110 E. Main Street
 Los Gatos, CA 95030

Nichols Consulting Engineers
 501 Canal Blvd., Suite I
 Richmond, CA 94804

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

- 4.10 Certifications/Warranties. Consultant neither makes, nor offers, nor shall Consultant be liable to the Town for any express or implied warranties with respect to the performance

of Services. Estimates of cost, approvals, recommendations, opinions, and decisions by the Consultant are made on the basis of the Consultant's experience, qualifications, and professional judgment and are not guaranteed. Consultant shall not be regarded as a guarantor with respect to any work product provided to the Town.

- 4.11 Third Party Reliance Upon Reports. All Consultant work products are prepared solely for use by the Town and shall not be provided to any other person or entity without CONSULTANT's written consent. Town shall indemnify the Consultant from and against any and all claims, liability, damages, actions or proceedings brought by any person or entity claiming to rely upon information or opinions contained in reports or other work products provided to such person or entity, published, disclosed or referred to without the Consultant's written consent.
- 4.12 Ownership and Retention of Documents. Reuse or modification of any such documents by the Town, without the Consultant's written permission, shall be at the Town's sole risk, and Town agrees to indemnify and hold the Consultant harmless from all claims, damages, and expenses, including attorney's fees, arising out of such reuse by the Town or by others acting through the Town.
- 4.13 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.14 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, Town and Consultant have executed this Agreement.

Town of Los Gatos by:

Consultant, by:

DocuSigned by:
Laurel Prevetti 5/19/2021
853FEEA2EB30470...
Laurel Prevetti, Town Manager

DocuSigned by:
Greg Fasiano 5/13/2021
8E05CEC98BB5409...
Greg Fasiano, Town Manager

Recommended by:

DocuSigned by:
Matt Morley 5/13/2021
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Matt Morley
Director of Parks and Public Works

DocuSigned by:
Ryan Shafer 5/13/2021
F58F4B83816B47D...
J. Ryan Shafer, PE, GE
Principal

Approved as to Form:

DocuSigned by:
Robert W. Schultz 5/18/2021
2FE093835B744C...
Robert Schultz, Town Attorney

Attest:

DocuSigned by:
Shelley Neis 5/19/2021
B9666F65B1F34F6...
Shelley Neis, MMC, CPMC, Town Clerk



April 26, 2021

Ms. Janice Chin, Assistant Engineer
Town of Los Gatos, Parks and Public Works Department

Proposal for On-Call Civil Engineering Services – TLG #20-811-0008 Shannon Road Repair

Dear Ms. Chin:

INTRODUCTION

NCE is pleased to provide the Town of Los Gatos (Town) our proposal to provide civil engineering services for the Shannon Road Repair Project (Project). As we lead the completion of the Geotechnical Alternatives Report (GAR) for this project we appreciate the opportunity to continue our work with the Town towards completing construction documents for stabilizing the embankment and roadway.

Based on our previous work at the site, the Shannon Roadway embankment has been experiencing ongoing slope creep and movement resulting in pavement cracking and localized failures requiring ongoing maintenance by Santa Clara County (County) and now the Town. This is mainly the result of colluvial and fill soils that are susceptible to slope creep and movement from an over steepened roadway embankment in combination with original fill materials used to construct the roadway likely not be compacted, keyed, and benched properly to current standards.

Given the severity of recent cracking and how quickly cracking occurred after prior maintenance, completing construction of this roadway repair is critical to prevent additional roadway damage and additional repairs and maintenance the current two stabilization alternatives presented in our Report to the Town include a (i) MSE wall in combination with soldier pile and lagging wall and (ii) soldier pile and lagging wall. Each of them addresses the site's unique geological conditions, site access, and general site constraints.

As an unplanned project receiving resources from the Town's capital improvement program, embankment stabilization also diverts resources from projects which are already planned. Furthermore, as a central thoroughfare for motorists and bicyclists in the eastern part of the community, Shannon Road provides access to a significant portion of the Town's residents. If the ongoing instability persists, it threatens the connection of this part of the Town with the rest of the community.

NCE has hand selected the right team to assist the Town with delivering the Shannon Road Repair Project as we have direct knowledge and experience with project site; excellent working relationship with the Town backed by the repeated ability to deliver; infrastructure, roadway, and pavement engineering design expertise; and a talented multidisciplinary team with innovative ideas for solving the challenges of this site. NCE's strength on this project is a carefully integrated and coordinated team with inhouse skillsets including civil engineering and pavement design that we supplement with long-time trusted teaming partners like **Cal Engineering & Geology** (geotechnical/structural), **Fehr & Peers** (traffic control), and **Mountain Pacific Surveys** (surveying).

Richmond, CA
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Richmond, CA 94804
(510) 215-3620

Additionally, the NCE team will be led by proposed Project Manager, **Lee Taubeneck, PE**, who will be responsible for day-to-day project management. Lee brings extensive experience working on road widening projects in planning, design, QA/QC, ROW, utility, RFA and programming phases. Lee will be supported by **Ryan Shafer, PE, GE**, Principal of NCE's Richmond office. Ryan will serve as Client Sponsor and will provide project oversight. Ryan has a solid integrated civil and geotechnical background and is knowledgeable and experienced with the Town's infrastructure. In short, by selecting NCE, the Town will benefit from existing working knowledge of the site our ability to start and complete the design of this project quickly, ability to introduce cost saving designs (e.g., recycling roadway materials in-place and avoiding utility relocation/conflicts with wall design and planned excavation depths), and decades of diverse and considerable engineering experience delivering these types of projects.

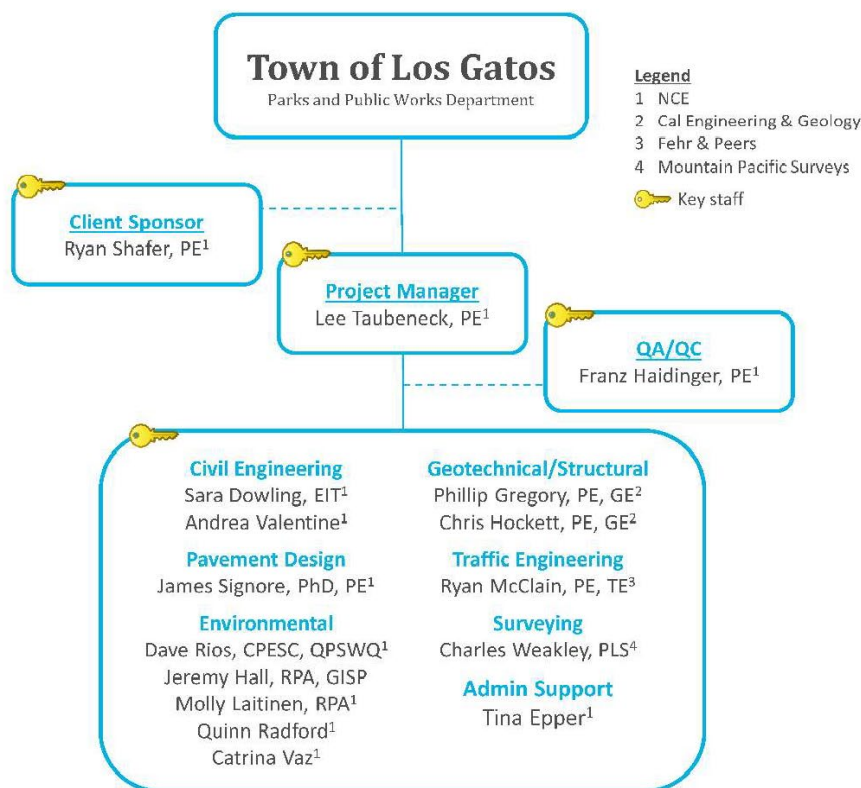
FIRM QUALIFICATIONS

NCE is a client-focused professional consulting firm integrating the disciplines of engineering, science, and planning to address the infrastructure and resources challenges facing our communities today and in the future. NCE has grown significantly in expertise and capabilities beyond its origin as a transportation research and pavement management firm working with the Federal Highway Administration (FHWA). NCE delivered civil engineering and pavement design services for scores of California municipalities. NCE is adept in delivering comprehensive civil engineering and pavement design projects. The NCE team provides the following benefits and distinguishing features:

- ❖ Familiarity with local regulations and working with the Town on capital improvement projects including the **Shannon Road Embankment Stabilization**.
- ❖ Knowledge and demonstrated pavement rehabilitation design expertise from designing thousands of local streets and roadways throughout California, Nevada and the West Coast.
- ❖ Highly qualified interdisciplinary team of professionals that have worked together on multiple projects involving conception, regulatory compliance and permitting, environmental documents, through design and construction monitoring.
- ❖ Technical resources with an in-depth understanding of sustainability, safety, community needs, and environmental constraints.
- ❖ Tailored approach with cost-effective strategies and practical solutions that promote cost savings, reduced construction disruptions/impacts, constructability, and that can be readily implemented.
- ❖ Responsive staff with proven experience in all facets of engineering, including applicable state and federal standards.

ORGANIZATIONAL CHART

Figure 1 below illustrates the structure and team we propose for this project, the roles and responsibilities of each team member as well as the communication/reporting relationships of the key staff in relation to the Town for this project. Qualifications summaries for key personnel are provided below and their focused resumes are included in Attachment A.



KEY PERSONNEL

Figure 1. NCE Team Organization

Qualifications summaries for each key team member are provided below and their focused resumes are provided in Attachment A.



Mr. Ryan Shafer, PE, GE, Client Sponsor. In this role, Ryan will be responsible for communicating with the Town and champion of allocating of resources. Ryan is an experienced Principal and Project Manager that is highly skilled in managing interdisciplinary teams of engineers, scientists, and planners for complex projects requiring civil engineering, geotechnical engineering, pavement engineering, structural engineering, transportation and traffic engineering, hydrology and hydraulics, coastal engineering, regulatory permits, technical studies and resource assessments, and environmental documents. In addition, he has managed and provided civil and geotechnical engineering on a wide range of public and private projects, including vertical development, municipal roads, trails, drainage infrastructure, landfills, public transit, recreation areas and parks, industrial facilities including refineries, and waterfront structures giving him an understanding of how to work with diverse project types. His clients provide feedback that NCE is an effective partner and steward, understanding what is important to each community. He is a registered civil engineer and geotechnical engineer with more than 22 years of professional experience.



Mr. Lee Taubeneck, PE, Project Manager. The NCE team will be led by Lee, who will be responsible for day-to-day project management and will also be a point of contact for the Town. Lee is a transportation professional with extensive experience in the development of expressways, freeways, roads, transit systems, multi-use paths, trails, sidewalks, streets, and

highways. He has worked with public, private, and non-profit clients throughout California at both the local, regional, and State levels. He is an expert in transportation planning and design. He is a registered civil engineer with more than 37 years of professional experience.



Mr. Franz Haidinger PE, QA/QC Manager. Franz will be responsible for quality assurance and quality control on the deliverables developed by NCE. Franz brings a wealth of experience and expertise in civil and environmental engineering. He has lead engineering efforts in projects with civil design components such as pavement design for parking lots, curb and gutter layout, storm drain design, LID features like overland flow, bioswales, and small detention basins, grading, design of water services for irrigation and domestic water supply, and design of a sewer connections for future projects. The depth of his experience also includes the preparation of Drinking Water Source Assessments, SWPPPs, contaminated soil remediation, underground storage tank removals, permitting, operation and maintenance of groundwater treatment facilities and soil vapor extraction systems, and construction quality assurance. He is a registered civil engineer with 24 years of professional experience and currently serves as NCE's Chief Engineer.



Mr. James Signore, PhD, PE, Pavement Design Lead. James specializes in pavement design and evaluation, rehabilitation and maintenance, materials assessment, and training. He has experience in designing pavements for many local agencies, Caltrans, and for heavy vehicle loading applications for highways, airfields and ports. He has spent years researching pavement materials, having directed a state-of-the-art AMRL certified and Superpave mix design equipped research laboratory, and is well versed in state and local pavement practices and specifications. He has taught NHI's and ASCE's "Techniques for Pavement Rehabilitation" (including best practices for utility cuts and patches) seminars to practicing engineers for 20 years. He has also taught graduate courses in pavement engineering at San Jose State University and many of his former students are civil engineers at local agencies. Additionally, James is a Member of the Transportation Research Board Committee AFD70, Pavement Rehabilitation, AFD70-1, Pavement Interlayer Systems and the FAA Airport Pavement Technical Working Group. He is a registered civil engineer with 25 years of professional experience and holds a PhD in Civil Engineering.



Ms. Sara Dowling, EIT, Project Engineer/Pavement Design. Sara has been involved in design projects that include new intersection roadway, high-rise building foundation, airport taxiway pavement structure, spatial data analysis, and a green wastewater treatment plant. She was the fundraising chair for the Institute of Transportation Engineers and is currently a member of ASCE and Young Professionals in Transportation. Sara has experience in AutoCAD 3D, ArcGIS, MS Project, Technical Writing, Literature Review, EverFE, and C++.



Andrea J. Valentine, CADD Design. Andrea is a CADD drafter with nearly 40 years of experience providing layout and drawing of civil and structural plans, control lines, profiles, sections, and details based on engineers' sketches and markups. She works with engineers to provide lot line adjustment boundaries; develops, implements, and updates CADD standards; and sets up and maintains drafting records and documentation. Her program experience includes AutoCAD, Bentley Micro-station, and Microsoft Word and Excel. In addition to obtaining her BA, Andrea has taken various drafting, graphic arts, solar design, technical math, cartography, natural sciences, and computer training courses at various San Francisco Bay Area colleges.

NCE Administrative Staff. NCE also has a team of administrative professionals that will support the strategic engagement task by developing graphics, and content for presentations or collateral material.

SUBCONSULTANT KEY PERSONNEL



Mr. Phillip Gregory, PE, GE, Geotechnical Engineer. Phillip is an experienced geotechnical engineer and manager who has completed more than 150 transportation and water infrastructure improvement projects for public agencies over the past 20+ years. Phil's expertise is in the analysis and design of earth embankments and slope stabilization measures including geosynthetic reinforced slopes, and embankments, CIDH pile structures, segmental block retaining soldier pile and lagging walls, soil nail retaining structures, light weight fill, and slope dewatering systems. Phillip is an experienced Caltrans-based specification writer and estimator of earth construction costs. Phillip managed the majority of the federally-funded storm damage repair projects that were completed by CE&G in 1993, 1998, and 2006. He is a registered civil engineer and geotechnical engineer with 33 years of professional experience.



Mr. Chris Hockett, PE, GE, Structures Design. Chris has expertise in managing geo-civil-structural design projects that involve the preparation of plans, specifications, and engineer's estimates, (PS&E) for roadway stabilization projects. Chris has designed stitch piers, retaining walls founded on deep and shallow foundations, mechanically reinforced embankments, segmental retaining walls systems, and tieback retaining walls on roadways for Cities and Counties throughout the Bay Area. Some of his recent roadway stabilization experience includes the structural design of a 300 foot long stitch pier system along Foothill Boulevard in Sunol and a 200 foot long soldier pile and wood lagging retaining wall with tieback anchors along Rifle Range Road in Richmond, and the geotechnical design of over 1,000 linear feet of stitch piers, and soldier pile and lagging debris walls and retaining walls along the award winning 1.7 mile long George Miller Regional Trail between Martinez and Port Costa. He is a registered civil engineer and geotechnical engineer with 13 years of professional experience.



Mr. Ryan McClain, PE, TE, Traffic Handling & Detours. Ryan has worked in the transportation planning and engineering field since 2001. Focusing on multi-modal transportation design and analysis, Ryan provides alternatives development and assessment and transportation engineering design for complete streets projects ranging in size from single intersections to complex multi-jurisdictional corridors and master plans. Ryan works closely with agency staff, stakeholders, and the community to develop engineering solutions that work for all users. Ryan leads Fehr & Peers' companywide Complete Streets Design group is the vice chair of the international ITE Complete Streets Council. He frequently teaches courses on complete streets design, including recent classes for MTC throughout the Bay Area and lectures at UC Berkeley for the pedestrian/bicycle graduate class. In addition to his project roles, Ryan serves as the Office Leader for Fehr & Peers' Walnut Creek office, where he is responsible for overall office strategy and client relations. He is a registered civil engineer and traffic engineer with more than 20 years of professional experience.

Mr. Charles Weakley, PLS, Surveying. Charles is the President and manager in charge of all land survey work undertaken by Mountain Pacific Surveys and our aerial mapping company, Aerometric Surveys. His experience in land surveying includes photogrammetric control, precision as-built surveys, G.P.S. and cadastral surveys, boundary determinations and right-of-way calculations, topographic mapping, aerial photogrammetry, and construction layout of hundreds of subdivisions, roadway, commercial, and utility projects. Charles is responsible for all aspects of project administration, including contract negotiations. He is a professional land surveyor with 27 years of professional experience.

PROJECT UNDERSTANDING AND PREVIOUS WORK

Having been called upon by the Town along with our geotechnical partners CE&G for the initial investigations of Shannon Road distress, NCE has extensive knowledge and understanding of the project. In early 2020, as downhill creep began to accelerate, we were called by the Town. The team completed extensive field research, reconnaissance, field borings, and laboratory analyses to enable site characterization. The *Revised Geotechnical Alternatives Report* (RGAR, CE&G, December 2020) was the culmination of these investigations and prepared two feasible alternatives and cost estimates.

Two probable landslides were identified by our investigations along the Road segment (**Figure 2**) composed of quaternary colluvium. The observed colluvium fills more gently sloped swales that have been mapped as probable landslides of uncertain age by the CGS and the Town. The colluvium swales are interpreted to be dormant landslides. The colluvium is composed of sandy lean clay with and without gravel, and silt/lean clay with sand. The colluvium was found beneath the Road prism and above the bedrock (siltstone). The Report correlates the two dormant slides with the thicker portions of the fill/colluvium above the bedrock, or roughly between stations 6+35 to 7+48, and stations 3+00 to 4+25.

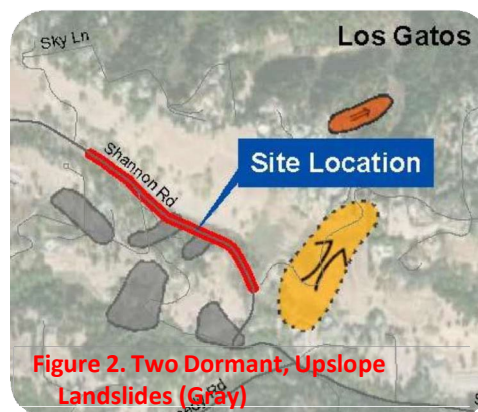


Figure 2. Two Dormant, Upslope Landslides (Gray)

The Town acquired title to the Road in 2017, in what at the time was determined to be a State of Good Repair. The outboard side of the Road segment is composed mostly of artificial fill. Given the vintage of the Road, it is likely that the embankment was not compacted to current standards, leading to settlement of the fill.

The former owner had been addressing settlement and cracking for several decades. Routine maintenance of the roadway consisted of HMA overlays to relevel the driving surface. The result was a thick structural section of AC pavement on the westbound or downhill side. The added mass of repeated overlays on the outside lane of the Road may have exacerbated the distress and failures over time.

The final overlay of the roadway prior to ownership transfer included polyurethane foam injection within the area of historic cracking and settlement, along with a 2.5-inch to 3-inch pavement overlay. Post-ownership transfer, settlement has not only continued, but accelerated. The steepened embankment of fill and overlying colluvium and likely lack of proper compaction, keying, and benching of fill materials appear to be involved in long term creep of the Road embankment. The RGAR concludes that sliding of the Road segment is locally incipient based on the increased rate of movement within the last few years, especially for the outboard (downhill) portion of the Road prism. Although minimal groundwater was encountered during the field investigations, soil saturation from precipitation could also be contributing to sustained creep downslope.

The RGAR completed by the NCE Team presents two viable alternatives and cost estimates for stabilizing the Road embankment. Either alternative establishes a structure outside the westbound (downhill) portion of the Road prism connecting them through the Road prism to help buttress the Road. One alternative proposes the use of tie-backs (soldier pile with lagging) to apply compressive forces against the Road prism, and the other uses geogrid fabric (MSE wall). During preliminary engineering the preferred alternative will be selected and confirmed with the Town based on available ROW, costs, traffic impacts, and environmental constraints. The current recommendation is the soldier pile and lagging wall

system that is less costly and disruptive allowing for one lane of traffic to remain open during construction depending on final design and construction means and methods.

KEY ISSUES AND OPPORTUNITIES

NCE has identified several key issues and opportunities based on extensive knowledge of the site conditions, investigations, and alternatives report. The NCE team experience delivering similar projects for other public agencies affords the Town confidence that we can meet whatever challenges present themselves for the Shannon Road project. A photo of one of our successful projects is shown in **Figure 3**.



Figure 3. Soldier Beam and Lagging Retaining Wall, Bailey Road, Pittsburg

CONSTRUCTION COST

As the downslope creep and repair of the Road was unexpected and not included in the Town's capital improvement plan, managing capital costs for construction must be considered a major issue and opportunity for reducing costs. Under planned circumstances the Town could entertain addressing Road conditions with a sufficient budget. Instead, it must consider using reserve funds and postponing other needed improvements to stabilize the incipient slope movement.

The NCE team as part of this proposal and our design approach has identified the following approach to managing and reducing construction costs below the current preliminary cost estimate that we developed:

- ❏ The inner lane exhibits less distress and is fair to good condition and suitable for use of conventional mill and overlay treatments to reduce current preliminary pavement reconstruction costs from \$100/sy to \$20 to \$25/sy.
- ❏ To prevent pavement distresses in the thickened asphalt section in the outer lanes from reflecting back up through the new pavement section and to allow the existing valuable asphalt to be recycled in-place, based on our experience and speaking further with a pavement recycling contractor, we recommend pre-milling at least the top 4- to 6-inches of the roadway to allow a Full Depth Reclamation (FDR) reclaimer to penetrate through the bottom of the very thick AC. Then the reclaimer can pulverize the existing roadway materials and recompact in-place, and then place a new 4- to 6-inch HMA wearing course. This approach will reduce the current preliminary reconstruction cost by 40 to 50% with a cost of \$50 to \$60/sy.
- ❏ Working around existing utility poles is another example of accomplishing the work for less cost

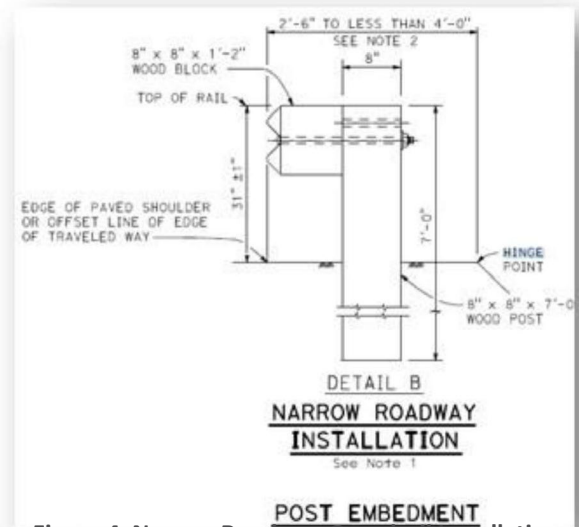


Figure 4. Narrow Roadway Guardrail Installation

not to mention less time to coordinate with PG&E and telecom utilities. While there are advantages to clearing utility poles from the face of the embankment to maintain consistent earth

pressures against the slope, earth pressures can still be maintained with a gap in the wall by bridging the gap with a grade or cantilever beam.

- ✦ Maintaining the existing roadway width, drainage patterns, and elevations to the extent possible will reduce the need for roadway cuts into the hillside, maintaining work within ROW, and less construction and materials costs.
- ✦ Another potential cost savings will be to place guard rail as close to the inside of the soldier piles as possible again to maintain the existing road prism as much as possible and within existing ROW.

Figure 4 reflects just such an installation with a narrow roadway installation.

TRAFFIC HANDLING

Either as a detour or with one-way traffic control, maintaining eastbound and westbound traffic around or through the construction site will require careful coordination. Connections for power supply to traffic signals are often a constraint in working these situations. Our solution builds off our successful engagements with Fehr & Peers in the past on stabilization projects such as Via Verdi in Richmond. For the soldier pile and lagging alternative, the installation of 2 temporary traffic signals and a protective barrier will allow travelers to pass east or west with minimal queuing or delay. The power supply will be provided either by solar or conventional, low-noise generators. On the east, the temporary signal will be established at the intersection with Santa Rosa Drive. On the west, the temporary signal will be established at Diduca Way. Advance warning signs will be used to notify approaching vehicles of changes well in advance. A protective barrier in the form of either k-rail, sand barrels or water filled segmental barriers will be established on the outboard side of the centerline to inhibit the incursion of vehicles into the active work zone (cf. **Figure 5**).



Figure 5. One Way Traffic Control, Rifle Range Road

The soldier pile and MSE wall alternative will require the complete closure of the Road segment to allow for placement of the geogrid fabric. The solution here is a traffic detour either be set up along Kennedy Drive or along the combination of Hicks Road and Blossom Hill Road. As this out-of-direction travel will on average increase travel time by 10 minutes, more extensive public outreach will be needed in comparison with the soldier pile and lagging alternative to encourage public cooperation.

RIGHT OF WAY

The current vertical drop-off on the downhill side of the Road ranges from 3 to approximately 20 feet with a slope of 1.5 (V) to 1 (H). In its current condition, the downhill slope is steep and a potential hazard for motorists. While channelizers and signs reflect the nature of the hazard, the risk has been present for several years. Consequently, the installation of guardrail is recommended for consideration. This will increase the width of the Road prism, add a bid item to the engineers estimate, and may have ROW implications. Also, the limits of public and private property lines in the RGAR were placed using parcel maps provided by the Town (cf. **Figure 6**). Several indicate that the current road may extend into private property, which would

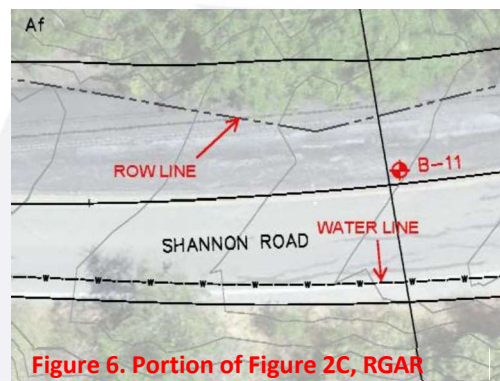


Figure 6. Portion of Figure 2C, RGAR

be unusual for a public roadway and will be further confirmed by ROW mapping during completion of topographic surveys. This will be important to confirm as work outside Town ROW can be time consuming to coordinate with outside stakeholders/property owners, particularly if ROW acquisition is required.

Our solutions for these ROW challenges are varied and multiple. First, we will refine the parcel maps provided by the Town with a topographic survey. For this reason, the topographic survey is included in the proposed schedule as one of the first items of work.

Next, we will complete a review of available Town data regarding collision records or accidents within this section of roadway. Perhaps, if little to no accidents or collisions have occurred, it may be possible to use a combination of reflectors, signs, and delineation to provide sufficient warnings that can avoid guardrail placement.

Finally, it is possible to erect the guardrail as a vertical extension of the MSE or soldier pile wall. If we find that ROW is indeed constrained, we can use this to shorten the horizontal dimensions of the project.

UTILITIES

A water line is known to exist along the inside, eastbound travel lane. Our current assumption and approach to scoping this project is that this water line can be sufficiently located and roadway rehabilitation and repair methods can be completed to avoid conflict, lowering, or relocation of this waterline to reduce design and construction costs and additional coordination with the San Jose Water Company. If conflict cannot be avoided additional scope for utility coordination and design consideration will be required.

Overhead electric and telecommunication lines as shown in **Figure 7** are also apparent above the Road, which will require consideration during development of construction documents and during construction as to the types of equipment and coordination needed by contractor working next to these facilities.

Utility locations will be developed based on utility as-builts and record maps as well as use of ground penetrating radar (GPR) for improved accuracy on the depth of the water line below ground surface. Also, if required we will specify the use of low-overhead construction equipment working next to overhead lines.

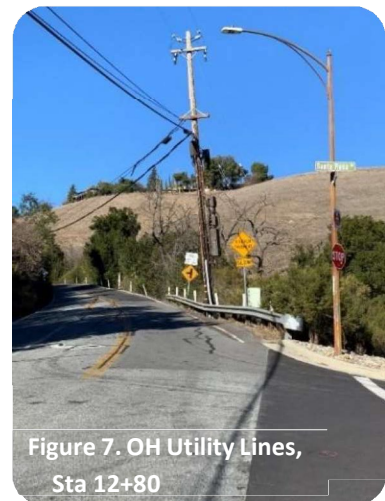


Figure 7. OH Utility Lines,
Sta 12+80

CONSTRUCTION SCHEDULE

The current estimated number of working days for construction, excluding bid award, negotiation, and mobilization, is likely greater than 60 days. With an notice to proceed for design in March and design not be completed until late Summer this places construction in the fall and early winter months. We will discuss the project schedule with the Town at the Kickoff meeting and discuss which tasks can be processed in parallel during preliminary engineering and design to enable earlier PS&E delivery and subsequently earlier advertisement and mobilization dates. We will also evaluate the potential to complete the project during the rainy season depending regulatory, construction, and other site constraints.

KEY ASSUMPTIONS

In order to deliver the most cost-effective design strategy for this project, we have formulated the following key assumptions:

TOWN'S RESPONSIBILITIES

NCE has assumed that the Town will be able to provide the following to the extent available:

1. Provide information regarding Town-owned utilities (i.e., sanitary sewer and storm drain).
2. Provide project requirements, including design schedule, budget, constraints, and criteria.
3. Provide review and approval of exceptions to geometric roadway design standards when appropriately documented with collision records, cautionary signage and delineation, and guardrail placement.

TOPOGRAPHIC SURVEYING, BASE MAPS, AND RIGHT-OF-WAY

1. A topographic survey will be completed along the subject section of Shannon Road to establish a base map sufficient for developing civil design plans. This will also include record data location of the existing right-of-way for the mapping corridor.
2. It is assumed that all improvements will be completed within existing Town ROW. If based on title report review and ROW mapping the private parcel adjacent to the proposed project improvements is found to encroach into the roadway we have included additional ROW engineering services as part of optional Task 5B.

UTILITY COORDINATION AND LOCATION

1. Assumes that utility poles on the uphill side of the alignment will not be impacted or relocated by the project. Further, it assumes that poles on the downhill side of the alignment can be bridged around by either the MSE Wall or Soldier Pile and Lagging Wall.
2. NCE will prepare and distribute utility notification letters to collect facility maps and as-builts, confirm utility planned work, and notify utilities of the Town's proposed slope stabilization project. NCE will prepare and distribute a second round of letters including utility location information based on ground penetrating radar (GPR) that is provided for the subject street section to solicit feedback and need for utility relocation or adjustments.
3. Low hanging overhead utility lines will be considered in construction documents as needed.
4. Regarding the water line beneath the eastbound lane within the project limits, beyond obtaining as-built records from the San Jose Water Company, NCE will conduct a ground penetrating radar survey to determine water line depths below grade. Traffic control for completing GPR to be provided by the NCE. In the event the MSE and Soldier Pile Combination Wall is selected as the preferred alternative, we assume that temporary supports during excavation for the geogrid fabric will enable continued operation of the water line in-situ.
5. No known utility covers or manholes are present along the alignment within the project limits.
6. For the purposes of this scope of work it is assumed that utility relocation or lowering is not required.

PAVEMENT TESTING AND DESIGN

1. Pavement design will be based on Caltrans Standards with a combination of supplemental coring, laboratory testing of subgrade, and pavement condition surveys.
2. Pavement coring will be performed with spacing criteria and bulk samples as follows:

- a. Up to two pavement cores will be obtained approximately every 750 feet within the eastbound lane (inner lane) to estimate the pavement section thickness, as previous geotechnical exploratory borings were located within westbound (outer lane) only.
- b. Up to two bulk samples of subgrade for laboratory testing will be obtained.
3. Base repairs will be measured in length and width for the eastbound lane only to advise for the case if the soldier piles with lagging alternative is selected. It is the intent that base repair quantities will be for bidding quantity purposes only and that actual locations will be marked by NCE with the Town's inspectors prior to construction.
4. A no-fee encroachment permit will be pulled with the Town for all pavement testing if required.
5. A half-day of traffic control for pavement coring will be provided by NCE.

TRAFFIC STRIPING

1. Final traffic signing and striping is assumed to match existing striping, any revisions will be reviewed with the Town.
2. A review of SWITRS data including the most recent available 3-year continuous record of accidents within the project limits is included as part of this scope.

TRAFFIC HANDLING PLANS

1. In the case of selecting the combined MSE wall and soldier pile wall with lagging, traffic handling plans in the form of detour plans will be prepared assuming full Road closure. In the case of selecting the soldier pile with lagging wall alternative, the traffic handling plans will assume one-way traffic control with temporary traffic signals. In either case draft traffic handling plans will be submitted as part of preliminary engineering to the Town traffic engineering group for review and comment.

DRAINAGE

1. No major drainage improvements are assumed for this project requiring significant stormwater drain and pipe alteration and/or reconstruction.
2. The project will, to the extent possible, and within the context of proposed stabilization address visible drainage issues including structural backfill. However, it should be noted that no existing drop inlets or paved ditches exist within the Road segment.

ENCROACHMENT PERMIT

1. NCE will apply for no-fee Town encroachment permits for all field work, including pavement coring work, if required.

BID PACKAGE

1. NCE has assumed for the purposes of developing bid packages the following:
Shannon Road Embankment Stabilization Project –Bid Winter 2021/22.

CEQA DOCUMENT






1. The documentation required for CEQA is assumed and judged based on current information and planned roadway repair project to be a Categorical Exemption.
2. If for any reason the project does not qualify for a Categorical Exemption or new information arises indicating the presence of critical habitat or historical/tribal resources within or adjacent to the project, NCE can prepare and provide support for CEQA compliance, additional technical studies, and/or regulatory permits for additional scope and fee.

SCOPE OF WORK

TASK 1 – PROJECT MANAGEMENT

This task will include an initial kick-off meeting and progress meetings to update the Town with the results of studies and the development of contract documents. Regular meetings afford direction and feedback from the owner which are invaluable in navigating the multitude of decisions needed for successful project selection and implementation. Microsoft TEAMS software will be used to allow the seamless sharing of information and for virtual meetings. Agendas will be provided in advance of the meetings. A summary of meeting notes and action items will be provided after each meeting along with decisions reached and schedule updates. In keeping with the Town's *Agreement for Consultant Services*, progress reports and invoices will be submitted monthly.

NCE's Project Manager will arrange a Kick-Off Meeting with the Town to initiate work on the project. The objectives of the Kick-Off Meeting will be:

-  Review of the Scope of Work
-  Establish Lines of Communication
-  Confirm Deadlines
-  Establish Project Schedule and Milestones
-  Define Design and Operation Criteria.

Whether a simple preventive maintenance project or a complex reconstruction project, it is critical to establish effective lines of communication with, and coordination amongst, the various stakeholders from the start to ensure the delivery a high-quality project within budget and on schedule.



In addition to Town staff (Engineering, Maintenance, etc.), NCE will research and coordinate, as-needed, with other agencies such as PG&E, AT&T, Verizon, Comcast, San Jose Water Company, etc., to identify any potential conflicts, requirements, or design issues early to help minimize delays (and costs) later in the design process or during construction. At the Kick-Off Meeting, key deliverables for each Task and the Project Schedule would be reviewed and adjusted accordingly to meet Town needs.




NCE is very sensitive to construction costs, particularly the volatile price of materials, which have affected the scope of many similar projects. In order to keep the Town aware of overall project costs, NCE will begin developing Preliminary Engineering Cost Estimates as soon as we have developed our engineering design recommendations to closely monitor any potential funding issues, which may develop.

Throughout the project, NCE staff will be available to attend regularly scheduled progress meetings with the Town, to maintain good communications, to offer up efficiency and reduce the number of design review and coordination meetings. Therefore, we have assumed up to three (3) meetings. The purpose of the progress meetings will be to identify and resolve any design or funding issues that may surface in a timely manner, present design alternatives and recommendations to Town staff, and continue coordination with project stakeholders as necessary.

NCE will also prepare exhibits for Town outreach and Council meetings. Up to two outreach meetings and 2 Council meetings are included in our scope with up to 2 exhibits for each meeting. If attendance at additional exhibits or meetings is necessary, they can be added to the scope for an additional fee.

Deliverables:

-  Project schedule
-  Meeting agendas and summaries

-  Monthly progress reports and invoices
-  Project schedule update
-  Exhibits for public outreach and Council meetings.

TASK 2 – PRELIMINARY ENGINEERING

Preliminary engineering gathers data needed to prepare roadway and structural designs and develop construction documents including design data gathering, topographic surveys and ROW information, seismic survey and geotechnical design, utility location and coordination, pavement design, and environmental.

TASK 2A – DESIGN DATA GATHERING

NCE will review relevant available data and records from the Town, public and private utility providers, and other sources that may be appropriate to support the preparation of project contract documents. These may include, but are not limited to, the Town drainage structure inventory maps, aerial photographs of the Town; as-built Road improvement and infrastructure plans, striping and markings, as-built plans from utility providers, including any preliminary plans for future work that may conflict with this project. Along with the maps previously used with the phase 1 investigation, the gathered information will be compiled and included in the base map used for design. Based on our review we will identify any data gaps or missing information and provide this information to the Town for review and discussion. NCE will also confirm with adjacent County of Santa Clara property if encroachment permits are required to conduct proposed work.

Subsurface moisture beneath roadways is known to reduce the useful life of the pavement placed above. Currently, there are no known culverts for this segment of Shannon Road. Consequently, drainage occurs by sheet flow based on road superelevation and crown. While it is possible to insert a culvert through both the lagging of a soldier pile and an MSE wall without compromising wall integrity, a less expensive option is the employment of a roadside ditch or vee channel.

A brief review of existing drainage conditions will be reviewed with the Town and if drainage improvements are required beyond existing drainage facilities will be incorporated into the design.


Deliverables:

-  Drainage technical memo.

TASK 2B – TOPOGRAPHIC SURVEY & ROW

NCE's Project Surveyor will complete monument/control recovery, field investigation and field surveys sufficient to prepare a design level topographic mapping product for the portion of Shannon Road beginning approximately 100 feet westerly of Diduca Way and extending to approximately 100 feet southerly of Santa Rosa Road. The mapping corridor will begin at a point approximately 5' from the edge of pavement on the southerly (upslope) side and extend to approximately 30 feet northerly of the northerly (downslope) edge of pavement.

The final topographic base sheet shall be compiled at 20 scale with a 1' contour interval and include cross sections/spot elevations at an approximate 50' interval. The topographic data to be collected is more specifically defined as:

-  Cross-sections at 50' intervals, along with additional spot elevations as required to define the road alignment and grade, as well as the slope/bank. Typically, the cross section will include top or toe of banks, ditches, edge and centerline of pavement, and grade breaks.

- 🗺️ Surveyed locations for significant surface features, such as pavement or concrete, driveways, striping, fences, surface utilities, trees (over 4-6" in diameter on tree survey requirements), signs, utility poles, and streetlights will be included. Sanitary and storm drain structures will include rim elevations, invert elevations, pipe size & direction for all accessible structures within the mapping limit.
- 🗺️ Location of all recovered street monumentation within the mapping corridor (for preservation and Record ROW purposes).
- 🗺️ Location of underground utility locator markings.
- 🗺️ Provide a finish drafted topographic survey in AutoCAD Civil3D, including a dtm surface.

Based upon a combination of record data and any monuments collected during topographic surveying, NCE's surveyor will calculate and show the record data location of the existing ROW for the length of the mapping corridor. Additionally, our surveyor will calculate and show the location of each adjoining parcel lot line from record data (assessor's parcel data, record mapping and apparent lines of occupation).

Horizontal and vertical datums shall be based upon the Town of Los Gatos survey network control.

Note: This scope does not include the preparation of legal descriptions for any easements that may be necessary to facilitate construction of the work. If work extends beyond existing Town ROW, our surveyor can provide this for additional scope and fee.

Before the survey can be made, an encroachment permit will be completed with the Town if required for traffic control, which is assumed to be provided by the Town as previously done for cost savings.

Deliverables:

- 🗺️ Topographic survey file
- 🗺️ Tree location survey file (> or = 4-6")

TASK 2C – SEISMIC SURVEY AND GEOTECHNICAL DESIGN

An essential component of accurate retaining wall design includes depths-to-bedrock. The depth to competent material directly impacts the design height and corresponding cost of the retaining wall. Exploratory borings are widely spaced and located several feet from the edge of the embankment where the retaining wall will be located. The result is a depth to bedrock profile that is interpolated both laterally and longitudinally. Assumptions based on the interpolation may result in a retaining wall that is over-designed or subject to potential changed conditions claims.

A geophysical seismic refraction survey (**Figure 8**) could be effectively used to more clearly identify the depth to bedrock along the downslope edge of the roadway. This additional information will fill in the gaps between the geotechnical borings and provide a continuous geologic profile showing the ground surface and the depth to competent material.

This study will allow accurate development of the *Geotechnical Design Report*. This report will include all the calculations and dimensions needed to complete the structure design of either the combination MSE and soldier pile wall or the soldier pile and lagging wall.

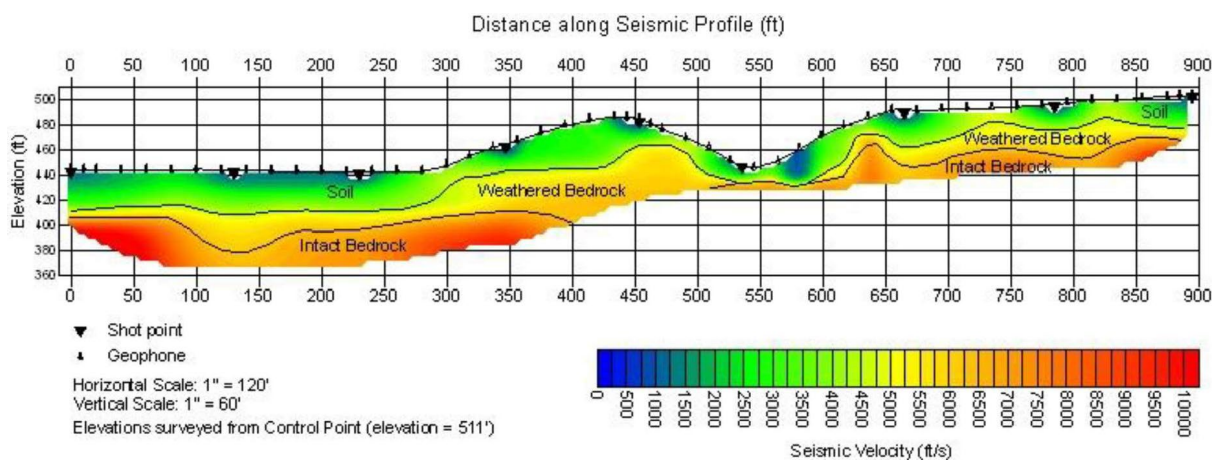




Figure 8. Determining Depth-to-Bedrock Using Seismic Velocity Contours, Bailey Rd, City of Pittsburg

Deliverables:

-  Seismic Refraction Survey – including seismic velocity tables and contour drawings
-  Geotechnical Design Report – including structure calculations.

TASK 2D – UTILITY LOCATION AND COORDINATION

NCE will coordinate with utility agencies early in the design process to help avoid potential construction delays and unnecessary disruptions to public services. Known utilities along this stretch of Shannon Road include both San Jose Water Company and PG&E. At least one telecommunications company is also present along the poles located on the uphill (eastbound) side of the Road. Initial contact with PG&E will enable identification of which telecom provider(s) occupy space on the PG&E poles.

Utility coordination will be a critical item to keep utility providers informed about the project and schedule. One of the first and earliest items that NCE will complete is reaching out to our contacts with PG&E and San Jose Water Company by telephone. This will be followed up by sending notification letters to applicable utility providers along with a preliminary project schedule for design and construction. We will also request utility as-builts and record drawings. This will allow utility providers to plan maintenance on their facilities prior to a moratorium during construction.

NCE will also carefully document all utility coordination notifications, emails, conversations, and meetings with utility contacts and information in a matrix format with dates of contacts and mailing detailed in this matrix. Follow-up calls will be made for each of the above notifications to confirm receipt. NCE will also keep the Town informed of any project delays related to utilities.

While the overhead utility poles themselves are located off the traveled way, lines strung between the poles cross over the Road prism itself. Consequently, drilling and excavation equipment associated with construction will need to be cognizant of these low overhead-lines and protect against line strikes.




The RGAR reflects the location of a water main along the inside (eastbound) travel way for the entire length of the Road segment. Although San Jose Water Company may have as-built information about this

water line, our scope includes a ground penetrating radar (GPR) survey to enable improved location accuracy below existing grade.

Using GPR, NCE's utility locator will field locate utility alignments and depths for utility mains and laterals to the extent that GPR methods can detect utilities. If GPR cannot establish utility alignments and or depths, potholing may need to be completed for additional scope and fee. GPR along utility mains will be marked at various locations along the subject street section, and the accuracy for the electronic depths will depend on the soil conditions and utility material. Traffic control will be provided by NCE's utility locator.

Neither milling and overlay of HMA nor drilling of tie-backs are expected to come close to contacting the water line, however selection of the MSE alternative plus soldier pile wall alternative could expose the water line as a result of geogrid placement.

Deliverables:

-  Utility notification letters
-  Utility contact matrix
-  Marked utility depths and alignments and data.

TASK 2E – PAVEMENT DESIGN

NCE will perform a pavement condition survey of the travel lanes based on visible distresses. Pavement condition surveys serve the purpose of further refining the appropriate rehabilitation/reconstruction strategy in relation to the distress caused by downhill creep of the Road prism and traveled way.


This condition survey will generally note the presence of load related and environmental distresses, such as alligator cracking, longitudinal and transverse cracking, rutting, patches and utility cuts, distortions and depressions as they pertain to developing appropriate pavement treatments. In addition, potential base repairs will be identified in the condition survey. Base repairs will be marked in the field on the pavement in white paint, numbered, and verified prior to construction.

NCE will collect up to four (4) pavement section core samples (4" – 8" diameter cores) in the eastbound lane (inner lane). These will supplement the 13 borings already sampled in the westbound lane. For each core sample, NCE will measure and record the thickness and material type of each layer encountered in the pavement structural section, including the presence of any pavement reinforcing fabric. A half-day of traffic control by NCE is provided in our cost estimate for this subtask.






Bulk samples of subgrade will be obtained in support of structural section design. We will collect bulk samples of subgrade materials at the core locations for laboratory testing such as R-value, moisture content and Atterberg Limits (plasticity index) determinations. Our current fees assume 2 bulk samples will be obtained for testing. The thickness of aggregate base (AB) will be measured at all core locations.

Using the data obtained from the 4 supplemental corings, the laboratory test results from these samples, the 13 original borings and their laboratory data, NCE will perform pavement analysis and design services, and develop pavement rehabilitation and reconstruction recommendations for both the westbound and eastbound traveled lanes and shoulders. NCE will perform its analysis in accordance with the Caltrans Highway Design Manual.




NCE will develop pavement structural section recommendations expressed in the form of a Traffic Index (TI) that will be provided by the Town. NCE will develop recommendations including, but not limited to, the following:

 Reconstruction

- Hot Mix Asphalt (HMA) over AB
- Full Depth HMA
- FDR



-  Conventional Hot Mix Asphalt (HMA)
-  Rubberized Hot Mix Asphalt (RHMA)
-  Alternative rehabilitation methods if feasible (in-place recycling, mill & fill treatments, etc.)
-  Locations and treatments of failed pavement sections (base repairs)
-  Full-width milling and wedge grinding requirements.

NCE will then summarize its recommendations in a pavement design memorandum to the Town that, at a minimum, will include the following:

-  Results of pavement condition surveys, coring, and laboratory testing
-  Description of testing procedures and analysis performed for the project
-  Recommended alternatives for rehabilitation and reconstruction.

NCE will submit two (2) copies of its draft technical memorandum to the Town for initial review. Upon receipt of any comments from the Town, NCE will then prepare its final technical memorandum, which will be signed and stamped by NCE’s Pavement Engineer. Two (2) copies of the final technical memorandum will then be provided to the Town reflecting any comments on the draft technical memorandum. NCE will also develop an encroachment permit application for the coring work.

Deliverables:

-  Encroachment permit application – traffic control provided by Town for pavement coring
-  Draft and Final pavement Technical Memorandums.

TASK 2F – ENVIRONMENTAL (CEQA CATEGORICAL EXEMPTION)

Projects that are subject to the discretionary approval of a government agency must comply with California Environmental Quality Act (CEQA) regulations and procedures. Based on our experience fulfilling CEQA requirements for roadway repair projects of similar nature, this project will likely qualify

for a Categorical Exemption as described at California Code of Regulations in Article 19, Section 15301 – Existing Facilities or Article 19, Section 15302 – Replacement or Reconstruction.

Notice of Exemption	Appendix E
To: Office of Planning and Research P.O. Box 3044, Room 113 Sacramento, CA 95812-3044 County Clerk County of: _____ _____ _____	From: (Public Agency): _____ _____ _____ (Address)
Project Title: _____	
Project Applicant: _____	
Project Location - Specific: _____ _____ _____	
Project Location - City: _____ Project Location - County: _____	
Description of Nature, Purpose and Beneficiaries of Project: _____ _____	

A visual assessment of the project area will be conducted, databases will be reviewed, and the project area will be assessed for exceptions to the CEQA exemptions per CEQA Guidelines Section 15300.2. Factors related to the potential for exceptions to be documented in the administrative record include biological resources, historic resources, hazardous

Figure 9. California’s OPR’s Notice of Exemption Form

waste lists, State scenic highways, flood hazard areas, and fault zones. NCE will prepare an administrative record supporting the determination for the Town’s files . NCE will then prepare a Notice of Exemption (NOE) form (**Figure 9**) for the Town to review, sign and file with the County Clerk. Whereas the project is

not of regional significance and there are no State responsible entities, there is no need to file with the State Clearinghouse.






The Categorical Exemption will be supported by an administrative record that includes brief biological and cultural resource technical memoranda. Based on preliminary database research, the project area contains no critical habitat for federally listed special status plant or animal species. However, three special status plant species have current ranges that overlap the project area, according to the US Fish and Wildlife Service. While we believe the potential is low for these plants to occur within and adjacent to the roadway, our proposed reconnaissance-level survey will confirm this assumption, and our findings will be presented in a tech memo and described below.

The biological resources technical memorandum will include a database review and a reconnaissance-level field survey. Additionally, in support of a potential tree removal permit application and during the reconnaissance-level field survey, NCE will also identify tree species greater than 4 inches in diameter (as collected by our surveyor during topographic surveys) that may require trimming or removal. The results of the field survey, relevant field observations, and findings will be presented in a biological resources technical memorandum.

NCE assumes the tree trimming and removal can be completed per Section 26.10.063 of the Town's municipal code for removal required for Capital Improvement Project, repair of a geologic hazard, and/or interferes use of pavements. A tree removal permit application will be completed and submitted to the Town for review.

The cultural resources technical memorandum will present the findings of a record search request from the Northwest Information Center and a brief pedestrian survey. Given NCE's experience with small road rehabilitation projects and the location of the present project on steep slopes, away from perennial water sources, the probability of encountering historical resources (as defined by CEQA) is judged to be low. For this project, NCE assumes no cultural resources will be identified. In addition, because an NOE is assumed for this project, AB52 Native American consultation is not required. If historical resources (which can also be tribal resources) are identified as a result of the records search, as part of the pedestrian survey, or as provided by the Town, NCE can initiate Native American consultation on behalf of the Town for a separate scope and fee.

Deliverables:

-  CEQA Notice of Exemption
-  CEQA Administrative Record
-  Biological resources technical memorandum
-  Cultural resources technical memorandum
-  Tree removal permit application

TASK 3 – PLANS, SPECIFICATIONS, & ESTIMATES (PS&E)**TASK 3A – 35% PS&E**




Upon completion of preliminary engineering, the project team will prepare a 35% Plans, Specifications, and Estimate of Probable Construction Cost (PS&E) for the project. The 35% plans will depict the basic roadway repair plans and outline of details, required tie-in into existing features, new paving of associated roadway, drainage flow lines, traffic handling, draft profile-and-plan views, retaining wall and either tie-back or geogrid systems, structural and roadway detailing, and construction limits. The plans will be accompanied by and outline of draft technical specifications and an engineer's estimate. The combined plans, specification, and estimate (PS&E) will be reviewed for quality assurance and edits incorporated prior to delivery to the Town. Upon completion of the Town's review a Review meeting will be held to discuss the 35% PS&E package. The following plan sheets are anticipated:

<u>Name</u>	<u>No. of Sheets</u>
Title Sheet	1
Notes, Legend and Abbreviations	1
Survey Control	1
Traffic Handling	1 (Alt 1)/ 5 (Alt 2)
Excavation/ Demolition	2
Plan and Profile	3
Retaining Wall Plan and Profile	6
Pavement, Guardrail and Drainage Details	3
Retaining Wall Details	3
Water Pollution Control	2
Signing and Striping	3
	26/ 30

As part of the 35% design, CE&G will finalize the retaining wall design. Calculations made during development of the Geotechnical Design Report will be verified and included with a structures design.

The Engineer's Cost Estimate will be prepared in MS Excel format and will be based on the most recent construction cost data available to NCE for projects of this type. Because of NCE's involvement in the design and construction of numerous similar projects throughout California, we are confident in our ability to estimate the construction cost of the Town's project. This initial estimate will then be updated and refined as the design effort progresses. It is assumed that the Town will require a 10-day review/comment period once the 35% PS&E package is submitted.

Deliverables:

-  35% Plans (electronic - pdf)
-  Outline of Technical Specifications
-  Engineer's Estimate of Probable Construction Cost.

TASK 3B – 65% PS&E

Upon completion of 35% PS&E review meeting, the NCE team will begin resolving comments and incorporating edits from the 35% review meeting into the 65% PS&E set of contract documents. The team will also conduct a constructability review prior to submittal to the Town to ensure anticipated means and methods by any contractors for completing the work in the field. NCE will provide a response to each comment that is included in a comment table provided by the Town. The 65% PS&E will include additional design information and details typically expected at this stage of completion. The 65% PS&E package will then be packaged and submitted similar to the 35% PS&E unless directed otherwise.





The contract documents (proposal, special provisions, and technical specifications) will be developed for the project to fit the anticipated work items. The Contract documents will be prepared in MS Word and according to the Town's format. For the purposes of this proposal NCE assumes that standard front end and specific provisions templates will be provided by the Town. The special provisions will follow both the Town's and Caltrans' standard formatting conventions.

NCE also believes that an efficient yet thorough Quality Control/Quality Assurance program is essential for getting the maximum value out of every dollar spent on construction. Projects designed by NCE therefore, contain technical specifications that attempt to optimize the balance between using rigid, but time-tested, specifications and meeting local agency needs, with the goal of obtaining the very best value for its clients.

NCE recognizes the value of incorporating Caltrans Standard Specifications in projects such as these, both because these specifications have been developed by an agency that designs and builds a vast amount of highway work, and because most contractors performing public works construction in Northern California are familiar with them. Caltrans, however, has the resources to administer projects quite differently than most local agencies, so NCE advocates modifying the Caltrans Standard Specifications to better fit the abilities, needs, and budgets of municipal agencies.

The Engineer's cost estimate will also be updated to reflect the revised quantities of work depicted on the plans. It is assumed that the Town will require a 10-day review/comment period once the 65% PS&E package is submitted.

Deliverables:

-  Tabulated response-to-comments at 35% PS&E Review meeting
-  35% Plans (electronic - pdf)
-  Technical Specifications
-  Engineer's Estimate of Probable Construction Cost.

TASK 3C – 100% PS&E

The 100% PS&E will be revised to incorporate comments received from the Town. NCE will again meet with the Town to review these comments, from which the final (Bid Set) PS&E will be prepared. Similar to 100% PS&E, NCE will provide a response to each comment that is included in a comment table provided by the Town. The final (Bid Set) PS&E will include all notes and details necessary for construction. One reproducible copy of the final (Bid Set) PS&E will then be packaged and submitted similar to the 100% PS&E unless directed otherwise. Upon receipt of the Town final review comments, the project documents will be finalized for bidding purposes.

A final quantity calculation will be tabulated, and this will be entered into the final Engineer's cost estimate for the project. All final documents will be reviewed, stamped, and signed by NCE's registered civil engineer, and the final PS&E will be delivered to the Town in both hard copy and electronic formats.

Deliverables:

- One wet-signed and one electronic file of the final plans, technical specifications, and engineer's estimate. The electronic files for the final construction plans, specifications, and engineer's estimate will be in AutoCAD 2018 or later version, Microsoft Word, and Microsoft Excel, respectively.

TASK 4 – CONSTRUCTION ADMINISTRATION

TASK 4A – BIDDING SUPPORT SERVICES

Services during advertisement and bidding include assistance during the pre-bid conference, responding to questions received about the project design, and preparation of any addenda and/ or clarifications to the PS&E that are deemed necessary. NCE can also assist the Town in determining the responsiveness of bids received, with checking and tabulating bid results, and with developing recommendations for award of a construction contract to the Town Council.

Deliverables:

- Attend pre-bid meetings
- Prepare responses to questions received regarding project design
- Prepare bid addenda as necessary
- Provide assistance with bid responsiveness (as needed).

TASK 4B – CONSTRUCTION SUPPORT SERVICES

NCE will provide support services to the Town during the construction phase of the project. At a minimum, these services are anticipated to include attendance at the pre-Construction Conference, reviewing Contractor submittals and responding to Contractor requests for information, field marking and verifying measurement of base repair (digout) areas, providing recommendations for any necessary construction changes due to unforeseen field conditions, assisting with the review of Contract Change Orders, participate in the final inspection and assistance with identifying punch list items, and preparation of Record Drawings from marked as-built plans supplied by the Town's Contractor. The Record Drawings will be furnished to the Town in both printed and electronic formats.

Deliverables:

- Attend pre-construction conference
- Assist with the review of contractor submittals and RFIs as necessary
- Provide recommendations for any necessary construction changes due to unforeseen conditions
- Assist with review of contract change orders
- Upon receipt from the contractor of redlines, record drawings in full-size hardcopy (1 copy, 22" x 34"), pdf, and CAD format.

TASK 5 – OPTIONAL ADDITIONAL SERVICES

The Town has requested clarification on issues that have the potential to arise during design and for one or both of the alternatives under consideration. The following supplements our original proposal to improve expectations should unforeseen circumstances arise. Two general areas of concern are environmental resource determinations and right-of-way engineering. These are outlined below.

TASK 5A-ENVIRONMENTAL SERVICES





At the discretion of the Town, NCE can conduct up to three (3) pre-construction nesting bird surveys as additional service and is included as an additional cost in our fee estimate. While these surveys are not

required, if there is the potential to impact nesting migratory birds in the project area, the Town should consider completing these surveys to minimize the risk of a nesting migratory bird take, a potential violation of federal and state laws protecting migratory birds. The intent of the pre-construction surveys is to verify no nesting migratory birds will be impacted by construction activities (e.g., tree removal, vegetation trimming or removal, or ground disturbance). Following each nesting bird survey or once all pre-construction surveys have been completed, NCE will prepare a brief letter report detailing the findings from the pre-construction survey. NCE assumes no nesting birds will be found.

Other environmental services may be required for NEPA compliance if federal funding is secured. These would include defining the Area of Potential Effect (APE), drafting and finalizing a Natural Environmental Study (NES) - Minimal Impact, and finalizing the Preliminary Environmental Study (PES).

We judge based on the type of roadway repair work to be completed we have developed the appropriate scope of environmental document services and in the less likely event additional cultural and biological resources and/or permitting are required beyond our current assumptions these services can be provided for additional scope and fee not currently estimated herein.

Deliverables:

-  Nesting bird survey letter report.
-  APE concurrence
-  NES-MI – draft and final
-  PES – draft and final

TASK 5B-ROW ENGINEERING SERVICES






The Geotechnical Alternatives Report identified two parcels encroaching into the operating right-of-way of the roadway. Our surveyor has identified the APNs for these parcels. While one of the parcels is owned by the Town, the other is identified as a private party. If necessary, a title reports will be obtained by our surveyor. In the unlikely event that the private party encroachment cannot be resolved by the topographic survey, ROW mapping, and title reports ROW services will be completed.

Depending on project needs and discussions with the private property owner, to secure the rights necessary for the project a permanent easement, temporary construction easement, and or partial fee acquisition may be required. For properties less than \$10,000 a valuation can be used in-lieu of appraisal. Should the property be over this threshold then an appraisal would be conducted. Services included for ROW would include the following for any rights needed:

1. Initial research and review of all parcel conditions including title review for potential encumbrances that would impact any acquisition.
2. An initial valuation estimate to determine if an appraisal is necessary for the rights seeking to be acquired.
3. Initial meeting with the property owner at the property to review the plans for the project, the impact to their property, discuss their concerns, and collect information germane to the valuation and negotiations.
4. Engage in information exchange and negotiations with the property owner necessary to secure agreements for rights needed.

6. Coordinate any appraisals needed with the owner and appraiser. Or prepare a valuation in-lieu of appraisal.
7. Prepare offer package including all documents needed to acquire and close any acquisitions.
8. Negotiate in good faith with the owner.
8. Participate in meetings with the Town's legal counsel and any study sessions with the Town Council needed.
9. Open and coordinate escrows including and reconveyances.

\ In support of any necessary acquisition or easement our surveyor would prepare legal descriptions for the deed and plats. In the unlikely event of an issue developing with the parcel owned by the Town or annexed roadway area from the County our right-of-way consultant can also assist in attending meetings, performing negotiations with the County, release of rights or abandonments, and reconveyances.

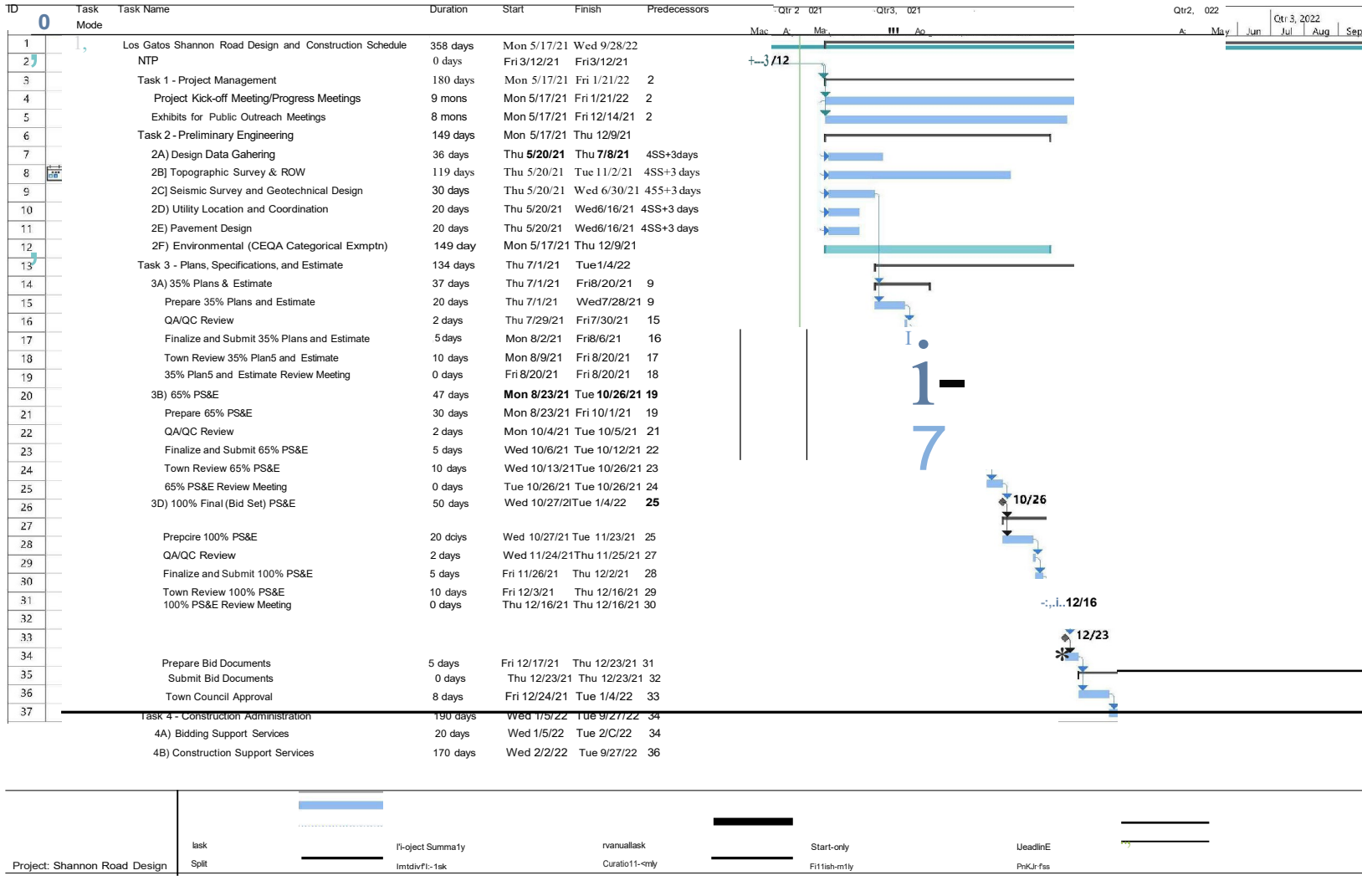
-  Property Valuation and/or Appraisal
-  Title Report(s)
-  Legal Descriptions and Plats
-  Meetings and Negotiations
-  Land Rights Acquisition for Permanent Easement, Temporary Easement and/or Partial Fee Acquisition

PROJECT SCHEDULE

The intent of this design schedule is to complete construction documents within 5 to 6 months for winter bidding or earlier if possible and desired by the Town, which can be discussed further and confirmed with project objectives during project kick-off. Winter bidding will allow the Town to secure more competitive bidding but places construction in later winter/ early spring months, which may entail working day stoppages and delays depending on weather constraints.



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ITEM NO. 9.

COST PROPOSAL

The following represent hourly rates for NCE and our team members:



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SCHEDULE OF CHARGES 2020

PROFESSIONAL SERVICES

Principal.....	\$265/hour
Associate.....	\$215/hour
Senior	\$185/hour
Project.....	\$160/hour
Staff.....	\$140/hour

TECHNICAL SERVICES

Senior Construction Manager*	\$140/(\$165-PW)/hour
Senior Designer.....	\$150/hour
CADD Designer.....	\$130/hour
Senior Technician*.....	\$125/(\$150-PW)/hour
Construction Inspector*.....	\$125/(\$150-PW)/hour
CAD Technician	\$115/hour
Senior Field Scientist.....	\$120/hour
Field Scientist.....	\$100/hour
Project Administrator.....	\$105/hour
Field/Engineering Technician*.....	\$100/(\$125-PW)hour
Technical Editor.....	\$95/hour
Clerical	\$85/hour

CONTRACT LABOR

From time to time, NCE retains outside professional and technical labor on a temporary basis to meet peak workload demands. Such contract labor will be charged at regular Schedule charges.

LITIGATION SUPPORT

Engineer/Scientist.....	\$300/hour
Court Appearances & Depositions	\$500/hour

EQUIPMENT

Plotter Usage	(separate fee schedule)
Truck.....	\$100/day
Automobile	IRS Standard Mileage Rate+ 15%
Falling Weight Deflectometer Testing.....	\$3,500/Day
Coring.....	\$4,500/Day
Environmental Equipment	(separate fee schedule)

OUTSIDE SERVICES

Rental of equipment not ordinarily furnished by NCE and all other costs such as special printing, photographic work, travel by common carrier, subsistence, subcontractors, etc. cost + 15%

COMMUNICATION/ REPRODUCTION

In-house costs for long-distance telephone, faxing, postage, printing and copying project labor charges x 5%

TERMS

Billings are payable upon presentation and are past due 30 days from invoice date. A finance charge of 1.5% per month, or the maximum amount allowable by law, will be charged on past-due accounts. NCE makes no warranty, either expressed or implied, as to its findings, recommendations, specifications, or professional advice except that they are prepared and issued in accordance with generally accepted professional practice.

*A surcharge of \$25/hour applied for technicians and construction inspectors to comply with Prevailing Wage (PW) per requirements of California Department of Industrial Relations.

Engineering & Environmental Services

www.ncenet.com

Richmond, CA
501 Canal Blvd., Suite I
Richmond, CA 94804
(510) 215-3620

FEHR PEERS

2020-2021

(July 2020 through June 2021)

Hourly Billing Rates

Classification	Hourly Rate
Principal	\$180.00 - \$350.00
Senior Associate	\$185.00 - \$340.00
Associate	\$170.00 - \$245.00
Senior Engineer/Planner	\$135.00 - \$215.00
Engineer/Planner	\$115.00 - \$165.00
Senior Engineering Technician	\$145.00 - \$195.00
Senior Project Accountant	\$160.00 - \$165.00
Senior Project Coordinator	\$120.00 - \$165.00
Project Coordinator	\$85.00 - \$150.00
Technician	\$115.00 - \$160.00
Intern	\$90.00 - \$115.00

- *Other Direct Costs / Reimbursable expenses are invoiced at cost plus 10% for handling.*
- *Personal auto mileage is reimbursed at the then current IRS approved rate (56 cents per mile as of Jan 2021).*
- *Voice & Data Communications (Telephone, fax, computer, e-mail, etc.) are invoiced at cost as a percentage of project labor.*



Land Surveying • Mapping • Planning

FEE SCHEDULE
Effective January, 2021

Principal Land Surveyor	\$180.00 per hour
Project Manager	\$155.00 per hour
Survey Technician	\$140.00 per hour
Clerical	\$ 70.00 per hour
1-Man Crew (including robotic equipment)	\$195.00 per hour
2-Man Crew (including conventional equipment)	\$290.00 per hour
2-Man GPS Crew (including up to 4 receivers)	\$300.00 per hour

OTHER SERVICES

Consultants, Special Equipment, Reproductions, Materials, and other outside charges	Cost + 10%
Mileage	\$0.54 per mile





Schedule of Charges 2021

Personnel	2021 Rates/Units
Senior Principal Engineer/Geologist	\$ 290 per hour
Principal Engineer/Geologist	\$ 245 per hour
Associate Engineer/Geologist	\$ 220 per hour
Senior Engineer/Geologist	\$ 205 per hour
Project Engineer/Geologist	\$ 165 per hour
Staff Engineer/Geologist	\$ 150 per hour
Technician (Straight rate prevailing wage)	\$ 135 per hour
Senior GIS/CADD Specialist	\$ 145 per hour
GIS/CADD Specialist	\$ 130 per hour
UAS Manager	\$ 160 per hour
Project Assistant	\$ 100 per hour
Administration/Clerical	\$ 90 per hour
Special Inspector (Straight rate prevailing wage; no 4-hr min)	\$ 140 per hour
Deposition/Court Testimony (minimum 4 hours)	\$ 410 per hour
Field and Laboratory Tests	2021 Rates/Units
Concrete Compressive Strength Testing	\$ 41 per cylinder
Moisture Content (ASTM D 2216)	\$ 24 per test
Moisture & Density (ASTM D 4318)	\$ 32 per test
Atterberg Limits (ASTM D 4318)	\$ 208 per test
Compaction Curve, 4" mold (ASTM D 1557)	\$ 264 per test
Compaction Curve, 6" mold (ASTM D 1557)	\$ 326 per test
Wash over #200 Sieve (ASTM D 1140)	\$ 73 per test
Sieve Analysis with #200 Wash (ASTM D 422)	\$ 152 per test
Sieve & Hydrometer (ASTM D 422)	\$ 236 per test
Reimbursables	2021 Rates/Units
Mileage (per allowable federal)	\$0.56 per mile
Nuclear Gage	\$ 59 per day
Inclinometer	\$ 201 per day
Vane Shear Device	\$ 116 per day
UAS Equipment	\$ 371 per day
GNSS Mapping Equipment	\$ 212 per day

1. **Professional Services** - These are "all-up" rates, and include direct salary cost, overhead, general and administrative costs not separately accounted for, and profit. They shall remain in effect through December 31, 2021. Ongoing work continuing beyond December 31, 2021 will be invoiced at the applicable new year's rate.
2. **Travel Time** - Travel time will be charged at regular hourly rates, not to exceed eight (8) hours per day.
3. **Expenses** - All direct costs will be billed at actual cost plus 10%, unless there is explicit agreement otherwise. Direct costs include:
 - Third party services – Fees for subcontracted third party services (including drilling and backhoe services, special consultant fees, permits, special equipment rental, overnight mail or



Schedule of Charges 2021

- messenger services and other similar project related costs)
- Travel expenses, including airfares, hotel, meals, ground transportation, and miscellaneous expenses.
 - Reproduction costs, including photocopy, blueprints, graphics, photo prints or printing.
4. **Subconsultants** - To the extent that it becomes necessary to use subconsultants, Client will be invoiced at cost plus 10% to cover insurance liability and other overhead costs.
 5. **Accounting** - The cost of normal accounting services for invoicing has been considered in the overhead expense which is included in the above hourly rates. Additional requirements for invoice verification, such as copies of time sheets, detailed expense records, and supplemental daily work justification will be billed on an hourly basis.

NCE will provide the defined scope of work on a lump sum basis for an estimated fee of \$444,400. The price breakdown by task is attached. Total compensation will not exceed the amounts set forth without receipt of prior written authorization from the Town.





Collaboration. Commitment. Confidence.™

Town of Los Gatos
Shannon Road Repair Project
Fee Estimate
April 26, 2021

	Rate	\$214	\$265	\$214	\$460	\$140	\$130												
								\$ 5,940									6,100		
								\$ 35,620											
2. Preliminary Engineering																			
A. Professional Services		4			6	6	10	\$ 111						\$ 19030					
1. Design		6			6	6	10	\$ 995						\$ 36016					100
2. Planning/Design		10			12	16	20	\$ 11,948	\$ 4500	\$ 1,540		\$ 4950							100
2. Environmental/CEQA		5			6	16		\$ 167,793											400
3. Environmental/CEQA		10			12	26		\$ 58,446	\$ 4,500	\$ 1,540	\$ 4,950		\$ 38,016	\$ 18,030					1300
3. Plans/Specific																			
3C. Fee 100%																			
Sub Total		11						\$ 27950						\$ 41,720					
								\$ 108,890						\$ 15,120					
4A. Right-of-Way/Construction Services																			
1. Construction/Construction		10			11	10							1,221						300
								\$ 31,190					16,111					500	40500
5. Optional Additional Services																			
Municipal/Field/Sign/View/Landscaping																			
																			1,000
																			100
																			1,000
																			1,000
																			MCC
6B. Right-of-Way/Construction Services																			
Property Valuation																			
Site Report																			
																		3,850	
																			5,500
Building/Worship/Construction/County																			
								\$ 10,000									10,000		
								\$ 28,450									59300		
Total																			





The NCE team is excited to have this opportunity to complete construction documents for the Shannon Road Repair project based on the work we have already completed to date. As a principal with NCE, I am authorized to sign contracts on behalf of NCE and will be the point of contact should you have questions. I can be reached via phone at (510) 215-3620 or via email at rshafer@ncenet.com or via mail at NCE, 501 Canal Boulevard, Suite I, Richmond, CA 94804. NCE looks forward to your favorable review of our qualifications and continuing our work with the Town.

Sincerely,

NCE

A handwritten signature in blue ink that reads "J. Ryan Shafer".

J. Ryan Shafer, PE, GE
Principal

A handwritten signature in blue ink that reads "Lee Taubeneck".

Lee Taubeneck, PE
Project Manager

Attachments:

A. Key Staff Resumes

Richmond, CA

501 Canal Blvd., Suite I

Richmond, CA 94804

(510) 215-3620



Ms. Janice Chin
 Assistant Engineer
 Town of Los Gatos
 41 Miles Avenue
 Los Gatos, California 95030

July 3, 2023
 Project No: 58.20.55

RE: **Budget Amendment No. 1**
Shannon Road Repair Project

Dear Ms. Chin,

This letter provides formal documentation of NCE's prior discussions with the City regarding a requested Budget Amendment No. 1 for the Shannon Road Repair Project. The budget amendment reflects the additional work added after completion of the 65% PS&E as follows:

1) Revised 65% PS&E:

- a. NCE submitted 65% PS&E documents and subsequent to this submittal based on stakeholder and Town comment the Town requested the following:
 - i. Analysis of bike pull-out alternative relocation
 Cost: NCE \$1,500, Fehr and Peers \$3,000
 - ii. Bike pull-out redesign revising grading, wall alignment, and wall structural design
 Cost: NCE \$10,500, CE&G \$8,000

Total Cost: \$23,000

2) Road Closure:

- a. Previously NCE and Fehr and Peers had prepared two-stage traffic handling plans with the intent to maintain one lane of travel on Shannon Road during construction. The Town subsequently made the decision to allow full closure of the road to allow for more efficient construction with the goal of reducing construction costs and duration. Fehr and Peers Fehr & Peers will prepare a detour plan for the proposed road closure of Shannon Road during construction for the recommended detour route via Blossom Hill Road, Camden Avenue, and Hicks Road for a 100% submittal and a final submittal. Fehr and Peers will also conduct a review of the technical specifications to be used for the project.
 Cost: Fehr and Peers \$11,000
- b. With a full road closure NCE will revise the pavement section to be Full Depth Reclamation for the entire roadway not just the west bound lane as previously planned. This will require revisions to pavement section, quantities, and specifications.
 Cost: NCE \$1,500

Total Cost: \$12,500

3) Additional 100% PS&E Tasks:

- a. NCE will need design additional design elements as follows:
 - i. Revised terminal guard rail design west of Diduca Way to accommodate guy wire pole that is in close proximity to roadway that is beyond the wall limits (outside of project) but impacts the end of the guard rail.
 - ii. Revised culvert drainage pipe inlet to allow for permeable treatment, placement of drainage pipe below the ground surface, and direction of stormwater into existing bioswale area below the roadway.

Cost: NCE \$7,000

Richmond, CA
 501 Canal Blvd., Suite I
 Richmond, CA 94804
 (510) 215-3620

Total Cost: \$7,000

To accommodate the additional work, we are requesting our budget be amended by \$42,500 for items 1,2 and 3. If you have any questions or would like to discuss this request, please contact the undersigned at (510) 215-3620.

Sincerely,



NCE

J. Ryan Shafer, PE GE, Principal



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 10

ITEM NO. 10.

DATE: November 27, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Approve an Amendment to the Joint Powers Agreement of the West Valley Clean Water Program Authority to Support the Authority's Proposed Name Change.

RECOMMENDATION:

Authorize the Town Manager to execute an amendment to the Joint Powers Agreement of the West Valley Clean Water Program Authority (Authority) to change the name of the Authority to West Valley Stormwater Authority.

BACKGROUND:

The Town of Los Gatos is required by law to implement measures that regulate, improve, treat, manage, and convey stormwater, controlling both its quantity and quality. Through the years, the Town has worked cooperatively with the cities of Saratoga, Monte Sereno, and Campbell (collectively referred to as the "Member Agencies") to implement these measures. In September 1994, the Member Agencies were among the members of a Cooperative Agreement for stormwater pollution control coordination. The coordinated stormwater pollution abatement, control, and management effort of the Member Agencies was commonly known as the West Valley Clean Water Program. In 2018, the Member Agencies created the West Valley Clean Water Program Authority through a Joint Powers Agreement (Attachment 1) on behalf of its member agencies. The Authority coordinates stormwater pollution abatement, control, and management efforts for the Member Agencies.

DISCUSSION:

When recently conducting public outreach, the Authority determined that the communities of the Member Agencies often confuse the role of the Authority as a water provider rather than

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Amendment to Clean Water Authority Joint Powers Agreement

DATE: November 27, 2024

an agency that supports stormwater management for the Member Agencies. In order to correct that misunderstanding and create greater awareness of the Authority and its responsibilities, the Authority Board determined the name of the Authority should be changed. The Authority Board has selected the name of West Valley Stormwater Authority.

At its meeting on November 7, 2024, the Authority Board approved the Amendment and authorized the Executive Director to take all actions necessary to implement the name change if approved by the Member Agencies. The proposed amendment (Attachment 2) provides for that name change. It is expected that the Member Agencies will consider the amendment prior to the end of 2024.

CONCLUSION:

Approval of the recommended action will demonstrate the Town's support of the name change and ongoing participation in the Joint Powers Authority.

COORDINATION:

This staff report was coordinated with the West Valley Clean Water Authority.

FISCAL IMPACT:

There is no fiscal impact associated with this proposed action.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Joint Powers Agreement 2018
2. Amendment to 2018 Joint Powers Agreement

RECEIVED

MAR 8 2018

CITY OF CAMPBELL
CITY MANAGER'S OFFICE

**JOINT POWERS AGREEMENT
CREATING THE WEST VALLEY CLEAN WATER PROGRAM AUTHORITY**

This JOINT POWERS AGREEMENT CREATING THE WEST VALLEY CLEAN WATER PROGRAM AUTHORITY (the "Agreement") is made and entered into this 6th day of March, 2018, by and between the City of Campbell, the City of Monte Sereno, the City of Saratoga and the Town of Los Gatos, municipal corporations of the State of California, hereinafter "Member Agencies" (collectively) or "Member Agency" (individually).

RECITALS

WHEREAS, each of the Member Agencies to the Agreement is a public agency as defined in California Government Code section 6500; and

WHEREAS, each of the Member Agencies is either directly or indirectly authorized to implement measures that would regulate, improve, treat, manage, and convey stormwater and its quantity and quality; and

WHEREAS, in September 1994, the Member Agencies were among the members of a Cooperative Agreement for stormwater pollution control coordination; and

WHEREAS, the coordinated stormwater pollution abatement, control and management effort of the Member Agencies is now commonly known as the West Valley Clean Water Program; and

WHEREAS, the West Valley Clean Water Program has been a successful and cost-effective means of collaboratively addressing federal and state stormwater requirements and regulations within the Member Agencies; and

WHEREAS, the Member Agencies desire to create the West Valley Clean Water Program Authority ("Authority") on behalf of its member agencies; and

WHEREAS, the Member Agencies desire to create a new public entity to administer the provisions of this Agreement, the purpose of which is to coordinate stormwater pollution abatement, control and management efforts; and other activities to develop tools and information to assist public and private entities in complying with stormwater National Pollutant Discharge Elimination System ("NPDES") permits and improving surface water quality and enhancing water supplies in California.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, it is agreed by and among the Member Agencies hereto as follows:

1. Creation of Authority

- (a) The West Valley Clean Water Program Authority is hereby created as a joint powers agency pursuant to the provisions of the Government Code of the State of California relating to the joint exercise of powers common to public agencies. (Gov. Code § 6500, *et seq.*). The Authority is a public entity separate from its Member Agencies.
- (b) Upon the Effective Date of this Agreement, a Notice of Joint Powers Agreement shall be filed with the California Secretary of State in accordance with Government Code section 6503.5. The Authority shall comply with all other formation requirements provided under California law.

2. Purpose

- (a) This Agreement provides for the creation of a public entity separate and apart from the Member Agencies to this Agreement to administer this Agreement, the purpose of which is to coordinate stormwater pollution abatement, control and management efforts; and other activities to develop tools and information to assist public and private entities in complying with stormwater NPDES permits and improving surface water quality and enhancing water supplies in California.
- (b) The Authority's functions shall include, but not be limited to:
 - a. Preparing, adopting, revising, amending, administering, enforcing, and implementing the West Valley Clean Water Program that supports compliance with Member Agencies' stormwater NPDES permit requirements;
 - b. Advising the Member Agencies on issues related to urban and rural stormwater abatement, control and management;
 - c. Advocating the interests of the Member Agencies related to urban and rural stormwater abatement, control and management issues with local, state and federal officials;
 - d. Improving the quality of receiving waters through the reduction of stormwater pollution sources in urban and rural watersheds;
 - e. Improving the conveyance of stormwater through stormwater systems to reduce flooding and stream bank erosion, and improve water quality;
 - f. Providing technical research for the development of source and treatment controls in support of complying with Construction, Industrial, and Municipal separate storm sewer system ("MS4") NPDES Permits;
 - g. Assessing ambient and stormwater monitoring data and improving the understanding of the most critical pollutants in local receiving waters and the South San Francisco Bay;
 - h. Improving public education and information regarding surface and stormwater quality through the development and distribution of

information regarding stormwater pollution control, sources and pathways;

- i. Providing technical guidance, including handbooks, manuals, and training programs that support efforts to comply with stormwater NPDES permits, as well as improve stormwater quality professionals' ability to advance the effectiveness of stormwater programs;
- j. All ancillary activities related to the functions contained herein.

3. Powers of Authority

The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of its authority to accomplish the purpose as set forth herein including, but not limited to, any or all of the following:

- (a) To review the West Valley Clean Water Program, budget and staffing; and recommend revisions or amendments thereto;
- (b) To make and enter into contracts and to issue Requests for Proposals necessary to further the purposes of the Authority;
- (c) To prepare reports and other documents for the purpose of applying for and accepting grants, advances, and contributions;
- (d) To employ or contract for services of agents, employees, consultants and other such persons or entities through an adopted procurement policy directly or indirectly related to its purposes;
- (e) To receive contributions and donations of property, funds, services, and other forms of assistance from any source, including Member Agencies;
- (f) To sue and be sued in its own name;
- (g) To incur debts, liabilities, or obligations, subject to limitations herein set forth;
- (h) To conduct scientific and technical studies;
- (i) To assess and collect, subject to Section 8, from both Initial Members and future agency members, fees for membership in the Authority, so as to provide moneys for the financing of its activities, operations, and expansion which are not adequately funded by the revenues collected for services provided by the Authority;
- (j) To issue bonds, subject to the provisions and limitations of the laws of the State of California;

- (k) To collect real property assessments, fees, and charges for stormwater program implementation, subject to the provisions and limitations of the laws of the State of California;
- (l) To adopt annually, by July 1 of each fiscal year, a budget setting forth all administrative, operational and capital expenses for the Authority, together with the apportionment of such expenses by levy against each Member Agency to the extent necessary, subject to Section 9, and
- (m) To adopt, as authorized by law, any ordinances or resolutions necessary to carry out the purposes of this Agreement.

4. Use of Public Funds and Property

The Authority shall be empowered to use for its purposes, public funds, property and other resources received from the Member Agencies and from other sources. Where applicable, the Authority's Board of Directors may permit one or more of the Member Agencies to provide in-kind services, including the use of property and services.

5. Term, Termination, Addition or Withdrawal of Member Agencies, Disposition of Assets

- (a) The Authority shall be formed and come into existence on the Effective Date and shall continue in existence unless terminated by the governing body of each of the Member Agencies then a party to this Agreement or at any point in time at which there ceases to be at least two Member Agencies to this Agreement, at which point in time this Agreement shall be automatically terminated; provided however, that the Authority and this Agreement shall continue to exist for the purpose of disposing of liabilities, distributing funds, property and/or other assets (such funds, property and/or other assets, collectively, the "Authority Assets"), and all other functions necessary to conclude the business of the Authority.
- (b) Any public agency as defined in California Government Code section 6500 that is directly or indirectly authorized to implement measures that would regulate stormwater quality may seek to become a party to this Agreement upon authorization by its governing body, amendment to this Agreement in accordance with Section 17 below, and execution of this Agreement by the public agency.
- (c) Any Member Agency, upon written notice given by January 1 of any year to the Chairperson of the Board of Directors, and to all other Member Agencies, may withdraw from the Authority effective no earlier than July 1 of that year; provided, however, that the withdrawal of such Member Agency shall not terminate such Member Agency's responsibility under any obligation of such Member Agency, or the Authority, or any action taken in connection therewith,

provided that the withdrawing agency may pay to the Authority on the effective date of withdrawal, all money owing to the Authority, and as to those capital expenditures that the withdrawing agency has agreed to participate in by contract or otherwise, its share of such capital expenditures. Such financial obligations of such withdrawing agency may be assumed by another entity upon a two-thirds (2/3) vote of the Board, absent the participation of the representative of the withdrawing agency. The withdrawing agency shall continue to be liable for its share of Authority obligations, including, but not limited to, operations costs and the General Budget, until the effective date of its withdrawal.

- (d) Upon termination of this Agreement, after the payment and fulfillment of all obligations of the Authority, any Authority Assets remaining shall be distributed to the Member Agencies in proportion to the contribution made by the Member Agencies toward the funding of the Authority. The Authority shall cease to exist when the Authority Assets have been distributed according to the provisions contained in this Section, this Agreement generally, and the Joint Exercise of Powers Act (Gov. Code §6500 *et seq.*).

6. Governance

- (a) Board of Directors: The Authority shall be governed by a Board of Directors, which shall consist of one director who shall be an elected member of such agency's governing body appointed by the governing body of each Member Agency. A Member Agency may change its director from time-to-time by notifying the other Member Agencies in writing.
- (b) Alternates: An alternate may be designated by a director to act in place of that director during his or her absence. Such designation shall be in writing by the designating director and shall be delivered to the other Member Agencies.
- (c) Board Powers: The Board shall perform all acts necessary or proper to carry out the purposes of this Agreement and to execute the General and Specific Powers of the Authority, which acts include, but are not limited to, the following:
- i) Conduct Board meetings pursuant to a schedule adopted by the Board;
 - ii) Consider, modify and approve the Authority's annual work program and budget, including the activities and budget for the West Valley Clean Water Program;
 - iii) Levy, fix, set and/or impose fees, assessments and charges to the extent permitted by law and by this Agreement;
 - iv) Authorize, review and accept reports and studies;

- v) Review, recommend, approve and/or regulate fees and rates for services provided by the Authority or over which the Authority has regulatory power through contract or otherwise;
 - vi) Recommend action to Member Agencies and other public bodies on matter of interest to the Authority;
 - vii) Accept agencies as subsequent Member Agencies to the Agreement and members of the Authority, and their representatives as Board members;
 - viii) Authorize the hiring and/or engagement of Authority staff;
 - ix) The Board may, from time to time, declare one of the Member Agencies as the lead agency for specific purposes as may be set forth by the Board or for the general purpose of staffing the Authority and carrying out the Authority's functions. At the time said Member Agency is appointed as a lead agency, the Board shall determine whether the member is to bear the costs of such lead agency activity or be reimbursed therefor. The Authority, in any event, shall reimburse agency members for personnel costs associated with the staffing of the Authority with Member Agency personnel;
 - x) Establish committees to carry out Authority purposes, and appoint committee members from the Authority Board, the legislative bodies or administration of Member Agencies, Authority staff, and/or staff of the Member Agencies. The Authority shall reimburse agency members for personnel costs associated with the staffing of committees with Member Agency personnel;
 - xi) Delegate duties to Authority or Board staff and/or members, appointed committees and committee members, and the City/Town Councils and/or staff.
- (d) Authority Bylaws: Within Six Months after the Effective Date, the Board shall consider and adopt Bylaws for the Authority.
- (e) Vote Required: All actions of the Board may be undertaken by a majority vote of the Board members present, provided a quorum exists, except for such Board actions requiring a two-thirds (2/3) vote as may otherwise be set forth herein. Each Board member shall have one vote.
- (f) Board Rules: The Board is empowered to establish its own Rules and Procedures to the extent those rules are not inconsistent with the laws of the State of California governing the operations of this Authority.

(g) Meetings of the Board:

i) Regular Meetings: The Board shall hold scheduled public meetings at a location selected by the Board.

ii) Special Meetings: Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code.

iii) Notice of Meetings: All meetings of the Board shall be held subject to the current provisions of the Ralph M. Brown Act, being Sections 54950 et seq. of the California Government Code, and other applicable laws of the State of California requiring public meetings.

(h) Minutes: The Board Chairperson shall cause minutes of all meetings to be kept and shall, as soon as possible after such meeting, cause a copy of the minutes to be forwarded to each member of the Board.

(i) Staffing: Each of the Member Agencies shall use its best efforts to provide staff to the Authority as may be necessary initially for the Authority to execute its powers and duties and as may be required by the Board thereafter. Staff may be drawn from Member Agencies with the consent of the affected Member Agency. Additionally, the Authority may contract with or employ entities and/or individuals not associated with Member Agency staff, as permitted by Section 3.

(j) Officers and Staff: The officers and staff of the Authority are the Chair, Vice-Chair, Secretary, Treasurer and Executive Director.

(i) Officers: The Board shall, at its first meeting and thereafter at its first meeting following January 1 of each succeeding year, elect a Chair and Vice-Chair from among the Directors. The Vice-Chair shall assume the responsibilities of the Chair in the absence the Chair. The Chairperson shall preside over all meetings according to the Rules and Procedures adopted by the Board. The Board Chairperson shall represent the Authority and execute any contracts and other documents when required by the Rules and Procedures.

(ii) Executive Director: There may be an Executive Director appointed who will serve as the chief executive officer of the Authority. He or she will be responsible to the Board for the management and administration of all Authority affairs pursuant to the Boards direction. Until such time as the Board may determine to appoint an Executive Director who is not a staff member of a Member Agency, and for such other times as there is no Executive Director serving, the Board may appoint an interim Executive Director, who shall have such

powers and duties as are set forth in this section. An interim Executive Director shall be the chief administrative officer of one of the Member Agencies, or such other agency staff member as the Board deems appropriate.

- (iii) Treasurer: There shall be a Treasurer to be the custodian of all Authority funds, to pay demands and to make or contract for an annual audit. Such Treasurer shall be the Treasurer of one of the Member Agencies, a Certified Public Accountant or one of the Authorities officers or employees as set forth in California Government Code Sections 6505.5 and 6505.6. The Board shall designate a qualified person to act as the Treasurer of the Authority. The person holding the position of Treasurer of the Authority shall have charge of the depositing and custody of all funds held by the Authority. The Treasurer shall perform such other duties as may be imposed by provisions of applicable law, including those duties described in Government Code section 6505.5, and that may be prescribed by the Board or the Bylaws. In the event that the person designated by the Board is not a Director, the person serving as Treasurer may be reasonably compensated for performing such work. In the event that the person designated by the Board to perform such services is an employee of a Member Agency, the governing body of that Member Agency shall determine the reasonable charges to be made against the Authority for the services of Treasurer.
- (iv) Secretary: There shall be a Secretary appointed by the Executive Director who shall be responsible for the noticing of meetings and recording of minutes of meetings as required by the Brown Act and the Rules and Procedures, in addition to such other duties as the Executive Director may assign.

7. Application of Laws to Authority Functions

The Authority shall comply with all applicable laws in the conduct of its affairs, including but not limited to the Joint Exercise of Powers Act (Gov. Code §6500 *et seq.*); Ralph M. Brown Act (Gov. Code § 54950, *et seq.*), and conflict of interest laws/regulations (such as Gov. Code § 1090, *et seq.* the requirements of the California Political Reform Act, Gov. Code § 87100, *et seq.*, and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification, 2 California Code of Regulations § 18700, *et seq.*), as amended.

8. Apportionment of Expenses

It is the intention of the Authority to collect revenues to cover the costs of Authority operations. To the extent that operating expenses exceed revenues during any period,

including the initial start-up period of the Authority, the Member Agencies shall be responsible for providing the requisite funds to the Authority to ensure that such expenses are met in the proportion that the total population of the jurisdiction of each agency bears to the total population of all members of the Authority. Each Member Agency's contribution to such expenses is dependent upon such Member Agency's governing body's yearly approval of such contribution, provided, however, that if such Member Agency's governing body does not approve such contribution, such Member Agency may be expelled by a majority vote of the other Member Agencies.

It is the intent of this Agreement that monies and fees advanced to the Authority by individual Member Agencies to cover Authority costs of operation, including costs of establishing the Authority, are to be reimbursed to said Member Agencies. Such reimbursement shall be authorized to the extent that it does not impair necessary working capital or the ability of the Authority to repay any bond or other debt obligations.

Any and all debts, liabilities, and obligations incurred by or imposed upon the Authority shall be the debts, liabilities, and obligations solely of the Authority, rather than the debts, liabilities and obligations of the individual Member Agencies.

For agencies joining the Authority after the effective date of this Agreement, the Board shall determine such agencies' proportionate financial contribution, which is due upon joining the Authority.

9. Accounting

- (a) The Board shall establish and maintain such funds and accounts as may be required by Generally Accepted Accounting Principles and by Federal and State statute and regulation, as applicable.
- (b) The Authority shall comply with the accounting and auditing requirements contained in California Government Code sections 6505-6505.6.
- (c) Each and every expenditure of monies shall be authorized by the Board or by a person designated by the Board to authorize expenditures. The Treasurer shall draw warrants to pay the demands so authorized by the Board.
- (d) Before the Authority may expend any monies or incur any financial obligation, it shall adopt a budget showing proposed expenditures for the Fiscal Year and the proposed means of financing such expenditures.
- (e) The Board will appoint one of its officers to serve as auditor of the Authority. The auditor shall comply with the duties and responsibilities of the office as set forth in subdivisions (a) to (d), inclusive, of California Government Code section 6505.5.

10. Fiscal Year

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by the Authority, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year, which shall be the period from the date of this Agreement to June 30, 2018.

11. Legal Counsel

The Board shall retain independent legal counsel for the Authority, who shall be procured consistent with all applicable procurement laws.

12. Privileges and Immunities

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation, and other benefits that may apply to the activities of officers, agents or employees of public agencies when performing their respective functions within their respective territorial limits, shall apply to them to the same degree and extent while engaged as Member Agencies of the Authority or otherwise as an officer, agent, Director, or other representative of the Authority or while engaged in the performance of any of their functions or duties extraterritorially under the provisions of this Agreement.

13. Liability

- (a) The debts, liabilities, and obligations of the Authority shall be the debts, liabilities, or obligations of the Authority alone, and not any of the Member Agencies of this Agreement.
- (b) The Authority, and those persons, agencies and instrumentalities used by it to perform the functions authorized herein, whether by contract, employment or otherwise, shall be exclusively liable for any/all injuries, costs, claims, liabilities, damages of whatever kind to any person arising from or related to activities of the Authority.
- (c) The Authority shall hold harmless and indemnify Member Agencies, and each of them, including their officers and employees, from any claim or liability arising from acts or omissions of the Authority in pursuit of this Agreement, and in so doing, shall provide Member Agencies, and each of them, with legal defense of any and all claims or liabilities and shall pay reasonable attorney's fees and costs incurred in providing such defense.
- (d) Funds of the Authority may be used to defend, indemnify, and hold harmless the Authority, each Member Agency, and any officers, agents, and employees for their actions taken within the scope of their duties while acting on behalf of the Authority.

- (e) Each Member Agency and its respective officers, directors and employees shall be named as additional insured to the same extent and degree that the Authority and its officers, directors and employees are named as additional insureds with respect to any insurance as required by the Authority pursuant to the terms of any contract or franchise agreement entered into by any other party with the Authority.

15. Entire Agreement

It is understood and agreed that the entire Agreement between the Member Agencies is contained herein and that this Agreement supersedes all oral agreements and negotiations between the Member Agencies relating to the subject matter hereof. All items and exhibits referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

16. Severability

Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

17. Amendment

This Agreement may be modified at any time by written amendment executed by all of the Member Agencies. Any amendment shall become effective upon the execution of the amendment by each Member Agency, unless specified otherwise.

18. Effective Date

The effective date ("Effective Date") of this Agreement shall be the first day of the first month following the execution of this Agreement by the Member Agencies.

19. Successors

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Member Agencies hereto. Except to the extent expressly provided herein, no Member Agency may assign any right or obligation hereunder without the consent of the other Member Agencies.

20. Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

21. Headings


The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section to which referred.

22. Consent; Choice of Law; Venue

Wherever in this agreement any consent or approval is required, the same shall not be unreasonably withheld. This Agreement is made in the State of California, under the Constitution and laws of such state and is to be so construed. Venue for litigation by and among any of the Member Agencies related to this Agreement shall be in the Santa Clara County Superior Court.

IN WITNESS THEREOF, the Member Agencies have executed this Agreement on the dates hereafter set forth.

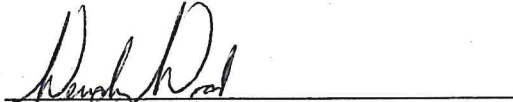
CITY OF CAMPBELL



City Manager

Dated: 2/13/18

ATTESTED:



City Clerk

Approved as to Form:



City Attorney

TOWN OF LOS GATOS

Gwendolyn Prewitt

Town Manager

Dated: 2.20.18

ATTESTED:

Shelley Reis
Town Clerk

Approved as to Form:

Paul J. [Signature]
Town Attorney

CITY OF MONTE SERENO

Jerry Blount

City Manager

Dated: 3.5.2018

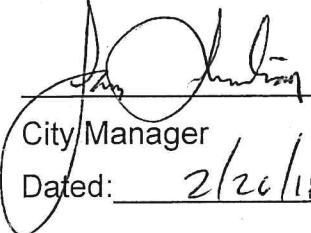
ATTESTED:

Andrea Chelamanga ^{3/5/18}
City Clerk

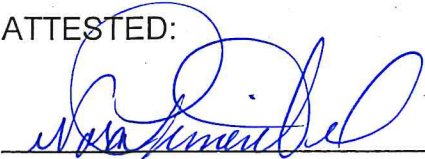
Approved as to Form:

Tom Arce
City Attorney


CITY OF SARATOGA



City Manager
Dated: 2/26/18

ATTESTED:


City Clerk

Approved as to Form:


City Attorney

**AMENDMENT TO JOINT POWERS AGREEMENT
CREATING THE WEST VALLEY CLEAN WATER PROGRAM AUTHORITY**

This AMENDMENT TO JOINT POWERS AGREEMENT CREATING THE WEST VALLEY CLEAN WATER PROGRAM AUTHORITY (the “Amendment”) is made and entered into this ____ day of _____, 2024, by and between the West Valley Clean Water Program Authority, a California Joint Powers Authority (the “Authority”), and the City of Campbell, the City of Monte Sereno, the City of Saratoga and the Town of Los Gatos, municipal corporations of the State of California, hereinafter “Member Agencies” (collectively) or “Member Agency” (individually).

RECITALS

WHEREAS, each of the Member Agencies to the Agreement is a public agency as defined in California Government Code section 6500; and

WHEREAS, each of the Member Agencies is either directly or indirectly authorized to implement measures that would regulate, improve, treat, manage, and convey stormwater and its quantity and quality; and

WHEREAS, in September 1994, the Member Agencies were among the members of a Cooperative Agreement for stormwater pollution control coordination; and

WHEREAS, the coordinated stormwater pollution abatement, control and management effort of the Member Agencies is now commonly known as the West Valley Clean Water Program; and

WHEREAS, the West Valley Clean Water Program has been a successful and cost-effective means of collaboratively addressing federal and state stormwater requirements and regulations within the Member Agencies; and

WHEREAS, in 2018, the Member Agencies created the West Valley Clean Water Program Authority (“Authority”) on behalf of its member agencies to create a new public entity to coordinate stormwater pollution abatement, control and management efforts; and other activities to develop tools and information to assist public and private entities in complying with stormwater National Pollutant Discharge Elimination System (“NPDES”) permits and improving surface water quality and enhancing water supplies in California; and

WHEREAS, when recently conducting public outreach, it was determined that the communities of the Member Agencies often confuse the role of the Authority as water provider rather than an agency that manages stormwater in the Member Agencies; and

WHEREAS, in order to correct that misunderstanding and create greater awareness of the Authority and its responsibilities, the Member Agencies and the Authority desire to change the name of the Authority.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, it is agreed by and among the Member Agencies and the Authority hereto as follows:

AGREEMENT

1. Name of the Authority

- (a) As of the Effective Date of this Amendment, the West Valley Clean Water Program Authority will hereby be known as the West Valley Stormwater Authority.
- (b) Upon the Effective Date of this Amendment, An Amendment of A Joint Powers Agreement shall be filed with the California Secretary of State in accordance with Government Code section 6503.5. The Authority shall comply with all other formation requirements provided under California law.
- (c) Upon the Effective Date, any obligations, responsibilities or duties of the West Valley Clean Water Program Authority through contract or otherwise shall be the obligations, responsibilities or duties of the West Valley Stormwater Authority.

2. Conflict

Except as expressly provided in this Amendment, all terms of the Agreement shall remain in full force and effect. To the extent there is a conflict between the terms of the Amendment and the Agreement, the terms of the Amendment shall control.

3. Effective Date

The effective date ("Effective Date") of this Agreement shall be the first day of the first month following the execution of this Agreement by the Member Agencies.

4. Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS THEREOF, the Member Agencies and the Authority have executed this Agreement on the dates hereafter set forth.

CITY OF CAMPBELL

City Manager

Dated:_____

ATTESTED:

City Clerk

Approved as to Form:

City Attorney

TOWN OF LOS GATOS

Town Manager

Dated:_____

ATTESTED:

Town Clerk

Approved as to Form:

Town Attorney

CITY OF MONTE SERENO

City Manager

Dated:_____

ATTESTED:

City Clerk

Approved as to Form:

City Attorney

CITY OF SARATOGA

City Manager

Dated:_____

ATTESTED:

City Clerk

Approved as to Form:

City Attorney

WEST VALLEY CLEAN WATER PROGRAM
AUTHORITY

Executive Director

Dated: _____

Approved as to Form:

Authority Counsel

960799.2



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 11

ITEM NO. 11.

DATE: November 28, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Authorize The Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), Completed by Villalobos and Associates Inc., and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921), completed by Villalobos and Associates Inc., and authorize the Town Clerk to file for recordation.

BACKGROUND:

The 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project focused on replacing or retrofitting curb ramps in compliance with the Americans with Disabilities Act (ADA) and other accessibility requirements. Title II of the ADA obligates jurisdictions to upgrade non-conforming curb ramps when streets are resurfaced from one intersection to another. The United States Department of Justice has determined that roadway resurfacing work such as asphalt overlay, rubber cape seal and micro-surfacing prompts curb ramps on associated streets to be installed or upgraded per the latest ADA requirements and standards.

The Town began bid advertising the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project on March 8, 2024. On April 3, 2024, the Town received two bids for the base bid plus two additive alternates. On May 7, 2024, Council authorized staff to award a construction contract to the lowest bidder, Villalobos and Associates Inc., in an amount not to exceed \$409,480, including contingencies.

PREPARED BY: Saurabh Nijhawan
Senior CIP Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

PAGE 2 OF 3

SUBJECT: Acceptance and Notice of Completion for the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project

DATE: November 28, 2024

DISCUSSION:

The construction project started in July 2024 and Villalobos and Associates Inc. has since satisfactorily completed all contracted work items, including Town requested change order work, for a final construction cost of \$450,145. The contract amount was increased at the request of Parks and Public Works to repair additional areas of concrete failures within the Town. The additional cost was absorbed by the project's 10% contingency fund. The project resulted in a total of 42 curb ramps made ADA compliant, replacement of approximately 1,890 square feet of sidewalk, and 1,200 linear feet of curb and gutter. Staff recommends accepting the project based on the verification provided in Attachment 2.

A warranty with Villalobos and Associates, Inc. will be in effect for two years from the date of the council action. The execution and recordation of the Certificate of Acceptance is required to finalize the Town's acceptance and to release the retention funds withheld from the contractor.

COORDINATION:

This project has been coordinated with the Finance Department.

FISCAL IMPACT:

This report is meant to close out the contract with Villalobos and Associates Inc. associated with the 2024 work. There were sufficient funds available in the CIP Budget for the Annual Curb, Gutter, and Sidewalk Maintenance Project CIP No. 813-9921 and the project fund balance will carry over to the next year's project.

SUBJECT: Acceptance and Notice of Completion for the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project

DATE: November 28, 2024

2024 Annual Curb, Gutter, and Sidewalk Maintenance Project 813-9921		
	Budget	Costs
GFAR	\$ 781,201	
Total Budget	\$ 781,201	
Villalobos and Associates Inc. Contract Including Contingency		\$ 450,145
Construction Costs - Precision Emprise LLC		\$ 3,892
Consultation Services - Ninyo & Moore		\$ 5,276
Total Other Expenditures		\$ 9,168
Total Expenditures		\$ 459,313
Remaining Budget		\$ 321,888

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorically Exempt (Section 15301c). A Notice of Exemption was previously filed.

Attachments:

1. Certificate of Acceptance and Notice of Completion
2. Verification of Work

Recording Requested by:
TOWN OF LOS GATOS

ITEM NO. 11.

WHEN RECORDED MAIL TO:

TOWN CLERK
TOWN OF LOS GATOS
110 E MAIN ST
LOS GATOS, CA 95030

(SPACE ABOVE BAR FOR RECORDER'S USE)

(RECORD WITHOUT FEE UNDER GOVERNMENT CODE SECTIONS 27383 AND 6103)

TYPE OF RECORDING
CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION
PPW JOB NO. 813-9921 2024 Annual Curb, Gutter, and Sidewalk Maintenance

TO WHOM IT MAY CONCERN:

I do hereby certify that **Villalobos and Associates Inc.** completed the work called for in the agreement with the Town of Los Gatos dated June 2024. The work is outlined in the Town's bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the PPW Job No. 813-9921 located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **December 3, 2024.**

Bond No.: 18L006287
Date: May 20, 2024

TOWN OF LOS GATOS

By: _____
Chris Constantin, Town Manager

Acknowledgement Required

ATTACHMENT 1

AFFIDAVIT

**To Accompany Certificate of Acceptance and Notice of Completion
PPW JOB NO. 813-9921 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project**

I, **CHRIS CONSTANTIN**, the Town Manager of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2024 at Los Gatos, California.

Chris Constantin, Town Manager
Town of Los Gatos

RECOMMENDED BY:

Nicolle Burnham
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

Date: _____

Notary Jurat Required



TOWN OF LOS GATOS PARKS AND PUBLIC WORKS COMMENTS

To: Chris Constantin
 From: Nicolle Burnham
 Date: November 21, 2024
 Subject: Notice of Acceptance

Acceptance of Work for the 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921)

The work performed under this contract was inspected by authorized representatives of the Town, Contractor and Engineer, and determined to be complete. The Division Manager acknowledges the completion of this project and requests the Town Manger to sign the Certificate of Acceptance form.

Date of Final Inspection: 8/30/24

Project Participants: Kevin Selfridge, Janice Chin, Saurabh Nijhawan, Gary Heap (Town of Los Gatos)
 Tranquilino Villalobos (Villalobos & Associates, Inc.)

1. All construction and punch list items have been completed? Yes
2. All change orders have been executed? Yes
3. Claims if any have been resolved? N/A

REVIEWED AND APPROVED BY:

Saurabh Nijhawan
 SENIOR CIVIL ENGINEER

DATE: 11-21-2024

Gary Heap
 TOWN ENGINEER

DATE: 11/21/2024

Nicolle Burnham
 DIRECTOR OF PUBLIC WORKS

DATE: 11/22/24

LOCATIONS OF WORK							
#813-9921 2024 Annual Curb, Gutter, and Sidewalk Maintenance							
Base Bid:							
No.	Street Name	Curb Ramp Location	Curb Ramp Type	R&R Curb and Gutter (L.F.)	R&R Rolled Gutter (L.F.)	R&R Sidewalk (S.F.)	R&R Residential Driveway (S.F.)
CR-1.	Alerche Dr at Harwood Rd (near Belcrest Dr)	NE corner	C				
CR-2.	Alerche Dr at Harwood Rd (near Belcrest Dr)	SE corner	C				
CR-3.	Alerche Dr at Harwood Rd (near Harwood Ct)	NE corner	C				
CR-4.	Alerche Dr at Harwood Rd (near Harwood Ct)	SE corner	C				
CR-5.	Alerche Dr at Crider Ct	SW corner	C				
CR-6.	Alerche Dr (near 110 Alerche Dr)	West	C				
CR-7.	Alerche Dr (near 109 Alerche Dr)	East	C				
CR-8.	Alpine Av at Foster Rd	NW corner	G				
CR-9.	Alpine Av at Foster Rd	SW corner	G				
CR-10.	Alpine Av at E Main St	SW corner	B				
CR-11.	Arroyo Grande Wy at Garden Hill Dr	SW corner	B				
CR-12.	Carlester Dr at Lester Dr	NW corner	B				
CR-13.	Carlester Dr at Lester Dr	SW corner	B				
CR-14.	Chirco Dr at Los Gatos Blvd	North	B Passageway				
CR-15.	Chirco Dr at Los Gatos Blvd	NW corner	B				
CR-16.	Chirco Dr at Los Gatos Blvd	South	B Passageway				
CR-17.	Chirco Dr at Los Gatos Blvd	SW corner	B				
CR-18.	El Cajon Wy at Arroyo Grande Wy	NW corner	C				
CR-19.	El Cajon Wy at Arroyo Grande Wy	SW corner	C				
CR-20.	El Cajon Wy at Las Miradas Dr	NE corner	C				
CR-21.	El Cajon Wy at Las Miradas Dr	SE corner	C				
CR-22.	El Cajon Wy at Las Miradas Dr	NW corner	F				
CR-23.	Frank Ct at Frank Av	NE corner	B/F*				
CR-24.	Frank Ct at Frank Av	SE corner	B/F*				
CR-25.	Howes Ct at Howes Dr	NW corner	B				
CR-26.	Howes Ct at Howes Dr	SW corner	B				
CR-27.	Jackson St at E Main St	SE corner	B				
CR-28.	Jackson St at E Main St	SW corner	B				
CR-29.	La Canada Ct at Arroyo Grande Wy	NE corner	B				
CR-30.	La Canada Ct at Arroyo Grande Wy	SE corner	B				
CR-31.	La Cienega Ct at Arroyo Grande Wy	NE corner	B				
CR-32.	La Cienega Ct at Arroyo Grande Wy	SE corner	B				
CR-33.	119 Las Astas Dr	East	B				
CR-34.	Las Astas Dr at Arroyo Grande Wy (near Lark Ave)	NW corner	B				
CR-35.	Las Astas Dr at Arroyo Grande Wy (near Lark Ave)	SW corner	B				
CR-36.	Las Astas Dr at Arroyo Grande Wy	NW corner	B				
CR-37.	Las Astas Dr at Arroyo Grande Wy	SW corner	B				
CR-38.	Las Miradas Wy at Arroyo Grande Wy	NW corner	B				
CR-39.	Las Miradas Wy at Arroyo Grande Wy	SW corner	B				
CR-40.	Las Miradas Wy at Arroyo Grande Wy	SE corner	B				
CR-41.	Longridge Rd at Carlton Av	NE corner	B				
CR-42.	Longridge Rd at Carlton Av	SE corner	B				
CR-43.	Oak Rim Ct at Oak Rim Wy	NW corner	C				
CR-44.	Oak Rim Ct at Oak Rim Wy	SW corner	C				

CR-45.	Oak Rim Wy at Placer Oaks Rd	SE corner	C				
CR-46.	Oak Rim Wy at Placer Oaks Rd	SW corner	C				
1.	120 Carlton Av			65			
2.	140 Carlton Av			20			
3.	144 Carlton Av			5			
4.	148 Carlton Av			25			
5.	152 Carlton Av			10			
6.	160 Carlton Av			25			
7.	168 Carlton Av			40			
8.	176 Carlton Av			20			
9.	184 Carlton Av			25			
10.	192 Carlton Av			10			
11.	15330 Los Gatos Blvd at Carlton Av			15			
12.	237 Carlton Ct at Carlton Av			20			
13.	269 Carlton Wy at Carlton Av			50			
14.	200 Carlester Dr at Carlton Av			10			
15.	231 Carlester Dr			20			
16.	232 Carlester Dr					250	
17.	235 Carlester Dr			20			
18.	247 Carlester Dr			20		100	20
19.	247 Carlester Dr						
20.	247 Carlester Dr						
21.	251 Carlester Dr			25			
22.	252 Carlester Dr			20			
23.	264 Carlton Av			30			
24.	276 Carlton Av			10			
25.	284 Carlton Av			20			
26.	201 Lester Ln at Carlton Av			10			
27.	303 Carlton Av			20			140
28.	15195 National Av at Carlton Av			20			
29.	15196 National Av at Carlton Av			20			
30.	15197 National Av at Carlton Av			10			
31.	301 West Hill Dr at Belgatos Ln			20			
32.	304 West Hill Dr			20			
33.	312 West Hill Dr			20			
34.	316 West Hill Dr			20			
35.	328 West Hill Dr			20			
36.	329 West Hill Dr				20		
37.	265 Howes Ct			40			
38.	267 Howes Ct			30			
39.	15764 Shady Ln				20		
40.	292 Jackson St			5			
41.	9 Jackson St at Alpine Av			20			
42.	146 College Av			20			
43.	3 Euclid Av at Jones Rd			10			

Additive Alternate 1:

No.	Street Name	Curb Ramp Location	Curb Ramp Type	R&R Curb and Gutter (L.F.)	Rolled Gutter (L.F.)	R&R Sidewalk (S.F.)	R&R Residential Driveway (S.F.)
A1.1.	271 Los Gatos Blvd					100	60
A1.2.	269 Los Gatos Blvd			50		40	170

A1.3.	263 Los Gatos Blvd					100	
A1.4.	245 Los Gatos Blvd					100	
A1.5.	131 Las Astas Dr			20			
A1.6.	126 Regent Dr					50	
A1.7.	16950 Placer Oaks Dr					50	160
A1.8.	232 Carlester Dr					200	
A1.9.	500 San Benito Ave					200	
A1.10.	512 San Benito Ave					100	20
A1.11.	514 San Benito Ave					70	70
A1.12.	516 San Benito Ave			10		50	
A1.13.	523 San Benito Ave					10	
A1.14.	526 San Benito Ave					30	

Additive Alternate 2:

NO.	Street Name	Curb Ramp Location	Curb Ramp Type	R&R Curb and Gutter (L.F.)	Rolled Gutter (L.F.)	R&R Sidewalk (S.F.)	R&R Residential Driveway (S.F.)
CR-A2.1.	Glen Ridge Av at Nicholson Av	NW corner	G				
A2.1.	200 Glen Ridge at Nicholson Av			70		350	



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 12

ITEM NO. 12.

DATE: November 27, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC to Extend the Term of the Agreement from December 31, 2024, to June 30, 2025, for the Annual ADA Compliance Work Project (CIP No. 812-2013).

RECOMMENDATION:

Authorize the Town Manager to execute a third amendment (Attachment 1) to the agreement for consultant services with Disability Access Consultants, LLC to extend the term of the agreement from December 31, 2024, to June 30, 2025, for the Annual ADA Compliance Work project (CIP No. 812-2013)

BACKGROUND:

The federal statute on *Nondiscrimination on the Basis of Disability in State and Local Government Services* (28 CFR § 35.150 – Existing Facilities) requires a public entity that employs 50 or more persons to develop a transition plan setting forth the steps necessary to achieve program accessibility and reasonable modifications to eliminate barriers for persons with disabilities. In addition, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in programs that receive federal financial assistance.

The Town's previous ADA Transition Plan (the 1993 Plan) was adopted by the Town Council in 1993, which identified improvements needed for accessibility compliance and prioritized them to occur over a three-year time frame. After adoption of the 1993 Plan, the Town constructed numerous projects and infrastructure to address the ADA requirements identified. However, ADA standards are ever-evolving at the federal and state levels with broader rulings and regulation requirements.

PREPARED BY: Gary Heap
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

PAGE 2 OF 4

SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC to Extend the Term of the Agreement from December 31, 2024, to June 30, 2025, for the Annual ADA Compliance Work Project (CIP No. 812-2013)

DATE: November 27, 2024

On April 5, 2021, the Town entered into an agreement with Disability Access Consultants (DAC) to develop an updated Americans with Disabilities Act (ADA) Transition Plan (the 2023 Transition Plan). The legally required 2023 Transition Plan identifies required improvements to the Town's programs, services, activities, and assets to achieve compliance with the ADA. The 2023 Plan was completed in spring 2023. The original agreement was for \$130,000 with the term ending December 31, 2022.

Amendment 1 to the agreement, approved by the Town Council on April 5, 2022, extended the term through December 31, 2023, and increased the compensation by \$40,000 for a total contract amount of \$170,000. The additional services included evaluation of the Town-owned rights-of-way (e.g., sidewalks, curb ramps, etc.) and on-call services related to implementing the Transition Plan. Compliance with the Americans with Disabilities Act and implementation of the 2023 Transition Plan is an ongoing process that staff consistently endeavors to undertake. As such, staff has continued to implement the Plan as needs arise and capital projects are implemented.

Amendment 2 to the agreement, approved by the Town Council on December 5, 2023, extended the term through December 31, 2024, and increased the compensation by \$50,000 for a total contract amount of \$220,000. The additional services included continued support in implementation of the Transition Plan for townwide programs, policies, and procedures, Town-owned rights-of-way, Facilities, and Town Parks. Compliance with the Americans with Disabilities Act and implementation of the 2023 Transition Plan continues to be an ongoing process as does DAC's upkeep of the ADA tracking database, DACTrak.

DISCUSSION:

Since the execution of Amendment 2, staff has continued to implement the necessary ADA improvements when possible. Examples of this include the Annual Curb, Gutter, Sidewalk Project (CIP 813-9921) where select sidewalks and curb ramps are replaced annually to comply with ADA standards. In 2024, the Town again contracted to remove trip hazards on sidewalks around the Los Gatos High School and the remaining elementary schools in Town that were not completed in the 2023 work. In completing this work, staff coordinates with DAC to update the database of required improvements and demonstrate compliance with the ADA.

With the requested action, staff is proposing a third amendment to extend the duration of the current contract to June 30, 2025. Under this amendment, DAC will continue to assist the Town in the prioritization of future Town programs and projects, and provide as-needed consultation services to support implementation of the 2023 Transition Plan.

SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC to Extend the Term of the Agreement from December 31, 2024, to June 30, 2025, for the Annual ADA Compliance Work Project (CIP No. 812-2013)

DATE: November 27, 2024

CONCLUSION:

The Town Council’s authorization of the third amendment for the ADA Transition Plan agreement would allow DAC to continue to provide ADA consulting services for future Town programs and projects to implement the 2023 Transition Plan.

COORDINATION:

This report was coordinated with Community Development and the Finance Department.

FISCAL IMPACT:

This action does not have a fiscal impact on the project. There are sufficient funds in the existing CIP project budget for the remainder of this agreement.

ANNUAL ADA COMPLIANCE WORK CIP No. 821-2013		
	Budget	Costs
GFAR	\$ 80,000	
Total Budget	\$ 80,000	
		Costs
Disability Access Consultants, LLC Agreement* Including Encumbrance		\$ 32,130
Total Costs		\$ 32,130
Available Balance		\$ 47,870

* This agreement was initially authorized and partially expended in project 812-0129 ADA Transition Plan. At the end of FY23/24, Project 812-0129 was closed and the remainder of the contract was consolidated into Project 821-2013 Annual ADA Compliance Work. The total agreement amount including amendments is \$220,000. However, only the remaining \$32,130 agreement balance carried forward to Project 821-2013 from Project 812-0129

ENVIRONMENTAL ASSESSMENT:

The actions associated with this item are not a project defined under CEQA, and no further action is required.

PAGE 4 OF 4

SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC to Extend the Term of the Agreement from December 31, 2024, to June 30, 2025, for the Annual ADA Compliance Work Project (CIP No. 812-2013)

DATE: November 27, 2024

Attachment:

1. Third Amendment – Agreement for Consultant Services - Disability Access Consultants, LLC with Exhibit A (Original Agreement and Previous Amendments) and Exhibit B (Updated Scope of Services)

THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 3RD day of December 2024 and amends that certain SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES dated December 19, 2023, made by and between the Town of Los Gatos, ("TOWN") and Disability Access Consultants, LLC ("CONSULTANT") identified as a Partnership and whose address is 2862 Olive Highway, Suite D, Oroville, CA 95966.

RECITALS

- A. TOWN and CONSULTANT entered into an Agreement for Consultant Services on April 1, 2021, ("Agreement"), a First Amendment to Agreement for Consultant Services on April 5, 2022, and a Second Amendment to Agreement for Consultant Services on December 19, 2023, copies of which are attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. TOWN desires to amend the Agreement to extend the term of the agreement.

AMENDMENT

- 1. Section 2.2 Term and Time of Performance is amended to read as follows:
This contract shall remain in effect from April 1, 2021, to June 30, 2025.
- 2. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and CONSULTANT have executed this Amendment.

Town of Los Gatos, by:

CONSULTANT, by:

Chris Constantin
Town Manager

Tim Mahoney, General Manager

Department Approval:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk

SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 19th day of December 2023 and amends that certain FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES dated April 5, 2022, made by and between the Town of Los Gatos, ("TOWN") and Disability Access Consultants, LLC ("CONSULTANT") identified as a Partnership and whose address is 2862 Olive Highway, Suite D, Oroville, CA 95966.

RECITALS

- C. TOWN and CONSULTANT entered into an Agreement for Consultant Services on April 1, 2021, ("Agreement"), and a First Amendment to Agreement for Consultant Services on April 5, 2022, copies of which are attached hereto and incorporated by reference as Exhibit A to this Amendment.
- D. TOWN desires to amend the Agreement to increase the scope of work, extend the term, add to the compensation, and add to the minimum scope of insurance of the agreement.

AMENDMENT

1. Section 2.1 Scope of Services is amended to read as follows:

Consultant shall provide services as described in that certain Proposal dated November 27, 2023, which is hereby incorporated by reference and attached as Exhibit B.

2. Section 2.2 Term and Time of Performance is amended to read as follows:

This contract will remain in effect from April 1, 2021, to December 31, 2024.

3. Section 2.6 Compensation is amended to read as follows:

Compensation for Consultant's professional services shall be increased by \$50,000 for a total agreement amount not exceed **\$220,000**. Payment shall be based upon Town approval of each task based on Exhibit B.

4. Section 3.1 Minimum Scope of Insurance is amended to read:

Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

5. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and CONSULTANT have executed this Amendment.

Town of Los Gatos, by:

CONSULTANT, by:

DocuSigned by:
Laurel Prevetti
853FEEA2EB39470...
Laurel Prevetti
Town Manager

DocuSigned by:
Tim Mahoney
3694BD3D48DC463...
Tim Mahoney, General Manager

Department Approval:

DocuSigned by:
Nicolle Burnham
8E9783134964463...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

DocuSigned by:
Wendy Wood
BF6EBCBE2C214F6...
Wendy Wood, CMC, Town Clerk

**FIRST AMENDMENT TO
AGREEMENT FOR CONSULTANT SERVICES**

**Americans with Disabilities Act (ADA) Transition Plan Project
CIP No. 812-0129**

This FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 5th day of April 2022 and amends that certain AGREEMENT FOR CONSULTANT SERVICES for the Americans with Disabilities Act (ADA) Transition Plan Project CIP No. 812-0129, dated April 1, 2021, made by and between the Town of Los Gatos, ("TOWN") and Disability Access Consultants, LLC ("CONSULTANT").

RECITALS

- A. TOWN and CONSULTANT entered into an Agreement for Consultant Services on April 26, 2021, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. TOWN desires to amend the Agreement to increase the scope of work and compensation of the agreement
- C. TOWN desires to amend the Agreement to extend the agreement term to December 31, 2023.

AMENDMENT

1. 2.2 Term and Time of Performance is amended to read as follows:

Term and Time of Performance. This contract will remain in effect from April 12, 2021 to **December 31, 2023**. Consultant shall perform the services described in this agreement as follows: (refer to *Exhibit A - Scope of Services*).

2. 2.6 Compensation is amended to read as follows:

Compensation. Compensation for Consultant's professional services shall not exceed **\$170,000** inclusive of all costs as described in *Exhibit B – Additional Services Proposal* dated March 17, 2022. Compensation shall be based upon TOWN approval of each task as outlined in the terms of the *Exhibit A – Scope of Services* and *Exhibit B – Additional Services Proposal*.

3. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the LOCAL AGENCY and CONSULTANT have executed this Amendment.

Town of Los Gatos, by:

DocuSigned by:
Laurel Prevetti 4/19/2022
853FEFA2EB39470...

Laurel Prevetti
Town Manager

CONSULTANT, by:

DocuSigned by:
Tim Mahoney 4/17/2022
3804BD3D48DC463...

Tim Mahoney
Tim Mahoney - Manag
Name/Title

Recommended by:

DocuSigned by:
Timm Borden 4/17/2022
9AC05166650A487...

Timm Borden
Interim Director of Parks and Public Works

Approved as to Form:

DocuSigned by:
Robert W. Schultz 4/19/2022
2FE0938555B744C...

Robert Schultz, Town Attorney

Attest:

DocuSigned by:
Shelley Neis 4/19/2022
B9666F65B1E34F6...

Shelley Neis, MMC, CPMC, Town Clerk

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on April 1, 2021) by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Disability Access Consultants, LLC, ("Consultant"), whose address is 2862 Olive Highway, Suite D, Oroville, CA 95966. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide an ADA Transition Plan.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain Proposal sent to the Town on March 8, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from April 12, 2021 to December 31, 2022. Consultant shall perform the services described in this agreement as follows: (refer to Exhibit A in Scope of Services).
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services

pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

- 2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$130,000** inclusive of all costs. Payment shall be based upon Town approval of each task.
- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

- 2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to

testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

- 3.1 Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
 - ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

Disability Access Consultants, LLC
Attn: Barbara Thorpe
2862 Olive Highway, Suite D
Oroville, CA 95966

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

Town of Los Gatos by:

Consultant, by:

DocuSigned by:
Laurel Prevetti 4/26/2021
853FFEA7EB39470
Laurel Prevetti, Town Manager

DocuSigned by:
Tim Mahoney 4/14/2021
3894BD3D48DC463...

Recommended by:

DocuSigned by:
Matt Morley 4/14/2021
812810DD7091
Matt Morley, Director of Parks and Public Works

Timothy J Mahoney, General Manager
Printed Name and Title

Approved as to Form:

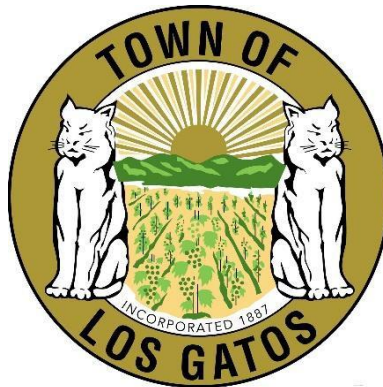
DocuSigned by:
Robert W. Schultz 4/24/2021
2FE0938556B744C
Robert Schultz, Town Attorney

Attest:

DocuSigned by:
Shelley Neis 4/26/2021
B9666F65B4F34F6...
Shelley Neis, MMC, CPMC, Town Clerk

Scope of Services

Americans with Disabilities Act (ADA) Transition Plan Town of Los Gatos (CIP No. 812-0129)



Town of Los Gatos
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030



EXHIBIT A**PROJECT**

Americans with Disabilities Act (ADA) Transition Plan
CIP No. 812-0129

PROJECT CONTACTS**Town of Los Gatos**

Janice Chin
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030
jchin@losgatosca.gov
408.395.3460

Disability Access Consultants, LLC (DAC)

Barbara Thorpe, Project Manager
2862 Olive Highway
Suite D
Oroville, CA 95965
bthorpe@dac-corp.com
800.743.7067

SCOPE OF SERVICES

The scope of services includes seven (7) tasks:

- Task A: Project Management and Coordination
- Task B: Self-Evaluation of Town Policies and Standards
- Task C: Self-Evaluation of Town Facilities
- Task D: Self-Evaluation of Town's Key Right-Of-Way Assets and Trails
- Task E: Public Outreach
- Task F: Develop the Transition Plan
- Task G: Additional Activities

PROJECT TASKS, SCHEDULE, TIMELINE, STAFF ALLOCATIONS AND BILLING RATES

The Scope of Services are outlined and described in **Tasks A, B, C, D, E, F and G**.

A project schedule and activities are included in **Table 1: Task, Activities and Timelines**. The project will be completed in seven (7) months or sooner from the notice to proceed.

Tasks, allocated staff and billing rates are included in **Table 2: Tasks, Staff and Billing Rates**.

TASK A: PROJECT MANAGEMENT AND COORDINATION

DAC shall provide the necessary project coordination, administration, management throughout the project.

DAC will organize planning and orientation meetings to be held via teleconference or virtual video conferencing when appropriate.

DAC will conduct an initial project kickoff meeting or virtual conference call with selected Town staff to clarify roles and lines of communication, refine project goals, review the overall project schedule, schedule surveys of Town facilities and identify key Town personnel related to the project scope. DAC will send a draft agenda prior to the initial kickoff meeting to the designated Town contact for review. A suggested list of attendees will be developed in collaboration with DAC and the Town.

Notes will be collected during the initial meeting and adjustments made to the project work plan as indicated by the Town. A formal kickoff meeting will subsequently be scheduled with the confirmed list of attendees with oversight responsibilities for project activities.

The project methodology is designed to develop a comprehensive plan without placing additional activities and impact upon Town staff. The initial orientation meeting will include an assessment of previous compliance activities and areas of current or potential litigation. The review of compliance activities and high priority areas will assist with the development of an overall project plan.

The review and documentation of prior accessibility initiatives will be conducted and documented to build a more defensible plan to assist the Town to defend litigation challenges.

Related documents will be reviewed and may include, but are not limited to the facility master plans, strategic plans and other related documents.

Progress reports will be issued by DAC in accordance with Town requirements. Invoice requirements and frequency of invoices will be confirmed as directed by the Town.

Deliverables: progress reports, meeting notes and recommendations and action plans.

TASK B: SELF-EVALUATION OF TOWN POLICIES AND STANDARDS

DAC will work with designated Town contacts to gain access to the Town's regulations, policies, standards, programs, and activities for evaluation according to ADA standards and California accessibility requirements. The self-evaluation will include factors for eligibility requirements and participation for persons with disabilities, methods for providing accommodations, effective communication and grievance procedures. The self-evaluation results will also include recommendations for acceptable terminology, and updates to policies that may be inadequate or not established.

As the Town's website has a large repository of documents publicly available, DAC will begin with an extensive review of information offered directly on the Town's website pages, within the Los Gatos Town Codes, and in the Town's online "Document Center" catalogue of folders. The review will first determine if the required information is available, and if so, the review will also include suggested updates or modifications to ensure the policy is compliant and inclusive when needed. If specific policies or regulations are not found, DAC will inquire with Town staff to confirm. When necessary, recommendations will be made to establish compliant policies, procedures, statements and notices.

For example, DAC will evaluate Town policies, procedures and related documents including, but not limited to:

- Grievance procedures and tracking
- Service animals
- Accommodation statements and procedures
- Other power-driven mobility devices
- Accessible seating and ticketing
- Emergency procedures
- Policies for use or lease of Town facilities
- Contracted services
- Construction standards, specifications and details
- Lease and facility use agreements
- Eligibility criteria
- Maintenance of accessible features
- Effective communication
- Auxiliary aids and services
- Social media
- New employee and volunteer training
- Planning and budgeting
- Access to programs, services, activities and events

DAC will review the provision of Town programs, services and activities to determine if there are any discriminatory practices that may deny access for persons with disabilities.

DAC will also evaluate if the Town provides required notices and postings, including but not limited to:

- Identification and contact information for the ADA and/or 504 Coordinator

- Notice of rights and statement of nondiscrimination
- Statement of reasonable accommodation on public notices
- Grievance policy and procedure
- Statement of website accessibility

DAC will also review additional available documents that have impacts on accessibility, such as the Town's Master Plan, Fee Schedules, General Plan, other planning documents and annual budget documents.

As part of the requirements for effective communication, DAC will also perform a comprehensive website accessibility review for compliance with Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, which is the current level of accessibility required for Title II public entities. The evaluation will yield results for the following at minimum:

- Accessibility and compliance with WCAG 2.0 AA and Section 508
- Compatibility with all major web browsers, including Chrome, Firefox, Edge and Safari
- Search engine optimization per Google and Bing guidelines
- Broken links and spelling errors in links
- Usability with assistive technology.
- Missing alternative text in graphics and PDF documents
- Small, difficult to read text fonts

References to WCAG evaluation success criteria are included with noncompliant or incompatibility findings.

Deliverables: Executive summary of findings and recommendations for the self-evaluation; accessibility website review

TASK C: SELF-EVALUATION OF TOWN FACILITIES

DAC will survey and assess the Town buildings, facilities, parking areas, parks and open spaces, public rights-of-way to document accessibility barriers. Data and reports will be reviewed by a CASp certified DAC team member prior to being presented to the Town. The CASp designated team member that will coordinate the inspection team during the facility reviews and conduct quality control reviews will be Michael Boga (CASp-152). Candice Pursch will be the designated Team Leader for the collection of data in the field and will coordinate scheduling and monitoring of DAC team members. Weekly, or as-needed, progress updates will be confirmed and scheduled.

As required by the ADA, the 2010 ADA Standards will be compared with state codes (Title 24 of the California Building Code) and the standard that provides the greater level of accessibility utilized. The accessibility compliance standards and regulations will be applied as appropriate and may include the ADA Standards, Title 24 of the California Building Code, Public Rights-of-Way Accessibility Guidelines, California Manual on Uniform Traffic Control Devices, Caltrans Standards and other applicable federal or state accessibility codes. Cost estimates will be provided as available.

As DAC collects actual measurements of as-is field conditions and records all information, data can be reprocessed if codes change without conducting a re-inspection, thus resulting in a significant savings when codes change and the plan needs to be updated.

Reports will be provided to the Town through DACTrak, an online accessibility management program developed by DAC. Assessments and reports will include a high degree of detail with photographs, code references, cost estimates and GIS information for available exterior areas. The DACTrak software provides the user with the capability to generate reports in multiple formats such as photo and progress reports, summary and chart reports, and compliant items reports. In addition to numerous standard reporting features, DACTrak also offers the user the capability of generating custom reports. The inclusion of photographs showing the as-is condition has proven to be valuable assistance to clients in the formulation of the decisions regarding barrier removal priorities. Photographs will be taken for each finding and GIS coordinates for public rights-of-way.

The DACTrak software provides an easy-to-use accessibility management platform that exceeds the ability to

manage the plan by hard copies and binders. Use of the DACTrak software will provide the Town with an additional tool to reprioritize items depending upon the unique and ongoing needs of the Town and public comments during the public input process.

Deliverables: Facility inspections incorporated into DACTrak. DACTrak training will be provided to designated Town staff.

TASK D: SELF-EVALUATION OF TOWN'S KEY RIGHT-OF-WAY ASSETS AND TRAILS

DAC will assess the Town's public trails and selected assets in the Town's public rights-of-way (PROW) for compliance with the ADA and related accessibility standards. DAC will consult with the Town to recommend and determine the areas to be assessed.

DAC uses a comprehensive approach to inspecting accessibility of pedestrian access routes in the public rights-of-way (PROW) and trails. To conduct PROW and trail field assessments, DAC accessibility specialists walk sidewalks and trails to record manual measurements, take photographs and capture GIS coordinates (as applicable for exterior measurements) of the field conditions and enter the information into our DACTrak tablet in the field. Information captured in the field will be uploaded into the DACTrak accessibility management system.

The field survey teams are supervised by a qualified Certified Access Specialist (CASp). Data and reports are also reviewed by a CASp certified team member prior to being presented to the Town.

A facility report for each PROW area and trail surveyed will include detailed areas of deficiency in addition to corrective recommendations and cost estimates. The reports will be presented through DACTrak in an initial priority sort order that can be customized for implementation by the Town. The assessment will include cost estimates to correct deficiencies in accordance with the ADA, Title 24 of the California Building Code, Public Rights of Way Accessibility Guidelines, California Manual on Uniform Traffic Control Devices, or other applicable federal or state accessibility codes such as Outdoor Developed Recreational Standards.

General areas of the PROW inspections for pedestrian routes include but are not limited to the following areas: sidewalks, curb ramps, intersections, crosswalks, street furniture, bus stops and shelters, on-street parking and related items in the pedestrian access route. The following items are included:

- Sidewalks
 - Sidewalk starting and ending points and length
 - GIS location and street markers
 - Width
 - Running and cross slope
 - Changes in elevation
 - Obstructions-into the path of travel and overhead obstructions
 - Utilities and mailboxes that may interfere with the pedestrian route
 - Gratings
- Curb Ramps
 - Location including GIS
 - Curb ramp type
 - Curb ramp material
 - Ramp run
 - Ramp width
 - Side flares
 - Slope and cross slope
 - Finish
 - Contained in crosswalk
 - Detectable warnings
 - Top & bottom ramp
 - Gutter
 - Changes in elevation to bottom ramp
 - Contains water

- Crosswalks and Mid-block crossings
 - Width
 - Slope
 - Detectable warnings
 - Pedestrian head
- Intersections
 - GIS location and cross streets
 - Pedestrian signal controls and indicators
- Medians and Islands
- Roundabouts
- Trails
- Parks
- Open Space
- Bus stops and shelters
 - Type
 - Length and width
 - Boarding pad-length, width, slope and vertical clearance
 - Accessible route to shelter-slope, cross slope, width
 - Clear floor space-length, width, slope, located in shelter
 - Signage
 - Amenities accessible-trash cans, literature, information
- Benches and Street Furniture

Deliverables: Deliverables: Facility inspections incorporated into DACTrak. DACTrak training will be provided to designated Town staff.

TASK E: PUBLIC OUTREACH

DAC will advise the Town on methods to advertise for public input and solicit input into the transition plan. DAC will lead a process for interested persons, including individuals with disabilities and organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. The process may include hard copy and online surveys, community workshops, or other outreach methods as appropriate for the Town. Since a public outreach meeting is not required by the ADA, DAC can suggest public outreach activities that will satisfy the opportunities for public input requirements of the ADA and encourage community response, such as online and hard copy surveys. Two (2) virtual meetings for the Town council and two (2) public virtual meetings.

The process of providing opportunity for public input is designed to help ensure that the Town is successful in receiving information that will assist the Town to implement the transition plan, ensuring that the needs of the community are incorporated. Surveys will be developed for the Town to collect input from members of the community and visitors to the Town, area organizations that provide services to residents with disabilities, and from Town staff.

Surveys will be made available in multiple formats including online surveys, fillable PDF, Word documents and hard copies. The methods used for advertising the opportunities for public input will be customized for the Town to ensure that established procedures for collecting public input are followed at a minimum. Methods of advertising may include news banners on the Town's website, posts on the Town's social media accounts, an advertisement place in a local newspaper, and hard copies of the public notice displayed in public areas, such as Town Hall, community centers and libraries.

As public input is received, DAC will compile the results and include the comments in the Executive Summary provided to the Town. Input that is appropriate for the provision of programs, services and activities will be integrated into the plan. Public and staff input regarding access to facilities and barriers will assist in the development of the transition plan by assisting with the priorities and schedule for the removal of barriers.

Deliverables: Hard copy and digital surveys, notices, announcements, and a summary of public and staff comments.

TASK F: DEVELOP THE TRANSITION PLAN

Upon completion of the field assessments, DAC will present the transition plan and findings to the Town by providing login access to the DACTrak Accessibility Management software program for Town staff. DACTrak will allow Town users to generate reports in multiple formats, including PDF, Excel, KMZ and ESRI Shapefile. There are no maintenance or storage fees associated with use of the DACTrak software.

The transition plan reports provided through DACTrak will include an initial prioritization, however using the tools in DACTrak, the Town users will have the ability to customize the transition plan implementation schedule and priorities, using multiple options and criteria for mitigating barriers. The tools in DACTrak will allow the Town to create a schedule for repair, that can be adjusted as often as needed.

DACTrak is an online software program that is accessed through a web browser. There are no files or programs to download or install on the Town's computers or servers. DAC performs all maintenance and updates to the software, so there is no burden on the Town's IT staff to provide support to the DACTrak users. All support is provided by DAC.

Using DACTrak, Town staff will have the ability to view and generate multiple styles of reports for all buildings, facilities, parks, trails and public rights-of-way assessed, as well as export reports in several file types, including PDF, Excel, KML and Shapefiles. DACTrak report styles include very detailed reports as well as summary reports by facility or category to help identify and prioritize barriers, establish solutions that may apply to many locations Town-wide to assist with purchasing, and estimate probable costs for corrections.

For reports that contain exterior findings where GIS coordinates can be captured, such as sidewalks and curb ramps, the DACTrak online accessibility management software provides the Town with several ways to view the resulting reports on a map following the processing of the data collected during the field inspections. As DAC collects GIS location information for each element in the public right-of-way, data can be viewed in a map directly in the DACTrak software, as well as exported to popular map file types, including KML for viewing and managing on Google Earth and ESRI Shapefile for viewing and managing with ArcMap or other ESRI program. DACTrak provides users with several map style options and customizations, including maps that simply identify the location of each noncompliant finding, to "heat maps" that identify clusters of noncompliant findings for specific areas with color coded icons that indicate the number of noncompliant findings at a specific location.

When exporting public right-of-way data from DACTrak into a KML or Shapefile from any map style, all information associated with the finding is included, such as the reason the item is not compliant, the recommended method to remove the barrier, state and federal code references applicable to the barrier, a photograph of the item and any notes that are recorded about the element and implementation for the transition plan. Reports for public rights-of-way can also be viewed in PDF and Excel file formats, in addition to KML and ESRI Shapefile.

While the Town may present the completed ADA self-evaluation and transition plan to Town Council as an informational update on the project, it is not required or recommended that the plan be approved or adopted by Council as projected dates of barrier may need to change to align with future projects or Town priorities.

Additionally, since the data in the field is collected using our DACTrak software and exported daily for processing by our DACTrak server engines, the report data is available for editing by our Quality Control team as soon as each facility survey is completed each day. This ensures a very prompt turnaround time for the deliverables to be available to the Town. Since deliverables are provided to Town staff via logins to the DACTrak online software, there is no additional wait time for printing, binding, packaging and shipping hard copies of reports. Project deliverables are available instantly upon logging in to DACTrak. Because of the pre-planning and flexible scheduling for our projects as well as our DACTrak software to collect data and provide reports, we can provide our clients with deliverables within established project deadlines.

Staff training and support regarding the use of the DACTrak Accessibility Management System is currently included in Task F and Task G at no cost.

The DACTrak software and reports will provide the Town with the remaining three requirements:

- Identification of physical barriers in the Town's surveyed facilities that limit access to its programs or activities for individuals with disabilities;
- Detailed descriptions of the recommended methods and estimated costs to make the facilities accessible. The DACTrak management tools can also be used to identify the responsible party for structural modifications in the case of leased sites;
- The required schedule for removing the barriers is completed in collaboration with the Town. It is reasonable to assume that the Town's schedule of barrier removal will include work to be performed over multiple years, therefore the transition plan should include an estimated annual projection for barrier removal activities. The DACTrak software tools will offer the Town an ongoing method to manage and adjust the implementation plans.

Deliverables: Transition plan of physical barriers with noncompliant findings and recommendations for barrier removal.

TASK G: ADDITIONAL ACTIVITIES

As the Town has noted in the RFQ, additional services (TASK G) may be requested by the Town in addition to Task A, B, C, D, E and F and may include staff training, plan reviews, additional consultation and other activities as requested by the Town and agreed to by DAC.

Training activities for managers, supervisors, administrative staff and support staff may include:

- Roles and Responsibilities of the ADA Coordinator
- ADA Roles and Responsibilities for Front Line Staff
- ADA Roles and Responsibilities for Executive and Management Staff
- Maintenance of Accessible Facilities
- Maintenance of Accessible Public Rights-of-Way
- Using and maintaining the database
- Using and maintaining the project map
- Monitoring and updating the ADA self-evaluation and transition plan;
- Development of internal procedures for granting exemptions for Town projects.

Several of the optional training topics noted that the Town may be included in the scope of services and will be provided at no additional cost. Training at no cost includes:

- Using and maintaining the database – included with the DACTrak training
- Using and maintaining the project map - included with the DACTrak training
- Monitoring and updating the ADA self-evaluation and transition plan is included with DACTrak training

Training Topic	Course Description and Notes	Cost
Accessibility standards and regulations	<ul style="list-style-type: none"> • Requirements for ADA and Section 504 compliance, including programmatic and facility accessibility requirements. • 4-to-6-hour course 	\$1,000
Performing field inspections	<ul style="list-style-type: none"> • Training regarding data collection in the field • Includes classroom and field training. • 2 days depending on staff backgrounds and prior experience 	\$2,400 per day
Procedures for granting exemptions for Town projects	<ul style="list-style-type: none"> • Course would be interactive and include an examination of existing processes and procedures to refine current system and recommend or develop enhanced processes. • 2-to 3-hour course. 	\$500

Deliverables: deliverables may vary depending upon the additional activities selected by the Town. Curriculum and training materials would be included with staff training.

TOWN STAFF TIME

DAC's methodology for the Town's ADA Self-evaluation and Transition Plan is designed to require minimal Town staff time and resources. DAC does not require any office space, equipment or supplies. Based on experience and knowledge of the accessibility field and best practices, DAC continues to develop innovative methodologies, easy to use ADA management tools, and proven, successful strategies for evaluating programs, services, activities, events, facilities, parks and public rights-of-way.

Project Coordination

The methodology for scheduling, coordination of project, policy reviews and the analysis of programs, services and activities will be confirmed at the kickoff and planning meeting with DAC and Town staff. Involvement of Town staff will be needed to review the draft agenda for the initial start-up meeting, recommend any changes and participate in the start-up meeting.

Policies, Procedures, Programs and Services

DAC will need access to the Town's policies, procedures, ordinances, memorandums of understanding, planning and budgeting documents and related items that pertain to the administration of programs, services and activities and may require minimal staff time.

Field Surveys

As is the case with most public entities, due to the limited Town staff availability it is the intent of DAC to conduct the surveys as minimal impact on Town staff as possible. Surveys requiring Town staff assistance, such as secure, locked or alarmed areas, will be coordinated through the Town's designated contacts, and will be scheduled in a way that minimizes the impact to the regular workloads of the applicable staff members. The flexible scheduling also allows for continued efficiency of the survey process, so that there is no delay between the completion of one facility survey and the start of the next survey and allows for the anticipated survey plans to be altered quickly when unforeseen circumstances arise, such as rain prohibiting the planned survey of a park. In these situations, our survey staff would proceed to an available facility.

Data Collection and Management

DACTrak, an online accessibility management program was developed by DAC for the purpose of easy and useful importing and management of the accessibility data collected in the field. DACTrak is interactive online software and is not an enhanced excel spread sheet. The ability to collect, compile, analyze and use report data in a practical format was one of the driving forces to develop the DACTrak intake and management software.

Town staff will be provided training by DAC regarding the use of DACTrak to manage, update and implement the Town's transition plan.

During the DACTrak training, selected Town staff will be instructed regarding the methods to manage the Town's ADA Transition Plan. The transition plan data and reports provided through DACTrak will identify structural accessibility barriers, to help the Town prioritize and schedule the removal of identified barriers to develop a manageable transition plan.

Town staff will need to provide input into the timelines and estimated dates to be entered into the Transition Plan as DAC cannot unilaterally enter the dates that the Town plans to remediate the barriers without collaboration.

Public Outreach and Staff Input

DAC will provide the Town with proposed methodologies for review and comments regarding public outreach activities that may include surveys for the public and organizations that assist persons with disabilities. Staff input and approval will be needed regarding the proposed methods and sample documents provided by DAC.

Assistance will be needed regarding the dissemination of information regarding the notices to be placed on the website and posted selected Town publications and newsletters or in the local newspaper.

DAC compiles the surveys and the information collected during the public outreach portion of the project and staff surveys and input. The information is integrated into the Town of Los Gatos ADA/504 Self-evaluation and Transition Plan Executive Summary.

TABLE 1: TASKS, ACTIVITIES AND TIMELINES

Key tasks, activities and timelines are outlined in **TABLE 1** below. Timelines are represented in months.

As indicated the project timeframe is 7 months or less.

TASK	MONTH	1	2	3	4	5	6	7
A	Project Management and Coordination							
	Initial planning, orientation meeting, schedules	■						
	Review documents, prior activities	■	■					
	Overall progress reports, coordination activities	■	■	■	■	■	■	■
B	Self-evaluation of Town Policies and Standards							
	Evaluation of Town policies, programs and services		■	■	■			
	Review of related documents and plans		■	■	■			
C	Self-evaluation of Town Facilities							
	Inspections by DAC of Town facilities		■	■	■	■		
	Town review of sample of draft reports completed				■			
	Report comments integrated as indicated				■			
	Inspections completed					■		
D	Self-evaluation of Key Rights-of-Way and Trails							
	Inspections by DAC of public rights-of-ways and trails		■	■	■	■		
	Reports issued in DACTrak							■
E	Public Outreach							
	Methods for public outreach and staff input confirmed		■					
	Staff input		■	■				
	Public outreach conducted		■	■	■			
	Outreach and input comments compiled					■		
	Comments integrated into executive summary						■	
F	Develop Transition Plan							
	Priority methodology confirmed				■			
	Estimated dates of barrier removal into DACTrak						■	
	Draft of Transition Plan						■	
	Final Transition Plan							■
G	Additional Activities (as requested throughout project)							

TABLE 2: TASKS, STAFF AND BILLING RATES

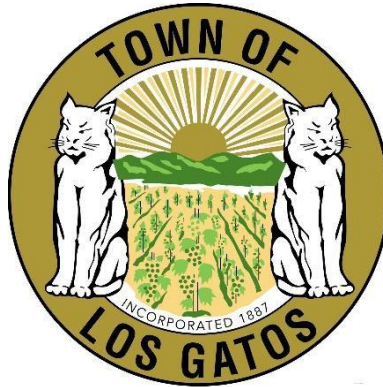
Tasks, allocated staff and billing rates are included in **Table 2: Task and Budget Worksheet** (attached).

Scope of Services

Americans with Disabilities Act (ADA) Transition Plan Town of Los Gatos

Additional Services Proposal

(CIP No. 812-0129)



Town of Los Gatos
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030

March 17, 2022



Additional Services Amendment ProposalMarch 17, 2022PROJECT

Americans with Disabilities Act (ADA) Transition Plan
CIP No. 812-0129

PROJECT CONTACTS**Town of Los Gatos**

Janice Chin
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030
jchin@losgatosca.gov
408.395.3460

Disability Access Consultants, LLC (DAC)

Barbara Thorpe, Project Manager
2862 Olive Highway
Suite D
Oroville, CA 95965
bthorpe@dac-corp.com
800.743.7067

SCOPE OF SERVICES

The scope of services includes additional services to be added two (2) tasks from the original proposal and agreement:

- Task D: Self-Evaluation of Town's Key Right-Of-Way Assets and Trails
- Task G: Additional Activities/On-Call Services

TASK D: SELF-EVALUATION OF TOWN'S KEY RIGHT-OF-WAY ASSETS

The original RFQ data provided by the Town estimated the total linear miles of sidewalk at approximately 94 linear miles. Currently DAC has completed approximately 110 linear miles and estimates the total linear miles of sidewalk at closer to 160 linear miles.

The cost to complete the additional estimated 50 linear miles of Town owned sidewalk, is proposed at \$25,000.

As presented in the agreement, DAC uses a comprehensive approach to inspecting accessibility of pedestrian access routes in the public rights-of-way (PROW). To conduct PROW and trail field assessments, DAC accessibility specialists walk sidewalks and trails to record manual measurements, take photographs and capture GIS coordinates (as applicable for exterior measurements) of the field conditions and enter the information into our DACTrak tablet in the field. Information captured in the field will be uploaded into the DACTrak accessibility management system.

The field survey teams are supervised by a qualified Certified Access Specialist (CASP). Data and reports are also reviewed by a CASp certified team member prior to being presented to the Town. A facility report for each PROW area and trail surveyed will include detailed areas of deficiency in addition to corrective recommendations and cost estimates. The reports will be presented through DACTrak in an initial priority sort order that can be customized for implementation by the Town.

The assessment will include cost estimates to correct deficiencies in accordance with the ADA, Title 24 of the California Building Code, Public Rights of Way Accessibility Guidelines, California Manual on Uniform Traffic Control Devices, or other applicable federal or state accessibility codes.

General areas of the PROW inspections for pedestrian routes include but are not limited to sidewalks, curb ramps, intersections, crosswalks, street furniture, on-street parking and related items in the pedestrian access route.

The following items are included:

- Sidewalks
 - Sidewalk starting and ending points and length
 - GIS location and street markers
 - Width
 - Running and cross slope
 - Changes in elevation
 - Obstructions-into the path of travel and overhead obstructions
 - Utilities and mailboxes that may interfere with the pedestrian route
 - Gratings
- Curb Ramps
 - Location including GIS
 - Curb ramp type
 - Curb ramp material
 - Ramp run
 - Ramp width
 - Side flares
 - Slope and cross slope
 - Finish
 - Contained in crosswalk
 - Detectable warnings
 - Top & bottom ramp
 - Gutter
 - Changes in elevation to bottom ramp
 - Contains water
- Crosswalks and Mid-block crossings
 - Width
 - Slope
 - Detectable warnings
 - Pedestrian head
- Intersections
 - GIS location and cross streets
 - Pedestrian signal controls and indicators
- Medians and Islands
- Roundabouts
- Trails
- Parks
- Open Space
- Benches and Street Furniture

Deliverables: Completion of surveys for an additional 50 linear miles of Town owned sidewalk

Estimated Budget for additional 50 linear miles of Town owned sidewalk: \$25,000

TASK G: ADDITIONAL ACTIVITIES/ON-CALL SERVICES

Town may request additional “on-call” and as needed services from DAC that may include, but not limited to:

- General ADA consulting
- Assistance for the ADA Coordinator
- Code interpretation/application

- Accessibility Plan Reviews
- Annual Plan update
- Legal/claim expertise
- Data entry into DACTrak
- Transition Plan Implementation re-training
- Supplemental DACTrak training and services
- Staff Training

Estimated Budget for On-Call Services: \$15,000

DAC STAFF AND BILLING RATES

<u>TITLE</u>	<u>NAME</u>	<u>HOURLY RATE</u>
Project Manager	Barbara Thorpe	\$110
CASp	Mike Boga	\$100
Assistant Project Manager	Tim Mahoney	\$90
Director of Administrative Services	Jennie Grover	\$65
Field Team Leader	Candice Pursch	\$90
Accessibility Specialists	Various	\$75
Director of IT	Srikant Talasila	\$0

Expenses: Rates do not include travel expenses, travel time, airfare, meals, hotel, rental car

Note: If expenses are applicable, DAC will obtain authorization from the Town prior to travel.

PROPOSAL FOR ADDITIONAL SERVICES – BUDGET SUMMARY

Task D:	Additional Sidewalk Inspections	\$25,000
Task G:	On-Call/As-needed Services	<u>\$15,000</u>
	Total	\$40,000





DISABILITY ACCESS CONSULTANTS LLC
Accessibility and ADA Support Services Proposal - Monthly Fixed and On-Call



ITEM NO. 12.

STAFF POSITIONS AND BILLING RATES									
TASKS	Project Manager	Senior Director of Accessibility Services - CASp	General Manager	Director of Administrative Services	Director of Accessibility Services	Accessibility Specialists	IT Director	Annual Cost	Monthly Cost
	\$170	\$170	\$120	\$110	\$100	\$85	\$0	(\$)	(\$)
1. Fixed Fee Services									
A. ADA program and policy support tasks									
Public Accommodation requests and review	8		8	8				\$ 3,200	
Accommodation Solutions	8		8	8				\$ 3,200	
ADA Grievance review and Response	8		4	8				\$ 2,720	
Review and Update Notices and Postings	6		4	10				\$ 2,600	
Review and update of Town's Accessibility Policies. Procedures and practices	12		6	12				\$ 4,080	
Review and update accessibility training policies	8		4	8				\$ 2,720	
Review of Town's website and report of compliance	4		4	6				\$ 1,820	
Total 1.A ADA Support	54		38	60				\$ 20,340	\$ 1,695
B. ADA Self Evaluation and Transition Plan documentation, planning and update services tasks									
Transition Plan Implementation Strategies and Review	18		16	22				\$ 7,400	
Quarterly Report and Review	2		2	8				\$ 1,460	
DACTrak Data Entry	2			40				\$ 4,740	
Annual Report	6		8	8				\$ 2,860	
Annual Planning	12		12	14				\$ 5,020	
1.B ADA SETP Documentation	40	0	38	92	0	0	0	\$ 21,480	\$ 1,790
								Annual	Monthly
Total 1.A. and 1.B Fixed Services Cost	94	0	76	152	0	0	0	\$ 41,820	\$ 3,485
2. On-Call/As needed									
1 Accessibility Plan Reviews									
2 Staff Training									
3. Review of construction and design standards									
4. On-site inspections									
5. Other ADA and accessibility related consulting services, as requested									
2. On-Call/As Needed	0	0	0	0	0	0	0	\$ 8,180	\$ -
ANNUAL TOTAL 1.A, 1.B and 2								\$ 50,000	
Notes	Detail								
1	Fixed Services Tasks: Town and DAC will have set monthly meetings to collaborate on tasks, determine deliverables and priorities each month.								
2	Fixed Services Costs (1.A. and 1.B): Monthly cost for 1.A will be \$1,695. Monthly cost for 1.B will be \$1,790. Total monthly cost for both will be \$3,485. Total aggregate cost for one year will be \$41,820								
3	On-Call/As Needed Cost: Total of \$8,180 is available to Town for on-call or as needed services.								
4	Total Annual Cost: \$50,000								
5	Term: Twelve (12) month, annual agreement: Monthly cost is based on a twelve month agreement. May be renewed each year.								



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 13

ITEM NO. 13.

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Authorize the Town Manager to Execute a Second Amendment to the Contract for Legal Services with the Law Firm of Atchison, Barisone & Condotti to Increase the Contract Amount by \$100,000 in an Amount Not to Exceed \$250,000 until December 31, 2025

RECOMMENDATION:

Authorize the Town Manager to execute a second amendment to the contract for legal services with the law firm of Atchison, Barisone & Condotti to increase the contract amount by \$100,000 in an amount not to exceed \$250,000 until December 31, 2025.

BACKGROUND:

In December 2022, the Town Attorney's Office entered into an agreement with the law firm of Atchison, Barisone and Condotti to provide on-call legal services for a total contract not to exceed \$10,000.

In March 2024, the Town Attorney's Office entered into a first amendment to the agreement with the law firm of Atchison, Barisone and Condotti for a total contract not to exceed \$150,000.

The Town Attorney's Office is seeking Town Council approval of a second amendment to the existing contract in the amount of \$100,000, for a total amount not to exceed \$250,000 until December 31, 2025. This is a "single source" procurement, because this firm specializes in municipal law issues, is based locally, and is familiar with current legal issues in Santa Clara County including the development of ordinances regulating telecommunications facilities, which is a current project.

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Second Amendment to the Atchison Barisone and Condotti Agreement

DATE: November 20, 2024

DISCUSSION:

The proposed contract amendment will fund additional legal services, which will include work on updates to certain Town ordinances, as well as assistance with contract review and Public Records Act requests.

CONCLUSION:

The Town Attorney's Office recommends approval of the contract amendment because the additional legal support will support staff work on a variety of time-sensitive projects.

FISCAL IMPACT:

Funds have been budgeted for these services in account 111-1301-6321, and sufficient funds are available for this increase.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Second Amendment to Agreement
2. First Amendment to Agreement and Original Agreement

SECOND AMENDMENT TO CONSULTANT SERVICES AGREEMENT
BETWEEN TOWN OF LOS GATOS AND ATCHISON, BARISONE & CONDOTTI, APC

THIS SECOND AMENDMENT (“Second Amendment”), effective as of _____, 2024, (“effective date”) to the AGREEMENT FOR CONSULTANT SERVICES dated December 7, 2022, is made by and between the TOWN OF LOS GATOS (“Town”) and ATCHISON, BARISONE, & CONDOTTI, APC (“Consultant”). Town and Consultant may be referred to individually as a “Party” and collectively, as the “Parties.”

RECITALS

WHEREAS, Town and Consultant have previously entered into that certain Consultant Services Agreement (“Agreement”) dated December 7, 2022, incorporated herein by this reference; and

WHEREAS, on March 1, 2024, Town and Consultant entered into a First Amendment to the Agreement to specify that services would not exceed the cost of \$150,000 during the term of the Agreement, which expires on December 31, 2025, and to amend the conflict of interest clause.

WHEREAS, Town and Consultant agree to enter into this Second Amendment to the Agreement to revise the budget for legal services to add another \$100,000 to the prior budget amount, as specified herein.

AGREEMENT

NOW, THEREFORE, it is agreed between the Parties to incorporate the above Recitals hereto, and the Parties agree to the following:

1. Section 2.6 “Compensation” of the Agreement is hereby amended to replace the last sentence in this section from the First Amendment, with the following:

“Payment for legal services shall not exceed an additional \$100,000 for a total budget of \$250,000 for Consultant’s on-call legal services until December 31, 2025.”

2. Except as amended by this Second Amendment, all other applicable terms and conditions of the original and First Amendment to the Agreement, and annual fee adjustments shall remain in full force and effect. The terms of this Second Amendment shall control if any conflict exists.

3. Each party acknowledges that it has reviewed this Second Amendment and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Second Amendment.

4. The unenforceability, invalidity or illegality of any provision(s) of this Second Amendment shall not render the other provisions unenforceable, invalid or illegal.

5. The Parties may execute this Second Amendment in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party’s signature shall be accepted and valid as an original.

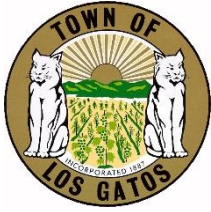
6. The signatories to this Second Amendment warrant and represent that each is authorized to execute this Second Amendment and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Second Amendment.

IN WITNESS WHEREOF, the Town and the Consultant have executed this Second Amendment effective as of the date first written above.

Approved As To Form:
By: _____ Date: _____
Gabrielle Whelan, Town Attorney

CONSULTANT – ATCHISON, BARISONE & CONDOTTI, APC
By: _____ Date: _____
Anthony P. Condotti, President
By: _____ Date: _____
Barbara H. Choi, Treasurer

TOWN OF LOS GATOS
By: _____ Date: _____
Chris Constantin, Town Manager



MEMORANDUM

DATE: November 26, 2024

TO: Gabrielle Whelan, Town Attorney

FROM: Bridgette Falconio, Administrative Technician

SUBJECT: Single Source for Approval by Town Attorney: *Atchison Barisone & Condotti*

BACKGROUND:

This contract is a “single source” purchase in conformance with the Town’s purchasing policy in that there are compelling reasons to hire this firm. The Town is seeking a second amendment to a contract with Atchison Barisone & Condotti for General Legal Services in the Town. This includes work on updates to certain Town ordinances, as well as assistance with contract review and Public Records Act requests. They represent other local Towns and Cities like Santa Cruz and Campbell making them familiar with our local issues, such as the development of telecommunication ordinances. Atchison Barisone & Condotti specializes in municipal law and is located locally.

Recommended By:

Approved By:

Bridgette Falconio, Admin Tech Date

Gabrielle Whelan, Town Attorney Date

First Amendment to Consultant Services Agreement with Atchison, Barisone & Condotti, APC

FIRST AMENDMENT TO CONSULTANT SERVICES AGREEMENT
BETWEEN TOWN OF LOS GATOS AND ATCHISON, BARISONE & CONDOTTI, APC

THIS FIRST AMENDMENT (“First Amendment”), effective as of March 1, 2024, (“effective date”) to the AGREEMENT FOR CONSULTANT SERVICES dated December 7, 2022, is made by and between the TOWN OF LOS GATOS (“Town”) and ATCHISON, BARISONE, & CONDOTTI, APC (“Consultant”). Town and Consultant may be referred to individually as a “Party” and collectively, as the “Parties.”

RECITALS

WHEREAS, Town and Consultant have previously entered into that certain Consultant Services Agreement (“Agreement”) dated December 7, 2022, incorporated herein by this reference; and

[WHEREAS, Town and Consultant agree to enter into this First Amendment to the Agreement, as specified herein.

AGREEMENT

NOW, THEREFORE, it is agreed between the Parties to incorporate the above Recitals hereto, and that the Agreement is hereby amended as follows:

1. Section 2.6 “Compensation” of the Agreement is hereby amended to add at the end of the this section, the following:

“Payment for legal services shall not exceed \$150,000 in total.”

2. Section 2.11 of the Agreement is hereby deleted and replaced by the following:

“2.11 Conflict of Interest. Consultant has no business holdings or agreements with any individual member of the staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements which may create conflicts of interest between Consultant and the Town. Should any such conflict develop, despite efforts to avoid conflicts between Town and any of Consultant’s other clients, then Consultant and its attorneys will immediately notify the Town and appropriate measures will be agreed upon, consistent with Consultant’s attorneys’ professional ethical obligations. The Town acknowledges that in the event of a conflict of interest, the Town will agree to allow Consultant to withdraw from representing the Town in the matter which poses a conflict of interest, such that Consultant may continue its legal representation of Consultant’s other clients, in accordance with applicable code of ethics rules.”

Except as amended by this First Amendment, all other applicable terms and conditions of the original Agreement and annual fee adjustments shall remain in full force and effect. The terms of this First Amendment shall control if any conflict exists.

First Amendment to Consultant Services Agreement with Atchison, Barisone & Condotti, APC

ITEM NO. 13.

Each party acknowledges that it has reviewed this First Amendment and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this First Amendment.

The unenforceability, invalidity or illegality of any provision(s) of this First Amendment shall not render the other provisions unenforceable, invalid or illegal.

The Parties may execute this First Amendment in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

The signatories to this First Amendment warrant and represent that each is authorized to execute this First Amendment and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this First Amendment.

IN WITNESS WHEREOF, the Town and the Consultant have executed this First Amendment effective as of the date first written above.

Approved As To Form:

DocuSigned by:

By: Gabrielle Whelan Date: 4/15/2024
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 Gabrielle Whelan, Town Attorney

CONSULTANT - ATCHISON, BARISONE & CONDOTTI, APC

DocuSigned by:

By: Anthony Condotti Date: 4/9/2024
69F98FEC36914D9...
 Anthony P. Condotti, President

DocuSigned by:

By: Barbara H. Choi Date: 4/9/2024
4D749A214F7E427...
 Barbara H. Choi, Treasurer

TOWN OF LOS GATOS

DocuSigned by:

By: Laurel Prevetti Date: 4/15/2024
853FEEA2EB39470...
 Laurel Prevetti, Town Manager

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on December 7, 2022 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Atchison, Barisone and Condotti , a Professional Corporation ("Consultant"), whose address is P.O Box 481, Santa Cruz, CA 95061. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desire to engage Consultant to review the Town's existing Independent Police Auditor Function Policy, recommend updates, and provide services to be performed for on-call municipal law services.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide the services described as on-call municipal law services. All direction and approval of Consultant's work for Town shall be by the Office of the Town Attorney.
- 2.2 Term and Time of Performance. This Agreement will remain in effect from December 7, 2022 to December 31, 2025. Town also agrees to pay Consultant for services performed by Consultant at the request of the Town prior to the effective date of this Agreement.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits

prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

- 2.6 Compensation. Compensation for Consultant's professional services shall not exceed \$325/hr for shareholders/senior associates, \$300/hr for midlevel associates, \$275/hr for junior associates, \$200/hr for paralegal/law clerk, \$125/hr for admin staff, inclusive of all costs. Payment shall be based upon Town approval of each task.

Legal services shall be charged in increments of 1/10 of an hour (i.e., six-minute units).

On or after January 1 of each year commencing in 2024, Consultant may adjust the rates and fees specified herein in accordance with the change in the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U) for the prior twelve month period provided, however, that Consultant shall provide Town with no less than thirty (30) days advance written notice prior to the effective date of such adjustment.

In addition to paying legal fees, Town shall reimburse Consultant for all costs and expenses incurred relating to the legal services, including but not limited to fees fixed by law or assessed by public agencies, long distance telephone calls, messenger and other delivery fees, postage, in-office photocopying (noncolor at \$0.25 per page; color at \$.50 per page), scans at \$0.20 per page, fax services at \$1.00 per page, investigation expenses, third-party consultant fees, parking, mileage (IRS rates), and other similar items. Town authorizes Consultant to incur all reasonable costs and to hire any investigators or third-party consultants, reasonably necessary in Consultant's judgment, except that Consultant shall obtain Town's consent before doing so, which will not be unreasonably withheld.

- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos
Attn: Town Attorney
110 E. Main Street
Los Gatos, CA 95030

- 2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.
- 2.13 Business License. Consultant agrees to have and maintain, for the duration of the Agreement, a valid, Town issued business license.

III. INSURANCE AND INDEMNIFICATION

- 3.1 Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the Agreement, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
 - ii. Consultant agrees to have and maintain for the duration of the Agreement, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
 - iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
 - iv. Consultant agrees to have and maintain, for the duration of the Agreement, professional liability insurance in amounts not less than \$2,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
 - iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
 - iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- 3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.
- 3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.
- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
 Attn: Town Clerk
 110 E. Main Street
 Los Gatos, CA 95030

Atchison, Barisone and Condotti APC
 Attn: Jennifer Quek
 P.O. Box 481
 Santa Cruz, CA 95061

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.
- 4.9 Counterparts. The parties may execute this Agreement in counterparts, which, together, shall constitute one and the same instrument. Electronic, scanned pdf, and facsimile signatures shall be accepted as an original. A copy of this Agreement is valid as the original.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

DocuSigned by:
Anthony Condotti
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12/9/2022

Anthony P. Condotti, President
Atchison, Barisone & Condotti

Date

DocuSigned by:
Barbara H. Choi
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12/9/2022

Barbara H. Choi, Treasurer
Atchison, Barisone & Condotti

Date

Approved:
TOWN OF LOS GATOS

DocuSigned by:
Laurel Prevetti
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Laurel Prevetti, Town Manager

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534428...

Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood
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Wendy Wood, CMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 14

ITEM NO. 14.

DATE: November 21, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Authorize the Town Manager to Execute a Contract Amendment to the Contract for Legal Services with the Law Firm of Goldfarb & Lipman to Increase the Contract Amount in an Amount Not to Exceed \$165,000

RECOMMENDATION:

Authorize the Town Manager to execute a contract amendment to the contract for legal services with the law firm of Goldfarb & Lipman to increase the contract amount in an amount not to exceed \$165,000.

BACKGROUND:

In July 2022, the Town Attorney's Office entered into an agreement with the law firm of Goldfarb & Lipman LLP to provide general land use assistance. The Town Attorney's Office is seeking Town Council approval of an amendment to the existing contract in the amount not to exceed \$165,000. Since 2022, the Town Attorney's office has spent a total of \$95,061.16 in consultation with Goldfarb & Lipman, primarily on Housing Element matters. In accordance with the Town's purchasing policy, this is a "single source" contract in that this firm is recognized as a statewide expert in Housing Element law.

DISCUSSION:

The proposed contract amendment will fund additional legal services, which will include work on general land use matters including housing element implementation and the processing of SB 330 planning applications. The Town anticipates requiring additional funds for upcoming land use matters. As such, this item is being brought to Council for authorization in accordance with the Town's purchasing policy, which requires Council approval for services totaling over \$100,000.

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: 1st Amendment to the Goldfarb & Lipman LLP Agreement

DATE: November 21, 2024

CONCLUSION:

The Town Attorney's Office recommends approval of the contract amendment not to exceed \$165,000 because the additional legal support will support staff work on a variety of land use matters.

FISCAL IMPACT:

Funds have been budgeted for these services.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Amendment to Agreement with Exhibit A - Original Agreement

AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT is dated for identification this 20 day of November, 2024 and amends that certain agreement for Goldfarb and Lipman Land Use Agreement dated July 21, 2022, made by and between the Town of Los Gatos, ("Town,") and Goldfarb & Lipman LLP.("Consultant.")

RECITALS

A. Town and Consultant entered into a Land Use Agreement on July 21, 2022, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Exhibit A to this Amendment.

AMENDMENT

1. The compensation is amended not to exceed \$165,000.
2. All other terms and conditions of the Agreement remain in full force and effect.

Town of Los Gatos

Approved as to Consent:

By: _____
Chris Constantin, Town Manager

By: _____
Barbara Kautz, Goldfarb & Lipman

Department Approval:

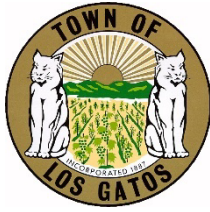
Gabrielle Whelan, Town Attorney

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk



MEMORANDUM

DATE: November 26, 2024

TO: Gabrielle Whelan, Town Attorney

FROM: *Bridgette Falconio, Administrative Technician*

SUBJECT: Single Source for Approval by Town Attorney: *Goldfarb & Lipman LLP*

BACKGROUND:

This contract is a “single source” purchase in conformance with the Town’s purchasing policy in that there are compelling reasons to hire this firm. The Town is seeking an amendment to a contract with Goldfarb & Lipman LLP for General Land Use Assistance in the Town. This includes work on general land use matters including housing element implementation and the processing of SB 330 planning applications. Goldfarb & Lipman LLP are statewide experts in Builders Remedy.

Recommended By:

Approved By:

Bridgette Falconio, Admin Tech Date

Gabrielle Whelan, Town Attorney Date

goldfarb
lipman
attorneys

1300 Clay Street, Eleventh Floor
Oakland, California 94612
510 836-6336

M David Kroot
Lynn Hutchins
Karen M. Tiedemann
Thomas H. Webber
Dianne Jackson McLean
Michelle D. Brewer
Robert C. Mills
Isabel L. Brown
James T. Diamond, Jr.
Margaret F. Jung
Heather J. Gould
William F. DiCamillo
Amy DeVaudreuil
Barbara E. Kautz
Rafael Yaquian
Celia W. Lee
Dolores Bastian Dalton
Joshua J. Mason
Jeffrey A. Streiffer
Elizabeth R. Klueck
Jhaila R. Brown
Gabrielle B. Janssens
Rye P. Murphy
Benjamin Funk
Aileen T. Nguyen
Katie Dahlinghaus
Matthew S. Heaton
Nazanin Salehi
Erin C. Lapeyrolerie
Minda Bautista Hickey
Connor T. Kratz

July 21, 2022

via e-mail

Gabrielle Whelan, Town Attorney
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030
GWhelan@losgatosca.gov

Re: **Legal Services – Town of Los Gatos – Land Use Assistance**

Dear Gabrielle:

Goldfarb & Lipman LLP would be pleased to provide legal services to the Town of Los Gatos (the "Town") in connection with various land use matters relating to housing law, including those related to the Town's housing element, general plan, and development projects and related matters as authorized in writing by the City. However, Goldfarb & Lipman will not advise the City regarding matters related to the North Forty property because of our past representation of the developers.

I will have primary responsibility for our work with you on this matter. Our goal is to provide you with quality legal services, on schedule and at a reasonable cost. To that end, we may also draw on the services of other colleagues as needed to provide the most cost-effective services.

Our fees will be billed on an hourly basis at the rates set forth in the attached Rate Schedule, and payable monthly based on the number of hours expended on the matter. Our billing rates for this matter reflect our discounted rates for legal advice and representation for public entity clients and are subject to the increases described in attached Goldfarb & Lipman's Legal Representation Policies and Procedures. Our hourly rates are adjusted from time to time and may change during the course of our engagement upon sixty (60) days prior written notice to you. If you choose not to consent to the increased rates, you may terminate our services by written notice effective when received by us. The time charged will include, but is not limited to, the time spent on telephone calls, emails and other electronic communications relating to the transaction, including calls and emails with Town staff and other parties and attorneys. The legal personnel

Los Angeles
213 627-6336
San Diego
619 239-6336
Goldfarb & Lipman LLP

Ms. Gabrielle Whelan, Town Attorney
Town of Los Gatos
July 21, 2022
Page 2

assigned to this transaction may confer among themselves about the matter, as required and appropriate. When they do confer, each person will charge for the time expended, as long as the work done is reasonably necessary and not duplicative. If more than one of the legal personnel participates in a call or attends a meeting, each may charge for the time spent as appropriate. We do not anticipate the need for any travel during this engagement.

Goldfarb & Lipman may withdraw with your consent or for good cause or if permitted under the Rules of Professional Conduct of the State Bar of California and/or applicable law. Among the circumstances under which we may withdraw are: (a) with your consent; (b) if your conduct renders it unreasonably difficult for the firm to carry out the legal services effectively; and/or (c) if you fail to pay fees or costs as required by this Agreement. Notwithstanding the withdrawal, you will remain obligated to pay Goldfarb & Lipman at the agreed rates for all services provided and to reimburse for all costs advanced during the term of our engagement.

Nothing in this Agreement and nothing in our statements to you will be construed as a promise or guarantee about the outcome of the representation. Goldfarb & Lipman makes no such promises or guarantees. Goldfarb & Lipman's comments about the outcome of the representation are expressions of opinion only, are neither promises nor guarantees, and will not be construed as promises or guarantees. Any estimate of fees given by Goldfarb & Lipman is not a representation of a flat fee and will not be a limitation on fees or a guarantee that fees and costs will not exceed the amount of any deposit or estimate. Actual fees may vary from estimates given.

When signed by an authorized agent on behalf of the Town, this letter constitutes the written fee agreement with Goldfarb & Lipman LLP in connection with the work described above. This agreement does not cover litigation services of any kind, whether in court, arbitration, administrative hearings, or government agency hearings. A separate written agreement for these services or services in any other matter not described above will be required.

Please call me if you have any questions or concerns about this proposal. If the arrangement described in this letter is satisfactory, then please sign the letter in the space provided on the following page and email an electronic copy to me at: bkautz@goldfarblipman.com, and keep a copy for your files.

We appreciate the opportunity to work with you and Town staff members, and look forward to representing the Town of Los Gatos on this matter.

Very truly yours,



BARBARA E. KAUTZ
bkautz@goldfarblipman.com

Enclosures: Rate Schedule; Billing Policies and Procedures

Ms. Gabrielle Whelan, Town Attorney
Town of Los Gatos
July 21, 2022
Page 3

ACCEPTED AND AGREED:

TOWN OF LOS GATOS

By: Gabrielle P. Whelan
Its: Town Attorney
Date: 7/22/22

Goldfarb & Lipman LLP
Billing Rates Per Hour

Partner	\$360-\$375
Senior Counsel	\$355-\$375
Associate	\$220-\$350
Senior Law Clerk	\$210
Law Clerk	\$195
Litigation Project Coordinator	\$210
Project Coordinator	\$195

GOLDFARB & LIPMAN LLP
LEGAL REPRESENTATION POLICIES AND PROCEDURES

Dear Client:

Experience has shown that the attorney-client relationship works best when there is a mutual understanding about fees and payment terms. Accordingly, this letter is intended to briefly explain our billing policies and procedures. We encourage you to discuss with us any questions you may have concerning these policies and procedures.

To determine the value of our services, we require each of our lawyers and legal assistants to maintain time records for each client and matter. The time records are reviewed monthly by the responsible billing attorney. Our billing rates for services rendered for partners, associates, and for paralegals are attached. Our hourly rates are adjusted from time-to-time (generally once a year) and may change during the course of our engagement upon 60 days prior written notice to you.

It is our policy to serve you with the most effective support systems available. Therefore, in addition to our fees for legal services, we may also charge the actual costs for messengers, delivery other than by US postal service, court costs, and other costs and expenses incurred on your behalf that are reasonably necessary for our representation of you.

Our billing statements are due and payable upon receipt. Clients whose statements are not paid within 30 days of the statement date may be assessed a late charge on the unpaid balance at the rate of one-and-a-half percent per month.

We carry professional liability insurance above the limits required by law.

It is our policy to retain and ultimately destroy all files, documents, records, and writings relating to each engagement for which we have been retained without notifying clients or former clients of the destruction of these items. At the termination of services and conclusion of a matter covered by this agreement, we will release promptly upon your request all of your client papers and property, subject to any protective order, state statute, or nondisclosure agreement. After seven years have passed since the conclusion of such matter, we may dispose of your client papers and property. If you wish to have us retain your papers and property beyond seven years after the conclusion of such matter, you must make separate written arrangements with us. Client papers and property include: electronic and hard copy versions of any correspondence, pleadings, deposition transcripts, exhibits, experts' reports, legal documents, physical evidence, and other items reasonably necessary to the client's representation, whether the client has paid for them or not.

In closing, let us assure you that it has always been and will continue to be our goal to provide legal services to you on the most efficient and cost effective bases possible. If you have any questions or comments regarding our billing policies, please feel free to contact us. Thank you for your continued cooperation.

Very truly yours,

GOLDFARB & LIPMAN LLP



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 15

ITEM NO. 15.

DATE: November 21, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Direct Staff to Exercise the Option to Purchase the Below Market Rate (BMR) Unit at 653 Blossom Hill Road and Take Necessary Steps

RECOMMENDATION:

Direct Staff to exercise the option to purchase the Below Market Rate (BMR) Unit at 653 Blossom Hill Road and direct staff to take necessary steps .

BACKGROUND:

Inclusionary Zoning Regulations and Resale Restriction Agreement

To further the Town's goal of increasing the production of affordable units, the Town's Below Market Rate Policy requires developers of residential development projects to provide a specified percentage of units in projects as below market-rate units ("BMR Units"). The BMR Units must be reserved for occupancy by, and at prices affordable to, low- and moderate-income households for 55 years. Purchasers of ownership BMR Units are subject to Deed Restriction Agreements, which are recorded against the BMR Units. As discussed in more detail below, the Deed Restriction Agreement imposes occupancy and resale restrictions on the BMR Unit to prevent initial and subsequent purchasers from using the BMR Unit for purposes incompatible with the Inclusionary Ordinance and realizing unwarranted gains from sales of the BMR Unit at unrestricted prices. In addition, the Deed Restriction Agreement (Attachment 1) grants the Town an option to purchase the BMR Unit upon the occurrence of certain events.

Deed Restriction Agreement and Town's Option to Purchase

Pursuant to the Deed Restriction Agreement, a BMR Owner may sell his or her BMR Unit only to, depending on the income level of the Unit, another very low-, low-, or moderate-income

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 4

SUBJECT: Exercising the Option to Purchase BMR Unit at 653 Blossom Hill Road

DATE: November 21, 2024

household at a restricted price. The restricted price is the lower of the (a) the fair market value as determined by an appraiser or (b) the original price paid by the Owner for the BMR Unit, increased by (1) the percentage increase in the median household income for Santa Clara County between the effective date of the Deed Restriction Agreement and the date the Town receives notification of the BMR Owner's intent to sell his or her Unit; or (c) the original purchase price plus the percentage increase in the cost of living as determined by the Consumer Price Index for the San Francisco-Oakland-San Jose area.

To ensure that the BMR Units remain affordable, the Resale Restriction Agreement grants the Town an option to purchase the BMR Unit for the restricted price. The Town has the right to exercise the option upon the occurrence of any of the following events: (1) receipt of notification of the Owner's intent to sell the BMR Unit; (2) any actual, attempted, or pending sale, lease or other transfer of the Unit; (3) any actual, attempted, or pending encumbrance of the Unit; (4) recordation of a Notice of Default and/or a Notice of Sale; (5) commencement of a judicial foreclosure proceeding or execution by the Owner of a Deed in lieu of foreclosure; (6) commencement of a bankruptcy proceeding or action; or (7) a violation by the Owner of any provision of the Resale Restriction Agreement. The Town may assign its option to a low- or moderate-income household.

DISCUSSION:

BMR Unit at 653 Blossom Hill Road

The property, 653 Blossom Hill Road, is a 3-bedroom 3-bath townhome within the Town's BMP Housing Program inventory. The property is subject to an existing first right of refusal option in a Deed Restriction recorded on February 13, 2014. The unit was purchased for \$402,100.00. The Town has received a Notice of Default from the owner's lender. In the event of foreclosure, the Deed Restriction Agreement gives the Town an option to purchase the property. While staff recommends that the Town exercise its purchase option in order to preserve the BMR Unit in the Town's inventory of affordable units, the Town's other options are also set forth below.

Town's Options if BMR Unit Goes into Foreclosure Proceedings

The Town has the following options with regard to 653 Blossom Hill Road:

1. *No Action; Allow the Unit to Be Sold at Foreclosure Sale:* The Town could take no action and allow the Lender to foreclose on the BMR Unit. Because the Town's Deed Restriction is not recorded in first position, the Town would lose the BMR Unit because the BMR restrictions would terminate upon the foreclosure sale. Therefore, if the unit was sold at foreclosure, the purchaser at the sale (most likely the lender but possibly an investor) would own the unit free of the BMR restrictions.

SUBJECT: Exercising the Option to Purchase BMR Unit at 653 Blossom Hill Road

DATE: November 21, 2024

This option would have no financial impact on the Town. However, this option is not recommended because a foreclosure sale would have consequences on the Town's Inclusionary Program, since it would result in the loss of a BMR Unit, and it would also have the potential to result in a windfall to the Owner of the BMR Unit. Under the foreclosure law, the proceeds of the foreclosure sale, after costs have been paid and the Lender's debt is satisfied, go to the Owner.

- 2. Pay Amount Required to Cure the Default:* The Town could pay the lender the amount required to cure the default or provide the BMR Owner with financial assistance so that he or she can cure the default. Any financial assistance to the BMR Owner could be structured in a way to allow the Inclusionary In-Lieu Fee Fund to be repaid in the future. The financial impact of this option would be the amount necessary to cure the default.

This option is not recommended, because it is possible that the BMR unit could be foreclosed upon again in the future.

- 3. Exercise Option (Recommended):* The Town could exercise its option to purchase the BMR Unit from the BMR Owner. The Town's purchase price is dictated by the deed restriction. Pursuant to the terms of the proposed purchase and sale agreement, the Town will expend approximately \$476,154 from the BMP Housing In-Lieu Fund to purchase this unit. After the Town purchased the unit, the Town would sell the unit to a new income-qualified buyer at the allowable purchase price, which will be the same as the Town's purchase price. The purchase price paid by the Town would be used to pay off all liens and encumbrances recorded against the BMR Unit. The Town would then resell the Unit to an income-eligible household at the restricted moderate-income price. (If the Town is able to identify an eligible purchaser before escrow closes, the Town can also assign its purchase right to that eligible purchaser.)

CONCLUSION:

Staff recommends that the Town Council exercise its option to purchase the BMR Unit located at 653 Blossom Hill Road from the BMR owner and direct staff to deliver a Notice of Exercise of Option to Purchase.

COORDINATION:

This report was in Coordination with the Town Attorney and Community Development Department.

SUBJECT: Exercising the Option to Purchase BMR Unit at 653 Blossom Hill Road

DATE: November 21, 2024

FISCAL IMPACT

The Town will need to expend funds from its affordable housing fund to purchase the property, but will recover that amount when the property is resold to an eligible buyer.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Deed Restriction Agreement

First American Title Guaranty Company certifies that the within instrument is and correct copy of the original instrument recorded in the office of the recorder of the County of Santa Clara, State of California,

ITEM NO. 15.

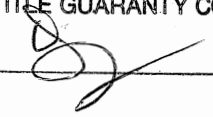
When Recorded Mail to:

TOWN CLERK
TOWN OF LOS GATOS
110 E. MAIN STREET
LOS GATOS, CA 95031

on 3/4/14

Recorder's Serial No. 225 34425

FIRST AMERICAN TITLE GUARANTY COMPANY

By 

RECORDED WITHOUT FEE UNDER
GOVERNMENT CODE SECTION 6103

**NOTICE OF RECORDED DEED RESTRICTIONS AND FIRST RIGHT OF
REFUSAL OF THE TOWN OF LOS GATOS
653 Blossom Hill Rd, Los Gatos, California
TOWN OF LOS GATOS
BELOW MARKET PRICE HOUSING PROGRAM
DEED RESTRICTION AGREEMENT
OWNER-OCCUPIED UNIT
(529-65-002)**

This Deed Restriction Agreement is made this 13 day of February, 2014, by and between the Town of Los Gatos, a municipal corporation of the State of California (hereinafter "TOWN") and Natalie Ladd (hereinafter "OWNER"), OWNER(s) of the real property located at 653 Blossom Hill Rd, Los Gatos, California, which is more fully described in Exhibit A attached hereto and incorporated by reference. Said real property (hereinafter "PROPERTY") is hereby designated as a Below Market Price (BMP) Housing Unit subject to the terms and conditions set forth herein.

RECITALS

WHEREAS, Town Code Sections 29.10.3000 *et seq.* establish the Below Market Price (BMP) Housing Program described herein; and

WHEREAS, the BMP Program is administered by the TOWN to increase the supply of housing affordable to families and individuals with low and median incomes by offering homes for sale at prices which are below those otherwise prevailing in the market; and

WHEREAS, the purpose of this Agreement is to place certain use restrictions on the PROPERTY, establish resale controls with respect to the PROPERTY, and reserve for the TOWN an option to acquire the PROPERTY from OWNER in order to preserve indefinitely the affordability of PROPERTY for persons of low and median income.

NOW, THEREFORE, in consideration of the mutual benefits provided herein, TOWN and OWNER agree as follows:

1. OWNER CERTIFICATIONS

OWNER certifies the following:

- a. All financial and other information submitted by OWNER in order to qualify to purchase the PROPERTY is true and correct as of the date first written above. OWNER understands that any material misstatement or misrepresentation shall be deemed to be a material breach of this Agreement and shall be grounds for declaring a default, terminating this agreement, or seeking other such relief and remedies as are appropriate under the circumstances.
- b. OWNER shall occupy the PROPERTY as the OWNER's principal place of residence. TOWN may grant a temporary waiver of this occupancy requirement for good cause in its sole discretion pursuant to Section 2 below. OWNER agrees that TOWN shall have the right, from time to time, to request reasonable verification from OWNER that he/she remains the owner-occupant of the PROPERTY as required by this Agreement.

2. LEASING OF PROPERTY

OWNER shall not lease, rent, sublet, assign or otherwise transfer the right of use or possession to all or any portion of the PROPERTY without the prior written consent of the TOWN. TOWN may consent if the action is necessary because of family or medical emergency, temporary job transfer, or other causes that the TOWN, in its sole discretion, considers acceptable. Leasing of PROPERTY shall be considered acceptable only under the following circumstances:

- a. All leases must be authorized by the BMP Program Manager designated by the TOWN to assume overall responsibility for the execution of this Agreement pursuant to Section 15 of this Agreement.
- b. OWNER shall only accept tenants qualified by the TOWN, or its assignee or designee.
- c. PROPERTY shall not be leased in an amount greater than OWNER's monthly costs, including mortgage, homeowner's insurance, property taxes, homeowners dues and a reasonable allowance for utilities, not including telephone or cable television services.
- d. Tenants are limited to persons whose income is below 100 percent of the County Median Income for Santa Clara County Jurisdictions as defined by the United States Department of Housing and Urban Development.

Any lease in violation of this Agreement is prohibited and shall constitute a default by the OWNER.

3. TRANSFER OF PROPERTY

For purposes of this Agreement, "transfer" means any voluntary or involuntary sale, assignment, conveyance, or transfer of ownership or any interest in the PROPERTY, including, but not limited to, a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest, or an interest evidenced by a land contract by which possession of the PROPERTY is transferred and OWNER retains title. Any transfer without satisfaction of the provisions of this Agreement is prohibited.

- a. Transfers by devise or inheritance will be permitted if all of the following terms and conditions of transfer are satisfied within sixty (60) days of the transfer:
- i. The Transferee shall occupy, establish, and maintain the use of the PROPERTY as Transferee's principal residence;
 - ii. Transferee shall demonstrate to TOWN or its designee that Transferee's annual household income does not exceed the income limits stated in the Below Market Price Housing Program Guidelines in effect on the date of transfer; and
 - iii. Transferee will execute a Deed of Trust or other instrument satisfactory to the TOWN securing the covenants and conditions of the TOWN.
- If any of these terms and conditions of transfer are not satisfied, the transfer by devise or inheritance will not be permitted.

4. NOTICE OF INTENDED TRANSFER

In the event the OWNER intends to transfer the PROPERTY, the OWNER shall promptly notify the TOWN in writing of such intent. Said notice shall be personally delivered or sent by certified mail, return receipt requested, to: Town Manager, Town of Los Gatos, P.O. Box 949, Los Gatos, CA 95031. OWNER's intent to transfer may be withdrawn by OWNER, provided that notice of withdrawal is received by TOWN or its designee in writing prior to acceptance of transfer by TOWN or its designee.

5. TOWN'S PURCHASE OPTION

Except as provided herein, OWNER hereby grants and gives to the TOWN or its designee the first right to purchase the PROPERTY under conditions set forth herein for an amount determined in accordance with Section 8 below.

- a. If the TOWN, or its assignee or designee, decides to exercise its right to purchase the PROPERTY:
- i. It shall notify the OWNER by personal delivery or certified mail, return receipt requested, of its intent to exercise the right within ninety (90) days following the date of receipt of OWNER's notice of intent to transfer the PROPERTY;
 - ii. It shall open an escrow account within ninety (90) days of issuing the notice of intent to purchase the PROPERTY. Once opened, the escrow must be closed within ninety (90) days, unless both parties mutually agree, in writing, to an extension of time. Close of escrow shall mean the recordation of a grant deed conveying the BMP unit to the TOWN, or its assignee or designee;
 - iii. OWNER understands that final transfer of PROPERTY may not occur until two-hundred seventy (270) days after the notice of intent to transfer has been received by the TOWN.
 - iv. The OWNER may request that the TOWN accelerate the time periods specified herein. The determination to accelerate the time period shall be at the sole discretion of the BMP Program Manager. Any request for acceleration due to hardship shall be requested by the OWNER, in writing,

not later than thirty (30) days from the date of receipt of the notification of intent to sell. The BMP Program Manager shall make a determination and notify the OWNER within ten (10) business days of receipt of the request for a hardship acceleration that the request has been approved, denied, or that additional information is required to make the determination. In the event the request is denied, the OWNER may submit further evidence and request a reconsideration. In any case, the TOWN shall have a minimum of sixty (60) days from the date of receipt of the new evidence or of the request for reconsideration of a previously issued denial, whichever is later.

- b. Closing costs, Commissions, and title insurance shall be paid by OWNER pursuant to the customs and practices in the Town of Los Gatos. OWNER shall bear the expense of providing a current written report of inspection by a licensed Structural Pest Control Operator. All work recommended in said report to repair damage caused by infestation or infection of wood-destroying pests or organisms found, and all work to correct conditions that caused infestation or infection, shall be done at the expense of the OWNER. Any work to correct conditions usually deemed likely to lead to such infestation or infection, but where no evidence of infestation or infection is found with respect to such conditions, is not the responsibility of the OWNER, and such work shall only be done if requested by the buyer and at the expense of the buyer. The buyer shall be responsible for any prepayment fees imposed by any lender by reason of the sale of the PROPERTY.
- c. The TOWN, at its sole discretion, reserves the right at any time during this process to assign its right to purchase to:
- i. A government agency or non-profit organization; or
 - ii. An individual buyer who meets TOWN eligibility qualifications pursuant to the procedures and criteria in effect for the BMP Housing Program at the time the notice of intent to purchase the PROPERTY is issued to the OWNER.
 - iii. In the event the initial designee fails or is unable to complete the transaction, the TOWN reserves the right to reassign the right to another eligible, qualified buyer, provided the opening of the escrow is not postponed longer than ninety (90) days after the OWNER is notified of the TOWN's decision to purchase the PROPERTY.
 - iv. In the event the TOWN postpones opening of escrow and is unable to select such an assignee, TOWN retains the right to open escrow and complete the purchase, provided such escrow is opened within ninety (90) days and the sales transaction is completed within two hundred seventy (270) days from the date of receipt of OWNER's intent to transfer the PROPERTY.
- d. In no event shall TOWN become in any way liable to OWNER, nor become obligated in any manner, by reason of the assignment of its right to purchase, or for any failure of TOWN or TOWN's assignee to consummate a purchase of the PROPERTY or comply with the terms of any purchase and sale agreement.

Nothing in this Agreement shall be construed to obligate the TOWN to purchase any unit in the event a buyer participating in the BMP Housing Program fails to complete actions to close escrow.

- e. Until such time as the TOWN's right to purchase is exercised or waived, OWNER may encumber title to the PROPERTY for the sole purpose of securing financing by OWNER, in an amount up to 90% of the below market rate price as would be determined under the provisions of Section 8 at the time the lien or encumbrance is placed against the BMP unit. The BMP unit may be refinanced only up to 90% of the below market value regardless of the actual full market value of the BMP unit. However, in the event of foreclosure or transfer of deed in lieu of foreclosure, the provisions of Section 12 of this Agreement shall govern.
- f. The provisions defined herein granting the TOWN the first right to purchase the PROPERTY, established for the purpose of providing and preserving low income housing, shall remain in effect indefinitely.

6. FAILURE TO EXERCISE PURCHASE OPTION

If the TOWN or its designee does not exercise its right to purchase the PROPERTY within ninety (90) days of the date of receipt of OWNER's notice, or an escrow account is not opened within ninety (90) days of the date the TOWN notifies OWNER of its intent to purchase, all restrictions, resale controls, and other terms of this Agreement shall cease and become null and void and of no further effect as to the PROPERTY, unless the time period has been extended by mutual, written agreement of the parties, and OWNER may sell the PROPERTY to a person of his/her choosing in a manner free from any and all restrictions contained in this Agreement.

7. OWNER'S OBLIGATION TO COOPERATE

At all times following receipt of TOWN's notice of intent to purchase the PROPERTY, OWNER shall ensure that the PROPERTY is clean, in good repair, and available to be shown to prospective buyers. OWNER shall cooperate with the TOWN and its respective officers, employees, and representatives. Failure to comply with these conditions shall be deemed a material breach of OWNER's obligations pursuant to the terms of this Agreement, and upon determination by the TOWN that OWNER has failed to comply with any of the above conditions, TOWN shall notify OWNER that the time periods stated in Section 5 herein shall be tolled, and the applicable time periods extended accordingly, until OWNER has complied with all of the conditions of this Agreement. Acts by OWNER which shall be deemed to be a breach of this obligation include, but are not limited to:

- a. Failure to make the unit available for showing to prospective buyers upon reasonable notice;
- b. Willful or deliberate actions to dissuade prospective buyers from purchasing the unit; and
- c. Failure or refusal to return telephone calls, complete forms, provide required reports, or perform other actions ordinarily required by a party to a real estate transaction in a timely manner.

In addition to tolling the applicable time periods, the TOWN may pursue any other remedies for breach specified in this Section.

8. PRICE

The resale price shall be paid in cash at the close of escrow or as otherwise agreed by the parties and fixed at the lowest of the amounts determined by the four methods described below:

a. Method 1 - Appraisal:

The TOWN or its assignee or designee may have an appraisal made by an independent appraiser of its choice to establish the fair market value of the PROPERTY; cost is to be borne by the TOWN or its assignee or designee. Whether or not to determine the fair market value of the property is at the discretion of the BMP Program Manager. The OWNER may also have an appraisal made by an appraiser of her/his choice with three (3) or more years of experience appraising real property for purposes of financing, purchasing, or determining value in condemnation proceedings to establish market value; cost is to be borne by the OWNER. If possible, the appraisal shall be based upon the sales prices of comparable properties sold in the market area during the preceding three-month period. If the TOWN and OWNER cannot reach agreement on the fair market value of the PROPERTY, the average of the two appraisals shall be termed the market price.

b. Method 2 - Median Income Index:

The resale price shall be determined by adjusting the original purchase price paid by the OWNER to compensate for the percentage increase, if any, in the Median Income Index for Santa Clara County Jurisdictions, as published by the United States Department of Housing and Urban Development for the years the OWNER has lived at the PROPERTY. The Index prevailing on the date of the OWNER's purchase of the PROPERTY shall be compared with the latest Index prevailing on the date of receipt by the TOWN of notice of intent to transfer. The percentage increase in the Index, if any, shall be computed and the original purchase price shall be increased by the same percentage, provided that the price is not lower than the original purchase price.

c. Method 3 - Consumer Price Index:

The resale price shall be determined by adjusting the purchase price paid by the OWNER to compensate for the percentage increase, if any, in the cost of living as measured by the Housing Component of the Consumer Price Index for the San Francisco-Oakland-San Jose area, as published by the United States Department of Labor, Bureau of Labor Statistics. The Index prevailing on the date of the OWNER's purchase of the PROPERTY shall be compared with the latest Index available on the date of receipt by the TOWN of notice of intent to transfer. The percentage increase in the Index, if any, shall be computed and the original purchase price shall be increased by the same percentage, provided that the price is not lower than the original purchase price.

d. Method 4 - Maximum Affordable Price:

The resale price shall not exceed the maximum affordable sales price for the income category and unit type within which the PROPERTY was originally sold, as such prices are required to be determined pursuant to the resolution of the Town Council of the TOWN establishing the TOWN's Below Market Price

Housing Program Guidelines in effect on the date that the TOWN is notified of the OWNER's intent to transfer.

9. PRICE ADJUSTMENTS

a. Improvements:

The sales price of the PROPERTY shall be increased from the base price by the dollar cost to the OWNER of any improvements, appliances, fixtures, or equipment permanently affixed to the PROPERTY (the "IMPROVEMENTS"), if that cost is in excess of one percent (1%) of the price OWNER paid for the PROPERTY, minus estimated depreciation of such IMPROVEMENTS. Depreciation estimates shall be based upon an assumed fifteen (15) year economic life for any such improvement and calculated on the straight line basis from the date of completion of installation to the date the TOWN receives notice from the OWNER of intent to sell the PROPERTY. Receipts for payment of the cost of such IMPROVEMENTS must be submitted by the OWNER to the TOWN within fifteen (15) working days of the receipt by the TOWN of notification of intent to sell if the depreciated cost of such IMPROVEMENTS is to be added to the base price in determining the purchase price of the PROPERTY.

b. Deferred Maintenance:

Upon receipt of notice of OWNER's intent to sell, TOWN or its designee shall be entitled to inspect the PROPERTY. TOWN or its designee shall have an opportunity to determine whether:

- i. all plumbing, electrical and heating systems are in working order;
- ii. any violations of applicable building, plumbing, electric, fire, or housing codes exist;
- iii. all appliances which were originally furnished to OWNER as part of the PROPERTY, or any replacements thereof, are in working order;
- iv. walls, ceilings, and floors are clear and free of holes or other defects (except for holes typical of picture hangers);
- v. doors, window screens, and similar appurtenances are cracked, broken, or torn; and,
- vi. carpets, drapes, and similar features which were originally furnished to OWNER as part of the PROPERTY, or any replacement thereof, are clean and free of holes, tears, or other defects.

In the event deficiencies are noted, the TOWN or its designee shall obtain estimates to cure the observed deficiencies. The OWNER shall cure the deficiencies in a reasonable manner acceptable to TOWN or designee within thirty (30) days of being notified of the results of the inspection, but in no event later than close of escrow. Should OWNER fail to cure such deficiencies prior to the scheduled date of close of escrow, at the option of TOWN, its designee or assignee, escrow may be closed, title passed and monies paid to the selling OWNER subject to the condition that such funds as are necessary to pay for curing such deficiencies (based upon written estimates obtained by TOWN) shall be withheld from the monies due the selling OWNER and held by the escrow

holder for the purpose of curing such deficiencies. TOWN, its designee or assignee, shall cause such deficiencies to be cured and upon certification of completion of work by TOWN, escrow holder shall utilize such funds to pay for said work. Any remaining funds shall be paid to the selling OWNER. No other payment shall be due said OWNER.

10. INSURANCE

OWNER shall maintain in full force and effect a policy of fire and extended coverage on the PROPERTY until such time as the PROPERTY is sold to the TOWN, its assignee or designee, as allowed under this Agreement.

11. ENCUMBRANCES AND TAXES

OWNER shall pay in a timely manner all amounts due under any mortgage or deed of trust encumbering the PROPERTY and all real property taxes and assessments. Recordation of a notice of default under any deed of trust with a power of sale encumbering the PROPERTY shall constitute an event of default.

12. FORECLOSURE

- a. TOWN shall cause to be filed for record in the office of the Recorder of the County of Santa Clara a request for copy of any notice of default and of any notice of sale under any deed of trust or mortgage with power of sale encumbering the PROPERTY, pursuant to Section 2924(b) of the California Civil Code. Such request shall specify that any such notice shall be mailed to Town Manager, Town of Los Gatos, P.O. Box 949, Los Gatos, CA 95031. Any notice of default or sale given pursuant to Civil Code Section 2924(b) shall constitute a notice of intent to sell hereunder, and the TOWN may exercise its right to purchase PROPERTY prior to any trustee's sale, judicial foreclosure sale, or transfer by deed in lieu of foreclosure.
- b. In the event of default or foreclosure, the TOWN, or its assignee or designee, shall have the same right as the OWNER to cure defaults and redeem the PROPERTY prior to foreclosure sale. Such redemption shall be subject to the same fees, charges, and penalties which would otherwise be assessed against the OWNER. Nothing herein shall be construed as creating any obligation on the part of the TOWN to cure any such default, nor shall this right to cure and redeem operate to extend any time limitations in the default provisions of the underlying deed of trust or mortgage. The TOWN, or its assignee or designee, shall be entitled to recover from the OWNER all costs incurred in curing any such default.
- c. If the TOWN elects not to exercise its right upon such default, any excess proceeds to which the OWNER may be entitled pursuant to the Code of Civil Procedure Section 727 shall be paid to the TOWN. Excess proceeds means the amount by which the foreclosure proceeds exceeds the purchase price that would have been payable to the OWNER if the TOWN had purchased the PROPERTY on the date of the foreclosure sale.
- d. In the event the TOWN, or its assignee or designee, having been duly notified of

an impending sale and fully able to exercise its rights hereunder, fails to exercise its right to purchase or prevent foreclosure or trustee's sale, a completed action of foreclosure or trustee's sale shall render this Agreement and the restrictions imposed thereby to be null and void and of no further force or effect. The subsequent bona fide purchaser for value shall take title to the PROPERTY free from any and all restrictions contained in this Agreement.

13. DESTRUCTION OR TERMINATION OF PROPERTY

- a. If the PROPERTY is destroyed, and insurance proceeds are distributed to the OWNER instead of being used to rebuild; or
- b. If the PROPERTY is condemned, and the proceeds are distributed to the OWNER; or
- c. If the PROPERTY consists of a unit in a condominium project, and the project is destroyed, the association liquidated, and the assets distributed to the members of the association, including the OWNER; then

Any excess proceeds remaining after payment of encumbrances on the PROPERTY shall be distributed to the TOWN. Excess proceeds means the amount by which the insurance, condemnation, or liquidation proceeds exceed the purchase price that would have been payable to the OWNER if the TOWN had purchased the PROPERTY on the date of the destruction, condemnation valuation, or liquidation.

14. DEFAULT UNDER THIS AGREEMENT

Any transfer which is not in substantial compliance with this Agreement shall be deemed a "prohibited transfer." At any time after receiving actual notice of a prohibited transfer or of any violation of this Agreement, the TOWN shall give written notice to the OWNER specifying the nature of the prohibited transfer or other violation of this Agreement. If the violation is not corrected to the satisfaction of the TOWN within ten (10) days after the date of the notice, or within such further time as the TOWN determines in its sole discretion to be necessary to correct the violation, the TOWN may declare in writing a default under this Agreement. Upon the declaration of a default under this Agreement, the TOWN may apply to a court of competent jurisdiction for specific performance of this Agreement for an injunction prohibiting a proposed sale or transfer in violation of this Agreement, for a declaration that the prohibited transfer is void, or for any such other relief as may be appropriate.

15. PROGRAM MANAGEMENT

As of the date first written above, TOWN has designated the Community Development Director to serve as BMP Program Manager with overall responsibility for the progress and execution of this Agreement.

16. PROHIBITIONS ON BONUS, COMMISSION, AND FEE

OWNER shall not pay TOWN any bonus, commission, or fee for the purpose of obtaining approval of OWNER's application for the PROPERTY, or any other approval or concurrence required by the TOWN in connection with this Agreement.

17. SUPERIORITY OF AGREEMENT

The TOWN and OWNER covenant that they have not and will not execute any agreement with provisions contradictory to or in opposition to the provisions of this Agreement, and that in any event this Agreement is controlling as to the rights and obligations between the TOWN and OWNER.

18. SEVERABILITY

If any provisions contained herein are for any reason held to be invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, then such provisions shall be deemed severable from the remaining provisions contained in this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein, and the remaining provisions shall continue in full force.

19. APPLICABLE LAW

This Agreement shall be interpreted under and pursuant to the laws of the State of California.

20. LEGAL ACTION

If any legal action is commenced to interpret or enforce the terms of this Agreement or collect damages as a result of any breach of this Agreement, then the prevailing party shall be entitled to recover against the party not prevailing all reasonable attorney's fees and costs incurred in such action, not to exceed Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) in total. The venue for any action to enforce the terms of this Agreement or collect damages shall be in the Superior Court of the County of Santa Clara, California.

21. WAIVER

No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

22. ENTIRE AGREEMENT

This Agreement, including Exhibit A attached hereto, sets forth the entire agreement between the parties and supersedes all other oral and written provisions. No other terms or conditions shall be deemed to apply, unless by a mutually executed, written amendment, modification or superseding agreement which references this Agreement.

23. NOTICES

All notices, demands, and communications between the parties hereto shall be sent by certified mail, return receipt requested, to the addresses set forth after the signatures on this Agreement. Any party changing its address shall forthwith give written notice to the other parties herein.

24. OWNER ACKNOWLEDGMENT

OWNER, by accepting title to the PROPERTY, understands that under the BMP Housing Program, the OWNER is able to purchase the PROPERTY for a price less than its full market value. In consideration for receipt of this benefit, OWNER acknowledges that on a subsequent

transfer of the PROPERTY, OWNER will not be entitled to receive full market value for the PROPERTY. The purchase price authorized hereunder will not increase or decrease in the same manner as other similar real property which is not encumbered by this Agreement. OWNER further acknowledges that at all times in the setting of the purchase price, the primary objective of this Agreement is to provide housing to low and median income persons at affordable cost.

25. COVENANT RUNNING WITH THE LAND

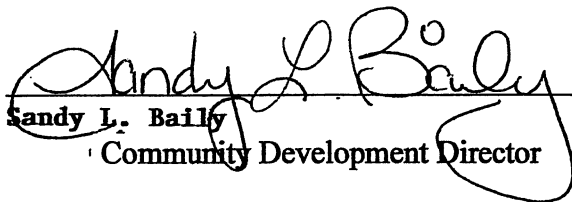
The terms and conditions set forth herein are intended to run with the land and shall bind the OWNER and all successors, heirs and grantees. These terms and conditions shall be made part of each deed subsequently recorded and shall bind each successor in interest until the recordation of a subsequent and superseding agreement or other covenant instrument.


26. SUPERSESSSION

This Agreement shall supersede any and all resale agreements, Deed of Trusts, deed restriction and other similar conditions and/or restrictions previously imposed on the PROPERTY, whether or not such instruments were recorded.

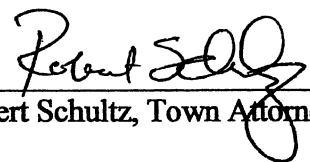
IN WITNESS WHEREOF, the TOWN and OWNER have executed this Agreement as of the date first written above.

Approved as to Content:


Sandy L. Baily
Community Development Director

By: 
Greg Larson, Town Manager
Town of Los Gatos
110 E. Main Street, Los Gatos, CA 95030

Approved as to Form:

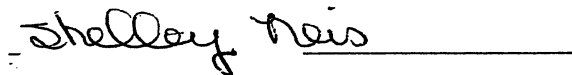

Robert Schultz, Town Attorney

By: 
OWNER: Natalie Ladd

Address:
653 Blossom Hill Road
Los Gatos, CA 95032

Attest:

Sales Price:
\$402,100.00


Clerk Administrator

ACKNOWLEDGMENT

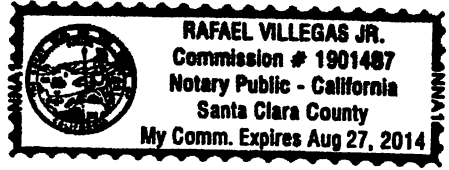
STATE OF CALIFORNIA)
)ss
COUNTY OF Santa Clara)

On February 13 2014, before me Rafael Villegas Jr, Notary Public
personally appeared Natalie Ladd

who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
[Signature]
Notary Public



ACKNOWLEDGMENT

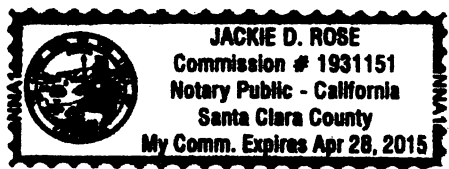
STATE OF CALIFORNIA)
)ss
COUNTY OF Santa Clara)

On 2-28 2014, before me Jackie Rose, Notary Public, Notary Public
personally appeared Greg Larson

who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
[Signature]
Notary Public



LEGAL DESCRIPTION

Real property in the Town of Los Gatos , County of Santa Clara, State of California, described as follows:

PARCEL ONE:

LOT 2 OF TRACT NO. 10129, FILED FOR RECORD ON DECEMBER 14, 2012 IN BOOK 858 OF MAPS AT PAGE 1-6, INCLUSIVE, IN THE SANTA CLARA COUNTY RECORDS.

EXCEPTING THEREFROM ALL THAT INTEREST CONVEYED TO DRH ENERGY, INC., A COLORADO CORPORATION BY DOCUMENT RECORDED SEPTEMBER 10, 2013 AS INSTRUMENT NO. 22381783 OF OFFICIAL RECORDS, SAID INTEREST IS FURTHER DESCRIBED AS FOLLOWS:

A. ANY AND ALL (I) OIL RIGHTS, (II) MINERAL RIGHTS, (III) NATURAL GAS RIGHTS, (IV) RIGHTS TO ALL OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, (V) GEOTHERMAL HEAT RIGHTS OR GEOTHERMAL SUBSTANCES THAT MAY BE PRODUCED FROM THE PROPERTY, (VI) WATER RIGHTS AND CLAIMS OR RIGHTS TO WATER AND (VII) ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING (COLLECTIVELY, "SUBSURFACE RESOURCES") LOCATED IN OR UNDER THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LOS GATOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN (THE "PROPERTY"), TO THE EXTENT SUCH SUBSURFACE RESOURCES HAVE NOT BEEN PREVIOUSLY RESERVED; AND

B. THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE AND OPERATE FOR AND PRODUCE, STORE AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY, INCLUDING WITHOUT LIMITATION THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE, FROM LANDS OTHER THAN THE PROPERTY, WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE PROPERTY, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS WITHIN OR BEYOND THE EXTERIOR LIMITS OF THE PROPERTY, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, BUT WITHOUT THE RIGHT TO DRILL, MINE, EXPLORE, OPERATE, PRODUCE, STORE OR REMOVE ANY OF THE SUBSURFACE RESOURCES THROUGH OR IN THE SURFACE OF THE PROPERTY OR THE UPPER FIVE HUNDRED (500) FEET OF THE SUBSURFACE OF THE PROPERTY.

RESERVING THEREFROM, FOR THE BENEFIT OF THE ASSOCIATION, EASEMENTS FOR MAINTENANCE OF EACH ASSOCIATION MAINTENANCE AREA THAT IS LOCATED ON THE LOT DESCRIBED ABOVE, AS DESCRIBED IN THE DECLARATION.

FURTHER RESERVING THEREFROM THE EASEMENTS FOR PEDESTRIAN AND VEHICULAR ACCESS, INGRESS AND EGRESS AND UTILITY PURPOSES DESCRIBED IN THE ACCESS DECLARATION DESCRIBED BELOW;

FURTHER RESERVING THEREFROM ALL OTHER EASEMENTS DESCRIBED IN THE DECLARATION REFERRED TO BELOW, THE EASEMENTS DESCRIBED IN THE FINAL MAP OF RECORD REFERENCED ABOVE, AND SUCH OTHER EASEMENTS AS MAY BE OF RECORD AS OF THE DATE HEREOF.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT, IN COMMON WITH OTHER OWNERS, FOR ACCESS, INGRESS AND EGRESS, OVER, IN, TO, AND THROUGH THE ASSOCIATION PROPERTY AS DESCRIBED IN THE DECLARATION AND/OR SUPPLEMENTARY DECLARATION(S) RECORDED PURSUANT TO THE DECLARATION, SUBJECT TO THE LIMITATIONS SET FORTH THEREIN, WHICH EASEMENT IS APPURTENANT TO THE LOT DESCRIBED IN PARCEL ONE ABOVE AND IS GRANTED SUBJECT TO:

A. EACH EASEMENT AND ALL OTHER RESERVATIONS SET FORTH IN THE DECLARATION;

B. THE EASEMENT AND OTHER RIGHTS RESERVED IN THE DECLARATION IN FAVOR OF GRANTOR FOR MARKETING AND DEVELOPMENT, INCLUDING WITHOUT LIMITATION GRANTOR'S RIGHT OF ACCESS, INGRESS AND EGRESS FOR VISITORS TO THE SALES OFFICE AND MARKETING UNITS AND THE RIGHT TO MAINTAIN SIGNS OR OTHER MARKETING MATERIALS WITHIN THE ASSOCIATION PROPERTY.

C. GRANTOR'S EASEMENT FOR INGRESS AND EGRESS, IN, ON OVER, THROUGH AND ACROSS THE ASSOCIATION PROPERTY TO PERMIT GRANTOR TO INSTALL IMPROVEMENTS THEREON; AND

D. GRANTOR'S RIGHT TO PREVENT ACCESS OVER PORTIONS OF THE ASSOCIATION PROPERTY BY PLACING A CONSTRUCTION FENCE OR OTHER BARRIER THEREON PRIOR TO COMPLETION OF CONSTRUCTION OF ALL IMPROVEMENTS WITHIN THE PROJECT, PROVIDED THAT GRANTEE HAS AT LEAST ONE ROUTE OF ACCESS BETWEEN THE LOT DESCRIBED IN PARCEL ONE ABOVE AND A PUBLIC STREET.

PARCEL THREE:

NON-EXCLUSIVE EASEMENTS FOR PEDESTRIAN AND VEHICULAR ACCESS, INGRESS AND EGRESS AND UTILITY PURPOSES AS DESCRIBED AND SUBJECT TO THE LIMITATIONS SET FORTH IN THE CERTAIN DECLARATION OF COVENANTS AND RESTRICTIONS AND GRANT OF ACCESS EASEMENTS RIGHTS RECORDED SEPTEMBER 6, 2013 AS DOCUMENT NO. 22376130 AND RE-RECORDED OCTOBER 11, 2013 AS DOCUMENT NO. 22412867, IN THE OFFICIAL RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, AND ANY AMENDMENTS THERETO ("ACCESS DECLARATION")

PARCEL FOUR:

A NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND MOTOR VEHICLE, INGRESS AND EGRESS OVER AND ACROSS THE "DRIVEWAY AREAS" WITHIN LOTS A AND B OF TRACT NO. 10129, FILED FOR RECORD ON DECEMBER 14, 2012 IN BOOK 858, AT PAGES 1 THROUGH 6, INCLUSIVE, IN THE SANTA CLARA COUNTY RECORDS, AS DESCRIBED IN AND SUBJECT TO THE PROVISIONS OF THAT CERTAIN DECLARATION OF COVENANTS AND RESTRICTIONS FOR EASEMENT AGREEMENT RECORDED MAY 1, 2013 AS INSTRUMENT NO. 22200479, IN THE OFFICIAL RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, AND ANY AMENDMENTS THERETO ("SHARED USE DECLARATION"). ("DRIVEWAY AREAS" IS DEFINED IN THE SHARED USE DECLARATION.)

PARCEL FIVE:

A NON-EXCLUSIVE EASEMENT FOR CONNECTION TO AND USE OF THE "STORM DRAIN IMPROVEMENTS" WITHIN THE PORTION OF LOT A OF TRACT NO. 10129 FILED FOR RECORD ON DECEMBER 14, 2012 IN BOOK 858, AT PAGES 1 THROUGH 6, INCLUSIVE, IN THE SANTA CLARA COUNTY RECORDS, DEFINED IN THE SHARED USE DECLARATION AS THE "STORM DRAIN EASEMENT AREA" AS DESCRIBED IN AND SUBJECT TO THE PROVISIONS OF THE SHARED USE DECLARATION AS THE "STORM DRAIN EASEMENT AREA", AS DESCRIBED IN AND SUBJECT TO THE PROVISIONS OF THE SHARED USE DECLARATION. ("STORM DRAIN IMPROVEMENTS" IS DEFINED IN THE SHARED USE DECLARATION.)

PARCEL SIX:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS BY PEDESTRIANS AND FOR THE PASSIVE USE FOR RECREATIONAL PURPOSES OVER AND ACROSS THE PORTION OF LOT 26 OF TRACT NO. 10129, FILED FOR RECORD ON DECEMBER 14, 2012, IN BOOK 858, AT PAGES 1 THROUGH 6, INCLUSIVE, IN THE SANTA CLARA COUNTY RECORDS, DESCRIBED ON EXHIBIT "D" TO THE SHARED USE DECLARATION, AS DESCRIBED IN AND SUBJECT TO THE PROVISIONS OF THE SHARED USE DECLARATION.

PARCEL SEVEN:

A NON-EXCLUSIVE EASEMENT OVER, UNDER AND THROUGH LOTS 1 THROUGH 9 OF TRACT NO. 10129, FILED FOR RECORD ON DECEMBER 14, 2012, IN BOOK 858, AT PAGES 1 THROUGH 6, INCLUSIVE, IN THE SANTA CLARA COUNTY RECORDS, EXCLUDING THE LOT CONVEYED HEREBY FOR DRAINAGE THROUGH CROSS-LOT DRAINAGE FACILITIES DESCRIBED IN, AND SUBJECT TO THE PROVISIONS OF THE SUPPLEMENTARY DECLARATION.

APN: 529-65-002



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 16

ITEM NO. 16.

DATE: November 27, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Introduce An Ordinance to Repeal Town Code Sections 6.120.060, 6.120.070, and 6.120.080 (All Electric Construction Requirements).
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing Section 6.120.060, "All Electric Construction Definitions," Section 6.120.070, "Residential All Electric Construction," and Section 6.120.080, "Nonresidential All Electric Construction" of the Town Code.

RECOMMENDATION:

Introduce an ordinance to repeal Town Code Sections 6.120.060, 6.120.070, and 6.120.080, which codify all-electric construction requirements.

BACKGROUND:

On November 15, 2022, the Town Council adopted the 2022 California Building and Fire Codes as required by state law. As part of this adoption, the Town Council chose to address greenhouse gas emissions by approving specific amendments, known as Reach Codes, that created higher environmental standards in building construction, by requiring all new construction and qualifying major remodels to be fully electric. This Reach Code also requires additional Electric Vehicle (EV) charging requirements. These Codes became effective January 1, 2023.

The Reach Code applies to new construction and major remodels for residential and commercial buildings, with exemptions for commercial cooking, gas-dependent processes, emergency services, and if all-electric equipment was deemed cost-prohibitive.

Ninth Circuit Ruling on Berkeley's Gas Ban and Electrification Reach Codes

In April of 2023, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit held that the plain text and structure of the Energy Policy and Conservation Act (EPCA) preempts state

PREPARED BY: Robert Gray
Building Official

Reviewed by: Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 3

SUBJECT: Reach Code Amendments

DATE: November 27, 2024

and local building codes concerning the energy use of natural gas appliances, including Berkeley's building code which prohibits natural gas piping into new buildings and thereby prevents those appliances from using natural gas. On January 2, 2024, the U.S. Court of Appeals for the Ninth Circuit denied Berkeley's request for review by the full Ninth Circuit and the panel's decision was reaffirmed.

On July 31, 2024, the Town received correspondence from the California Restaurant Association's legal counsel regarding the ruling by the U.S. Court of Appeals for the Ninth Circuit. The letter requested that the Town Council repeal or suspend enforcement of the Ordinance, make a public announcement of that decision, and direct relevant officials not to apply the Ordinance to building permit applications. It is important to note that the Town's adopted Ordinance includes exceptions for tenant improvement projects and non-residential cooking facilities. However, these were both found to be preempted by the EPCA language referenced by the letter.

On October 15, 2024, the Council directed Staff to develop a report that rescinds the all-electric construction requirements of our currently adopted Reach Codes and then develop an air quality ordinance that targets the elimination of nitrogen oxide (NOx) emitting appliances in new construction and major remodels.

DISCUSSION:

This item rescinds the all-electric construction requirements as directed by Council and removes the threat of possible litigation by the California Restaurant. Staff is working closely with Silicon Valley Clean Energy (SVCE) and TRC Consultants to develop a previously referenced air quality ordinance for Council's consideration at the December 17, 2024, meeting.

CONCLUSION:

Staff recommends modifying the Town Code by adoption of an Ordinance (Attachment 1), rescinding Town Code Sections 6.120.060, 6.120.070, and 6.120.080, which codify the Town's all-electric construction requirements.

COORDINATION:

The Community Development Department coordinated with the Town Attorney's Office in the preparation of this report.

FISCAL IMPACT:

There is no fiscal impact to the Town associated with adoption of an ordinance to rescind the all-electric construction requirements.

PAGE 3 OF 3

SUBJECT: Reach Code Amendments

DATE: November 27, 2024

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is exempt pursuant to the “common sense” exemption in that the Town is already subject to the 9th Circuit’s ruling in the Berkeley decision and amending the Town Code to comport with that ruling will not impact the physical environment (CEQA Guidelines Section 15061(b)(3)).

Attachment:

1. Draft Ordinance repealing the Town’s all-electric construction requirements
2. Redline Code

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING SECTION 6.120.060, "ALL ELECTRIC CONSTRUCTION DEFINITIONS," SECTION 6.120.070, "RESIDENTIAL ALL ELECTRIC CONSTRUCTION," AND SECTION 6.120.080, "NONRESIDENTIAL ALL ELECTRIC CONSTRUCTION" OF THE TOWN CODE

WHEREAS, on November 15, 2022, the Town adopted the California Building and Fire Codes as required by state law; and

WHEREAS, as part of this adoption, the Town Council chose to address greenhouse gas emissions by approving specific amendments, known as Reach Codes, that required all new construction and qualifying major remodels to be fully electric; and

WHEREAS, on January 2, 2024, the Court of Appeals ruled that all-electric ordinances are preempted by the federal Environmental Policy and Conservation Act; and

WHEREAS, in July of 2024, the Restaurant Association contacted the Town regarding the Ninth Circuit ruling and requested that the Town repeal its all-electric ordinance in conformance with the decision; and

WHEREAS, in light of the Ninth Circuit decision, it is recommended that the Town Council repeal the Town's all-electric ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Town Code Section 6.120.060, "All Electric Construction Definitions," is repealed.

SECTION II. Town Code Section 6.120.070, "Residential All Electric Construction," is repealed.

SECTION III. Town Code Section 6.120.080, "Nonresidential All Electric Construction" is repealed.

SECTION IV. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section

irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses, or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION V. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION VI. Publication.

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VII. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____, 2024, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the _____, 2024. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Sec. 6.120.060. All electric construction definitions.

Section 202 Definitions are amended as follows:

~~ADDITION. An extension or increase in floor area of an existing building or structure.~~

~~ALL-ELECTRIC-BUILDING. A building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.~~

~~ALTERATION OR ALTER. Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.~~

~~COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses fuel gas.~~

~~COMMERCIAL FOOD HEAT PROCESSING EQUIPMENT. Equipment used in a food establishment for heat processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.~~

~~ELECTRIC HEATING APPLIANCE. A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.~~

~~FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.~~

~~NEWLY CONSTRUCTED (or NEW CONSTRUCTION). A newly constructed building (or new construction) does not include additions, alterations, or repairs.~~

(Ord. No. 2335, § 2, 11-15-22)

Sec. 6.120.070. Residential all electric construction.***SECTION 4.106 SITE DEVELOPMENT***

Section 4.106.5, 4.106.5.1, and 4.106.5.2 are added as follows:

~~4.106.5 All electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.~~

~~4.106.5.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all electric buildings. Substantial renovations/alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be all electric buildings, and shall meet the new construction requirements of California Code of Regulations, Title 24, as modified by the Town of Los Gatos, including Reach Codes. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the all electric building and all new construction requirements.~~

~~Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.~~

(Supp. No. 95)

Exceptions:

1. ~~If the applicant establishes that there is not an all electric prescriptive compliance pathway for the building system under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.~~

~~Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.~~

~~The local enforcing authority shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.~~

~~4.106.5.2 Requirements for combustion equipment.~~

~~Where combustion equipment is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:~~

1. ~~Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and~~
2. ~~Labeling of both ends of the unused conductors or conduit shall be with "For Future Electrical Appliance"; and~~
3. ~~Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. "Reserved for Future Electric Range"), and positioned on the opposite end of the panel supply conductor connection; and~~
4. ~~Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and~~
5. ~~Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.~~

~~{Ord. No. 2335, § 2, 11-15-22}~~

~~Sec. 6.120.080. Nonresidential all electric construction.~~**~~SECTION 5.106 SITE DEVELOPMENT~~**

~~Section 5.106.13, 5.106.13.1, and 5.106.13.2 are added as follows:~~

~~5.106.13 All electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to facilitate future electrification.~~

~~5.106.13.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Substantial renovations/alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be all-electric buildings, and shall meet the new construction requirements of California Code of Regulations, Title 24, as modified by the Town of Los Gatos, including Reach Codes. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the all-electric building and all new construction requirements.~~

~~Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.~~

~~Exceptions:~~

- ~~1. Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to install commercial food heat processing equipment served by fuel gas. The local enforcing agency may grant the modification if they find:

 - ~~a. A business-related need to cook with combustion equipment; and~~
 - ~~b. The need cannot be achieved equivalently with an electric heating appliance; and~~
 - ~~c. The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available.~~
 - ~~d. The applicant shall comply with Section 5.106.13.2.~~~~
- ~~2. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building system under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2.~~
- ~~3. Non-residential buildings that will be constructed to Office of Statewide Health Planning and Development (OSHSPD) Hospital standards ("OSHSPD 1" as described in California Building Code Vol. 1, section 1224) may contain non-electric space conditioning, water heating, and process load systems.~~

~~Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, shall not have a meter installed, and/or shall not otherwise be used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.~~

~~The local enforcing agency shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.~~

~~5.106.13.2. Requirements for combustion equipment.~~

~~Where combustion equipment is allowed per exceptions under Section 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of~~

~~an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:~~

- ~~1. — Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and~~
- ~~2. — Labeling of both ends of the unused conductors or conduit shall be with "For Future Electrical Appliance"; and~~
- ~~3. — Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. "Reserved for Future Electric Range"), and positioned on the opposite end of the panel supply conductor connection; and~~
- ~~4. — Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and~~
- ~~5. — Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.~~

~~(Ord. No. 2335, § 2, 11-15-22)~~



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 17

ITEM NO. 17.

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding State Mandated Density Bonuses, Pursuant to Implementation Program R of the 2023-2031 Housing Element. Adoption of This Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65915 and Following. Town Code Amendment Application A-24-005. **Project Location:** **Town Wide.** Applicant: Town of Los Gatos.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code to Update the Town's Density Bonus Ordinance to Reflect Changes Made in State Law.

RECOMMENDATION:

Introduce an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding State mandated density bonuses, pursuant to Implementation Program R of the 2023-2031 Housing Element.

BACKGROUND:

Implementation Program R of the Housing Element requires an update of the Town's density bonus ordinance to comply with state law.

State law, codified in Government Code Sections 65915 and following, aims to encourage the development of affordable housing by providing housing developers who provide specified levels of affordable housing with density bonuses and other incentives such as reductions in local parking standards, concessions to reduce project costs, and reductions or waivers of

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Director, and Finance Director

PAGE 2 OF 4

SUBJECT: Density Bonus Ordinance

DATE: November 20, 2024

applicable development standards. The level of the density bonus and the number of incentives or concessions increase as the percentage of affordable housing provided increases.

A copy of Government Code Sections 65915-65918, as currently enacted, is attached as Attachment 2.

Government Code Section 65915(k) defines an “incentive or concession” as:

- 1) A reduction in site development standards or a modification of zoning code requirements or architectural design elements;
- 2) Approval of mixed-use zoning; and
- 3) Requested regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs.

With regard to requested waivers of “development standards,” Government Code Section 65915(o) defines “development standard” as “a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open space requirement minimum, lot area per unit requirement, or a parking ratio.”

A local jurisdiction can deny requested incentives or concessions if there is substantial evidence of any of the following:

- 1) The concession or incentive does not result in identifiable and actual cost reductions;
- 2) Based on a uniform, identifiable standard, the concession or incentive would have a specific, adverse impact on public health and safety; or
- 3) The requested incentive would be contrary to state or federal law.

With regard to waivers, a local jurisdiction can only deny them if it can be demonstrated that the development standard would not physically preclude construction of the project as proposed.

Local jurisdictions are required to enact local ordinances to implement State Density Bonus law. The Town’s existing density bonus ordinance (Attachment 1) is codified in Section 29.10.405 through 29.10.440 of the Town Code. A copy of the Town’s existing density bonus ordinance is included as Attachment 1.

Over the past several years, the State Legislature has amended Government Code Section 65915 several times. As a result, the Town is obligated to update its ordinance to bring it into compliance with state law. This update is also in response to Implementation Program R of the

PAGE 3 OF 4

SUBJECT: Density Bonus Ordinance

DATE: November 20, 2024

Town's 2023-2031 Housing Element. Pending adoption of an updated density bonus ordinance, state law overrides the Town's existing density bonus ordinance and governs the Town's processing of density bonus projects.

On November 13, 2024, the Planning Commission voted unanimously to recommend to the Town Council the adoption of the updated density bonus ordinance.

DISCUSSION:

The proposed ordinance is based on a template developed by the Association of Bay Area Governments (ABAG) and incorporates all recent revisions to State Density Bonus law. The changes include:

- 1) Requiring that applicants submit an application form showing the following items:
 - a. The number of proposed affordable units by income level, the number of density bonus units proposed, the total number of dwelling units proposed on the site, and resulting density per acre;
 - b. A tentative map or preliminary site plan;
 - c. Zoning and General Plan designations and assessor's parcel numbers of the site;
 - d. A description of all dwelling units existing on the site in the five-year period preceding submittal of the application, including income and household size of renters;
 - e. The proposed phasing of affordable units in relation to market rate units; and
 - f. The marketing plan for the affordable units.
- 2) When an applicant seeks an incentive, the applicant shall explain and provide and the following items:
 - a. Detailing what the requested incentive is;
 - b. Reasonable documentation to show that the requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents;
 - c. If a waiver is sought, documentation that the Town's development standard will physically preclude construction of the project as proposed; and
 - d. Requests for any parking reductions sought.
- 3) Requiring that listed elements be included in the staff report accompanying a planning application;
- 4) Setting forth the grounds for denying a requested incentive;
- 5) Setting forth the grounds for denying a requested waiver; and
- 6) Requiring that the Town and the applicant enter into an affordable housing agreement.

CONCLUSION:

If the Town Council introduces the proposed ordinance (Attachment 3), it will be placed on the December 17, 2024, Town Council agenda for adoption and the ordinance will take effect 30 days after adoption.

PAGE 4 OF 4

SUBJECT: Density Bonus Ordinance

DATE: November 20, 2024

COORDINATION:

This report was coordinated with the Community Development Department and the Town Attorney's Office.

FISCAL IMPACT:

Adoption of this ordinance will not have a fiscal impact in that the Town is already required to comply with Government Code Sections 65915 and following.

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is subject to the "common sense" exemption from CEQA in that it can be seen with certainty that it will not impact the environment, because the Town is already subject to Government Code Sections 65915 and following.

Attachments:

1. Existing Density Bonus Ordinance
2. Current Version of Government Code 65915-65918
3. Draft Density Bonus Ordinance

- CODE
Chapter 29 - ZONING REGULATIONS
ARTICLE I. - IN GENERAL
DIVISION 8. STATE MANDATED DENSITY BONUS

DIVISION 8. STATE MANDATED DENSITY BONUS

Sec. 29.10.405. Intent and authority.

The density bonus ordinance in this chapter is intended to comply with the State Density Bonus Law codified in California Government Code Section 65915 et seq., which provides that a local government shall grant a density bonus and an additional concession, or financially equivalent incentive(s), to a qualified housing development agreeing to construct a specific percentage of housing for lower income households, very low income households, or senior housing as defined by state law.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.410. Applicability of regulations.

- (a) In addition to providing a density bonus and additional concession or equivalent incentives to a qualified housing development for lower income and very low income households or senior housing, it is the intent to apply the state law density bonus to qualified physically handicapped persons. The term "physically handicapped" shall be defined pursuant to California Health and Safety Code Section 50070 and the Density Bonus Program Guidelines initially adopted by Town Council in 2012 and amended from time to time thereafter.
- (b) Applicant who elects to proceed with a housing development using the state law density bonus shall not be eligible for any density increases under the Town's General Plan Density Bonus Policy or the General Plan Below Market Price (BMP) Program as set forth in the Town's Housing Element portion of the General Plan.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.415. General requirements.

Applicants who voluntarily agree to develop a housing development project that complies with the affordability requirements referenced in Government Code 65915 et seq. shall conform to the Density Bonus Program Guidelines adopted by Town Council (initial adopted in 2012) and as may be amended from time to time.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.420. Grounds for denial of a project.

- (a) Nothing in Division 8 of this Chapter 29 limits the Town's right to deny an affordable housing project electing to proceed under the state law density bonus provisions, if the Council makes written findings, based on substantial evidence, any of the following:
 - 1. The Town has adopted a housing element as part of the general plan, and the Town has met or exceeded its share of the regional housing needs for the income category proposed for the development project;

2. The project as proposed would have a specific, adverse impact upon the public health or safety which cannot be satisfactorily mitigated without rendering it unaffordable to lower-income households;
 3. The denial of the project or imposition of conditions is required in order to comply with State or Federal law and there is no feasible method to comply without rendering the development unaffordable to lower-income households;
 4. The development project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, and which does not have adequate water or wastewater facilities to serve the project.
 5. The development project is inconsistent with the Town's general plan land use designation as it existed on the date the application was deemed complete, and the town has adopted a housing element pursuant to state law.
- (b) Nothing in this chapter limits the Town's right to deny a senior housing project if the Town finds, based on substantial evidence, that the project would have a specific, adverse impact upon the public health or safety; and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.425. Housing agreement.

Applicant requesting a state law density bonus on any rental or for sale project shall agree to enter into a density bonus housing agreement with the Town as required under the density bonus program guidelines. This housing agreement shall be made a condition of the planning permits for all residential developments pursuant to this division and shall be recorded as a restriction on any parcels on which the density bonus units will be constructed.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.430. Requirements to maintain the affordable units.

- (a) All affordable units shall be occupied by the household type specified in the written housing agreement required under this division. The applicant's obligation to maintain these units as affordable housing shall be evidenced by the housing agreement which shall be recorded as a deed restriction running with the land.
- (b) The Town may establish fees associated with the setting up and monitoring of affordable units.
- (c) The owner shall submit an annual report to the Town, on a form provided by the Town. The report shall include for each affordable unit the rent, income, and family size of the household occupying the unit.
- (d) The owner shall provide to the Town any additional information required by the Town to insure the long-term affordability of the affordable units by eligible households.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.435. Administrative fee.

An administrative fee shall be charged to the applicant for the review of all materials submitted in accordance with this division and for future monitoring of the affordability of the project. The fee amount shall be established and will be included in the Town's Master Fee Schedule. Fees will be charged for staff and consultant time associated with the development review process, project marketing and leasing, and compliance with the affordability requirements of the project.

(Ord. No. 2209, § 1, 6-18-12)

Sec. 29.10.440. Appeals.

Any person aggrieved by the denial, conditioning, suspension, or revocation of a density bonus housing development in compliance with the provisions of this division may appeal such action or determination to the Council in compliance with Chapter 29, Article II (Administration and Enforcement) of the Town Code.

(Ord. No. 2209, § 1, 6-18-12)

Secs. 29.10.445—29.10.500. Reserved.

(Supp. No. 94)

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Cal Gov Code § 65915

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

Notice

 This section has more than one version with varying effective dates.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

(a)

(1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Except as otherwise provided in subdivision (s), failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, as described in subdivision (b), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in *Section 65943*.

(D)

(i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b)

(1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), if an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development, including a shared housing building development, for rental or sale to lower income households, as defined in [Section 50079.5 of the Health and Safety Code](#).

(B) Five percent of the total units of a housing development, including a shared housing building development, for rental or sale to very low income households, as defined in [Section 50105 of the Health and Safety Code](#).

(C) A senior citizen housing development, as defined in [Sections 51.3 and 51.12 of the Civil Code](#), or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to [Section 798.76 or 799.5 of the Civil Code](#). For purposes of this subparagraph, “development” includes a shared housing building development.

(D) Ten percent of the total dwelling units of a housing development are sold to persons and families of moderate income, as defined in [Section 50093 of the Health and Safety Code](#), provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in [Section 66025.9 of the Education Code](#), disabled veterans, as defined in [Section 18541](#), or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act ([42 U.S.C. Sec. 11301](#) et seq.). The units described in this subparagraph are subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(F)

(i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(I) All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city and county that the developer has entered into

an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are insufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(II) The applicable 20-percent units shall be used for lower income students.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(IV) The development shall provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of [Section 103577 of the Health and Safety Code](#), or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph are subject to a recorded affordability restriction of 55 years.

(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by [Section 50079.5 of the Health and Safety Code](#), except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in [Section 50053 of the Health and Safety Code](#). For purposes of this subparagraph, "development" includes a shared housing building development.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).

(c)

(1)

(A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(B)

(i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in [Section 50053 of the Health and Safety Code](#).

(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:

(I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in [Section 50053 of the Health and Safety Code](#).

(II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee.

(2)

(A) An applicant shall agree to ensure, and the city, county, or city and county shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets one of the following conditions:

(i) The unit is initially sold to and occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in [Section 50052.5 of the Health and Safety Code](#) and is subject to an equity sharing agreement.

(ii) If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation that meets all of the following requirements pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of [Section 402.1 of the Revenue and Taxation Code](#):

(I) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to [Section 501\(c\)\(3\) of the Internal Revenue Code](#) and is not a private foundation as that term is defined in [Section 509 of the Internal Revenue Code](#).

(II) The nonprofit corporation is based in California.

(III) All of the board members of the nonprofit corporation have their primary residence in California.

(IV) The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement or affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in [Section 50052.5 of the Health and Safety Code](#).

(B) For purposes of this paragraph, a “qualified nonprofit housing corporation” is a nonprofit housing corporation organized pursuant to [Section 501\(c\)\(3\) of the Internal Revenue Code](#) that has received a welfare exemption under [Section 214.15 of the Revenue and Taxation Code](#) for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(C) The local government shall enforce an equity sharing agreement required pursuant to clause (i) or (ii) of subparagraph (A), unless it is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source. The following apply to the equity sharing agreement:

(i) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation.

(ii) Except as provided in clause (v), the local government shall recapture any initial subsidy, as defined in clause (iii), and its proportionate share of appreciation, as defined in clause (iv), which amount shall be used within five years for any of the purposes described in subdivision (e) of [Section 33334.2 of the Health and Safety Code](#) that promote homeownership.

(iii) For purposes of this subdivision, the local government’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage

assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(iv) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(v) If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to clause (ii) of subparagraph (A) the local government may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households as defined by [Section 50079.5](#) of the Health and Safety Code within the jurisdiction of the local government.

(3)

(A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are located or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant's application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d)

(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in [Section 50052.5 of the Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [Section 65589.5](#), upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method

to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale.

(B) Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a development in which the units are for sale.

(C) Three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a development in which the units are for sale.

(D) Five incentives or concessions for a project meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b). If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(E) One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development.

(F) Four incentives or concessions for projects that include at least 16 percent of the units for very low income households or at least 45 percent for persons and families of moderate income in a development in which the units are for sale.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [Section 65589.5](#), upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e)

(1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit.

This subdivision shall not be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [Section 65589.5](#), upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This subdivision shall not be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(3) A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless the city, county, or city and county agrees to additional waivers or reductions of development standards.

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

ITEM NO. 17.

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

ITEM NO. 17.

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(3)

(A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clauses (ii) and (iii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) If the housing development is located within one-half mile of a major transit stop, the city, county, or city and county shall not impose any maximum controls on density.

(iii) If the housing development is located in a very low vehicle travel area within a designated county, the city, county, or city and county shall not impose any maximum controls on density.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

ITEM NO. 17.

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g)

(1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

ITEM NO. 17.

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

- (A)** The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- (B)** The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (C)** The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of *Section 65583.2*, and is or will be served by adequate public facilities and infrastructure.
- (D)** The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of *Section 65583.2* if the design is not reviewed by the local government before the time of transfer.
- (E)** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.
- (F)** The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
- (G)** The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
- (H)** A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h)

(1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

- (A)** An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
- (B)** An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

- (A)** The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

- (B)** Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).
- (3)** Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.
- (4)** “Childcare facility,” as used in this section, means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.
- (i)** “Housing development,” as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in [Section 4100 of the Civil Code](#), approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of [Section 65863.4](#), where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
- (j)**
- (1)** The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.
- (2)** Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.
- (k)** For the purposes of this chapter, concession or incentive means any of the following:
- (1)** A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with [Section 18901 of Division 13 of the Health and Safety Code](#), including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in [Section 50052.5 of the Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c).
- (2)** Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- (3)** Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs,

as defined in [Section 50052.5 of the Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with [Section 30000](#)) of the [Public Resources Code](#)). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with [Section 30000](#)) of the [Public Resources Code](#).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) “Designated county” includes the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura, and the City and County of San Francisco.

(2) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government’s electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government.

(3) “Located within one-half mile of a major transit stop” means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

(4) “Lower income student” means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of [Section 69432.7 of the Education Code](#). The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

(5) “Major transit stop” has the same meaning as defined in subdivision (b) of [Section 21155 of the Public Resources Code](#).

(6) “Maximum allowable residential density” or “base density” means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or

land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

(A) Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open-space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards.

(B) Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

(7)

(A)

(i) “Shared housing building” means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

(ii) A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

(B) “Shared housing unit” means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

(8)

(A) “Total units” or “total dwelling units” means a calculation of the number of units that:

(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of a city, county, or city and county.

(B) For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities.

(9) “Very low vehicle travel area” means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita. For purposes of this paragraph, “area” may include a travel analysis zone, hexagon, or grid.

For the purposes of determining “regional vehicle miles traveled per capita” pursuant to this paragraph, a “region” is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(p)

(1) Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

- (A)** Zero to one bedroom: one onsite parking space.
- (B)** Two to three bedrooms: one and one-half onsite parking spaces.
- (C)** Four and more bedrooms: two and one-half parking spaces.

(2)

(A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit. Notwithstanding paragraph (1), if a development includes at least 40 percent moderate-income units for housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, as defined in subdivision (b) of [Section 21155 of the Public Resources Code](#), and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom.

(B) For purposes of this subdivision, “unobstructed access to the major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

(3) Notwithstanding paragraph (1), if a development meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b), then, upon the request of the developer, a city, county, or city and county shall not impose vehicular parking standards if the development meets any of the following criteria:

- (A)** The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.
- (B)** The development is a for-rent housing development for individuals who are 55 years of age or older that complies with [Sections 51.2 and 51.3 of the Civil Code](#) and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- (C)** The development is either a special needs housing development, as defined in [Section 51312 of the Health and Safety Code](#), or a supportive housing development, as defined in [Section 50675.14 of the Health and Safety Code](#). A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

- (4)** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.
- (5)** This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).
- (6)** This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.
- (7)** Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.
- (8)** A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).
- (q)** Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.
- (r)** This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.
- (s)** Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that incentivizes the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt from complying with the incentive and concession calculation amendments made to this section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (B) and (C) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).
- (t)** When an applicant proposes to construct a housing development that conforms to the requirements of subparagraph (A) or (B) of paragraph (1) of subdivision (b) that is a shared housing building, the city, county, or city and county shall not require any minimum unit size requirements or minimum bedroom requirements that are in conflict with paragraph (7) of subdivision (o).
- (u)**
- (1)** The Legislature finds and declares that the intent behind the Density Bonus Law is to allow public entities to reduce or even eliminate subsidies for a particular project by allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units. It further reaffirms that the intent is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional public subsidy.

(2) It is therefore the intent of the Legislature to make modifications to the Density Bonus Law by the act adding this subdivision to further incentivize the construction of very low, low-, and moderate-income housing units. It is further the intent of the Legislature in making these modifications to the Density Bonus Law to ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing. The Legislature further intends that these modifications will ensure that the Density Bonus Law creates incentives for the construction of more housing across all areas of the state.

(v)

(1) Provided that the resulting housing development would not restrict more than 50 percent of the total units to moderate-income, lower income, or very low income households, a city, county, or city and county shall grant an additional density bonus calculated pursuant to paragraph (2) when an applicant proposes to construct a housing development that conforms to the requirements of paragraph (1) of subdivision (b), agrees to include additional rental or for-sale units affordable to very low income households or moderate income households, and meets any of the following requirements:

(A) The housing development conforms to the requirements of subparagraph (A) of paragraph (1) of subdivision (b) and provides 24 percent of the total units to lower income households.

(B) The housing development conforms to the requirements of subparagraph (B) of paragraph (1) of subdivision (b) and provides 15 percent of the total units to very low income households.

(C) The housing development conforms to the requirements of subparagraph (D) of paragraph (1) of subdivision (b) and provides 44 percent of the total units to moderate-income households.

(2) A city, county, or city and county shall grant an additional density bonus for a housing development that meets the requirements of paragraph (1), calculated as follows:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

ITEM NO. 17.

Percentage Very Low Income Units

- 5
- 6
- 7
- 8
- 9
- 10

Percentage Density Bonus

- 20
- 23.75
- 27.5
- 31.25
- 35
- 38.75

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective until January 1, 2025]

ITEM NO. 17.

Percentage Moderate-Income Units

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15

Percentage Density Bonus

- 20
- 22.5
- 25
- 27.5
- 30
- 32.5
- 35
- 38.75
- 42.5
- 46.25
- 50

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

- (3) The increase required by paragraphs (1) and (2) shall be in addition to any increase in density granted by subdivision (b).
- (4) The additional density bonus required under this subdivision shall be calculated using the number of units excluding any density bonus awarded by this section.

History

Added Stats 1979 ch 1207 § 10, effective October 2, 1979. Amended Stats 1982 ch 1263 § 2, effective September 22, 1982; Stats 1983 ch 634 § 1; Stats 1984 ch 1333 § 2; [Stats 1989 ch 842 § 3](#); [Stats 1990 ch 31 § 3 \(AB 1259\)](#), effective March 26, 1990; [Stats 1991 ch 1091 § 64 \(AB 1487\)](#); [Stats 1998 ch 689 § 6 \(SB 1362\)](#); [Stats 1999 ch 968 § 7 \(SB 948\)](#); [Stats 2000 ch 556 § 1 \(AB 2755\)](#); [Stats 2002 ch 1062 § 3 \(AB 1866\)](#); [Stats 2003 ch 430 § 1 \(AB 305\)](#); [Stats 2004 ch 724 § 5 \(AB 2348\)](#), ch 928 § 1 (SB 1818); [Stats 2005 ch 496 § 2 \(SB 435\)](#), effective January 1, 2006; [Stats 2008 ch 454 § 1 \(AB 2280\)](#), effective January 1, 2009; [Stats 2012 ch 181 § 53 \(AB 806\)](#), effective January 1, 2013, operative January 1, 2014; [Stats 2013 ch 76 § 102 \(AB 383\)](#), effective January 1, 2014; [Stats 2014 ch 682 § 1 \(AB 2222\)](#), effective January 1, 2015; [Stats 2015 ch 699 § 2 \(AB 744\)](#), effective January 1, 2016; [Stats 2016 ch 756 § 1 \(AB 2442\)](#), effective January 1, 2017; [Stats 2016 ch 758 § 1 \(AB 2501\)](#), effective January 1, 2017; [Stats 2016 ch 761 § 1.7 \(AB 2556\)](#), effective January 1, 2017; [Stats 2018 ch 904 § 2 \(AB 2797\)](#), effective January 1, 2019; [Stats 2018 ch 921 § 1 \(AB 2753\)](#), effective January 1, 2019; [Stats 2018 ch 937 § 1.3 \(SB 1227\)](#), effective January 1, 2019 (ch 937 prevails); [Stats 2019 ch 497 § 148 \(AB 991\)](#), effective January 1, 2020; [Stats 2019 ch 666 § 1 \(AB 1763\)](#), effective January 1, 2020 (ch 666 prevails); [Stats 2020 ch 197 § 2 \(AB 2345\)](#), effective January 1, 2021; [Stats 2021 ch 340 § 2 \(SB 290\)](#), effective January 1, 2022; [Stats 2021 ch 365 § 1.5 \(SB 728\)](#), effective January 1, 2022 (ch 365 prevails); [Stats 2022 ch 634 § 1 \(AB 682\)](#), effective January 1, 2023; [Stats 2022 ch 634 § 1.5 \(AB 682\)](#), effective January 1, 2023; [Stats 2022 ch 653 § 1 \(AB 2334\)](#), effective January 1, 2023; [Stats 2022 ch 653 § 1.5 \(AB 2334\)](#), effective January 1, 2023 (ch 653 prevails); [Stats 2023 ch 738 § 2 \(AB 323\)](#), effective January 1, 2024; [Stats 2023 ch 755 § 1 \(AB 1287\)](#), effective January 1, 2024; [Stats 2023 ch 784 § 1.3 \(SB 713\)](#), effective January 1, 2024 (ch 784 prevails); [Stats 2024 ch 80 § 77 \(SB 1525\)](#), effective January 1, 2025; [Stats 2024 ch 278 § 1 \(AB 2694\)](#), effective January 1, 2025; [Stats 2024 ch 432 § 1.5 \(AB 3166\)](#), effective January 1, 2025) (ch 432 prevails).

Annotations

Notes

Editor's Notes—

Amendments:

Note—

Editor's Notes—

Assembly Bill 805 was enacted as [Stats 2012 ch 180](#) and becomes operative January 1, 2014.

Amendments:

1982 Amendment:

(1) Amended the first paragraph by (a) adding “or 10 percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code;” and (b) substituting “either (1) grant a density bonus or (2) provide other incentives of equivalent financial value” for “enter into an agreement with the developer to either grant a density bonus or provide not less than two other bonus incentives for the project”; (2) added the second paragraph; (3) amended the third paragraph by (a) adding “maximum”, and “and land use element of the general plan” in the first sentence; (b) substituting “number of housing units which is equal to 10 or 25 percent of the total” for “otherwise allowable density” in the second sentence; and (c) deleting the former fourth sentence which read: “Other bonus incentives which a city, county or city and county may agree to provide under this section include the following: (a) Exemption of the development from the requirements of Section 66477 and any local ordinance adopted pursuant thereto. (b) Construction of public improvements appurtenant to the proposed housing development, which may include, but shall not be limited to, streets, sewers and sidewalks. (c) Utilization of federal or state grant moneys or local revenues to provide the land on which the housing development will be constructed at a reduced cost. (d) Exemption of the development from any provision of local ordinances which may cause an indirect increase in the cost of the housing units to be developed.”; and (4) substituted the fourth paragraph for the former fourth paragraph which read: “Nothing in this section shall preclude a city, county, or city and county from taking any additional actions which will aid housing developers to construct housing developments with 25 percent or more of the total units of a housing development for persons and families of low or moderate income. The determination of the means by which a city, county, or city and county will comply with this chapter shall be in the sole discretion of the city, county, or city and county; provided, that no developer shall be required to enter into an unacceptable agreement as a prerequisite to approval of a housing development.”

1983 Amendment:

Added subdivision designations.

1984 Amendment:

Amended subd (a) by adding (1) “(1)” and “(2)” before “25 percent” and before “10 percent”; and (2) “(3) 50 percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.2 of the Civil Code,” before “a city”.

1989 Amendment:

(1) Added subd (a); (2) redesignated former subd (a) to be subd (b); (3) substituted subd (b) for the former subdivision (b) which read: “(b) A developer may submit to a city, county, or city and county a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal requests for general plan amendments, zoning amendments, or subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the housing developer in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.”; (4) added subd (c); (5) redesignated former subd (c) to be subd (d); (6) amended subd (d) by (a) substituting “procedures under” for “manner in” in the second sentence; and (b) adding the fourth and fifth sentences; (7) added subd (e); (8) redesignated former subds (c) and (d) to be subds (f) and (h); (9) added “as of the date of application by the developer to the city, county, or city and county” at the end of the first sentence of subd (f); (10) added subd (g); and (11) amended subd (h) by (a) substituting “20 percent” for “25 percent”; (b) substituting “lower income households” for “persons and families of low or moderate income”; (c) substituting “very low income” for “lower-income”; and (d) adding “and at least one additional concession or incentive identified in Section 65913.4”.

1990 Amendment:

(1) Amended subd (b) by (a) substituting “subdivision (h)” for “Section 65913.4”; and (b) adding “to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code or”; (2) amended subd (c) by (a) adding “or a longer period of time if required by the construction or mortgage financing assistance program,

mortgage insurance program, or rental subsidy program”; at the end of the first sentence; (b) substituting “lower income households, as defined in Section 50079.5 of the Health and Safety Code” for “persons and families with incomes at or below 80 percent of area median income” in the second sentence; (c) substituting “very low income households, as defined in Section 50105 of the Health and Safety Code” for “persons and families with incomes at or below 50 percent of area median income” in the third sentence; and (d) adding “additional” after “least one” in the last sentence; (3) added subd (h); and (4) redesignated former subd (h) to be subd (i).

1991 Amendment:

Routine code maintenance.

1998 Amendment:

Substituted (1) “Section 51.3” for “Section 51.2” before “of the Civil Code” in subd (b); and (2) “California Building Standards Commission” for “State Building Standards Commission” in subd (h)(1).

1999 Amendment:

Amended subd (f) by adding (1) “, unless a lesser percentage is elected by the developer,” in the first sentence; and (2) the second sentence.

2000 Amendment:

In addition to technical changes, added the second sentence in subd (g).

2002 Amendment:

Substituted the section for the former section which read: “(a) When a developer of housing proposes a housing development within the jurisdiction of the local government, the city, county, or city and county shall provide the developer incentives for the production of lower income housing units within the development if the developer meets the requirements set forth in subdivisions (b) and (c). The city, county, or city and county shall adopt an ordinance that shall specify the method of providing developer incentives. (b) When a developer of housing agrees or proposes to construct at least (1) 20 percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (2) 10 percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code, or (3) 50 percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code, a city, county, or city and county shall either (1) grant a density bonus and at least one of the concessions or incentives identified in subdivision (h) unless the city, county, or city and county makes a written finding that the additional concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c), or (2) provide other incentives of equivalent financial value based upon the land cost per dwelling unit. (c) A developer shall agree to and the city, county, or city and county shall ensure continued affordability of all lower income density bonus units for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income. If a city, county, or city and county does not grant at least one additional concession or incentive pursuant to paragraph (1) of subdivision (b), the developer shall agree to and the city, county, or city and county shall ensure continued affordability for 10 years of all lower income housing units receiving a density bonus. (d) A developer may submit to a city, county, or city and county a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal requests for general plan amendments, zoning amendments, or subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the housing developer in writing of the

procedures under which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements. (e) The housing developer shall show that the waiver or modification is necessary to make the housing units economically feasible. (f) For the purposes of this chapter, 'density bonus' means a density increase of at least 25 percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the developer to the city, county, or city and county. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units which is equal to 10 or 20 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units. (g) 'Housing development,' as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For the purposes of this section, 'housing development' also includes either (1) a project to substantially rehabilitate and convert an existing commercial building to residential use, or (2) the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located. (h) For the purposes of this chapter, concession or incentive means any of the following: (1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required. (2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located. (3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable cost reductions. This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements. (i) If a developer agrees to construct both 20 percent of the total units for lower income households and 10 percent of the total units for very low income households, the developer is entitled to only one density bonus and at least one additional concession or incentive identified in Section 65913.4 under this section although the city, city and county, or county may, at its discretion, grant more than one density bonus."

2003 Amendment:

(1) Amended subd (a) by adding (a) "and child care facilities as prescribed in this chapter" at the end of the first sentence; and (b) the second sentence; (2) substituted "subdivision (k)" for "subdivision (j)" in subd (b); (3) added subd (h); (4) redesignated former subds (h)–(n) to be subds (i)–(o); and (5) substituted "under this section although the city, county, or city and county may" for "under this section although the city, city and county, or county may" in subd (l).

2004 Amendment:

Added subds (a)–(p). (As amended Stats 2004 ch 928, compared to the section as it read prior to 2004. This section was also amended by an earlier chapter, ch 724. See Gov C § 9605.)

2005 Amendment:

(1) Designated former subd (b) to be subd (b)(1); (2) redesignated former subds (b)(1)–(b)(4) to be subds (b)(1)(A)–(b)(1)(D); (3) substituted “one density bonus, the amount of which shall be as specified in subdivision (g), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain” for “a density bonus and incentives or concessions described in subdivision (d) when the applicant for the housing development seeks and agrees to construct” in subd (b)(1); (4) added “, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.” to the end of subd (b)(1)(C); (5) amended subd (b)(1)(D) by (a) substituting “common interest development as defined in Section 1351 of the Civil Code” for “condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code,”; (b) substituting the comma for the period after “Health and Safety Code; and (c) adding “provided that all units in the development are offered to the public for purchase.” to the end of the subd; (6) added subd (b)(2); (7) amended subd (c)(1) by (a) substituting “low-and very low income units that qualified the applicant for the award of the density bonus” for “lower income density bonus units”; and (b) substituting the last two sentences for the former last two sentences which read: “Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income.”; (8) added subd designations (c)(2)(A)–(c)(2)(C); (9) substituted current subd (c)(2)(A)–(c)(2)(C) for former subd (c)(2) which read: “(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the condominium project as defined in subdivision (f) of, or in the planned unit development as defined in subdivision (k) of, Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation. The local government shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership. For purposes of this subdivision, the local government’s proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale.”; (10) added “for a density bonus pursuant to subdivision (b)” after “applicant” near the beginning of subd (d)(1); (11) amended subd (d)(2)(A)–(d)(2)(C) by substituting “common interest development” for “condominium or planned development” the three times it appears; (12) substituted subd (g) for former subd (g) which read: “(g)(1) For the purposes of this chapter, except as provided in paragraph (2), ‘density bonus’ means a density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use to the city, county, or city and county. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b). For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 5 or 10 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units. (2) For the purposes of this chapter, if a development does not meet the requirements of paragraph (1), (2), or (3) of subdivision (b), but the applicant agrees or proposes to construct a condominium project as defined in subdivision (f) of, or a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, a “density bonus” of at least 5 percent shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant

to the city, county, or city and county. For each 1 percent increase above 10 percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 10 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.”; (13) designated former subd (h) to be subds (h)(1)–(h)(2); (14) amended subd (h)(1) by (a) substituting “15-percent” for “15 percent”; (b) substituting “development, as follows:” for “development.” after “plan for the entire”; and (c) adding the table at the end of subd (h)(1); (15) redesignated former subds (h)(1)–(h)(6) to be subds (h)(2)(A)–(h)(2)(F); and (16) substituted “common interest development” for “a planned unit development or condominium project” in the second sentence of subd (j).

2008 Amendment:

(1) Amended subd (a) by adding (a) “with” after “provide the applicant” in the first sentence; and (b) the last sentence; (2) substituted “subdivision (f)” for “subdivision (g)” in the introductory clause of subd (b)(1); (3) added the comma after “housing development” in subd (b)(1)(C); (4) added subds (b)(3), (d)(1)(C), (g)(2)(C), and (g)(2)(H); (5) substituted “low- and very low income” for “low-and very low income” in the first sentence of subd (c)(1); (6) substituted “equity sharing” for “equity-sharing” in the second and last sentences of the introductory paragraph of subd (c)(2); (7) amended the last sentence of subd (c)(2)(A) by (a) adding “, as defined in subparagraph (B),”; (b) substituting “as defined in subparagraph (C), which amount shall be used within five years” for “which shall then be used within three years”; and (c) substituting “home ownership” for “homeownership” at the end; (8) added “local government’s” after “the ratio of the” in subd (c)(2)(C); (9) substituted “any of the following” for “either of the following” at the end of the introductory paragraph of subd (d)(1); (10) deleted the former last two sentences of subd (d)(3) which read: “The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.” (11) designated former subd (e) to be subd (e)(1); (12) amended subd (e)(1) by (a) substituting “effect of physically precluding” for “effect of precluding” in the first sentence; (b) adding “that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section,” in the second sentence; and (c) adding “, or to grant any waiver or reduction that would be contrary to state or federal law” in the last sentence; (13) added subd (e)(2); (14) deleted former subd (f) which read: “(f) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.”; (15) redesignated former subds (g)–(l) to be subds (f)–(k); (16) deleted “under the applicable zoning ordinance and land use element of the general plan” after “allowable residential density” in the first sentence of subd (f); (17) added “of the number of senior housing units” in subd (f)(3); (18) deleted the former last two sentences of subd (f)(5) which read: “As used in subdivision (b), ‘total units’ or ‘total dwelling units’ does not include units permitted by a density bonus awarded pursuant to this section or any local law granting a greater density bonus. The density bonus provided by this section shall apply to housing developments consisting of five or more dwelling units.”; (19) amended the introductory clause of subd (g)(1) by (a) substituting “in accordance with this subdivision” for “as provided for in this subdivision”; and (b) deleting “under the applicable zoning ordinance and land use element of the general plan” after “allowable residential density”; (20) substituted “an increase pursuant to both this subdivision” for “both the increase required pursuant to this subdivision” in the first sentence of the introductory paragraph of subd (g)(2); (21) redesignated former subds (g)(2)(C)–(g)(2)(F) to be subds (g)(2)(D)–(g)(2)(G); (22) amended subd (g)(2)(D) by (a) deleting the former first and second sentences which read: “The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.”; (b) substituting “The transferred” for “No later than the date of approval of the final subdivision map, parcel map, or of the residential development, transferred”; and (c) adding “not later than the date of approval of the final subdivision map, parcel map, or residential development application,”; (23) substituted “the

transfer” for “dedication” at the end of subd (g)(2)(E); (24) amended subd (i) by (a) substituting “a development project for five or more residential units” for “one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county” in the first sentence; and (b) adding “shall be on contiguous sites that are the subject of one development application, but” in the third sentence; (25) substituted “Subdivision (k)” for “This subdivision” in subd (j); (26) added “If permitted by local ordinance,” in subd (n); (27) amended subd (o)(1) by (a) substituting “a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies” for “site or construction conditions that apply”; and (b) deleting “amendment” after “specific plan, charter”; (28) amended subd (o)(2) by adding (a) “and land use element of the general plan” both times it appears in the first sentence; and (b) the last sentence; (29) substituted “bedroom” for “bedrooms” in subd (p)(1)(A); and (30) amended the last sentence of subd (p)(3) by (a) deleting “additional” after “applicant may request”; and (b) substituting “subdivision pursuant to subdivision (d)” for “section, subject to subdivision (d)”.

2012 Amendment:

(1) Substituted “Section 4100” for “Section 1351” in subd (b)(1)(D), in the first sentence of the introductory paragraph of subd (c)(2) and in the second sentence of subd (i); and (2) deleted “a” before “city and county” in subd (h)(3).

2013 Amendment:

(1) Substituted “mixed-use” for “mixed use” in subd (k)(2); and (2) amended subd (m) by (a) substituting “This section shall not” for “Nothing in this section shall”; and (b) adding “of 1976”.

2014 Amendment:

(1) Amended the first sentence of subd (c)(1) by substituting (a) “very low and low-income rental” for “low- and very low income”; and (b) “55 years” for “30 years”; (2) deleted the former last sentence of subd (c)(1) which read: “Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.”; (3) amended the first sentence of the introductory paragraph of subd (c)(2) by (a) substituting “all for-sale units that qualified the applicant for the award” for “the moderate-income units that are directly related to the receipt”; (b) deleting “in the common interest development, as defined in Section 4100 of the Civil Code,” after “density bonus”; and (c) substituting “very low, low, or moderate income, as required” for “moderate income, as defined in Section 50093 of the Health and Safety Code”; (4) added subds (c)(3) and (j)(2); and (5) added subdivision designation (j)(1).

2015 Amendment:

(1) Added “a” before “mobilehome park” in subd (b)(1)(C); (2) added the commas around “as defined in Section 4100 of the Civil Code” in subd (b)(1)(D); (3) substituted “an applicant” for “the applicant” in subd (b)(2); (4) added “the” after “shall ensure,” in the first sentence of subd (c)(1); (5) substituted “his or her” for “their” in subd (c)(3)(C); (6) substituted “does not” for “shall not be construed to” in subd (m); (7) amended the introductory clause of subd (p)(1) by (a) adding “Except as provided in paragraphs (2) and (3),”; (b) substituting “a city” for “no city”; and (c) substituting “subdivisions (b) and (c)” for “subdivision (b)”; (8) added subds (p)(2), (p)(3), (p)(6), and (p)(7); (9) redesignated former subds (p)(2) and (p)(3) to be subds (p)(4) and (p)(5); (10) amended the second sentence of subd (p)(4) by substituting (a) “on-site parking” for “onsite parking”; and (b) “on-street” for “onstreet”; and (11) substituted “subdivisions (b) and (c),” for “subdivision (b)” in the first sentence of subd (p)(5).

2016 Amendment:

(1) Added subdivision designations (a)(1) and (f)(3)(A); (2) amended subd (a)(1) by substituting (a) “comply with this section” for “provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section” in the first sentence; and (b) “A city, county, or city and county” for “All cities, counties, or cities and counties” in the second sentence; (3) added subds (a)(2), (a)(3), (b)(1)(E), (c)(3)(C),

(c)(3)(D), (d)(4), (f)(3)(B), (p)(8), (q), and (r); (4) amended the introductory clause of subd (b)(1) by adding (a) “, if requested by the applicant and consistent with the applicable requirements of this section,”; and (b) “waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p),”; (5) substituted “subparagraph (A), (B), (C), (D), or (E)” for “subparagraph (A), (B), (C), or (D)” in subd (b)(2); (6) deleted “or type, or both,” after “equivalent size” in the first sentence of subds (c)(3)(B)(i) and (c)(3)(B)(ii); (7) amended subd (c)(3)(B)(i) by (a) adding the second sentence; and (b) substituting the third sentence for the former third sentence which read: “For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units.”; (8) substituted the second sentence of subd (c)(3)(B)(ii) for the former second sentence of subd (c)(3)(B)(ii) which read: “If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families.”; (9) redesignated former subd (c)(3)(C) to be subd (c)(3)(E); (10) substituted “Subparagraph (A)” for “Paragraph (3) of subdivision (c)” in subd (c)(3)(E); (11) substituted “does not result in identifiable and actual cost reductions, consistent with subdivision (k),” for “is not required in order” in subd (d)(1)(A); (12) amended subd (d)(1)(B) by (a) adding the comma after “specific” both times it appears; and (b) substituting “low-income” for “low-”; (13) amended the first sentence of the first paragraph of subd (f) by (a) adding “gross”; (b) substituting “, or, if elected by the applicant,” for “. The applicant may elect to accept”; and (c) substituting “increase, including, but not limited to, no increase in density” for “bonus”; (14) substituted “increase” for “bonus” in the second sentence of the first paragraph of subd (f); (15) added “require, or” in the second sentence of subd (f)(5); (16) added “, including mixed-use developments” in the first sentence of subd (i); (17) amended the first sentence of subd (j)(1) by adding (a) “require or”; and (b) “study,”; (18) added the second sentence of subd (j)(1); (19) added “require or” in subd (j)(2); (20) amended subds (k)(1) and (k)(3) by (a) deleting “, financially sufficient,” after “results in identifiable”; and (b) adding “, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c)”; (21) added the comma after “general plan, or” in the first sentence of subd (o)(2); (22) substituted “low-income” for “low-” in the first sentence of subds (p)(2) and (p)(7); and (23) amended the second sentence of subd (p)(4) by substituting (a) “onsite” for “on-site”; and (b) “onstreet” for “on-street”. (As amended Stats 2016 ch 761, compared to the section as it read prior to 2016. This section was also amended by two earlier chapters, chs 756, 758. See Gov C § 9605.)

2018 Amendment (ch 937):

Added “the timelines specified in” in (a)(3)(C); added (a)(3)(D) and (b)(1)(F); substituted “(E), or (F)” for “or (E)” in (b)(2); substituted “ ‘total units,’ ‘total dwelling units,’ or ‘total rental beds’ for “ ‘total units’ or ‘total dwelling units’ ” in (b)(3); added (f)(3)(C); substituted “before” for “prior to” in (g)(2)(D); added the second sentence of (m); substituted “if” for “Where” in the last sentence of (o)(2); and deleted the comma following “and (3)” in (p)(1).

2019 Amendment (ch 666):

Substituted “and county” for “or county” in the second sentence of (b)(1)(F)(i)(I); added (b)(1)(G); substituted “(F), or (G) of paragraph (1)” for “or (F) of paragraph (1)” in (b)(2); added designation (c)(1)(A); deleted the former second sentence of (c)(1)(A) which read: “Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.”; added (c)(1)(B); substituted “the applicant’s” for “his or her” in (c)(3)(E); added (d)(2)(D); deleted the comma following “section” in the last sentence of (d)(3); added “Subject to paragraph (3),” in the second sentence of (e)(1); added (e)(3); added (f)(3)(D); substituted “childcare” for “child care” wherever it appears in (h); substituted “daycare” for “day care” three times in (h)(4); substituted “paragraphs (2), (3), and (4),” for “paragraphs (2) and (3)” in the introductory language of (p)(1); redesignated and rewrote former (p)(3)(C) as (p)(4) which read: “If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The

development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.”; and redesignated former (p)(4)–(p)(8) as (p)(5)–(p)(9).

2020 Amendment (ch 197):

Added “Except as otherwise provided in subdivision (s),” in the last sentence of (a)(1); substituted “subdivision (e)” for “subdivision (d)” in the second sentence of (b)(1)(F)(IV); in (b)(1)(G), substituted “all units in the development, including total units and density bonus units, but” for “the total units,” and “units in the development, including total units and density bonus units,” for “total units in the development”; substituted “17 percent” for “20 percent” in (d)(2)(B); substituted “24 percent” for “30 percent” in (d)(2)(C); deleted “as defined in subdivision (b) of Section 21155 of the Public Resources Code,” following “transit stop,” in the second sentence of (d)(2)(D); in (e)(3), substituted “only be eligible for” for “not be eligible for, and shall not receive,” “as provided” for “pursuant to this subdivision, other than as expressly provided”, and added “, unless the city, county, or city and county agrees to additional waivers or reductions of development standards”; added “Percentage Low-Income Units Percentage Density Bonus 16 2921 38.7522 42.523 46.2524 50” in the table in (f)(1); added “Percentage Very Low Income Units Percentage Density Bonus 12 38.7513 42.514 46.2515 50” in the table in (f)(2); deleted “as defined in subdivision (b) of Section 21155 of the Public Resources Code,” following “transit stop,” in (f)(3)(D)(ii); added “Percentage Moderate-Income Units Percentage Density Bonus 41 38.7542 42.543 46.2544 50” in the table in (f)(4); added (o)(3) and (o)(3); redesignated former (o)(2) as (o)(4); substituted “parking for persons with a disability and guests” for “handicapped and guest parking” in the introductory language of (p)(1); substituted “one and one-half onsite” for “two onsite” in (p)(1)(B); redesignated and rewrote former (p)(2) as (p)(2)(A) which read: “Notwithstanding paragraph (1), if a development includes the maximum percentage of low-income or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.”; added (p)(2)(B); substituted “vehicular parking standards if the development meets either of the following criteria” for “a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios” in the introductory language of (p)(3); rewrote former (p)(3)(A) and (p)(3)(B) which read: “(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit. (B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.”; and added (s).

2021 Amendment (ch 365):

Substituted “if an applicant” for “when an applicant” in the introductory language of (b)(1); added “rental or sale to” in (b)(1)(A) and (b)(1)(B); substituted “of a housing development are sold to” for “in a common interest development, as defined in Section 4100 of the Civil Code, for” (b)(1)(D); deleted former second sentence of (b)(1)(F)(i)(II) which read: “For purposes of this clause, ‘lower income students’ means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subclause (I), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this subclause.”; deleted former (b)(3) which read: “For the purposes of this section, ‘total units,’ ‘total dwelling units,’ or ‘total rental beds’ does not include units added by a density bonus awarded pursuant to this section or any local law granting a

greater density bonus.”; added (c)(2); added designation (c)(2)(C); added “required pursuant to clause (i) or (ii) of subparagraph (A)” in the first sentence of the introductory paragraph of (c)(2)(C); added designation (c)(2)(C)(i); redesignated former (c)(2)(A)–(c)(2)(B) as (c)(2)(C)(ii)–(c)(2)(C)(iv); added (c)(2)(C)(v); deleted “the physical environment or” following “safety or” in (d)(1)(B); substituted “in which the units are for sale” for “common interest” in (d)(2)(A)–(d)(2)(C); substituted “a project” for “projects” in the first sentence of (d)(2)(D); added (d)(2)(E); in (d)(3), substituted “This subdivision shall not be” for “Nothing in this subdivision shall be” in the third and fourth sentences and substituted “or safety” for “, safety, or the physical environment” in the third sentence; in (e)(1), substituted “This subdivision shall not be” for “Nothing in this subdivision shall be” in the fourth and fifth sentences and substituted “or safety” for “, safety, or the physical environment” in the fourth sentence; added (o)(3); redesignated former (o)(3) and (o)(4) as (o)(4) and (o)(5); added (o)(6); added the second sentence of (p)(2)(A); in (p)(2)(B), deleted “a development shall have” preceding “unobstructed” and substituted “the major transit stop means” for “a major transit stop if”; substituted “(B) and (C)” for “(C) and (D)” in (s); and added (t).

2022 Amendment (ch 653):

Rewrote the section.

2023 Amendment (ch 784):

Rewrote the section.

2024 Amendment (ch 432):

Rewrote the section.

Note—

[Stats 2024 ch 274](#) provides:

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of [Section 16 of Article IV of the California Constitution](#) because of the unique amount of vacant commercial space within the City and County of San Francisco. The Legislature additionally finds and declares all of the following:

- (a) The commercial vacancy rate in the City and County of San Francisco is acute among downtown areas in California and the nation.
- (b) From March 2020 to June 2021, office vacancy rates in the City and County of San Francisco increased from 5 percent to 20 percent as offices adopted hybrid and fully remote reporting schedules.
- (c) According to data from the City and County of San Francisco, as of April 15, 2024, 32 percent of the City and County of San Francisco’s office space is vacant.
- (d) The City and County of San Francisco’s vacancy rate is higher than other major metropolitan areas such as the cities of New York City, Los Angeles, Austin, and Seattle.
- (e) This bill addresses a crisis in commercial vacancy in downtown San Francisco that is unmatched by other major metropolitan areas.
- (f) Therefore, while public funds for housing development should prioritize the funding of affordable housing, on a limited and temporary basis, it is appropriate to authorize the City and County of San Francisco to provide funding to market rate developments through the use of tax increment financing tools to help abate the crisis.

[Stats 2015 ch 699](#) provides:

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

- (a) Having a healthy housing market that provides an adequate supply of homes that are affordable to Californians at all income levels is critical to the economic prosperity and quality of life in the state.
- (b) There exists a severe shortage of affordable housing, especially for persons and families of extremely low, very low, and low income, and there is an immediate need to encourage the development of new housing, not only through the provision of financial assistance but also through reforms to regulation.
- (c) Affordable housing is expensive to build in California.
- (d) The cost of building affordable housing in California is impacted by local opposition, changes imposed by local design and review, and requirements for on-site parking.
- (e) The average construction cost per space, excluding land cost, in a parking structure in the United States is about \$24,000 for aboveground parking and \$34,000 for underground parking. In an affordable housing project with a fixed budget, every \$24,000 spent on a required parking space is \$24,000 less to spend on housing.
- (f) The biggest single determinant of vehicle miles traveled and therefore greenhouse gas emissions is ownership of a private vehicle.
- (g) A review of developments funded through the Department of Housing and Community Development's Transit-Oriented Development Implementation Program (TOD program) shows that lower income households drive 25 to 30 percent fewer miles when living within one-half mile of transit than those living in non-TOD program areas. When living within one-quarter mile of frequent transit, they drove nearly 50 percent less.
- (h) When cities require off-street parking with all new residential construction, they shift what should be the cost of driving, the cost of parking a car, into the cost of housing, which artificially increases the cost of housing.
- (i) Increases in public transportation and shared mobility options and the development of more walkable and bikeable neighborhoods reduce the demand for parking.
- (j) Consistent with Chapter 488 of the Statutes of 2006 (AB 32) and Chapter 728 of the Statutes of 2008 (SB 375), it is state policy to promote transit-oriented infill development to reduce greenhouse gas emissions.
- (k) The high cost of the land and improvements required to provide parking significantly increases the cost of transit-oriented development, making lower cost and affordable housing development financially infeasible and hindering the goals of SB 375.
- (l) Eliminating minimum parking requirements will allow the limited funding available for affordable housing to support more housing for more Californians. A given housing subsidy fund can benefit about 6.5 times more households with no parking spaces than households with 2 spaces per unit.
- (m) Minimum parking requirements provide large subsidies for parking, which in turn encourage more people to drive cars.
- (n) Minimum parking requirements create a barrier to effective use of the density bonus law contained in [Section 65915 of the Government Code](#). The parking required for the extra units adds construction and land costs that may be prohibitive and requires vacant land that may be unavailable, especially in locations near transit.
- (o) Increasing the supply of affordable housing near transit helps achieve deeper affordability through reduced transportation costs, in addition to reduced housing costs.
- (p) Governmental parking requirements for infill and transit-oriented development reduce the viability of transit by limiting the number of households or workers near transit, increasing walking distances, and degrading the pedestrian environment.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(q) Reducing or eliminating minimum parking requirements for infill and transit-oriented development and allowing builders and the market to decide how much parking is needed can achieve all of the following:

- (1) Ensure sufficient amounts of parking at almost all times.
 - (2) Reduce the cost of development and increase the number of transit-accessible and affordable housing units.
 - (3) Allow for more effective use of the density bonus law.
 - (4) Increase density in areas with the most housing demand, and improve the viability of developing alternate modes of transportation, such as public transit, ridesharing, biking, and walking.
 - (5) Reduce greenhouse gas emissions and vehicle miles traveled by removing an incentive to drive.
- (r) It is the intent of the Legislature to reduce the cost of development by eliminating excessive minimum parking requirements for transit-oriented developments that includes affordable housing, senior housing, and special needs housing.

(s) The Legislature further declares that the need to address infill development and excessive parking requirements is a matter of statewide concern and is not a municipal affair as that term is used in [Section 5 of Article XI of the California Constitution](#). Therefore, this act shall apply to all cities, including charter cities.

[Stats 2018 ch 937](#) provides:

SEC. 2. The Legislature finds and declares that Section 1 of this act amending [Section 65915 of the Government Code](#) addresses a matter of statewide concern rather than a municipal affair as that term is used in [Section 5 of Article XI of the California Constitution](#). Therefore, Section 1 of this act applies to all cities, including charter cities.

[Stats 2012 ch 181](#) provides:

SEC. 86. This act shall become operative on January 1, 2014, but only if Assembly Bill 805 of the 2011-12 Regular Session becomes operative on or before January 1, 2014.

[Stats 2005 ch 496](#) provides:

[SECTION 1](#). It is the intent of the Legislature that local governments encourage, to the maximum extent practicable, the location of housing developed pursuant to [Section 65915 of the Government Code](#) in urban areas with adequate infrastructure to serve the housing.

[Stats 1999 ch 968](#) provides:

SEC. 9. The Legislature finds and declares both of the following:

- (a) The amendments made by this act to subdivision (c) of [Section 65009 of the Government Code](#), excluding the portion of the amendment related to middle-income households, are declaratory of existing law.
- (b) The amendments made by this act to [Section 65915 of the Government Code](#) are declaratory of existing law.

[Stats 1998 ch 689](#) provides:

[SECTION 1](#). (a) This act shall be known and may be cited as the Housing and Land Use Omnibus Act of 1998.

(b) The Legislature finds and declares that Californians desire their government to be run efficiently and economically, and that public officials should avoid waste and duplication whenever possible. The Legislature further finds and declares that it desires to control its own operating costs by reducing the

number of separate bills affecting housing, land use, and related topics. Therefore, it is the intent of the Legislature in enacting this act to combine several minor, noncontroversial statutory changes relating to housing, land use, and related topics into a single measure.

Notes to Decisions

1. Generally

2. Construction with Other Law

3. Applicability

4. Legislative Intent

5. Waiver

6. Particular Determinations

1. Generally

Although a local land use planning initiative intended to protect open space limited, in part of the county, the amount of land and number of development projects that would be able to qualify for a density bonus, it was valid because it did not preclude accommodation of the state policy of promoting low income housing construction in other regions of the county. [Shea Homes Limited Partnership v. County of Alameda \(Cal. App. 1st Dist. 2003\), 110 Cal. App. 4th 1246, 2 Cal. Rptr. 3d 739, 2003 Cal. App. LEXIS 1152.](#)

In a case in which plaintiffs challenged a city's approval of use permits and zoning variances for a mixed-use development project consisting of residential units and retail commercial space, plaintiffs failed to demonstrate that the city's actions constituted a change in policy or that its action in interpreting and complying with [Gov C § 65915](#), was a "project" to which the California Environmental Quality Act, [Pub Res C §§ 21000](#) et seq., applied. [Wollmer v. City of Berkeley \(Cal. App. 1st Dist. 2009\), 179 Cal. App. 4th 933, 102 Cal. Rptr. 3d 19, 2009 Cal. App. LEXIS 1896.](#)

Affordable housing project was in compliance with the general plan density standard and was consistent with [Gov C § 65915\(o\)\(2\)](#). [Wollmer v. City of Berkeley \(Cal. App. 1st Dist. 2011\), 193 Cal. App. 4th 1329, 122 Cal. Rptr. 3d 781, 2011 Cal. App. LEXIS 375.](#)

2. Construction with Other Law

In contrast to [Gov C § 65915](#), which requires concessions when an applicant seeks a density bonus unless findings are made, the Los Angeles Municipal Code prohibits concessions unless strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. [Walnut Acres Neighborhood Assn. v. City of Los Angeles \(Cal. App. 2d Dist. 2015\), 235 Cal. App. 4th 1303, 185 Cal. Rptr. 3d 871, 2015 Cal. App. LEXIS 317.](#)

Density Bonus Act and Mello Act are subordinate to the Coastal Act; thus, a city could reject a housing project in the coastal zone for aesthetic reasons even if a density bonus would have applied. [Kalnel Gardens, LLC v. City of Los Angeles \(Cal. App. 2d Dist. 2016\), 208 Cal. Rptr. 3d 114, 3 Cal. App. 5th 927, 2016 Cal. App. LEXIS 804.](#)

3. Applicability

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

Density bonus of over 40 percent, approved on the basis of construction of senior citizen housing as defined in [CC § 51.3](#), was authorized by [Gov C § 65915\(n\)](#). [Friends of Lagoon Valley v. City of Vacaville \(Cal. App. 1st Dist. 2007\)](#), 154 Cal. App. 4th 807, 65 Cal. Rptr. 3d 251, 2007 Cal. App. LEXIS 1424.

Pursuant to [Gov C § 65915\(n\)](#), a municipality may grant a density bonus greater than the 35 percent that can be required. [Friends of Lagoon Valley v. City of Vacaville \(Cal. App. 1st Dist. 2007\)](#), 154 Cal. App. 4th 807, 65 Cal. Rptr. 3d 251, 2007 Cal. App. LEXIS 1424.

Density bonus did not preclude fair market rents under the federal [Section 8](#) housing program, [42 U.S.C. § 1437f](#), in excess of maximum rents under [H & S C §§ 50053\(b\)\(2\)](#), [50098](#), because affordable rent under [Gov C § 65915\(c\)\(1\)](#), pertains to the amount paid by the tenant and does not limit rent subsidies. [Gov C § 65917](#), does not display any legislative intent to make developers choose between regulatory incentives and rental subsidies. [Wollmer v. City of Berkeley \(Cal. App. 1st Dist. 2011\)](#), 193 Cal. App. 4th 1329, 122 Cal. Rptr. 3d 781, 2011 Cal. App. LEXIS 375.

4. Legislative Intent

This provision is neither inconsistent with nor intended to preempt local mandatory inclusionary housing ordinances. [California Building Industry Assn. v. City of San Jose \(Cal. 2015\)](#), 61 Cal. 4th 435, 189 Cal. Rptr. 3d 475, 351 P.3d 974, 2015 Cal. LEXIS 3905, cert. denied, (U.S. 2016), 577 U.S. 1179, 136 S. Ct. 928, 194 L. Ed. 2d 239, 2016 U.S. LEXIS 1010.

5. Waiver

Waiver of development standards to accommodate project amenities in a density-bonus qualifying project was permissible under [Gov C § 65915\(e\)\(1\)](#), and the standards thus waived were inapplicable for purposes of the [14 Cal Code Reg § 15332\(a\)](#), in-fill development exemption established under the authority of [Pub Res C § 21084\(a\)](#). No unusual circumstances precluded the exemption. [Mammoth Lakes Land Acquisition, LLC v. Town of Mammoth Lakes \(Cal. App. 3d Dist. 2010\)](#), 191 Cal. App. 4th 435, 120 Cal. Rptr. 3d 797, 2010 Cal. App. LEXIS 2172.

City did not abuse its discretion by approving a mixed-use project that included affordable housing units because the project qualified for the benefits of the Density Bonus Law, the city council expressly found that there was no substantial evidence that would support denying a requested deviation from setback requirements, and the city was obligated to waive conflicting development standards in the absence of a showing that any exception to the Density Bonus Law applied. [Bankers Hill 150 v. City of San Diego \(Cal. App. 4th Dist. 2022\)](#), 289 Cal. Rptr. 3d 268, 74 Cal. App. 5th 755, 2022 Cal. App. LEXIS 83.

6. Particular Determinations

In a case in which plaintiffs challenged a city's approval of use permits and zoning variances for a mixed-use development project consisting of residential units and retail commercial space, plaintiffs failed to establish that the city had not proceeded in the manner required by law, that the city's decision was not supported by the findings, or that the findings were not supported by the evidence. Because additional residential units awarded by the city pursuant to [Gov C § 65915\(n\)](#), were excluded from the calculation of the base number of residential units under [§ 65915\(b\)\(1\)](#), the city correctly determined the number of residential units for the base project, and there was therefore no error in its calculation of the number of density bonus units. [Wollmer v. City of Berkeley \(Cal. App. 1st Dist. 2009\)](#), 179 Cal. App. 4th 933, 102 Cal. Rptr. 3d 19, 2009 Cal. App. LEXIS 1896.

Density bonus law requires that cities and counties allow increased building density, and grant concessions and waivers of permit requirements, in exchange for an applicant's agreement to dedicate a specified number of

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

dwelling units to low income or very low income households. Neither the statute nor the Los Angeles City ordinance implementing it required an applicant to provide financial documentation to prove that the requested concessions would render the development economically feasible. [Schreiber v. City of Los Angeles \(Cal. App. 2d Dist. 2021\)](#), [284 Cal. Rptr. 3d 587](#), [69 Cal. App. 5th 549](#), [2021 Cal. App. LEXIS 800](#).

Research References & Practice Aids

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Unintended Consequences: Eminent Domain and Affordable Housing. [46 Santa Clara L. Rev. 841](#).

Zone Defense: Developers Should Consider More Legally Defensible Alternatives to Zoning Variances. [32 Los Angeles Lawyer 31 \(July/August 2009\)](#).

Ballot Blues: Los Angeles Voters Confront Ballot Issues That May Affect Housing And Land Development For Decades. [39 Los Angeles Lawyer 16](#).

1989 legislative summary. 8 Cal Real Prop J No. 1 p 1.

Treatises:

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 303 "Injunctions"](#).

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Miller & Starr, Cal Real Estate 3d §§ 25:125, 25:171, 25:174.

8 Witkin Summary (11th ed) Constitutional Law §§ 1136, 1137.

12 Witkin Summary (11th ed) Real Property § 824.

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)


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[Cal Gov Code § 65915](#)

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

Notice

 This section has more than one version with varying effective dates.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(a)

(1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Except as otherwise provided in subdivision (s), failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, as described in subdivision (b), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in *Section 65943*.

(D)

(i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b)

(1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), if an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development, including a shared housing building development, for rental or sale to lower income households, as defined in [Section 50079.5 of the Health and Safety Code](#).

(B) Five percent of the total units of a housing development, including a shared housing building development, for rental or sale to very low income households, as defined in [Section 50105 of the Health and Safety Code](#).

(C) A senior citizen housing development, as defined in [Sections 51.3 and 51.12 of the Civil Code](#), or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to [Section 798.76 or 799.5 of the Civil Code](#). For purposes of this subparagraph, "development" includes a shared housing building development and a residential care facility for the elderly, as defined in [Section 1569.2 of the Health and Safety Code](#).

(D) Ten percent of the total dwelling units of a housing development are sold to persons and families of moderate income, as defined in [Section 50093 of the Health and Safety Code](#), provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in [Section 66025.9 of the Education Code](#), disabled veterans, as defined in [Section 18541](#), or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act ([42 U.S.C. Sec. 11301](#) et seq.). The units described in this subparagraph are subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(F)

(i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(I) All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled currently or in the past six months in at least six units at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

condition of receiving a certificate of occupancy, provide evidence to the city, county, or city and county that the developer has done any one of the following:

(ia) Entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are insufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(ib) Established a system for confirming its renters' status as students to ensure that all units of the student housing development are occupied with students from an institution of higher education.

(II) The applicable units in the student housing development for lower income students shall be used for and occupied by lower income students.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(IV) The development shall provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of [Section 103577 of the Health and Safety Code](#), or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(V) The student housing development is not located on a site that pursuant to paragraph (3) of subdivision (c) would require replacement units for projects with greater than a 35 percent density bonus.

(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph are subject to a recorded affordability restriction of 55 years, which shall not tie any rental bed reserved for lower income students to a specific bedroom. Notwithstanding any other law, an affordability restriction provision, state or county law or policy, or property management policy shall not prevent a lower income student from sharing a room or unit with a nonlower income student. Any attempted waiver of the requirements of this clause is void as against public policy.

(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by [Section 50079.5 of the Health and Safety Code](#), except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in [Section 50053 of the Health and Safety Code](#). For purposes of this subparagraph, "development" includes a shared housing building development.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).

(c)

(1)

(A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(B)

(i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in *Section 50053 of the Health and Safety Code*.

(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:

(I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in *Section 50053 of the Health and Safety Code*.

(II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee.

(2)

(A) An applicant shall agree to ensure, and the city, county, or city and county shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets one of the following conditions:

(i) The unit is initially sold to and occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in [Section 50052.5 of the Health and Safety Code](#) and is subject to an equity sharing agreement.

(ii) If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation that meets all of the following requirements pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of *Section 402.1 of the Revenue and Taxation Code*:

(I) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to [Section 501\(c\)\(3\) of the Internal Revenue Code](#) and is not a private foundation as that term is defined in [Section 509 of the Internal Revenue Code](#).

(II) The nonprofit corporation is based in California.

(III) All of the board members of the nonprofit corporation have their primary residence in California.

(IV) The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement or affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in [Section 50052.5 of the Health and Safety Code](#).

(B) For purposes of this paragraph, a “qualified nonprofit housing corporation” is a nonprofit housing corporation organized pursuant to [Section 501\(c\)\(3\) of the Internal Revenue Code](#) that has received a welfare exemption under *Section 214.15 of the Revenue and Taxation Code* for properties intended to be sold to low-income families who participate in a special no-interest loan program.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(C) The local government shall enforce an equity sharing agreement required pursuant to clause (i) or (ii) of subparagraph (A), unless it is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source. The following apply to the equity sharing agreement:

(i) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation.

(ii) Except as provided in clause (v), the local government shall recapture any initial subsidy, as defined in clause (iii), and its proportionate share of appreciation, as defined in clause (iv), which amount shall be used within five years for any of the purposes described in subdivision (e) of [Section 33334.2 of the Health and Safety Code](#) that promote homeownership.

(iii) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(iv) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(v) If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to clause (ii) of subparagraph (A) the local government may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households as defined by [Section 50079.5 of the Health and Safety Code](#) within the jurisdiction of the local government.

(3)

(A) Except as provided in subclause (V) of clause (i) of subparagraph (F) of paragraph (1) of subdivision (b), an applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are located or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant's application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d)

(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in [Section 50052.5 of the Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [Section 65589.5](#), upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale.

(B) Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a development in which the units are for sale.

(C) Three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a development in which the units are for sale.

(D) Five incentives or concessions for a project meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b). If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(E) One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development. If a project includes at least 23 percent of the total units for lower income students in a student housing project, the applicant shall instead receive two incentives or concessions.

(F) Four incentives or concessions for projects that include at least 16 percent of the units for very low income households or at least 45 percent for persons and families of moderate income in a development in which the units are for sale.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of *Section 65589.5*, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e)

(1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. This subdivision shall not be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of *Section 65589.5*, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This subdivision shall not be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(3) A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless the city, county, or city and county agrees to additional waivers or reductions of development standards.

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable gross residential density, as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

P P
e e
r r
c c
e e
n n
t t
a a
g g

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

e e
L D
o e
w n
- si
l ty
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o n
m u
e s
U
ni
ts
1 2
0 0
1 2
1 1
. 5
1 2
2 3
1 2
3 4
. 5
1 2
4 6
1 2
5 7
. 5
1 2
6 9
1 3
7 0
. 5
1 3
8 2
1 3
9 3
. 5
2 3
0 5
2 3
1 8
. 7
5
2 4
2 2
. 5
2 4
3 6
. 2
5
2 5
4 0

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

P	P
e	e
r	r
c	c
e	e
n	n
t	t
a	a
g	g
e	e
V	D
e	e
r	n
y	si
L	ty
o	B
w	o
l	n
n	u
c	s
o	
m	
e	
U	
ni	
ts	
5	2
	0
6	2
	2
	.
	5
7	2
	5
8	2
	7
	.
	5
9	3
	0
1	3
0	2
	.
	5
1	3
1	5
1	3
2	8
	.
	7
	5
1	4
3	2
	.
	5
1	4
4	6
	.
	2
	5
1	5

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

5 0

(3)

(A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

P P
e e
r r
c c
e e
n n
t t
a a
g g
e e
L D
o e
w n
e si
r ty
l B
n o
c n
o u
m s
e
U
ni
ts
2 3
0 5
2 3
1 8
. 7
5
2 4
2 2
. 5
2 4
3 6
. 2
5
2 5
4 0

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clauses (ii) and (iii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) If the housing development is located within one-half mile of a major transit stop, the city, county, or city and county shall not impose any maximum controls on density.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

(iii) If the housing development is located in a very low vehicle travel area within a designated county, the city, county, or city and county shall not impose any maximum controls on density.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

P	P
e	e
r	r
c	c
e	e
n	n
t	t
a	a
g	g
e	e
M	D
o	e
d	n
e	si
r	ty
a	B
t	o
e	n
-	u
l	s
n	
c	
o	
m	
e	
U	
ni	
ts	
1	5
0	
1	6
1	
1	7
2	
1	8
3	
1	9
4	
1	1
5	0
1	1
6	1
1	1
7	2
1	1
8	3
1	1
9	4
2	1
0	5
2	1
1	6
2	1
2	7
2	1
3	8
2	1

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

4 9
 2 2
 5 0
 2 2
 6 1
 2 2
 7 2
 2 2
 8 3
 2 2
 9 4
 3 2
 0 5
 3 2
 1 6
 3 2
 2 7
 3 2
 3 8
 3 2
 4 9
 3 3
 5 0
 3 3
 6 1
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 7 2
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 8 3
 3 3
 9 4
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 0 5
 4 3
 1 8
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 7
 5
 4 4
 2 2
 .
 5
 4 4
 3 6
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 2
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 4 5
 4 0

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g)

(1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

P P

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

e e
r r
c c
e e
n n
t t
a a
g g
e e
V D
e e
r n
y si
L ty
o B
w o
l n
n u
c s
o
m
e
1 1
0 5
1 1
1 6
1 1
2 7
1 1
3 8
1 1
4 9
1 2
5 0
1 2
6 1
1 2
7 2
1 2
8 3
1 2
9 4
2 2
0 5
2 2
1 6
2 2
2 7
2 2
3 8
2 2
4 9
2 3
5 0
2 3
6 1
2 3
7 2
2 3
8 3
2 3

9 4
3 3
0 5

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

- (A)** The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- (B)** The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (C)** The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of *Section 65583.2*, and is or will be served by adequate public facilities and infrastructure.
- (D)** The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of *Section 65583.2* if the design is not reviewed by the local government before the time of transfer.
- (E)** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.
- (F)** The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
- (G)** The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
- (H)** A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h)

(1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

- (A)** An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
- (B)** An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

- (A)** The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).
- (B)** Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).
- (3)** Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.
- (4)** “Childcare facility,” as used in this section, means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.
- (i)** “Housing development,” as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in [Section 4100 of the Civil Code](#), approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of [Section 65863.4](#), where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
- (j)**
- (1)** The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, “study” does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.
- (2)** Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.
- (k)** For the purposes of this chapter, concession or incentive means any of the following:
- (1)** A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with [Section 18901](#)) of [Division 13 of the Health and Safety Code](#), including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in [Section 50052.5 of the Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c).
- (2)** Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in [Section 50052.5 of the Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with [Section 30000 of the Public Resources Code](#))). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with [Section 30000 of the Public Resources Code](#)).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) “Designated county” includes the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura, and the City and County of San Francisco.

(2) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government’s electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government.

(3) “Located within one-half mile of a major transit stop” means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

(4) “Lower income student” means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in subdivision (k) of [Section 69432.7 of the Education Code](#). The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

(5) “Major transit stop” has the same meaning as defined in subdivision (b) of [Section 21155 of the Public Resources Code](#).

(6) “Maximum allowable residential density” or “base density” means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. Density shall be

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

(A) Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open-space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards.

(B) Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

(7)

(A)

(i) “Shared housing building” means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

(ii) A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

(B)

(i) “Shared housing unit” means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

(ii) “Shared housing unit” for purposes of a residential care facility for the elderly, as defined in [Section 1569.2 of the Health and Safety Code](#), includes a unit without an individual kitchen where a unit may be shared by unrelated persons, and a unit where a room that may be shared by unrelated persons meets the “minimum room area” requirements of clause (i).

(8) “Student housing development” means a development that contains bedrooms containing two or more bedspaces that have a shared or private bathroom, access to a shared or private living room and laundry facilities, and access to a shared or private kitchen.

(9)

(A) “Total units” or “total dwelling units” means a calculation of the number of units that:

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of a city, county, or city and county.

(B) For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, "unit" means one shared housing unit and its pro rata share of associated common area facilities.

(10) "Very low vehicle travel area" means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita. For purposes of this paragraph, "area" may include a travel analysis zone, hexagon, or grid. For the purposes of determining "regional vehicle miles traveled per capita" pursuant to this paragraph, a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(p)

(1) Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: one and one-half onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(D) One bedspace in a student housing development: zero parking spaces.

(2)

(A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit. Notwithstanding paragraph (1), if a development includes at least 40 percent moderate-income units for housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, as defined in subdivision (b) of [Section 21155 of the Public Resources Code](#), and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom.

(B) For purposes of this subdivision, "unobstructed access to the major transit stop" means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

(3) Notwithstanding paragraph (1), if a development meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b), then, upon the request of the developer, a city, county, or city and

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

county shall not impose vehicular parking standards if the development meets any of the following criteria:

- (A)** The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.
- (B)** The development is a for-rent housing development for individuals who are 55 years of age or older that complies with [Sections 51.2 and 51.3 of the Civil Code](#) and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- (C)** The development is either a special needs housing development, as defined in [Section 51312 of the Health and Safety Code](#), or a supportive housing development, as defined in [Section 50675.14 of the Health and Safety Code](#). A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- (4)** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.
- (5)** This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).
- (6)** This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.
- (7)** Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.
- (8)** A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).
- (q)** Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.
- (r)** This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.
- (s)** Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that incentivizes the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt from complying with the incentive and concession calculation amendments made to this

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (B) and (C) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).

(t) When an applicant proposes to construct a housing development that conforms to the requirements of subparagraph (A) or (B) of paragraph (1) of subdivision (b) that is a shared housing building, the city, county, or city and county shall not require any minimum unit size requirements or minimum bedroom requirements that are in conflict with paragraph (7) of subdivision (o).

(u)

(1) The Legislature finds and declares that the intent behind the Density Bonus Law is to allow public entities to reduce or even eliminate subsidies for a particular project by allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units. It further reaffirms that the intent is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional public subsidy.

(2) It is therefore the intent of the Legislature to make modifications to the Density Bonus Law by the act adding this subdivision to further incentivize the construction of very low, low-, and moderate-income housing units. It is further the intent of the Legislature in making these modifications to the Density Bonus Law to ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing. The Legislature further intends that these modifications will ensure that the Density Bonus Law creates incentives for the construction of more housing across all areas of the state.

(v)

(1) Provided that the resulting housing development would not restrict more than 50 percent of the total units to moderate-income, lower income, or very low income households, a city, county, or city and county shall grant an additional density bonus calculated pursuant to paragraph (2) when an applicant proposes to construct a housing development that conforms to the requirements of paragraph (1) of subdivision (b), agrees to include additional rental or for-sale units affordable to very low income households or moderate income households, and meets any of the following requirements:

(A) The housing development conforms to the requirements of subparagraph (A) of paragraph (1) of subdivision (b) and provides 24 percent of the total units to lower income households.

(B) The housing development conforms to the requirements of subparagraph (B) of paragraph (1) of subdivision (b) and provides 15 percent of the total units to very low income households.

(C) The housing development conforms to the requirements of subparagraph (D) of paragraph (1) of subdivision (b) and provides 44 percent of the total units to moderate-income households.

(2) A city, county, or city and county shall grant an additional density bonus for a housing development that meets the requirements of paragraph (1), calculated as follows:

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§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

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§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

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(3) The increase required by paragraphs (1) and (2) shall be in addition to any increase in density granted by subdivision (b).

(4) The additional density bonus required under this subdivision shall be calculated using the number of units excluding any density bonus awarded by this section.

History

Added Stats 1979 ch 1207 § 10, effective October 2, 1979. Amended Stats 1982 ch 1263 § 2, effective September 22, 1982; Stats 1983 ch 634 § 1; Stats 1984 ch 1333 § 2; [Stats 1989 ch 842 § 3](#); [Stats 1990 ch 31 § 3 \(AB 1259\)](#), effective March 26, 1990; [Stats 1991 ch 1091 § 64 \(AB 1487\)](#); [Stats 1998 ch 689 § 6 \(SB 1362\)](#); [Stats 1999 ch 968 § 7 \(SB 948\)](#); [Stats 2000 ch 556 § 1 \(AB 2755\)](#); [Stats 2002 ch 1062 § 3 \(AB 1866\)](#); [Stats 2003 ch 430 § 1 \(AB 305\)](#); [Stats 2004 ch 724 § 5 \(AB 2348\)](#), ch 928 § 1 (SB 1818); [Stats 2005 ch 496 § 2 \(SB 435\)](#), effective January 1, 2006; [Stats 2008 ch 454 § 1 \(AB 2280\)](#), effective January 1, 2009; [Stats 2012 ch 181 § 53 \(AB 806\)](#), effective January 1, 2013, operative January 1, 2014; [Stats 2013 ch 76 § 102 \(AB 383\)](#), effective January 1, 2014; [Stats 2014 ch 682 § 1 \(AB 2222\)](#), effective January 1, 2015; [Stats 2015 ch 699 § 2 \(AB 744\)](#), effective January 1, 2016; [Stats 2016 ch 756 § 1 \(AB 2442\)](#), effective January 1, 2017; [Stats 2016 ch 758 § 1 \(AB 2501\)](#), effective January 1, 2017; [Stats 2016 ch 761 § 1.7 \(AB 2556\)](#), effective January 1, 2017; [Stats 2018 ch 904 § 2 \(AB 2797\)](#), effective January 1, 2019; [Stats 2018 ch 921 § 1 \(AB 2753\)](#), effective January 1, 2019; [Stats 2018 ch 937 § 1.3 \(SB 1227\)](#), effective January 1, 2019 (ch 937 prevails); [Stats 2019 ch 497 § 148 \(AB 991\)](#), effective January 1, 2020; [Stats 2019 ch 666 § 1 \(AB 1763\)](#), effective January 1, 2020 (ch 666 prevails); [Stats 2020 ch 197 § 2 \(AB 2345\)](#), effective January 1, 2021; [Stats 2021 ch 340 § 2 \(SB 290\)](#), effective January 1, 2022; [Stats 2021 ch 365 § 1.5 \(SB 728\)](#), effective

§ 65915. Local government incentives or concessions where applicant seeks density bonus [Effective January 1, 2025]

ITEM NO. 17.

January 1, 2022 (ch 365 prevails); [Stats 2022 ch 634 § 1 \(AB 682\)](#), effective January 1, 2023; [Stats 2022 ch 634 § 1.5 \(AB 682\)](#), effective January 1, 2023; [Stats 2022 ch 653 § 1 \(AB 2334\)](#), effective January 1, 2023; [Stats 2022 ch 653 § 1.5 \(AB 2334\)](#), effective January 1, 2023 (ch 653 prevails); [Stats 2023 ch 738 § 2 \(AB 323\)](#), effective January 1, 2024; [Stats 2023 ch 755 § 1 \(AB 1287\)](#), effective January 1, 2024; [Stats 2023 ch 784 § 1.3 \(SB 713\)](#), effective January 1, 2024 (ch 784 prevails); [Stats 2024 ch 80 § 77 \(SB 1525\)](#), effective January 1, 2025; [Stats 2024 ch 278 § 1 \(AB 2694\)](#), effective January 1, 2025; [Stats 2024 ch 432 § 1.5 \(AB 3166\)](#), effective January 1, 2025) (ch 432 prevails).

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[Cal Gov Code § 65915.1](#)

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

§ 65915.1. Affordable housing impact fees not permitted on housing development's affordable units

For purposes of [Section 65915](#), affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.

History

Added [Stats 2021 ch 346 § 1 \(AB 571\)](#), effective January 1, 2022.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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[Cal Gov Code § 65915.2](#)

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Deering's California Codes Annotated > **GOVERNMENT CODE (§§ 1 — 500000–500049)** > **Title 7 Planning and Land Use (Divs. 1 — 3)** > **Division 1 Planning and Zoning (Chs. 1 — 13)** > **Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)**

§ 65915.2. Affordability period longer than 55 years for units qualified for award of density bonus

If permitted by local ordinance, nothing in [Section 65915](#) shall be construed to prohibit a city, county, or city and county from requiring an affordability period longer than 55 years for any units that qualified the applicant for the award of the density bonus developed in compliance with a local ordinance that requires, as a condition of the development of residential units, that the development include a certain percentage of units that are affordable to, and occupied by, low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.

History

Added [Stats 2021 ch 348 § 1 \(AB 634\)](#), effective January 1, 2022.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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Cal Gov Code § 65915.3

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

§ 65915.3. Terms; Meanings [Effective January 1, 2025]

- (a) As used in this section, the following terms have the following meanings:
- (1) "Housing development" has the same meaning as defined in subdivision (i) of Section 65915.
 - (2) "Monitoring fee" means a fee charged by a city, county, or city and county on a recurring basis to oversee and ensure the continued affordability of a housing development pursuant to either of the following:
 - (A) Section 65915.
 - (B) Any applicable local inclusionary housing ordinance.
- (b) Except as provided in subdivision (d), a city, county, or city and county shall not charge a monitoring fee on a housing development if all of the following conditions are met:
- (1) The housing development meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b) of Section 65915.
 - (2) The applicant received a density bonus pursuant to Section 65915 for the housing development.
 - (3) The housing development is subject to a recorded regulatory agreement with the California Tax Credit Allocation Committee, the California Housing Finance Agency, or the Department of Housing and Community Development that requires compliance with subparagraph (G) of paragraph (1) of subdivision (b) of Section 65915.
 - (4) Prior to receiving a building permit, the applicant provides to the local government a fully executed Tax Credit Reservation Letter indicating that the applicant accepted the award.
 - (5) The applicant provides to the local government a copy of a recorded regulatory agreement with the California Tax Credit Allocation Committee, the California Housing Finance Agency, or the Department of Housing and Community Development.
 - (6) The applicant agreed to provide to the local government the compliance monitoring document required pursuant to the California Tax Credit Allocation Committee, the California Housing Finance Agency, or the Department of Housing and Community Development regulations.
- (c) Beginning on January 1, 2025, a housing development that is currently placed in service, is subject to a monitoring fee, and meets the requirements of subdivision (b) shall no longer be subject to that fee.
- (d) Notwithstanding subdivisions (b) and (c), a city, county, or city and county may charge a monitoring fee on a housing development that meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b) of Section 65915 if any of the following conditions are met:
- (1) The applicant utilizes a local incentive program that results in the development of units with deeper affordability, including a higher number of affordable units than what is monitored for by the California Tax Allocation Committee, the California Housing Finance Agency, or the Department of Housing and Community Development.

- (2) The applicant uses a local incentive program that results in the development of units that are affordable to and occupied by moderate income households.
- (3) The applicant accepts a local funding source that results in the development of units with different affordability, measured through higher or lower area median income or through higher or lower rents, than what is monitored for by the California Tax Allocation Committee, the California Housing Finance Agency, or the Department of Housing and Community Development.
- (4) The applicant accepts funding from a regional, state, or federal agency other than the California Tax Credit Allocation Committee, the California Debt Limit Allocation Committee, the California Housing Finance Agency, or the Department of Housing and Community Development that requires local monitoring activities that would not otherwise be conducted by the California Tax Allocation Committee, the Department of Housing and Community Development, or the public agency issuing the funding.
- (e) A city, county, or city and county that is not collecting a monitoring fee pursuant to this section shall not have any obligation to monitor a housing development for compliance with Section 65915.

History

Added [Stats 2024 ch 273 § 1 \(AB 2430\)](#), effective January 1, 2025.

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[Cal Gov Code § 65915.5](#)

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§ 65915.5. Condominium conversions including low or moderate income housing units or lower income household units

(a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in [Section 50093 of the Health and Safety Code](#), or 15 percent of the total units of the proposed condominium project to lower income households as defined in [Section 50079.5 of the Health and Safety Code](#), and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, “density bonus” means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, “other incentives of equivalent financial value” shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under [Section 65915](#).

(g) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, as defined in subparagraph (B) of paragraph (3) of subdivision (c) of [Section 65915](#), and either of the following applies:

§ 65915.5. Condominium conversions including low or moderate income housing units or lower income household units

(1) The proposed condominium project, inclusive of the units replaced pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of [Section 65915](#), contains affordable units at the percentages set forth in subdivision (a).

(2) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(h) Subdivision (g) does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

History

Added Stats 1983 ch 634 § 2. Amended [Stats 2014 ch 682 § 2 \(AB 2222\)](#), effective January 1, 2015.

Annotations

Notes

Amendments:

2014 Amendment:

Added subs (g) and (h).

Research References & Practice Aids

Cross References:

Condominiums generally: [CC §§ 1350](#) et seq.

Treatises:

[Cal. Legal Forms, \(Matthew Bender\) § 30B.22.](#)

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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Cal Gov Code § 65915.7

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

Notice

 This section has more than one version with varying effective dates.

§ 65915.7. Granting development bonus to commercial developer contributing affordable housing [Repealed effective January 1, 2028]

(a) When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subdivision (c) to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, county, or city and county shall grant to the commercial developer a development bonus as prescribed in subdivision (b). Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

- (1) Within the boundaries of the local government.
- (2) In close proximity to public amenities including schools and employment centers.
- (3) Located within one-half mile of a major transit stop, as defined in subdivision (b) of [Section 21155 of the Public Resources Code](#).

(b) The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the jurisdiction, that may include, but are not limited to, any of the following:

- (1) Up to a 20-percent increase in maximum allowable intensity in the General Plan.
- (2) Up to a 20-percent increase in maximum allowable floor area ratio.
- (3) Up to a 20-percent increase in maximum height requirements.
- (4) Up to a 20-percent reduction in minimum parking requirements.
- (5) Use of a limited-use/limited-application elevator for upper floor accessibility.
- (6) An exception to a zoning ordinance or other land use regulation.

(c) For purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the city, county, or city and county.

(d) For purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

- (1) The commercial developer may directly build the units.
- (2) The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.

- (3) The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
- (e) For purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of [Section 65915](#) shall apply.
- (f) Nothing in this section shall preclude any additional allowances or incentives offered to developers by local governments pursuant to law or regulation.
- (g) If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subdivision (c), the local government may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.
- (h) In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.
- (i) Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under [Section 65915](#).
- (j) A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.
- (k) A city or county shall submit to the Department of Housing and Community Development, as part of the annual report required by [Section 65400](#), information describing a commercial development bonus approved pursuant to this section, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the local jurisdiction, and the number of affordable units constructed as part of the agreements.
- (l) For purposes of this section, “partner” means formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.
- (m) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

History

Added [Stats 2022 ch 637 § 1 \(AB 1551\)](#), effective January 1, 2023, repealed January 1, 2028.

Annotations

Notes

Prior Law:

Former Gov C § 65915.7, similar to the present section, was added [Stats 2016 ch 747 § 2 \(AB 1934\)](#), effective January 1, 2017, and repealed January 1, 2022, by its own terms.

Research References & Practice Aids

§ 65915.7. Granting development bonus to commercial developer contributing affordable housing [Repealed effective January 1, 2028]

ITEM NO. 17.

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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Notice

 This section has more than one version with varying effective dates.

§ 65915.7. Granting development bonus to commercial developer contributing affordable housing [Repealed effective January 1, 2028]

History

Added [Stats 2022 ch 637 § 1 \(AB 1551\)](#), effective January 1, 2023, repealed January 1, 2028.

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§ 65916. Assurance of continued availability for low- and moderate-income units where there is direct financial contribution

Where there is a direct financial contribution to a housing development pursuant to [Section 65915](#) through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in [Section 65915](#) shall specify the mechanisms and procedures necessary to carry out this section.

History

Added Stats 1979 ch 1207 § 10, effective October 2, 1979.

Annotations

Notes

Editor's Notes—

See note following [Gov C § 65050](#).

Opinion Notes

Attorney General's Opinions

The granting of a density bonus or an exemption from a local ordinance provision does not constitute a “direct financial contribution” for purposes of [Gov C § 65916](#). [64 Ops. Cal. Atty. Gen. 370](#).

Cities and counties are required to comply with the 30-year use restriction provisions of [Government Code §§ 37364](#) and [65916](#) when they use federal community development block grant funds to provide housing affordable to persons of low and moderate income by (1) purchasing property from private developer and reconveying it to him for nominal sum or (2) purchasing interest in property allowing them to restrict use of property to affordable housing. [69 Ops. Cal. Atty. Gen. 223](#).

A community may establish its maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over the next five-year period below the number of housing units that would meet the community's goal of achieving its share of the regional housing needs established pursuant to the Planning and

§ 65916. Assurance of continued availability for low- and moderate-income units where there is direct financial contribution

Zoning Law if the community finds that its available resources in the aggregate, including but not limited to federal and state funds for its housing programs, its own local funds, tax or density credits, and other affordable housing programs, are insufficient to meet those needs. [88 Ops. Cal. Atty. Gen. 84](#).

Research References & Practice Aids

Legal Periodicals:

Review of Selected 1979 California Legislation. 11 Pac. L.J. 573.

Treatises:

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 335 "Landlord And Tenant: Rent Control"](#).

[Cal. Legal Forms, \(Matthew Bender\) § 30B.22](#).

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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[Cal Gov Code § 65917](#)

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

§ 65917. Legislative intent

In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with [Section 65915](#), a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

History

Added Stats 1979 ch 1207 § 10, effective October 2, 1979. Amended Stats 1982 ch 1263 § 3, effective September 22, 1982; [Stats 1989 ch 842 § 4](#); [Stats 2001 ch 115 § 14 \(SB 153\)](#).

Annotations

Notes

Editor's Notes—

Amendments:

Editor's Notes—

See note following [Gov C § 65050](#).

Amendments:

1982 Amendment:

(1) Substituted “density bonus or other incentives” for “agreement”; and (2) added “shall” after “to this chapter”.

1989 Amendment:

(1) Substituted “lower income” for “low-and moderate income” after “feasibility of” in the first sentence; and (2) added the second sentence.

2001 Amendment:

Substituted “Section 65915” for “Section 65913.5 or 65915”.

Commentary

Law Revision Commission Comments:

2001—

[Section 65917](#) is amended to correct an obsolete reference to former [Section 65913.5](#).

Notes to Decisions

1. Generally

Density bonus did not preclude fair market rents under the federal [Section 8](#) housing program, [42 U.S.C. § 1437f](#), in excess of maximum rents under [H & S C §§ 50053\(b\)\(2\)](#), [50098](#), because affordable rent under [Gov C § 65915\(c\)\(1\)](#), pertains to the amount paid by the tenant and does not limit rent subsidies. [Gov C § 65917](#), does not display any legislative intent to make developers choose between regulatory incentives and rental subsidies. [Wollmer v. City of Berkeley \(Cal. App. 1st Dist. 2011\)](#), [193 Cal. App. 4th 1329](#), [122 Cal. Rptr. 3d 781](#), [2011 Cal. App. LEXIS 375](#).

Research References & Practice Aids

Legal Periodicals:

Review of Selected 1979 California Legislation. 11 Pac. L.J. 573.

1989 legislative summary. 8 Cal Real Prop J No. 1 p 1.

Treatises:

[Cal. Legal Forms, \(Matthew Bender\) § 30B.22](#).

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

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§ 65917.2. Definitions; Grant to eligible housing development developer floor area ratio bonus; Parking requirements; Impact fees calculation

(a) As used in this section, the following terms shall have the following meanings:

(1) “Eligible housing development” means a development that satisfies all of the following criteria:

(A) The development is a multifamily housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded pursuant to this chapter.

(B) The development is located within one of the following:

- (i) An urban infill site that is within a transit priority area.
- (ii) One-half mile of a major transit stop.

(C) The site of the development is zoned to allow residential use or mixed-use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low density residential use or for exclusive nonresidential use.

(D) The applicant and the development satisfy the replacement requirements specified in subdivision (c) of [Section 65915](#).

(E) The development includes at least 20 percent of the units, excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter, with an affordable housing cost or affordable rent to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, as determined pursuant to [Section 50093 of the Health and Safety Code](#), and subject to an affordability restriction for a minimum of 55 years.

(F) The development complies with the height requirements applicable to the underlying zone. A development shall not be eligible to use a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter to relieve the development from a maximum height limitation.

(2) “Floor area ratio” means the ratio of gross building area of the eligible housing development, excluding structured parking areas, proposed for the project divided by the net lot area. For purposes of this paragraph, “gross building area” means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

(3) “Floor area ratio bonus” means an allowance for an eligible housing development to utilize a floor area ratio over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city or county, calculated pursuant to paragraph (2) of subdivision (b).

(4) “Major transit stop” has the same meaning as defined in [Section 21155 of the Public Resources Code](#).

(5) "Transit priority area" has the same meaning as defined in [Section 21099 of the Public Resources Code](#).

(b)

(1) A city council, including a charter city council or the board of supervisors of a city and county, or county board of supervisors may establish a procedure by ordinance to grant a developer of an eligible housing development, upon the request of the developer, a floor area ratio bonus, calculated as provided in paragraph (2), in lieu of a density bonus awarded on the basis of dwelling units per acre.

(2) In calculating the floor area ratio bonus pursuant to this section, the allowable gross residential floor area in square feet shall be the product of all of the following amounts:

(A) The allowable residential base density in dwelling units per acre.

(B) The site area in square feet, divided by 43,560.

(C) 2,250.

(c) The city council or county board of supervisors shall not impose any parking requirement on an eligible housing development in excess of 0.1 parking spaces per unit that is affordable to persons and families with a household income equal to or less than 120 percent of the area median income and 0.5 parking spaces per unit that is offered at market rate.

(d) A city or county that adopts a floor area ratio bonus ordinance pursuant to this section shall allow an applicant seeking to develop an eligible residential development to calculate impact fees based on square feet, instead of on a per unit basis.

(e) In the case of an eligible housing development that is zoned for mixed-use purposes, any floor area ratio requirement under a zoning ordinance or land use element of the general plan of the city or county applicable to the nonresidential portion of the eligible housing development shall continue to apply notwithstanding the award of a floor area ratio bonus in accordance with this section.

(f) An applicant for a floor area ratio bonus pursuant to this section may also submit to the city, county, or city and county a proposal for specific incentives or concessions pursuant to subdivision (d) of [Section 65915](#).

(g)

(1) This section shall not be interpreted to do either of the following:

(A) Supersede or preempt any other section within this chapter.

(B) Prohibit a city, county, or city and county from providing a floor area ratio bonus under terms that are different from those set forth in this section.

(2) The adoption of an ordinance pursuant to this section shall not be interpreted to relieve a city, county, or city and county from complying with [Section 65915](#).

History

Added [Stats 2018 ch 915 § 1 \(AB 2372\)](#), effective January 1, 2019.

Annotations

Research References & Practice Aids

§ 65917.2. Definitions; Grant to eligible housing development developer floor area ratio bonus; Park requirements; Impact fees calculation

ITEM NO. 17.

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

§ 65917.5. Child care facility

(a) As used in this section, the following terms shall have the following meanings:

(1) “Child care facility” means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) “Density bonus” means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) “Developer” means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) “Floor area” means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the

§ 65917.5. Child care facility

intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with [Section 66000](#)) and of the amendments made to [Sections 53077](#), [54997](#), and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

History

Added [Stats 1989 ch 1323 § 2](#). Amended [Stats 2008 ch 179 § 112 \(SB 1498\)](#), effective January 1, 2009.

Annotations

Notes

Editor's Notes—

Amendments:

Note—

Editor's Notes—

[Gov C §§ 54997](#), 54998, referred to in subdivision (f) of this section, was repealed [Stats 1990 ch 1572 § 5](#). See now [Gov C § 66023](#).

Amendments:**2008 Amendment:**

(1) Substituted “an application” for “application” after “supervisors to make” in subd (a)(3); (2) amended subd (d) by substituting (a) “purposes” for “any purposes” after “subdivision (b), for” in the first sentence; (b) “A” for “Any” at the beginning of the fifth sentence; and (c) “child care” for “childcare” after “to be used for” in the last sentence; and (3) deleted the comma after “Sections 53077, 54997, and 54998” in subd (f).

Note—

[Stats 1989 ch 1323](#) provides:

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

- (a) It is the intent of the Legislature to encourage greater development of facilities by the private sector at points of employment concentration.
- (b) It is the intent of the Legislature to encourage and foster a public and private cooperative approach to providing child care services in California communities.
- (c) It is in the best interest of the state to develop and foster incentive driven programs to encourage commercial and industrial developers to provide children's centers, which can meet the needs of the city, including a charter city, city and county, or county.
- (d) It is the intent of the Legislature to provide advisory guidelines which may be adopted by a city council, including a charter city council, city and county board of supervisors, or county board of supervisors, for floor area ratio bonuses as one approach in addressing the unmet need for child care services in California communities.
- (e) It is in the best interest of the state to provide advisory guidelines which assist in reducing travel time for families by increasing onsite child care facilities in developments such as business, industrial parks, and retail centers. It is also in the best interest of the state to create incentives for developers which will help to foster and attract business and tenants in new developments.
- (f) It is the intent of the Legislature to provide guidelines for local jurisdictions and the private sector which will increase the number of facilities which are developed specifically for children that can enrich and nurture their physical and cognitive growth.
- (g) It is further the intent of the Legislature that every city council, including a charter city council, city and county board of supervisors, or county board of supervisors, shall consider adopting the floor area ratio bonus guidelines into their local general plans.

Research References & Practice Aids

Treatises:

[Cal. Legal Forms, \(Matthew Bender\) § 30B.22.](#)

Taking a closer look: Significant new California legislation enacted in 1989. 13 CEB Real Prop L Rep No. 2 p 37.

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

§ 65917.5. Child care facility

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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End of Document

[Cal Gov Code § 65918](#)

Deering's California Codes are current through the 2024 Regular Session Ch 268.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 13) > Chapter 4.3 Density Bonuses and Other Incentives (§§ 65915 — 65918)

§ 65918. Application of provisions to charter cities

The provisions of this chapter shall apply to charter cities.

History

Added Stats 1979 ch 1207 § 10, effective October 2, 1979.

Annotations

Research References & Practice Aids

Cross References:

Chartered cities generally: [Gov C §§ 51540](#) et seq.

Legal Periodicals:

Review of Selected 1979 California Legislation. 11 Pac. L.J. 573.

Treatises:

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 579 "Zoning And Planning"](#).

[Cal. Legal Forms. \(Matthew Bender\) § 30B.22.](#)

Hierarchy Notes:

[Cal Gov Code Title 7, Div. 1](#)

[Cal Gov Code Title 7, Div. 1, Ch. 4.3](#)

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DRAFT ORDINANCE**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29, "ZONING," OF THE TOWN CODE TO UPDATE
THE TOWN'S DENSITY BONUS ORDINANCE TO REFLECT CHANGES
MADE IN STATE LAW**

WHEREAS, Sections 65915 et seq. of the California Government Code, known as State Density Bonus Law, requires the Town of Los Gatos to provide a developer that proposes a housing development within the jurisdictional boundaries of the Town of Los Gatos containing affordable and other types of housing with a density bonus and other incentives; and

WHEREAS, California Government Code Section 65915(a) requires that all jurisdictions within the state adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and

WHEREAS, since adoption of the Town's density bonus ordinance, the State Legislature has passed, and the Governor has signed into law numerous changes to State Density Bonus Law; and

WHEREAS, the 2023-2031 Housing Element, which was adopted on June 4, 2024, and subsequently found in compliance with housing element law on July 10, 2024, by the California Department of Housing and Community Development, provides that the Town will update its density bonus ordinance to comply with State law amendments; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Town Code, has found that the proposed amendments are consistent with goals and policies of the Town's General Plan, and recommends adoption of the proposed amendments by the Town Council; and

WHEREAS, the Town finds and determines that the proposed amendments to the Town Code are adopted pursuant to the Town's police power authority to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Incorporation of Recitals.

The Town of Los Gatos Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

ATTACHMENT 3

SECTION II. Amendments to Chapter 29 of the Town of Los Gatos Town Code.

Sections 29.10.405 through 29.10.440 of Chapter 29 of the Town of Los Gatos Town Code are repealed and replaced with a new Division 8 of Article I of Chapter 29 to read as follows:

AFFORDABLE HOUSING DENSITY BONUS

Sections

29.10.410 Purpose.

29.10.420 Definitions.

29.10.430 Application requirements.

29.10.440 Review process.

29.10.450 Density bonus agreement.

29.10.460 Density bonus calculations.

29.10.470 Development standards.

29.10.480 Density bonus for commercial development.

29.10.490 Interpretation

Sec. 29.10.410. Purpose.

In accordance with California Government Code Sections 65915, et seq., this Division specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this Division is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low-, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of land, and for other housing types as provided by state law. In enacting this Division, it is also the intent of the Town to implement the goals, objectives, and policies of the Town's Housing Element of the General Plan.

Sec. 29.10.420. Definitions.

The definitions found in State Density Bonus Law shall apply to the terms contained in this Division. "Incentives" include "concessions" as defined in State Density Bonus Law.

Sec. 29.10.430. Application Requirements.

(a) An applicant for a "housing development" as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915(b), (c), (f), (g), (h), and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.

(b) The granting of a density bonus, incentive, or concession, pursuant to this Division, shall not be interpreted, in and of itself, to require a general plan amendment, development code amendment, zone change, other discretionary approval, or the waiver of a Town ordinance or

provisions of a Town ordinance unrelated to development standards.

(c) All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the Community Development Director, or their designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.

(d) The application shall include the required fee and the following minimum information:

1. For a requested density bonus.
 - a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
 - b. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.
 - c. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
 - d. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
 - e. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - f. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
 - g. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period, but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
 - h. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.

- i. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.
2. **Requested incentives.** Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law. The application shall include the following minimum information for each incentive requested, shown on a site plan (if appropriate):
 - a. The Town of Los Gatos's usual regulation and the requested regulatory incentive or concession.
 - b. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - c. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.
3. **Requested waivers.** For each waiver requested, the applicant shall include a list, and shown on a site plan (if possible), the Town's required development standard and the requested development standard.
4. **Parking reductions.** If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on-site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (2) and (3) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, paragraph under Government Code Section 65915(p) (or other statute) under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.
5. **Density bonus or incentive for a childcare facility in a housing development.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.

6. **Density bonus or incentive for a condominium conversion.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

Sec. 29.10.440. Application review process.

(a) All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed, and acted upon concurrently with the planning application by the approval body with authority to approve the development, within the timelines prescribed by California Government Code Section 65950 et seq. or other statute. Appeals of the planning application in accordance with the requirements of Division 4 of Chapter 29 of the Town Code shall include all requests under State Density Bonus Law if appeals are authorized for the discretionary or ministerial permit applied for.

(b) To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of State Density Bonus Law, as applicable:

1. The housing development provides the housing required by State Density Bonus Law to be eligible for a density bonus and any incentives, parking reduction, or waivers requested, including housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Section 65915(c)(3).
2. If applicable, the housing development provides the housing required by State Density Bonus law to be eligible for an additional density bonus under Government Code Section 65915(v)(1).
3. If an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).
4. If a waiver is requested, the development standards for which a waiver is requested would have the effect of physically precluding the construction of the housing development at the densities or with the incentives permitted.
5. The housing development is eligible for any requested parking reductions under Government Code Section 65915(p) or other statute.
6. If the density bonus is based all or in part on donation of land, the requirements of Government Code Section 65915(g) have been met.
7. If the density bonus or incentive is based all or in part on the inclusion of a child care facility or condominium conversion, the requirements included in Government Code Section 65915(h) or 65915.5, as appropriate, have been met.

(c) The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
2. The proposed incentive would be contrary to state or federal law; or
3. The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.

(d) The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

1. The proposed waiver would be contrary to state or federal law; or
2. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
3. The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.

(e) If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the Town already has adequate child care facilities.

(f) A request for minor modification of an approved density bonus housing plan may be granted by the Town Manager, or their designee, if the modification substantially complies with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

Sec. 29.10.450. Density bonus housing agreement.

(a) If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this Division, the applicant shall enter into a binding affordable housing agreement and/or restrictive covenant, as described below, with the Town, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures

compliance with all of the provisions of this chapter. The agreement will also establish specific compliance standards and remedies available to the Town upon failure by the applicant to comply with State Density Bonus Law, this Division, or the affordable housing agreement.

(b) For rental projects, the applicant shall enter into an affordable housing agreement with the Town, running with the land, in a form approved by the Town Attorney, to be executed by the Town Manager, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market-rate units; and shall contain other relevant provisions approved by the Town Attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.

(c) For for-sale projects, the applicant shall enter into an affordable housing agreement with the Town of Los Gatos, running with the land, in a form approved by the Town Attorney, to be executed by the Town Manager, or their designee. The affordable housing agreement shall require that, the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the Town Attorney. The Town shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it is in conflict with the requirements of another public funding source or law. The affordable housing agreement shall require the continued affordability of the for-sale units for 45 years.

(d) Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the Town, running with the land, in a form approved by the Town Attorney, to be executed by the Town Manager, or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

(e) The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.

Sec. 29.10.460. Density bonus calculations.

(a) In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

(b) When calculating the number of affordable units needed to qualify for a given density

bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.

(c) Except where a housing development is eligible for an additional bonus, pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

(d) In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations. Any on-site units that satisfy the Town of Los Gatos's inclusionary housing requirements in Division 6 of Chapter 29 of the Town Code and are required to be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of State Density Bonus Law.

(e) The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than what is authorized under State Density Bonus Law.

(f) Nothing in this Division requires the provision of direct financial incentives from the Town for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The Town, at its sole discretion, may choose to provide such direct financial incentives.

Sec. 29.10.470. Development standards.

(a) Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units.

(b) The external finish appearance of affordable units shall be indiscernable from that of the market rate units in the project. The internal finish of affordable units shall be identical to those of the market rate units in the project, except that the applicant may request Town approval of substitutions for luxury interior finishes, appliances, or fixtures, if such substitutions do not violate any other Town Code requirement.

(c) To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

Sec. 29.10.480. Density bonus for commercial development.

A Commercial Development may request and receive a Development Bonus pursuant to the

provisions of Government Code Section 65915.7.

Sec. 29.10.490. Interpretation.

If any portion of this Division conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this Division. Any ambiguities in this Division shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this Division include successor provisions.

SECTION III. California Environmental Quality Act (CEQA) Considerations.

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and includes no provisions beyond those included in State Density Bonus Law that may result in a direct or indirect impact on the physical environment.

SECTION IV. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

SECTION V. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

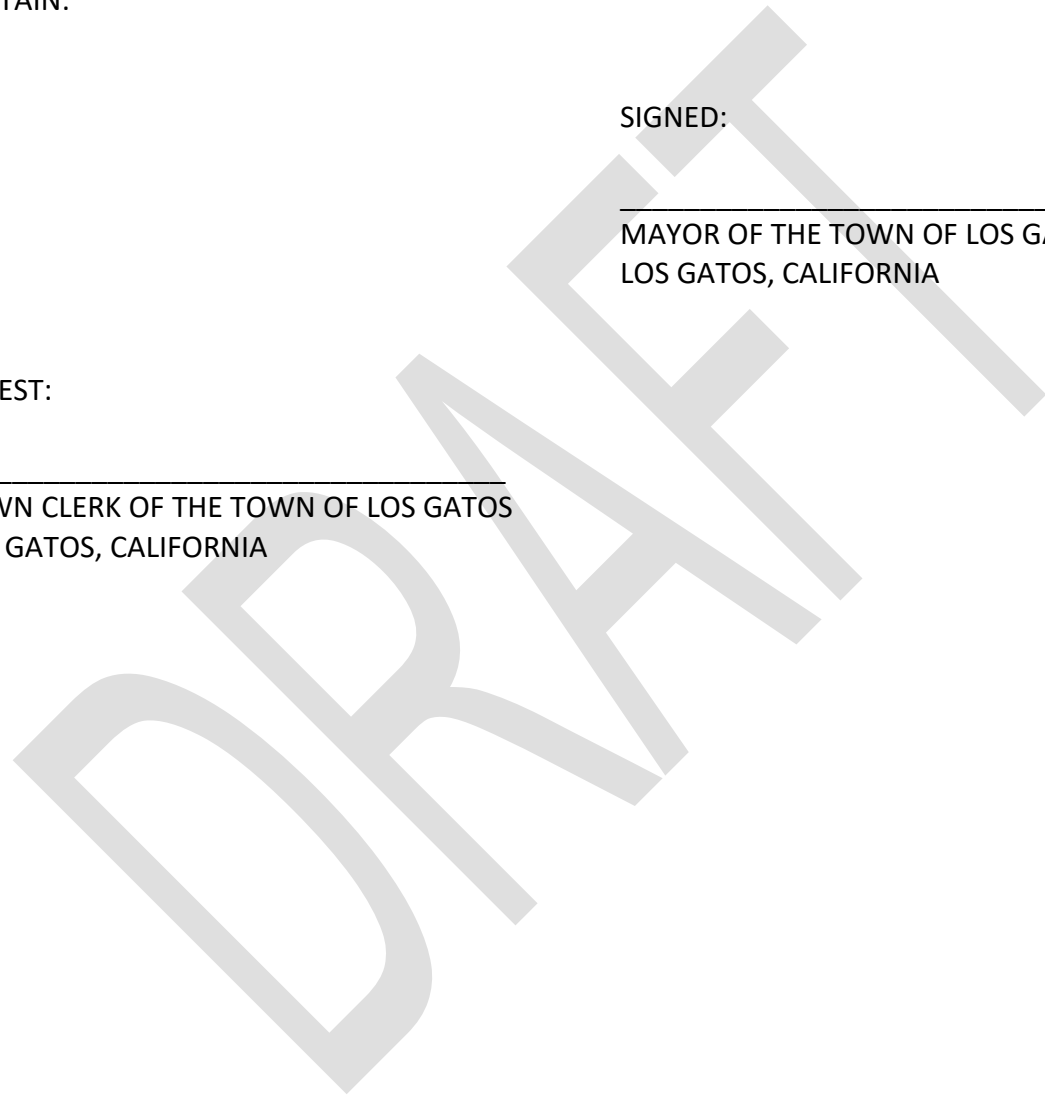
ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 18

ITEM NO. 18.

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code to Add Low Barrier Navigation Centers as a By-Right Use in Mixed-Use and Nonresidential Zones, Pursuant to Implementation Program AD of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65660 - 65668. Town Code Amendment Application A-24-006. **Project Location: Town Wide.** Applicant: Town of Los Gatos.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos to Add Division 11, "Low Barrier Navigation Centers," to Article I, "General" of Chapter 29, "Zoning Regulations," of the Town Code.

RECOMMENDATION:

Introduce an ordinance (Attachment 5) amending Chapter 29 (Zoning Regulations) of the Town Code to add Low Barrier Navigation Centers as a by-right use in mixed use and nonresidential zones where multi-family uses are permitted, pursuant to Implementation Program AD of the 2023-2031 Housing Element.

BACKGROUND:

Implementation Program AD states that the Town will amend the Zoning Code to include a definition of Low-Barrier Navigation Center (LBNC) consistent with state law and allow at least two mixed-use zoning districts to permit Low-Barrier Navigation Centers as a by-right use. However, upon review of the state law, it appears that the Town is required to allow LBNC's in all mixed-use and nonresidential zones in which multi-family uses are permitted.

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Director and Finance Director

PAGE 2 OF 3

SUBJECT: Low-Barrier Navigation Center Ordinance

DATE: November 20, 2024

A LBNC is a “Housing First,” low-barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing. By “Housing First,” the State means that the shelter has the goal of finding permanent housing for the unhoused and does not make housing contingent on participation in services (Welfare and Institutions Code Section 8255).

State Assembly Bill 101 enacted Government Code Sections 65660 – 65668 (Attachment 1) to require that local jurisdictions allow LBNC’s as “by-right” uses in areas zoned for mixed-use and nonresidential zones permitting multi-family uses, so long as the LBNC’s meet specified requirements. In the Town, those four zoning districts are the O, CH, C-1, and C-2 zones (Attachment 2).

To qualify for “by-right” approval, a proposed LBNC must provide access to permanent housing, using a coordinated entry system (in which individuals and families get access to related services), and comply with a state “Housing First” statute. The “Housing First” statute is codified in Welfare and Institutions Code Section 8255. A copy of Welfare and Institutions Code Section 8255 is attached as Attachment 3.

A “by-right” use is eligible for a ministerial permit and is not subject to the California Environmental Quality Act. The Town is required to notify the developer whether the application is complete within 30 days of receipt of an application. The Town is required to act on the application within 60 days of receipt of a complete application. These new provisions are in addition to current state housing element law regarding planning and approval for emergency shelters, transitional housing, and by-right permanent supportive housing.

In addition to being required by state law, adoption of an LBNC ordinance is required by Implementation Program AD of the Town’s certified 2023-2031 Housing Element. The Town is required to report to the California Department of Housing and Community Development (HCD) when this program has been implemented.

On November 13, 2024, the Planning Commission voted unanimously to recommend to the Town Council recommend introduction of the Ordinance.

DISCUSSION:

Town staff is proposing that Chapter 29, Article I of the Town’s Zoning Regulations be amended to add Division 11. Additionally, LBNCs would be added as permitted uses in the O, C-1, C-2, and CH zones (Sections 29.60.085, 29.60.210, 29.60.320, and 29.60.420 respectively).

PAGE 3 OF 3

SUBJECT: Low-Barrier Navigation Center Ordinance

DATE: November 20, 2024

CONCLUSION:

If the Town Council introduces the proposed ordinance, it (Attachment 5) will be placed on the December 17, 2024, Town Council agenda for adoption and the ordinance will take effect 30 days after adoption.

COORDINATION:

This report was coordinated with the Community Development Department and Town Attorney's Office.

FISCAL IMPACT:

The Town does not anticipate a fiscal impact from this requirement, because the Town will adopt a fee to cover the cost of processing the planning applications.

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is exempt pursuant to CEQA, Section 15061(b)(3) in that it can be seen with certainty that it will not impact the environment, because the Town is already subject to Government Code Sections 65660 - 65668. State law already requires the Town to allow LNBC's as by-right uses in the specified zones so long as they meet the criteria set forth in state law.

Attachments:

1. Government Code Sections 65660 - 65668
2. C-1, C-2, CH, and O Zoning Districts Map
3. Welfare and Institutions Code Section 8255
4. Redline Town Code
5. Draft Ordinance


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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66342] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 3. Local Planning [65100 - 65763] (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 12. Low Barrier Navigation Centers [65660 - 65668] (*Article 12 added by Stats. 2019, Ch. 159, Sec. 7.*)

65660. For purposes of this article:

(a) "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

(b) "Use by right" has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.

(Added by Stats. 2019, Ch. 159, Sec. 7. (AB 101) Effective July 31, 2019. Repealed as of January 1, 2027, pursuant to Section 65668.)

65662. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of this article. A local jurisdiction shall permit a Low Barrier Navigation Center development provided that it meets the following requirements:

- (a) It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- (b) It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- (c) It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (d) It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of

the Code of Federal Regulations.

(Added by Stats. 2019, Ch. 159, Sec. 7. (AB 101) Effective July 31, 2019. Repealed as of January 1, 2027, pursuant to Section 65668.)

65664. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the local jurisdiction shall notify a developer whether the developer's application is complete pursuant to Section 65943. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the local jurisdiction shall act upon its review of the application.

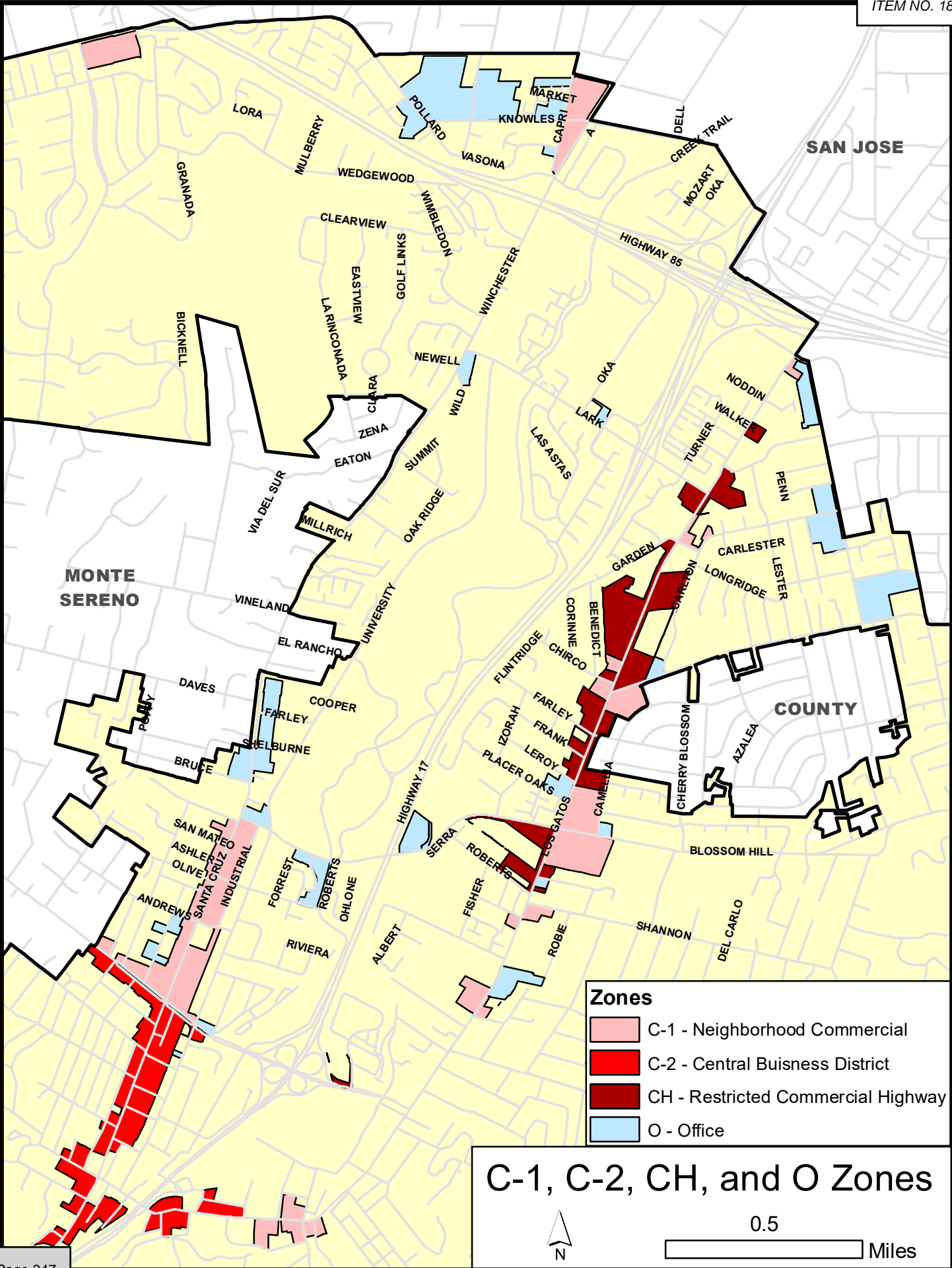
(Added by Stats. 2019, Ch. 159, Sec. 7. (AB 101) Effective July 31, 2019. Repealed as of January 1, 2027, pursuant to Section 65668.)

65666. The Legislature finds and declares that Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state and are a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this article shall apply to all cities, including charter cities.

(Added by Stats. 2019, Ch. 159, Sec. 7. (AB 101) Effective July 31, 2019. Repealed as of January 1, 2027, pursuant to Section 65668.)

65668. This article shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Added by Stats. 2019, Ch. 159, Sec. 7. (AB 101) Effective July 31, 2019. Repealed as of January 1, 2027, by its own provisions. Note: Repeal affects Article 12 commencing with Section 65660.)



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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 8. MISCELLANEOUS [8050 - 8266] (*Division 8 repealed and added by Stats. 1967, Ch. 1667.*)

CHAPTER 6.5. Housing First and Coordinating Council [8255 - 8257.2]

 (*Chapter 6.5 added by Stats. 2016, Ch. 847, Sec. 2.*)

8255. For purposes of this chapter:

(a) "Council" means the California Interagency Council on Homelessness, formerly known as the Homeless Coordinating and Financing Council established pursuant to Section 8257.

(b) "Core components of Housing First" means all of the following:

- (1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.
- (2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness."
- (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- (4) Supportive services that emphasize engagement and problem solving over therapeutic goals and service plans that are highly tenant-driven without predetermined goals.
- (5) Participation in services or program compliance is not a condition of permanent housing tenancy.
- (6) Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in California's Civil, Health and Safety, and Government codes.
- (7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.
- (8) In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than "first-come-first-serve," including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.
- (9) Case managers and service coordinators who are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.
- (10) Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants' lives, where tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses.
- (11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.

(c) "Homeless" has the same definition as that term is defined in Section 91.5 of Title 24 of the Code of Federal Regulations.

(d) (1) "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible.

Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

(2) (A) "Housing First" includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer term rental assistance, income assistance, or employment.

(B) For time-limited, supportive services programs serving homeless youth, programs should use a positive youth development model and be culturally competent to serve unaccompanied youth under 25 years of age. Providers should work with the youth to engage in family reunification efforts, where appropriate and when in the best interest of the youth. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance.

(e) "State programs" means any programs a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness, with the exception of federally funded programs with requirements inconsistent with this chapter.

(Amended by Stats. 2021, Ch. 398, Sec. 3. (AB 1220) Effective January 1, 2022.)

Sec. 29.60.085. Permitted uses.

Activities allowed in the O or office zone must be those which would not unreasonably interfere with residential uses or other activities within the O zone, and which are in the following categories:

- (1) Offices, administrative, professional, medical, dental and optical laboratories associated with a professional use, real estate, insurance, stocks and bonds; and other similar offices characterized by absence of retail sales.
- (2) Retail sales by a pharmacy within a medical building.
- (3) Group classes.
- (4) Personal service businesses.
- (5) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

Sec. 29.60.210. Permitted uses.

(a) Activities allowed in the C-1 or neighborhood commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Personal service businesses and service businesses necessary for the conduct of households.
- (3) Office activities.
- (4) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (5) Activities permitted in the LM zone which were approved on or before February 1, 1993, provided any change of use must be a conforming use in the C-1 zone.
- (6) Group classes.
- (7) Specialty food retail without alcoholic beverages.
- (8) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

(b) Examples of proper C-1 activities are grocery stores, laundrettes, or dry cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the C-1 zone are vehicle service and sales, palmists and soothsayers, manufacturing, wholesaling, or laundry.

Sec. 29.60.320. Permitted uses.

(a) Activities permitted in the C-2 or Central District Commercial Zone are those involving the conduct of commerce and general business and the sale of commodities necessary for the needs of residents and visitors of the Town, such as:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) ~~Reserved. Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.~~
- (3) Reserved.
- (4) Office activities subject to subsection (c) below.
- (5) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (6) Wholesaling without warehousing on the premises.
- (7) Single-family and two-family uses, in conjunction with the other uses permitted in this section.
- (8) Personal service businesses.
- (9) Specialty food retail without alcoholic beverages.

(b) Examples of proper C-2 activities are apparel stores, antique stores, artist studios, craft studios, auto part sales, artist supply shops, and EV sales, service, and repair. Examples of activities which are not proper in the C-2 zone are manufacturing, warehousing, laundry or dry cleaning plants.

(c) Office activities in the C-2 zone shall not be located on the ground floor along any street, alleyway, or public parking lot except in the areas described below:

- (1) Lyndon Avenue;
- (2) Properties abutting Wood Road;
- (3) The west side of Victory Lane;
- (4) The south side of Los-Gatos-Saratoga Road excluding:
 - a. That portion of the property located at the southwest corner of Los-Gatos Saratoga Road and Santa Cruz Avenue described more precisely as located between a straight line extended northerly along the west side right-of-way line of Santa Cruz Avenue and one hundred forty (140) feet west of that extended line.

b. The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and

(5) The east side of South Santa Cruz Avenue directly across the street from Wood Road.

(6) The north and south side of West Main Street west of Victory Lane.

(7) Tenant suites located at 114 Royce Street with entries at the rear of the building and that do not have street frontage.

(d) Notwithstanding subsection (c), office activities on ground floors described below shall be considered conforming and shall be allowed to continue so long as the office use is not discontinued for one hundred and eighty (180) consecutive days. If the office use is discontinued for such a period, then the office use shall not be resumed, and token use shall not toll or interrupt a period of discontinuance.

(1) Office activities existing on June 17, 1991; or

(2) Office activities in a building under construction on July 16, 1990, if the applicable architecture and site approval specifically stated that the building was approved for office activities.

Sec. 29.60.420. Permitted uses.

(a) Activities allowed in the CH or restricted highway commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

(1) Retailing, including formula retail up to ten thousand (10,000) square feet.

(2) Personal service businesses and service businesses necessary for the conduct of households.

(3) Office activities.

(4) Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer.

(5) Group classes.

(6) Specialty food retail without alcoholic beverages.

(7) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

(b) Examples of proper CH activities are grocery stores, laundrettes or dry-cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities

which are not proper in the CH zone are palmists and soothsayers, manufacturing, wholesaling, or laundry or dry-cleaning plants.

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO ADD DIVISION 11, "LOW BARRIER NAVIGATION CENTERS," TO ARTICLE I, "GENERAL" OF CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE

WHEREAS, a Low Barrier Navigation Center (LBNC) is a shelter that helps homeless individuals and families to quickly obtain permanent housing; and

WHEREAS, state Assembly Bill 101 requires that an LBNC be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses if it meets specified requirements; and

WHEREAS, one of the Town's required Housing Element Implementation Programs is adoption of an ordinance providing that LBNC's are a use by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses so long as the LBNC's meet the requirements specified in state law;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Incorporation of Recitals.

The Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. Amendments to Chapter 29 of the Town of Los Gatos Town Code.

A Division 11, "Low Barrier Navigation Centers," is added to Article I, "General," of Chapter 29, "Zoning Regulations," to read as follows:

Sections

29.10.700 Purpose.

29.10.710 Applicability.

29.10.720 Permit required.

29.10.730 Development and Operational Standards.

29.10.740 Definitions.

Section 29.10.700. Purpose.

The purpose of this Chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

Section 29.10.710. Applicability.

The provisions of this Chapter shall apply to all low-barrier navigation center projects.

Section 29.10.720. Definitions.

Low-Barrier Navigation Centers means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Use By-Right has the meaning defined in subdivision (i) of Section 65583.2 of the California Public Resources Code. The California Environmental Quality Act shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this Division.

Section 29.10.730. Permit Required.

A planning permit is required prior to establishment of any low-barrier navigation center project. The permit shall be a ministerial action without discretionary review or a hearing. The Community Development Director or Designee shall notify a developer whether the developer’s application is complete within 30 days, pursuant to California Government Code Section 65943. Action shall be taken within 60 days of a complete application being filed.

Section 29.10.740: Development and Operational Standards

A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses, if it meets the following requirements:

- A. **Connected Services.** It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. **Coordinated Entry System.** It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal

Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

- C. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- E. Development Standards. It complies with the development standards of the underlying zoning district and any applicable objective design standards.

SECTION III. Section 29.60.085, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Sec. 29.60.085. Permitted uses.

Activities allowed in the O or office zone must be those which would not unreasonably interfere with residential uses or other activities within the O zone, and which are in the following categories:

- (1) Offices, administrative, professional, medical, dental and optical laboratories associated with a professional use, real estate, insurance, stocks and bonds; and other similar offices characterized by absence of retail sales.
- (2) Retail sales by a pharmacy within a medical building.
- (3) Group classes.
- (4) Personal service businesses.
- (5) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

SECTION IV. Section 29.60.210, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Sec. 29.60.210. Permitted uses.

(a) Activities allowed in the C-1 or neighborhood commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Personal service businesses and service businesses necessary for the conduct of households.
- (3) Office activities.

- (4) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (5) Activities permitted in the LM zone which were approved on or before February 1, 1993, provided any change of use must be a conforming use in the C-1 zone.
- (6) Group classes.
- (7) Specialty food retail without alcoholic beverages.
- (8) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

(b) Examples of proper C-1 activities are grocery stores, laundrettes, or dry cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the C-1 zone are vehicle service and sales, palmists and soothsayers, manufacturing, wholesaling, or laundry.

SECTION V. Section 29.60.320, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Sec. 29.60.320. Permitted uses.

(a) Activities permitted in the C-2 or Central District Commercial Zone are those involving the conduct of commerce and general business and the sale of commodities necessary for the needs of residents and visitors of the Town, such as:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.
- (3) Reserved.
- (4) Office activities subject to subsection (c) below.
- (5) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (6) Wholesaling without warehousing on the premises.
- (7) Single-family and two-family uses, in conjunction with the other uses permitted in this section.
- (8) Personal service businesses.
- (9) Specialty food retail without alcoholic beverages.

(b) Examples of proper C-2 activities are apparel stores, antique stores, artist studios, craft studios, auto part sales, artist supply shops, and EV sales, service, and repair. Examples of activities which are not proper in the C-2 zone are manufacturing, warehousing, laundry or dry cleaning plants.

(c) Office activities in the C-2 zone shall not be located on the ground floor along any street, alleyway, or public parking lot except in the areas described below:

- (1) Lyndon Avenue;
- (2) Properties abutting Wood Road;
- (3) The west side of Victory Lane;
- (4) The south side of Los-Gatos-Saratoga Road excluding:
 - a. That portion of the property located at the southwest corner of Los-Gatos Saratoga Road and Santa Cruz Avenue described more precisely as located between a straight line extended northerly along the west side right-of-way line of Santa Cruz Avenue and one hundred forty (140) feet west of that extended line.
 - b. The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and
- (5) The east side of South Santa Cruz Avenue directly across the street from Wood Road.
- (6) The north and south side of West Main Street west of Victory Lane.
- (7) Tenant suites located at 114 Royce Street with entries at the rear of the building and that do not have street frontage.

(d) Notwithstanding subsection (c), office activities on ground floors described below shall be considered conforming and shall be allowed to continue so long as the office use is not discontinued for one hundred and eighty (180) consecutive days. If the office use is discontinued for such a period, then the office use shall not be resumed, and token use shall not toll or interrupt a period of discontinuance.

- (1) Office activities existing on June 17, 1991; or
- (2) Office activities in a building under construction on July 16, 1990, if the applicable architecture and site approval specifically stated that the building was approved for office activities.

SECTION VI. Section 29.60.420, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Sec. 29.60.420. Permitted uses.

(a) Activities allowed in the CH or restricted highway commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Personal service businesses and service businesses necessary for the conduct of households.
- (3) Office activities.
- (4) Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer.
- (5) Group classes.
- (6) Specialty food retail without alcoholic beverages.
- (7) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

(b) Examples of proper CH activities are grocery stores, laundrettes or dry-cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the CH zone are palmists and soothsayers, manufacturing, wholesaling, or laundry or dry-cleaning plants.

SECTION VII. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

SECTION VIII. California Environmental Quality Act (CEQA) Considerations.

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and includes no provisions beyond those included in state law that may result in a direct or indirect impact on the physical environment.

SECTION IX. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION X. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of ____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

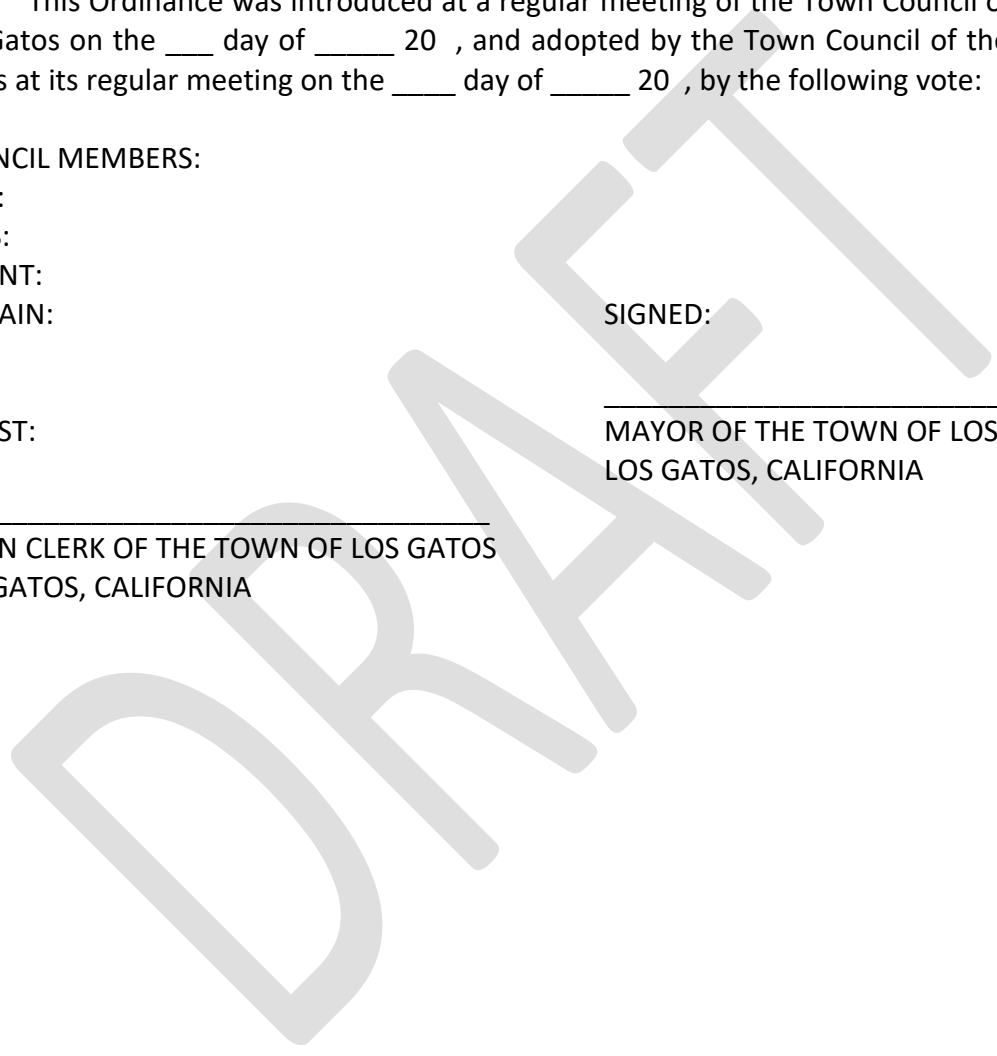
ABSTAIN:

SIGNED:

ATTEST:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 19

ITEM NO. 19.

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Introduce a Replacement Units Ordinance and Adopt a Resolution Adopting Replacement Units Guidelines, Pursuant to Implementation Program AU of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to State Law. Town Code Amendment Application A-24-007. **Project Location: Town Wide.** Applicant: Town of Los Gatos.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code, to Add Division 12, "Replacement Housing Units," to Article I, "General."

RECOMMENDATION:

Introduce a Replacement Units Ordinance and adopt a Resolution Adopting Replacement Units Guidelines, Pursuant to Implementation Program AU of the 2023-2031 Housing Element.

BACKGROUND:

Implementation Program AU of the Town's certified 2023-2031 Housing Element states that the Town will adopt a policy requiring replacement housing units in specified instances. The purpose of adopting a Replacement Units Ordinance is to ensure that, when housing units are removed by a development project, those housing units get replaced.

The proposed ordinance and resolution were prepared by the law firm of Goldfarb & Lipman. State law does not require an ordinance, but some grant programs do require an ordinance. For that reason, staff is recommending that the Town adopt its replacement units requirements in an ordinance to be codified in Town Code Section 29.10.8000. In addition, staff is

PREPARED BY: Gabrielle Welan
Town Attorney

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and
Community Development Director

PAGE 2 OF 3

SUBJECT: Replacement Units Ordinance and Guidelines

DATE: November 20, 2024

recommending that the Town adopt Replacement Units Guidelines by resolution. The proposed resolution authorizes staff to update the Guidelines if required by future changes to state law.

The Planning Commission reviewed the proposed ordinance and resolution and guidelines and recommended that the Town Council introduce the ordinance and adopt the resolution and guidelines.

DISCUSSION:

The proposed Ordinance and Guidelines reflect state law requirements. In summary, those state law requirements are:

1) State Density Bonus Law

Per Government Code Sections 65915-65918, housing developers may receive more favorable development requirements from cities and towns in exchange for providing specified percentages of affordable housing with their projects. With regard to replacement housing units, when a project proposes to demolish existing housing, or where rental housing existed on the site within the previous five years, the applicant must replace those units.

2) Housing Element Law

Per Housing Element Law (Government Code Section 65583.2(g)(3)), whenever a housing project is proposed on a site listed in the Sites Inventory of the Town's certified 2023-2031 Housing Element, the Town must determine whether the site contains existing rental housing or contained rental housing within the past five years. If so, the rental units must be replaced.

3) Housing Crisis Act of 2019

The existing replacement housing unit requirements of the Housing Crisis Act of 2019 have been expanded to include nonresidential developments. In addition, displaced, low-income residents are entitled to relocation benefits and a right of first return.

CONCLUSION:

If the Town Council passes the proposed ordinance, the draft ordinance (Attachment 1) will be placed on the December 17, 2024, Town Council agenda for adoption. If adopted, the ordinance will take effect 30 days after adoption. The proposed resolution can be adopted at the December 3, 2024, Town Council meeting, because it will take effect upon the effective date of the ordinance.

PAGE 3 OF 3

SUBJECT: Replacement Units Ordinance and Guidelines

DATE: November 20, 2024

COORDINATION:

This report was coordinated with the Community Development Department and the Town Attorney's Office.

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is exempt pursuant to CEQA, Section 15061(b)(3) in that it can be seen with certainty that it will not impact the environment because the Town is already subject to state law.

Attachments:

1. Draft Ordinance Codifying Replacement Units Requirement
2. Draft Resolution Adopting Replacement Units Guidelines with Exhibit A

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29, "ZONING," OF THE TOWN CODE, TO ADD DIVISION 12,
"REPLACEMENT HOUSING UNITS," TO ARTICLE I, "GENERAL"**

WHEREAS, Program AU of the Town's certified Housing Element requires that the Town adopt requirements for replacement housing units when housing units are removed from the Town's inventory; and

WHEREAS, these requirements mirror existing state law; and

WHEREAS, state law provides that the replacement unit requirements can be adopted by either ordinance or resolution; and

WHEREAS, staff recommends that the replacement unit requirements be adopted by ordinance in order to ensure eligibility for state grants; and

WHEREAS, staff also recommends the adoption of replacement unit guidelines by resolution;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Incorporation of Recitals.

The Town of Los Gatos Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. Division 12, "Replacement Housing Units," is added to Article I, "General," of Chapter 29, "Zoning Regulations," to read as follows:

Sec. 29.10.800. Replacement Unit Requirements.

(a) Replacement housing requirements are established by State Density Bonus Law [Government Code Section 65915(c)(3)]; Housing Element Law [Government Code Section 65583.2(g)(3)], and the Housing Crisis Act of 2019 (Government Code Sections 66300.5 – 66300.6), collectively State Replacement Housing Law.

(b) The Town shall not approve or issue a discretionary or ministerial permit for any development project unless the development project meets all of the requirements of State Replacement Housing Law.

(c) The Town Council may adopt by resolution Guidelines to implement State Replacement Housing Requirements.

ATTACHMENT 1

(d) If any section of this chapter conflicts with State Replacement Housing Law or other applicable state law, state law shall supersede this chapter. References to state statutes, codes, or regulations include successor provisions and new provisions containing replacement housing requirements.

SECTION III. California Environmental Quality Act (CEQA) Considerations.

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and includes no provisions beyond those included in State Density Bonus Law that may result in a direct or indirect impact on the physical environment.

SECTION IV. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses, or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION V. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of ____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DRAFT

DRAFT

DRAFT RESOLUTION

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
ADOPTING REPLACEMENT UNITS GUIDELINES PURSUANT TO CALIFORNIA STATE LAW**

WHEREAS, on July 10, 2024, the California Department of Housing and Community Development (“HCD”) certified the 2023-2031 Housing Element of the Town of Los Gatos (“Town”); and

WHEREAS, the Housing Element includes Implementation Program AU, which requires the Town to adopt a policy requiring replacement housing units when new development occurs on a site in the sites inventory which currently has, or within the last five years, has had, residential uses that were legally restricted to low-income households, subject to price control, or occupied by low-income households; and

WHEREAS, replacement housing requirements are established by State Density Bonus Law [Government Code Section 65915(c)(3)]; Housing Element Law [Government Code Section 65583.2(g)(3)], and the Housing Crisis Act of 2019 (Government Code Sections 66300.5 – 66300.6), collectively State Replacement Housing Requirements; and

WHEREAS, the Town desires to implement the replacement housing requirements of state law; and

WHEREAS, on _____, the Town Council adopted Ordinance No. _____, authorizing the adoption of Guidelines to implement State Replacement Housing Requirements, and desires to adopt such Guidelines; and

WHEREAS, a public hearing was duly and properly noticed for the Town Council meeting of December 3, 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos that the Guidelines on State Replacement Housing Requirements, which are attached hereto as **Exhibit A** and hereby incorporated herein, are adopted and shall be used to implement the replacement housing requirements contained in the Housing Crisis Act of 2019 (Government Code Sections 66300.5 and 66300.6), State Density Bonus Law [Government Code Section 65915(c)(3)] and Housing Element Law [Government Code Section 65583.2(g)(3)] and to implement Housing Element Program AU; and

BE IT FURTHER RESOLVED, in the event of any inconsistency between any applicable state law replacement housing requirements and the Guidelines, state law shall control; and

BE IT FURTHER RESOLVED, that the Community Development Director or designee is hereby authorized to amend the Guidelines as required to implement changes in state law; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective upon the effective date of the Town’s replacement units ordinance.

PASSED AND ADOPTED at a meeting of the Town Council of the Town of Los Gatos, California, held on _____ day of _____ 2024, by the following vote:

TOWN COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

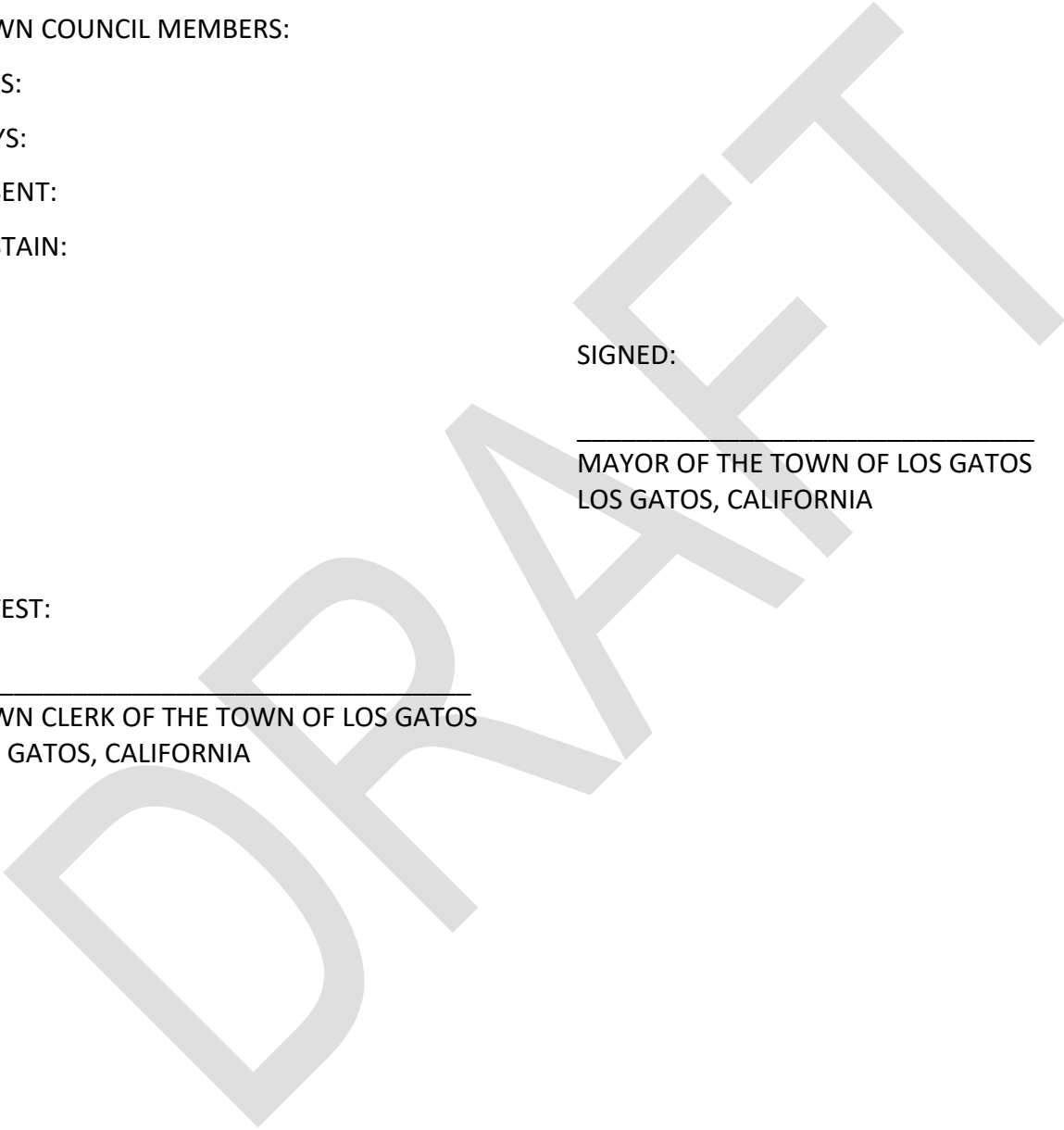
ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



Town of Los Gatos

Guidelines on State Replacement Housing Requirements

Table of Contents

- I. Introduction 2
- II. State Density Bonus Law 2
 - A. When do replacement housing requirements apply under Density Bonus Law? 2
 - B. What types of units must be replaced? 2
 - C. How does a jurisdiction determine whether a unit must be replaced? 2
 - D. What are the requirements for the replacement units? 3
- III. Housing Element Law 6
 - A. What is the relevance of Housing Element law to replacement housing? 6
 - B. What are the replacement housing requirements for sites identified in a jurisdiction's Housing Element Sites Inventory? 7
- IV. Housing Crisis Act of 2019 (SB 330) 7
 - A. When do replacement housing requirements apply under SB 330? 7
 - B. What types of units must be replaced? 7
 - C. How does a jurisdiction determine whether a unit must be replaced? 8
 - D. What are the requirements for the replacement units? 8
 - E. What are the rights of the current occupants of the SB 330 Protected Units? 8
- V. Additional Questions 9
 - A. How do replacement housing requirements interact with other state laws? 9
 - B. Do replacement housing requirements apply to illegal or unpermitted units? 10
 - C. Where must the replacement housing be located? 10
- VI. Summary Checklist 10

I. Introduction

The Legislature has adopted three state laws – the Density Bonus Law, Housing Element Law, and the Housing Crisis Act of 2019 -- to ensure that new housing developments do not *reduce* the total number of existing dwellings and do not reduce the number of dwellings housing lower income persons. In most communities, a housing project must create at least as many housing units as will be demolished. Projects must also replace units rented by lower income households with units affordable to lower income tenants and, in most communities, must provide relocation and other benefits to lower income tenants who are displaced by the new construction.

Replacement housing requirements have applied to projects requesting a density bonus since 2015, and those requirements also apply to any site listed in a jurisdiction's sixth cycle Housing Element. The Housing Crisis Act of 2019 and amendments effective January 1, 2022 and January 1, 2024 expanded that requirement to any housing development containing one or more units that proposed to demolish any existing units and most nonresidential developments.

The purpose of the replacement requirements is to prevent the loss of housing units and the displacement of lower income households. State law does not allow local agencies to approve housing unless the proposed development complies with the applicable replacement housing requirements described below.

II. State Density Bonus Law

A. When do replacement housing requirements apply under Density Bonus Law?

State Density Bonus Law (Government Code Sections 65915 - 65918) is a mechanism by which housing developers may receive more favorable development requirements from local governments in exchange for a commitment to build or donate land for affordable housing or senior housing units. Density bonus is a state mandate, meaning any developer who meets the requirements of State Density Bonus Law is entitled to receive the density bonus and other benefits (including incentives, waivers and reductions of parking standards).

Where a density bonus project proposes to demolish existing housing, or where rental housing existed on the site in the past five years, the applicant must comply with the replacement housing requirements in State Density Bonus Law. (Government Code Section 65915(c)(3). A project is ineligible for a density bonus or "any other incentives or concessions" under State Density Bonus Law unless the applicant conforms with the replacement housing requirements. These replacement housing requirements apply to any project requesting a density bonus regardless of the applicability of the Housing Crisis Act of 2019 (Government Code Sections 66300.5-66300.6).

Replacement housing requirements under State Density Bonus Law do not apply to density bonus projects that propose to develop projects where 100 percent of the units are affordable to lower income households (although these projects are subject to certain provisions of the Housing Crisis Act of 2019). They also do not apply to any density bonus applications that were submitted to or processed prior to January 1, 2015.

B. What types of units must be replaced?

State Density Bonus Law requires the replacement of certain units that either now exist or that existed on the site in the last five (5) years preceding submission of the development application.

These units are those that are, or have been at any time during the last five (5) years preceding submission of the development application:

1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or
2. Subject to some form of rent or price control through a public entity's valid exercise of its police power; or
3. Occupied by lower or very low-income households.

These units are collectively referred to as "Density Bonus Protected Units" throughout these guidelines.

C. How does a jurisdiction determine whether a unit must be replaced?

As required by State Density Bonus Law, Los Gatos requests the following information from applicants to determine compliance with replacement housing requirements. Below is a list of the information that Los Gatos requires from density bonus applicant:

1. **Restricted Affordable Lower Income Units:** Indicate the number of units by bedroom size existing on the site in the past five years that were at any time subject to a recorded covenant, ordinance, or law that restricted rents or prices to be affordable to lower or very low-income households.
2. **Units Subject to Rent Control or Price Control:** Indicate the number of units by bedroom size on the site that in the past five years have been subject to rent control (through either state law, a local rent control ordinance, or an inclusionary (BMR) ordinance) or price control (through an inclusionary (BMR) ordinance).
3. **Incomes of Existing Tenant Households:** Provide documentation of the names, property address, and current incomes of any households now occupying units on the site, by bedroom size of units. If current incomes are unknown, please indicate.
4. **If Any Units Are Still Occupied, Incomes of Households Formerly Occupying Vacant Units:** For any vacant units, provide documentation of the income of the last household occupying the unit, by bedroom size. If that household's income is unknown, please indicate.
5. **No Units Occupied; All Units Vacant or Demolished; Incomes of Former Tenants:** If *all* units that existed on the site in the last five years are currently vacant or have been demolished, please indicate the maximum number of units, by bedroom size, that existed on the site in the past five years and the income of each household occupying a unit at the time when the maximum number of units existed on the site. If the income of those households is unknown, please indicate.
6. **Number of Units to be Demolished.** If any dwelling units exist on the site, indicate how many units will be demolished by the project.

D. What are the requirements for the replacement units?

If the project proposes to demolish one (1) or more Density Bonus Protected Units, they must be "replaced" in accordance with the requirements below:

1. **Occupied; Incomes Known:** If the Density Bonus Protected Units are occupied at the time of submission of the density bonus application and the incomes of the households occupying the Density Bonus Protected Units are known, the proposed housing development must provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to and occupied by persons and families in the same or lower income category as those households in occupancy.
2. **Occupied; Incomes Unknown:** If the Density Bonus Protected Units are occupied at the time of submission of the density bonus application but the incomes of the households occupying the Density Bonus Protected Units are not known, very low and lower income tenants are (rebuttably) presumed to occupy the units in the same proportion as shown for renter households in the Department of Housing and Urban Development's (HUD) [Comprehensive Housing Affordability Strategy \(CHAS\) database](#). The proposed housing development must provide units at affordable rent or affordable housing cost to be occupied by persons and families of very low and lower income in the same proportion as indicated by the CHAS data. All fractions must be rounded up. (Government Code Section 65915(c)(3)(B)(i)).

A developer may elect to replace a low-income unit with a very low-income unit. Also, the affordable replacement units shall be counted towards the affordable units provided for purposes of calculating inclusionary requirements and the density bonus as set forth in Town Code Sections 29.10.405. et seq.

EXAMPLE: A project proposes to demolish 20 existing units. The incomes of 10 tenant households are known. Five units are occupied by very low-income households and five units by higher income households. For the 10 units where the household incomes are unknown, the CHAS data shows that 25 percent of the renter households in the city are very low-income, and 10 percent are low income. Ten percent of 10 units = 1 low-income unit; 25 percent of 10 units = 2.5 very low-income units, which must be rounded up to 3 units. Therefore, the new project must include at least 8 very low-income units (5 known very low-income households and 3 assumed) and 1 low-income unit as replacement units. The developer could elect to add another very low-income unit in place of the low-income unit.

Table 1: Calculating Replacement Units with CHAS Data

CHAS Percentage	Calculation for Unknown Incomes	Replacement Units by Income
Very low-income = 25%	10 units x 25% = 2.5	3 units
Low-income = 10%	10 units x 10% = 1	1 unit

3. **Demolished and/or Vacated; Incomes Known:** For Density Bonus Protected Units that were demolished or vacated in the last five (5) years and the incomes of the last households in occupancy are known, the proposed housing development must provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household(s) in occupancy.
4. **Demolished and/or Vacated; Incomes Unknown:** For Density Bonus Protected Units that were demolished or vacated in the last five (5) years and the incomes of the last households in occupancy are not known, lower income tenants are presumed to have occupied the units in the same proportion as lower income households rent units in the jurisdiction as shown in the HUD's CHAS database. The proposed housing development must provide units at affordable rent or affordable housing cost to, and occupied by, persons and families of lower income in the same proportion as indicated by the CHAS data. All fractions must be rounded up.

Equivalent Size. Regardless of which of the above-mentioned categories the units fall into, the development must provide at least the same number of units of "equivalent size" as the units replaced to be offered at an affordable rent or affordable housing cost. "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

Example: One three-bedroom unit could be replaced by three one-bedroom units, or one two-bedroom unit and one one-bedroom unit. However, three one-bedroom units could **not** be replaced with one three-bedroom unit, because the *number* of units must at least equal the number of units that need to be replaced.

Example: In the scenario where a three-bedroom unit is replaced by three one-bedroom units, for instance, all three of the one-bedroom units would need to be offered at the appropriate levels of affordability.

Replacement Unit Type. The units may be of any type (apartments, accessory dwelling units, townhomes, condominiums, duplexes, etc.) and may be for sale or for rent.

Deed Restrictions Recorded. The affordable replacement units shall be subject to a recorded affordability restriction and the Town's Below Market Price Program as set forth in Town Code Sections 29.10.3000 and following. Deed restrictions must be recorded restricting affordable replacement units, in accordance with the following:

- a. **Rental Replacement Units.** Rental replacement units must be subject to a deed restriction limiting occupancy to lower income households at affordable rents for 55 years. Affordable rent must be calculated as required by Health & Safety Code Section 50053.
- b. **For-Sale Replacement Units.** For-sale replacement units must be sold to lower income buyers at an affordable cost and be subject to an equity-sharing agreement requiring that any profits at sale be shared with the local agency, unless the local ordinance requires long-term affordability. Affordable housing costs must be calculated as required by Health & Safety Code Section 50052.5.

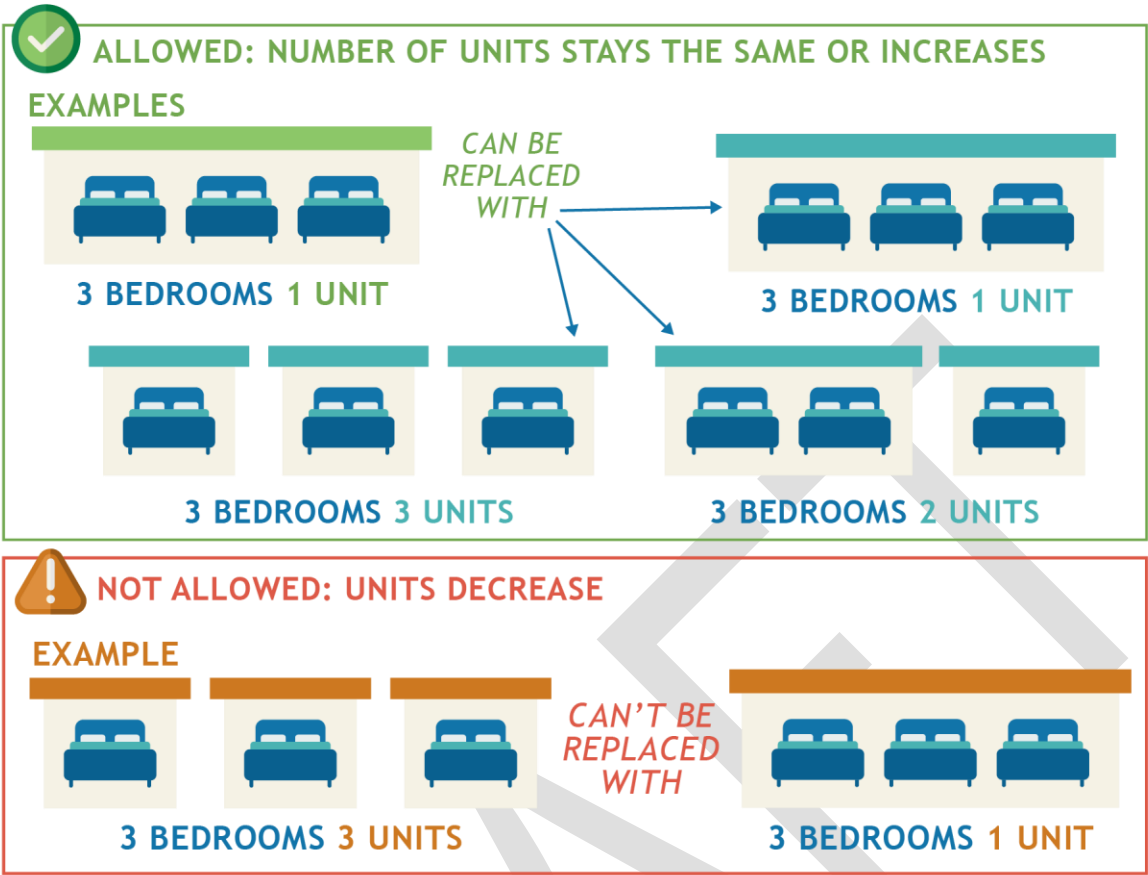


Figure 1: Examples for Unit Replacement

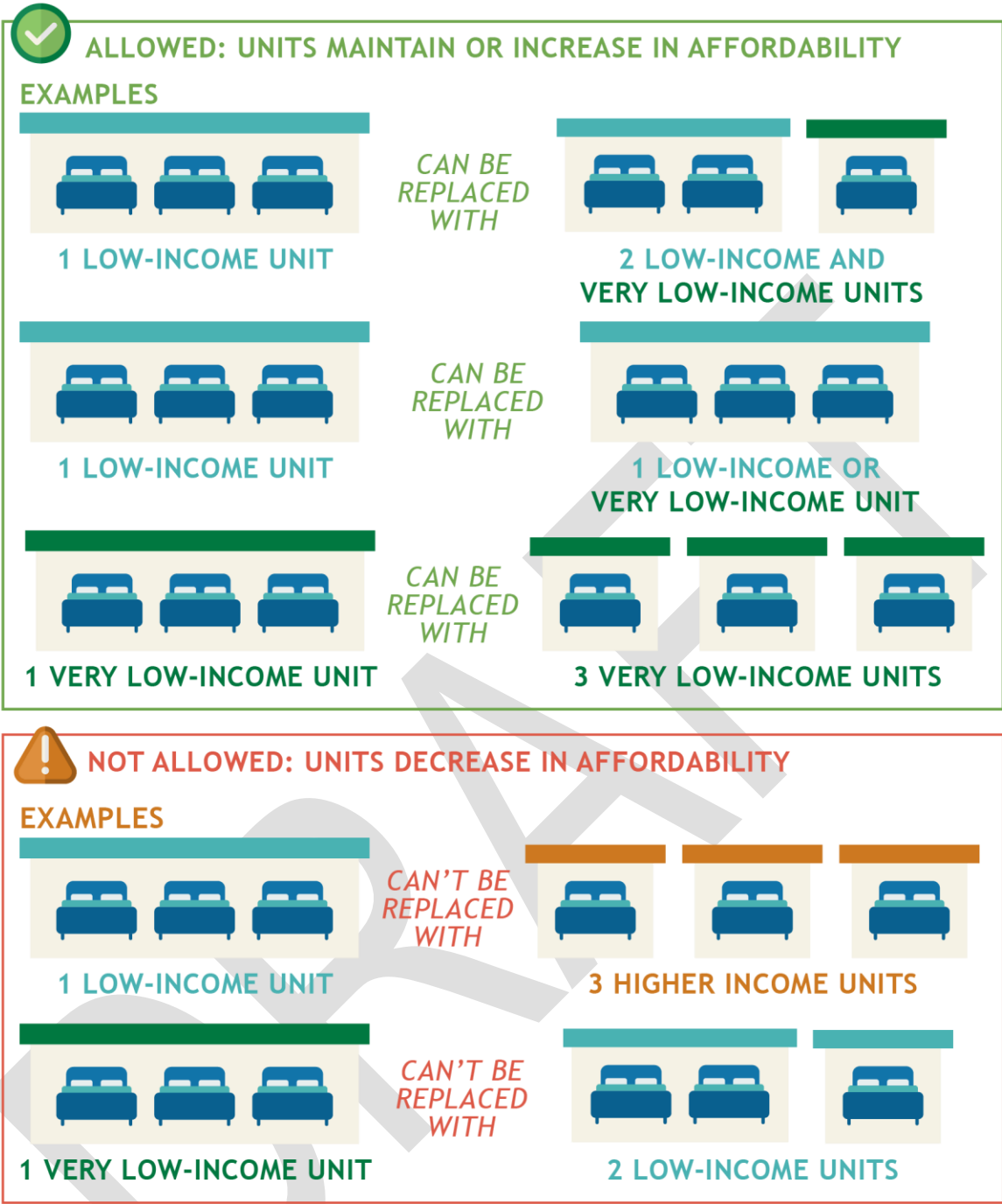


Figure 2: Examples for Affordability Replacement

III. Housing Element Law

A. What is the relevance of Housing Element law to replacement housing?

Each jurisdiction's housing element must include an inventory of land suitable and available for residential development to meet the jurisdiction's regional housing need allocation (RHNA) by income level. Sites are suitable for residential development if they are zoned appropriately and available for residential use during the planning period. All of these sites, at all income levels, must be included in the housing element and on a site inventory form prescribed by the Department of Housing and Community Development (HCD).

Some of these sites may include existing housing or may have contained rental housing in the past five years. If a project is proposed on one of these sites, the project is subject to the replacement housing requirements contained in State

Density Bonus Law.

B. What are the replacement housing requirements for sites identified in a jurisdiction's Housing Element Sites Inventory?

Pursuant to Housing Element Law (Government Code Section 65583.2(g)(3)), Los Gatos requires replacement of Density Bonus Protected Units consistent with the requirements set forth in State Density Bonus Law [Government Code Section 65915(c)(3)]. These replacement housing requirements apply to **all** sites listed in the housing element, at **all** income levels – not just sites designated for lower income housing – and apply regardless of the applicability of the Housing Crisis Act of 2019.

Whenever a housing project is proposed on a site listed in Housing Element, Los Gatos must determine if it contains existing rental housing or contained rental housing in the past five years. If so, Los Gatos may need to require replacement housing. Whenever a project is proposed on a site listed in the Housing Element, the applicant is required to provide the same information as described in Section II.C above. The replacement requirements are explained in detail in Section II of this Guide.

IV. Housing Crisis Act of 2019 (SB 330)

The Housing Crisis Act of 2019 (SB 330) expanded and amended several existing State statutes, including the Permit Streamlining Act and Housing Accountability Act, with the goal of increasing production of new housing units, protecting existing housing units, and providing for an expedited review and approval process for housing development projects. Senate Bill 8 ("SB 8"), which was passed during the 2021 legislative session, made some key amendments to the Housing Crisis Act of 2019, including extending the provisions of SB 330 until January 1, 2030. Most recently, Assembly Bill 1218 ("AB 1218"), which was passed during the 2023 legislative session and went into effect on January 1, 2024, expanded the replacement housing requirements of the Housing Crisis Act of 2019 to nonresidential development projects, as further explained below. These requirements are contained in Government Code Sections 66300.5-66300.6.

A. When do replacement housing requirements apply under SB 330?

Housing and Nonresidential Development. SB 330's replacement housing requirements, as amended by SB 8 and AB 1218, apply to both of the following:

- a housing development project containing one (1) or more dwelling units and proposing to demolish existing (vacant or occupied) units, or a site where SB 330 Protected Units (defined below) were demolished in the previous five years.
- a nonresidential development project proposing to demolish existing (vacant or occupied), or located on a site where SB 330 Protected Units were demolished in the previous five years, unless **all** of the following conditions apply:
 - the project is an industrial use;
 - the project site is entirely within a zone that does not allow residential uses;
 - the zoning applicable to the project site that does not allow residential uses was adopted prior to January 1, 2022; and
 - the protected units that are or were on the project are or were nonconforming uses.

Application Submission Date. The replacement housing requirements apply only where the housing development project submits a complete application pursuant to Government Code Section 65943 on or after January 1, 2020.

Affected Town or County. Los Gatos is an "affected town" as determined and published by HCD. Therefore, the replacement housing requirements of the Housing Crisis Act of 2019 will apply to developments in Los Gatos.

B. What types of units must be replaced?

If the project is a housing development project, then the project must create at least as many dwelling units as will be

demolished. In addition, all SB 330 Protected Units must be replaced in the project, similar to the requirements to replace Density Bonus Protected Units.

For a nonresidential development project, the project must replace only the SB 330 Protected Units, and they may be located on- or off-site.

SB 330 Protected Units are very similar to Density Bonus Protected Units, except that they also include those that have been withdrawn from rent or lease in accordance with the Ellis Act (Government Code Sections 7060, et seq.) within the ten (10) years preceding the submission of the application.

The other three categories of SB 330 Protected Units are identical to those identified as Density Bonus Protected Units. These units are those that are, or have been at any time during the last five (5) years preceding submission of the development application, were:

1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
2. Subject to some form of rent or price control through a public entity's valid exercise of its police power; or
3. Occupied by lower or very low-income households.

These units are collectively referred to as "SB 330 Protected Units" throughout these guidelines.

C. How does a jurisdiction determine whether a unit must be replaced?

For any development project, the same information should be requested as for a density bonus application, and described in Section II.C, with the following addition:

Units Withdrawn Pursuant to Ellis Act. Indicate the number of units by bedroom on the site that in the past ten years have been withdrawn from rent or lease pursuant to the Ellis Act.

D. What are the requirements for the replacement units?

The requirements for replacing SB 330 Protected Units are identical to those for replacing Density Bonus Protected Units, as described in Section II.D above, with one exception for single unit projects:

Equivalent Size. Regardless of which of the above-mentioned categories the units fall into, the replacement units must be of "equivalent size" as the units replaced. "Equivalent size" is defined as containing at least the same total number of bedrooms as the units being replaced.

Exception: Single Unit Projects. Where the housing development project consists of a single residential unit on a site with a single SB 330 Protected Unit, the SB 330 Protected Unit may be replaced with a unit of any size at any income level.

E. What are the rights of the current occupants of the SB 330 Protected Units?

Displaced residents - except unlawful occupants or occupants of a short-term rental that is rented for a period of fewer than 30 days - are entitled to relocation benefits and a right of first return under SB 330.

1. All Displaced Residents:

- a. **Occupancy Until Six Months Before the Start of Construction.** All existing residents must be allowed to remain in their units until six months "before the start of construction activities." Los Gatos interprets the "start of construction activities" to mean the issuance of a permit for any type of construction on the site, including but not limited to demolition, grading, utility work, etc.
- b. **Right to Return if Demolition Does Not Proceed.** All existing occupants who are displaced must be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

2. Lower-Income Residents of SB 330 Protected Units:

- a. **State Relocation Benefits.** The developer must provide state relocation benefits to lower-income occupants of any protected units. These include moving expenses, relocation assistance, and payment of

the difference, if any, between affordable rent and rent for a "comparable" unit for up to forty-two (42) months.

- b. **Right of First Refusal for New Unit.** The lower-income occupants of SB 330 Protected Units are also entitled to a right of first refusal for a "comparable" unit in the development at affordable rent or affordable housing cost, with the exceptions listed below. A "comparable" unit must have the same number of bedrooms, have the same number of total rooms (including both permitted and unpermitted rooms), and be the same size as the unit being vacated.
- i. **Exception #1:** This requirement does not apply where the development project consists of a single residential unit located on a site where a single SB 330 Protected Unit is being demolished.
 - ii. **Exception #2:** This requirement also does not apply to units a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for lower-income households, except that a right of first refusal must be offered to any occupant of an SB 330 Protected Unit who qualifies for residence in the new development and for whom providing a comparable unit would not be precluded due to unit size limitations or other requirements of one or more funding source of the housing development.

Single-Family Comparable Unit. If one or more single-family homes that qualify as SB 330 Protected Units are being replaced in a development project that consists of two or more units, "comparable unit" means either of the following: (1) a unit containing the same number of bedrooms if the single-family home contains three or fewer bedrooms; or (2) a unit containing three bedrooms if the single-family home contains four or more bedrooms. A "comparable unit" in this instance is not required to have the same or similar square footage or the same number of total rooms.

V. Additional Questions

A. How do replacement housing requirements interact with other state laws?

Replacement Units and Density Bonus. Replacement units may qualify a project for a density bonus. For instance, if fifteen (15) very low-income replacement units are required in a 100-unit project, the project would be eligible for a fifty percent (50%) density bonus and would not need to add any more affordable units. The affordable replacement units shall be counted towards the affordable units provided for purposes of calculating density bonus as set forth in Town Code Sections 29.10.405 *et seq.*

Replacement Units and SB 9. As outlined in Section IV above, the amendments to SB 330 extended the replacement housing provisions to housing development projects that propose to demolish one dwelling unit to construct one or more dwelling units. Any SB 9 project that proposes to demolish any units, or where SB 330 Protected Units were demolished in the past five years, or that is located on a site listed in the Housing Element, will be subject to the replacement housing requirements in SB 330.

SB 330, Density Bonus Law, and AB 1482. AB 1482, or the Tenant Protection Act of 2019, imposed rent caps statewide on many rental units. Units that are subject only to the rent caps in AB 1482 are considered "protected units" for the purposes of both State Density Bonus Law and SB 330. However, they do not need to be replaced unless they are also occupied by very low or low-income households or are subject to local rent control laws.

B. How do replacement housing requirements interact with relevant local laws?

Replacement Units and Town's Inclusionary Requirement. Replacement units must be considered in determining whether the project satisfies a locally adopted inclusionary requirement. As such, the affordable replacement units shall be counted towards the affordable units provided for purposes of calculating inclusionary requirements as set forth in Town Code Sections 29.10.405 *et seq.* However, to count for both requirements, the affordable units must meet the requirements of both state law and the Town Code.

C. Do replacement housing requirements apply to illegal or unpermitted units?

Neither SB 330 nor State Density Bonus Law reference the status of the unit when defining "protected units." Rather, whether or not a unit is a "protected unit" that must be replaced is determined by the income of the tenants, any deed restrictions, rent/price control status, and Ellis Act status. Therefore, the replacement housing obligations appear to apply even where the units to be demolished are illegal or unpermitted units.

D. Where must the replacement housing be located?

The Housing Crisis Act and State Density Bonus Law require that a housing development project must contain the replacement units, regardless of whether the number of units conforms with the zoning. For a housing development project subject to SB 330, the replacement housing units cannot be provided in a separate housing development project. For a nonresidential development project subject to SB 330, the required replacement housing may be located on a site other than the project site but must be located within the same jurisdiction. The project proponent may contract with another entity to develop the required replacement housing but must ensure that the required replacement housing is developed prior to or concurrently with the development project.

VI. Summary Checklist

The checklist below summarizes the suggested steps to take when determining the replacement housing obligations for any specific development project:

- STEP 1:** Determine whether the proposed housing development project is applying for a density bonus and/or was identified on the jurisdiction's Housing Element Sites Inventory and/or proposes to demolish existing units and/or whether units existed on the site in the last 10 years.
 - If yes, continue to Step 2.
 - If no, stop here.
- STEP 2:** As part of the application for the housing development, require information about existing and former housing on the site as described in Sections II.C and IV.C. Consider retaining a relocation consultant if occupied housing exists on the site that will be demolished.
- STEP 3:** Based on the information gathered, determine whether there are or were any "protected units" on the site within the last five (5) years preceding the submission of the application for the housing development (or within the last ten (10) years if the Ellis Act was used).
 - If yes, continue to Step 4.
 - If no, stop here.
- STEP 4:** Determine the number and affordability level of any required replacement housing units.
- STEP 5:** Determine if the replacement units are sufficient to meet any local inclusionary (BMR) ordinance requirements.
 - If the application is for a density bonus project, go to step 6.
 - If the application is for a project subject to SB 330, skip to step 7.
 - If both SB 330 and State Density Bonus Law are applicable, go to step 6 and then step 7.
- STEP 6:** Determine whether the replacement units are adequate to qualify the project for the requested density bonus, or if more affordable units are required.
- STEP 7:** Determine the relocation rights of any existing occupants of the protected units.

- STEP 8:** The affordable replacement units shall be subject to a recorded affordability restriction and appropriate conditions of approval.

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 20

ITEM NO. 20.

DATE: November 20, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Receive the Los Gatos-Monte Sereno Police Department Organizational Assessment Report Completed by Meliora Public Safety Consulting

RECOMMENDATION:

Staff recommends the Town Council

- Receive the Los Gatos-Monte Sereno Police Department Organizational Assessment Report Completed by Meliora Public Safety Consulting (PSC).

BACKGROUND:

On January 16, 2024, the Police Department presented its bi-annual update and requested Council authorize the Town Manager to execute an agreement with Meliora PSC to conduct an organizational assessment and data analysis of the Police Department. This staff report provides an executive summary of the purpose, methodology, recommendations, and next steps.

The final comprehensive assessment (**Attachment 1**) assists in anticipating the evolving needs of the Department and its public safety functions prior to a space assessment being conducted to consolidate operations within the Police Operations Building (POB). This assessment considered both internal and external stakeholder feedback in addition to analysis of the workload that was captured in three years prior of computer aided dispatch detail (CAD). A future space assessment would identify the ideal types and amounts of space needed to support the organization, staffing, and programs within the POB.

PREPARED BY: Jamie Field
Chief of Police

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Interim Finance Director

PAGE 2 OF 5

SUBJECT: Receive the Information Provided in the LGMSPD Organizational Assessment Report Completed by Meliora Public Safety Consulting

DATE: November 19, 2024

An organizational assessment can be highly beneficial for a smaller police department navigating challenges like community growth, unfunded mandates, new staff, ongoing hiring efforts in a high touch community and increases in fear of crime related to societal trends. Some of the efforts that are called out in the assessment are centered around strategic resource alignment, operational efficiency, workforce development, community engagement, risk management, and increasing efficient communication and collaboration through facility consolidation. As a result of the comprehensive review of the Los Gatos-Monte Sereno Police Department's (LGMSPD) organizational structure, processes, controls and practices; a total of five themes emerged:

- Theme 1 - Organizational Structure / Restructure / Facility
- Theme 2 - Police Facility
- Theme 3 - Roles and Responsibilities
- Theme 4 - Risk Management and Liability
- Theme 5 - Process Improvement

DISCUSSION:

Methodology

Meliora PSC collected data, reviewed policies, documents, and reports provided by the LGMSPD which were used to gauge the workload and operational efficacy of the police department. This not only involved collecting and reviewing information related to the Support Services and Operations Bureau functions, but additionally, there were department focus groups, internal stakeholder interviews, and a community focus group to gain insight and knowledge about the LGMSPD's policing services to the community. The assessment ultimately is a contemporary method of objectively reviewing policing models and services, both internal and external, to garner insight into a roadmap to make a good agency better. Throughout the 322 page assessment the consultants highlight not just recommendations and justification, but rather notes areas for LGMSPD to be commended as well.

Recommendations may have various levels of implementation and involve funding and/or collective bargaining agreements that will take several months, and in many cases, years to implement. The 130 recommendations for an agency the size of LGMSPD is not indicative of an agency in need of significant corrective measures, but rather illustrates the depth and detail of the assessment process. The supportive metrics and charts are based on the CAD data that was provided and is only indicative of the information that was notated in CAD by staff, whereas not all daily operational efforts are historically captured. Therefore, the metrics from CAD is yet one of several evaluation tools being utilized throughout the assessment.

SUBJECT: Receive the Information Provided in the LGMSPD Organizational Assessment Report Completed by Meliora Public Safety Consulting

DATE: November 19, 2024

Theme 1 – Organizational Structure / Restructure / Facility

Creating an organizational structure suitable for a small-Town police department to deliver contemporary police services in a manner that is compassionate and personalized is a priority and is one of many separators between a contracted policing service model and a locally controlled policing service. In an evaluation of the current LGMSPD organizational structure, it was determined that recommendation for restructuring is not limited to a reorganization of the department, but the addition of personnel staffing for both sworn and professional staff.

Additionally, Meliora PSC outlined in Theme 1 that there is great need for a contemporary facility to house the entire Police Department instead of using two buildings that are miles apart adversely impacting communication, organizational efficiency, and practicality. Part of the related recommendations included a cost estimation and space assessment to be conducted to determine financial requirements for acquiring an appropriate physical space for operations. Further is outlined in the following theme.

Theme 2 – Police Facility

In 2009 the Police Department was divided into two buildings, Headquarters and Police Operations Building. The quality of policing services in a smaller community partially comes from the Police Department being housed in one building, not miles apart. The current two-building model is not conducive to communication, organizational alignment, a unified team, or access for needs by the community which may require them currently to have to go between two buildings. A detailed space and function analysis will aid in the prioritizing, fiscal analysis, and pursuit of policing infrastructure that will meet the needs of the future of the LGMSPD.

Theme 3 – Roles and Responsibilities

This theme addresses the need to assess workload volume throughout the organization and effectiveness as over time roles have been consolidated due to retirements and absorbed workload and need to fulfill unfunded mandates and increasing collateral assignments. To alleviate further overlap within roles, a recommendation throughout various divisions and units included developing manuals to maintain the integrity and responsibilities within those roles and appropriate span of control. Other related recommendations were outlined to assist for maintaining appropriate scope and span of responsibility.

Theme 4 – Risk Management and Liability

Measuring and mitigating risks is key for risk management and in this assessment was primarily conducted through the data analysis that is shown in the many charts in the appendix of the report. Through the objective assessment the intent is to minimize liability and to maximize risk

PAGE 4 OF 5

SUBJECT: Receive the Information Provided in the LGMSPD Organizational Assessment Report Completed by Meliora Public Safety Consulting

DATE: November 19, 2024

management. For consistency, auditing, and efficiency the report calls out the need for improved data systems or antiquated processes where common practice is to have an automated format. Some of these updated processes and audits pertain to Property and Evidence and have already been addressed. Other areas of recommendations call-out potential for improvement in assessment of training, internal or external investigative process and procedure, and an overall electronic personnel management system that is an extension to an already existing agreement that the Police Department currently has. Ultimately, many of these recommendations assist in establishing early detection and intervention programs that have controlled access thereby maintaining control, increasing the risk management, and liability prevention.

Theme 5 – Process Improvement

This theme is an area throughout the recommendations that addresses the need for updating the policies and procedures to better align with the specific practices and process that are applied within LGMSPD. LGMSPD utilizes Lexipol policies, like thousands of other public safety agencies and the majority of law enforcement throughout California. Meliora PSC recommended expanding the Lexipol agreement to incorporate a branch of the platform that could accommodate the majority of the automated functions being recommended in Theme 4 and 5. Additional process improvements were highlighted in regard to structured long-standing practices that in modern form are best spelled out within a Memorandum of Understanding (MOU) with allied partners. Finally, LGMSPD staff will be assessing CAD documentation and updating process for improved tracking and capturing of workload and case assignment or follow-up.

Assessment Recommendations and Next Steps

The Meliora PSC comprehensive assessment recommendations were discussed in depth by the LGMSPD Command Staff and the report in its entirety was made available to all Police Department staff. It remains important to note that the comprehensive assessment brought forward recommendations, not mandates, and therefore they may not require attention or adoption into the Police Departments work plan or priorities. The Police Department has categorized recommendations based on need, workload, staff availability and feasibility. The categories and the number of recommendation items in each are as follows:

- Immediately address and completed – 11
- Actively in progress – 24
- Short term 3-6 months – 45
- Long term 6 months or longer – 29
- Items not assigned as priority – 21

Total = 130

PAGE 5 OF 5

SUBJECT: Receive the Information Provided in the LGMSPD Organizational Assessment Report Completed by Meliora Public Safety Consulting

DATE: November 19, 2024

Some of the recommendations require action by Council as there are recommendations that will need Council direction, prioritizing, and sustainable revenue or fiscal resources. These items generally refer to additional recommended FTE's and refurbishing existing buildings, or new infrastructure. Additionally, some recommendations may require Council awareness or approval related to potential future agreements or MOU's on partnerships or technology.

CONCLUSION:

Each law enforcement agency has a culture and service delivery that represents the priorities and interests of the community. Both Los Gatos and Monte Sereno benefit from knowing their police and professional staff, having their voice heard on public safety matters, access to policing services and responsiveness from staff, and a level of community engagement from the entire Police Department that represents a modernized model of policing. This is accomplished through building trust, transparency and legitimacy through vested partnerships and relationships that are apparent in the LGMSPD localized policing model.

The Meliora PSC comprehensive assessment engaged the internal and external stakeholders and is being provided for the Council and public's awareness to share in the concerted focus, support, and progressive roadmap that will continue to drive the future of LGMSPD.

FISCAL IMPACT:

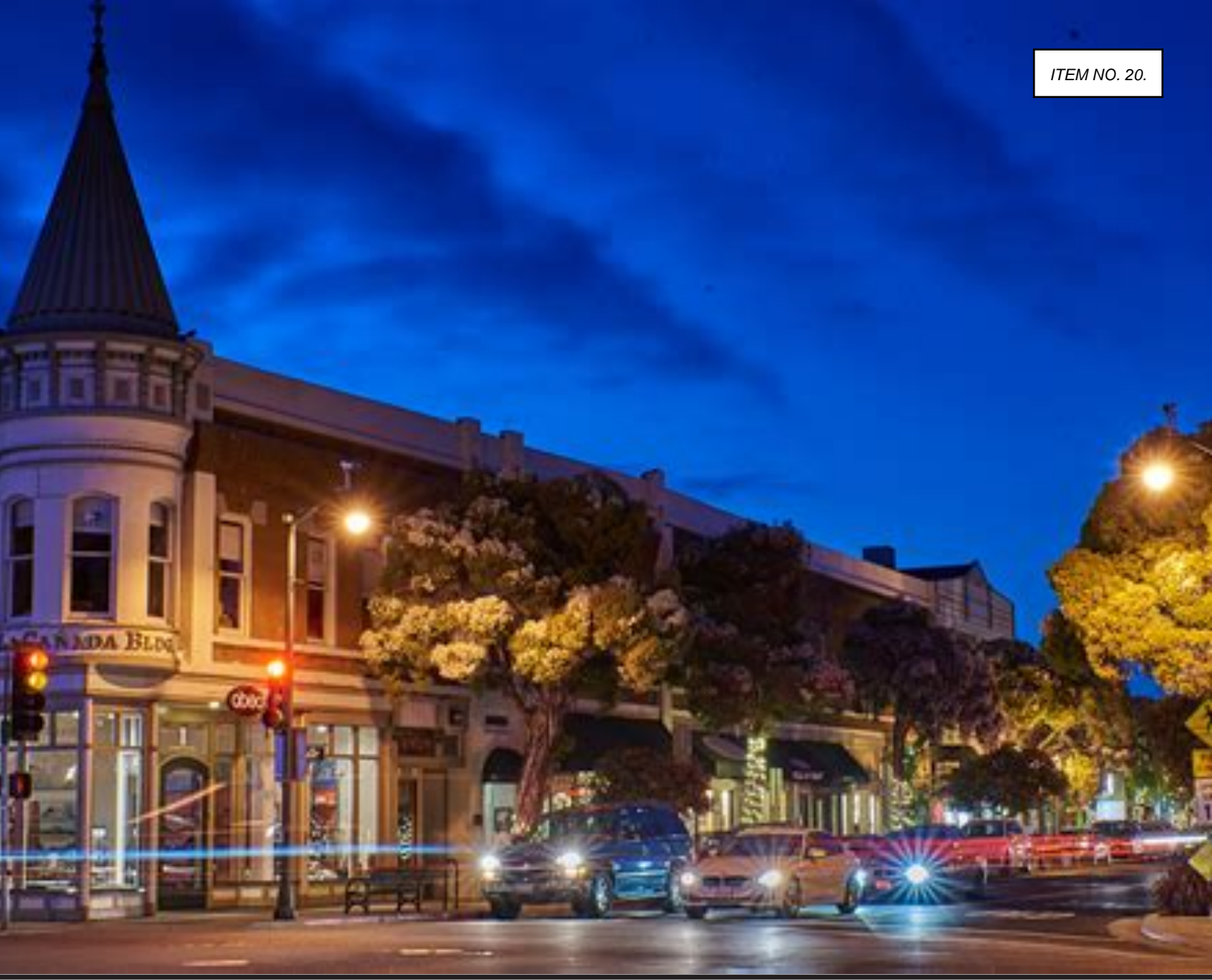
The acceptance of this report has no fiscal implications.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

ATTACHMENTS:

1. Los Gatos-Monte Sereno Police Department Organizational Assessment by Meliora PSC



Los Gatos-Monte Sereno Police Department Organizational Assessment

October 10, 2024

Assessment Completed By





TABLE OF CONTENTS

EXECUTIVE SUMMARY 10
MELIORA PUBLIC SAFETY CONSULTING ASSESSMENT TEAM 10

Methodology 10

Overview and Findings..... 11
FIVE MAIN THEMES:..... 12
Theme 1: Organizational Structure/Restructure/Facility..... 12
Theme 2: Police Facility 13
Theme 3: Roles and Responsibilities 14
Theme 4: Risk Management and Liability..... 14
Theme 5: Process Improvement 15

SUMMARY RECOMMENDATIONS..... 16
LOS GATOS-MONTE SERENO POLICE DEPARTMENT RECOMMENDATIONS 16
PATROL DIVISION RECOMMENDATIONS 16
PATROL ADMINISTRATIVE WORKLOAD RECOMMENDATION 16
WORKLOAD MITIGATION RECOMMENDATIONS 16
FTO RECOMMENDATIONS 17
TRAFFIC UNIT RECOMMENDATIONS 17
DETECTIVE UNIT RECOMMENDATIONS 17
CRIME ANALYSIS RECOMMENDATION 18
SRO RECOMMENDATION 18
PROPERTY AND EVIDENCE RECOMMENDATIONS 18
SUPPORT SERVICES BUREAU RECOMMENDATION 19
DISPATCH RECOMMENDATIONS 19
RECORDS RECOMMENDATIONS 19
PERSONNEL AND TRAINING RECOMMENDATIONS 20
WORKER’S COMPENSATION RECOMMENDATION 20
SPECIAL ASSIGNMENT AND PROMOTION RECOMMENDATIONS 20
EMPLOYEE WELLNESS RECOMMENDATIONS 20
INTERNAL AFFAIRS RECOMMENDATIONS 21
USE OF FORCE RECOMMENDATIONS 21
TRAINING RECOMMENDATIONS 21
EQUIPMENT RECOMMENDATIONS 22
COMMUNITY OUTREACH RECOMMENDATIONS 22
FINANCE RECOMMENDATIONS 22
POLICY MANAGEMENT RECOMMENDATIONS 23
FLEET RECOMMENDATION 23
FACILITIES RECOMMENDATION 23
TECHNOLOGY RECOMMENDATION 23
UNMANNED AERIAL SYSTEM TEAM RECOMMENDATIONS 23

TOWN OF LOS GATOS..... 24
Los Gatos Demographics..... 24

CITY OF MONTE SERENO 24
Monte Sereno Demographics 25

LOS GATOS-MONTE SERENO POLICE DEPARTMENT 25



Department Staffing26
 TABLE 1: Los Gatos-Monte Sereno Police Department Staffing FY 2023-24.....28
 CHART 1: Demographics Town of Los Gatos.....29
 CHART 2: Demographics City of Monte Sereno29
 CHART 3: Demographics Los Gatos-Monte Sereno Police Department30

Mission and Core Values.....31
 MISSION STATEMENT31
 CORE VALUES31

Organizational Structure and Responsibility.....31
 COLLATERAL DUTIES32
 CHART 4: Current Organizational Chart.....34
 CHART 5: Proposed Organizational Chart.....35

Strategic Plan.....36

Crime Information36
 REPORTED CRIME36
 TABLE 2: Los Gatos 10-Year Part 1 Reported Crimes, 2014-202337
 TABLE 3: Monte Sereno 10-Year Part 1 Reported Crimes, 2014-202338
 TABLE 4: Indexed Crimes Rates for Town of Los Gatos, California, Nation, 2014-2338
 TABLE 5: Indexed Crimes Rates for City of Monte Sereno, California, Nation, 2014-23.....39
 CHART 6: 10-Year Part 1 Crime Trends, Town of Los Gatos, State and Nation 2014 – 202339
 CHART 7: 10-Year Part 1 Crime Trends, City of Monte Sereno, State and Nation 2014 – 2023.....40
 CHART 8: 10-Year Crime Trends, Town of Los Gatos, 2014-202341
 CHART 9: 10-Year Crime Trends City of Monte Sereno, 2014-202342
 TABLE 6: Crimes Rate Comparisons with Town of Los Gatos/City of Monte Sereno and Other Local Agencies, 202243
 LOS GATOS-MONTE SERENO POLICE DEPARTMENT RECOMMENDATIONS43

OPERATIONS BUREAU44

PATROL DIVISION45
 PATROL FACILITY.....46
 STAFFING.....47
 TABLE 7: Patrol Division Staffing FY 2022-2347
 WORK SCHEDULE AND SHIFTS.....47
 MINIMUM STAFFING49
 PATROL OVERTIME50
 TABLE 8: Patrol Overtime Budget and Expenditures.....51
 Employee Impact of Patrol Overtime.....51
 PATROL SUPERVISION AND MANAGEMENT.....52
 Corporals Working as Shift Supervisors.....53
 BRIEFING TRAINING54
 SUPERVISOR COLLATERAL DUTIES.....55
 PATROL AREAS AND BEATS56
 CHART 10: Los Gatos-Monte Sereno Police Department Jurisdictional Map57
 CHART 11: Los Gatos-Monte Sereno Police Department Beat 1.....58
 CHART 12: Los Gatos-Monte Sereno Police Department Beat 2.....59
 CHART 13: Los Gatos-Monte Sereno Police Department Beat 3.....59
 NEIGHBORING JURISDICTIONS AND PARTNERSHIPS60
 PATROL DIVISION RECOMMENDATIONS61

Call for Service Data Analysis.....61



WORKLOAD62

 TABLE 9: Community-Initiated and Field-Initiated Category Records, by Year62

 TABLE 10: Community-Initiated Recorded Events, by Category, by Year w % Change.....63

 TABLE 11: Field-Initiated Recorded Events, by Category, by Year with % Change64

 CHART 14: Record Category Summary for Community-Initiated Calls, 2021-2022.....65

 CHART 15: Record Category Summary for Community-Initiated Calls, 2023.....66

 CHART 16: Record Category Summary for Field-Initiated Calls, 2021-202267

 CHART 17: Record Category Summary for Field-Initiated Calls, 202368

 TABLE 12: Extra Patrol Events, by Source, by Year70

 TABLE 13: Events, by Event Month and Initiator, by Year71

 TABLE 14: Recorded Events, by Season and Initiator, by Year71

 TABLE 15: Recorded Events, by Day of Week and Initiator, by Year72

PATROL ADMINISTRATIVE WORKLOAD.....72

 TABLE 16: Administrative Activity Sample73

PATROL ADMINISTRATIVE WORKLOAD RECOMMENDATION.....73

CALLS / EVENT ASSIGNMENTS.....74

 TABLE 17: Number of Assigned Units per call, by Year.....75

 TABLE 18: Average Unique Assigned Units, by Call Source, and Year - With Averages.....75

 CHART 18: Community-Initiated Records by Hour, by Year.....77

 CHART 19: Field-Initiated Records by Hour, by Year - with Averages.....78

RESPONSE TIMES79

 TABLE 19: Response Time Record Status and Average Minute, by Record Priority, by Year80

 CHART 20: Response Time Record Status and Average Minute, by Record Priority, by Year81

 TABLE 20: Response Time Record Status and Average Minute, by Record Category, by Year82

 TABLE 21: Response Time Record Status and Average Minute, by Day of Week, by Year83

 TABLE 22: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority.....83

 CHART 21: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority.....84

Staffing Analysis85

 RULE OF 60 – PART 1.....86

 RULE OF 60 – PART 2.....86

 CHART 22: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023.....87

 CHART 23: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023, including Patrol Sergeants.....88

 TABLE 23: Total Records by Hour for Call Sources, by Year89

 CHART 24: Community-Initiated Records by Hour, by Year.....90

 CHART 25: Field-Initiated Records by Hour, by Year - with Averages.....91

 TABLE 24: Total Event Duration92

 TABLE 25: Community-Initiated CAD Unit Total Event Duration (Transformed), by Hour, by Year.....93

 TABLE 26: Field-Initiated Total Event Duration (Transformed), by Hour, by Year94

 RULE OF 60 – PART 3.....94

WORKLOAD MITIGATION95

 WORKLOAD MITIGATION RECOMMENDATIONS96

Field Training Program.....96

 FIELD TRAINING OFFICER SELECTION.....98

 SUPERVISION99

 FTP OUTCOMES100

 TABLE 27: FTO Program Results, 2019-2023.....100

 FTP MANUAL100



FTO RECOMMENDATIONS.....100

Traffic Unit.....101

STAFFING, SCHEDULE AND SUPERVISION101

TABLE 28: Traffic Unit Staffing, FY 2023-24101

TRAFFIC ENFORCEMENT AND THE THREE E’S.....102

TRAFFIC DATA AND MANAGEMENT102

CHART 26: Community-Initiated and Field-Initiated Traffic Records, by Year104

CHART 27: Community-Initiated Traffic Records, by Hour, by Year105

CHART 28: Field-Initiated Traffic Records, by Hour, by Year.....106

TABLE 29: Intersections with at least 5 Collisions in One Year, 2021-2023107

TABLE 30: Total Collisions, 2021-2023.....107

TABLE 31: Driving Under the Influence Collisions, 2021-2023107

TABLE 32: Hit and Run Collisions, 2021-2023107

TABLE 33: Citations Issued by LGMSPD Officers, 2021-2023108

TRAFFIC TRAINING108

TRAFFIC COMPLAINTS.....109

TRAFFIC UNIT RECOMMENDATIONS.....109

PARKING ENFORCEMENT110

EQUIPMENT.....110

INVESTIGATIONS DIVISION.....110

STAFFING.....110

TABLE 34: Investigations Division Staffing, FY 2023-24111

SELECTION.....111

SCHEDULE.....111

LOCATION.....114

DUTIES AND RESPONSIBILITIES.....115

TRAINING116

CASE MANAGEMENT117

TABLE 35: Detective Case Status Sample, 2021-2023118

TABLE 36: LGMSPD Filings Sample for Detectives, Patrol, Traffic, 2021 - 2023119

TABLE 37: Case Status Changes Sample, 2022 - 2023119

Crime Scene Investigation.....119

MISSING PERSONS INVESTIGATIONS120

ELDER AND CHILD ABUSE INVESTIGATIONS120

NARCOTIC INVESTIGATIONS.....121

VICTIM ADVOCACY121

DETECTIVE UNIT RECOMMENDATIONS.....122

Crime Analysis122

CRIME ANALYSIS RECOMMENDATION124

School Resource Officer124

SRO SCHEDULE124

SRO DUTIES AND RESPONSIBILITIES.....124

SRO SELECTION AND TRAINING125

SRO RECOMMENDATION.....125

Property and Evidence Unit125

STAFFING.....126

LOCATION/SECURITY127

POB PROPERTY AND EVIDENCE ROOM127

PROPERTY AND EVIDENCE STORAGE WAREHOUSE.....130



STORAGE LOCKERS.....132

DIGITAL PROPERTY MANAGEMENT132

INTAKE AND PROCESSING132

DUTIES AND RESPONSIBILITIES.....132

 TABLE 38: Property and Evidence Workload, 2020-2023133

AUDITS AND INVENTORIES.....134

 PROPERTY AND EVIDENCE RECOMMENDATIONS.....135

SUPPORT SERVICES BUREAU136

 SUPPORT SERVICES BUREAU RECOMMENDATION137

COMMUNICATIONS DIVISION137

 DISPATCH STAFFING137

 TABLE 39: Communications Division Staffing, July 2024137

 TABLE 40: Dispatch Schedule, July 2024.....138

 WORKLOAD DEMAND/CALL VOLUME138

 TABLE 41: Telephone Call Load, 2020–2023139

 TABLE 42: Average Hourly Telephone Call Load, 2023140

 TEXT TO 9-1-1140

 TABLE 43: Text to 9-1-1 Messages Received, 2021-2023141

 EMERGENCY CALL TRACKING SYSTEM141

 CHART 29: Recommended Dispatch Staffing Forecast.....142

 ADEQUATE STAFFING LEVELS.....143

 QUALITY CONTROL AUDITS144

 ANCILLARY WORKLOAD DEMANDS144

 COMPUTER-AIDED DISPATCH.....145

 CALL PROCESSING/CALL TYPES.....145

 HIGH PRIORITY/AVERAGE RESPONSE TIMES.....145

 TABLE 44: Response Time Record Status and Average Minute, by Record Priority, by Year.....147

 CHART 30: Response Time Record Status and Average Minute, by Record Priority, by Year147

 POLICIES148

 TRAINING148

 DISPATCH RECOMMENDATIONS.....148

RECORDS DIVISION.....149

 RECORDS STAFFING149

 TABLE 45: Records Division Staffing, July 2024.....149

 WORKLOAD DEMAND.....150

 TABLE 46: Records Workload, 2021-2023151

 ONLINE REPORTING151

 TABLE 47: COPLOGIC ONLINE REPORTING STATISTICS, 1/1/19-06/25/2024153

 TABLE 48: COPLOGIC Estimated Time and Cost Savings, 1/1/19-06/25/2024154

 PUBLIC RECORDS ACT REQUESTS/DISCOVERY REQUESTS.....155

 Documenting PRA Requests and Release Information.....155

 TABLE 49: PRA & DISCOVERY ACTIVITY, 2021-2023156

 TRAINING156

 RECORDS POLICIES.....156

 RECORDS RETENTION.....157

 RECORDS MANAGEMENT SYSTEM.....157

 Report Review.....157

 Reporting Issue158

 FBI UCR/NIBRS CRIME REPORTING158

 COMPLIANCE AUDITS.....159

 2022 Criminal Justice Information System(CJIS)/National Crime Information (NCIC).....159



California Law Enforcement Telecommunications System (CLETS).....160
 CORI/III Audit160
 PAYMENT OPTIONS.....160
 RECORDS RECOMMENDATIONS.....161

ADMINISTRATIVE SERVICES DIVISION162
 TABLE 50: Administrative Services Division Staffing, July 2024162

Personnel & Training Unit.....162
 RECRUITING AND HIRING162
 TABLE 51: Los Gatos-Monte Sereno Police Department Applications, 2020-2023164
 TABLE 52: Los Gatos-Monte Sereno Police Department Recently Hired, 2021-2024 YTD.....164
 PRE-EMPLOYMENT INVESTIGATIONS165
 RE-INTEGRATION PROGRAM.....165
 RETENTION.....166
 PERFORMANCE EVALUATIONS166
 PERSONNEL AND TRAINING RECOMMENDATIONS.....168

Worker’s Compensation169
 TABLE 53: Worker’s Compensation Claim Data, 2022-2023170
 WORKER’S COMPENSATION RECOMMENDATION170

Specialty Assignments and Promotions170
 STRATEGIC FORESIGHT.....172
 SPECIAL ASSIGNMENT AND PROMOTION RECOMMENDATIONS173

Employee Wellness.....173
 PEER SUPPORT.....174
 EMPLOYEE ASSISTANCE PROGRAM175
 CHAPLAIN PROGRAM.....175
 ASSISTIVE THERAPY CANINE.....175
 EARLY INTERVENTION PROGRAM.....177
 TABLE 54: Sample Early Intervention Program Thresholds.....177
 EMPLOYEE WELLNESS RECOMMENDATIONS178

Internal Affairs.....178
 PERSONNEL COMPLAINTS.....178
 PERSONNEL INVESTIGATIVE PROCESS179
 DISCIPLINE.....182
 COMPLAINT INFORMATION AND DATA.....183
 TABLE 55: Community Complaints, 2021-2024.....184
 TABLE 56: CA DOJ Annual Report of Civilian Complaints, 2021-2023.....184
 TABLE 57: Internal Complaints, 2021-2024185
 INTERNAL AFFAIRS RECOMMENDATIONS186

Use of Force186
 USE OF FORCE POLICIES186
 USE OF FORCE REVIEW187
 USE OF FORCE DATA AND STATISTICS.....189
 TABLE 58: Use of Force, 2020 – 2023189
 USE OF FORCE RECOMMENDATIONS.....189

Training.....189
 TRAINING PLAN190
 TRAINING RECORDS / POST.....192
 POLICE ACADEMY193



SERGEANT / SUPERVISOR TRAINING.....194

RANGE / WEAPON TRAINING195

LESS LETHAL TRAINING196

 TRAINING RECOMMENDATIONS.....196

Equipment Management197

 FIRST AID KITS AND ANTI-BALLISTIC VESTS197

 WEAPONS.....197

 EQUIPMENT RECOMMENDATIONS.....198

Community Outreach198

 ALARM CALLS199

 COMMUNITY PROGRAMS200

 Volunteer Programs201

 NEIGHBORHOOD WATCH.....201

 NATIONAL NIGHT OUT201

 COMMUNITY POLICE ACADEMY.....202

 VOLUNTEERS IN POLICING203

 POLICE EXPLORERS203

 COMMUNITY SERVICE OFFICER/COLLEGE INTERNS.....204

 POLICE CHAPLAINS.....204

 COMMUNITY EMERGENCY RESPONSE TEAMS205

 DISASTER AID RESPONSE TEAM.....205

 VOLUNTEER PROGRAM.....206

 RECRUITMENT AND APPLICATION PROCESS.....206

 TRAINING207

 COMMUNITY OUTREACH RECOMMENDATIONS207

Finance207

 OVERTIME208

 TABLE 59: General Fund Personnel Services Overtime Expenditures, FY 2019-23.....208

 FISCAL IMPACT208

 BUDGET PLANNING.....209

 PAYROLL.....210

 ACCOUNTS PAYABLE210

 CONTRACTS AND GRANTS.....210

 FINANCE RECOMMENDATIONS211

Policy Management211

 DIVISION / SECTION / UNIT MANUALS.....213

 POLICY MANAGEMENT RECOMMENDATIONS.....213

Fleet.....214

 VEHICLE REPLACEMENT215

 FLEET POLICIES215

 COLLISIONS/DAMAGE215

 VEHICLE REPLACEMENT216

 FLEET RECOMMENDATION216

Facilities.....216

 COST AND FUNDING SOURCES.....218

 FACILITIES RECOMMENDATION219

Technology219

 TECHNOLOGY RECOMMENDATION220



Unmanned Aerial System Team.....220
 STAFFING.....222
 TRAINING222
 UNMANNED AERIAL SYSTEM TEAM RECOMMENDATIONS.....222

APPENDICES: DATA ANALYSIS REPORTS.....223

Data Cleaning and Processing Steps.....226

Workload.....228

Assigned Units.....241

Primary Unit Response Times and On-Scene Time264

Traffic Accidents.....277

Extra Patrol Events282

Monte Sereno Supplemental Report290

Assigned Units.....297

Primary Unit Response Times and On-Scene Time304

Traffic Accidents.....316

Extra Patrol Events.....321



EXECUTIVE SUMMARY

MELIORA PUBLIC SAFETY CONSULTING ASSESSMENT TEAM

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Methodology

Meliora Public Safety Consulting, LLC (Meliora PSC) was commissioned by Chief Jamie Field to conduct a comprehensive organizational assessment of the Los Gatos-Monte Sereno Police Department (LGMSPD). In today's ever-changing public safety environment, police leaders must be adept at leading the organization through change, partnering with the community to include those with varying perspectives, collaborating with intra-department Town leaders, addressing opportunities for development, bringing contemporary training and improvement, and being ever-present and willing to adapt to societal issues impacting the industry.

Contemporary police and sheriff agencies across the country are seeking external reviews of their organizations to gain an objective review and insight on how to make good agencies better. This study was designed to evaluate several aspects of the department including but not limited to the department's organizational structure; staffing levels; supervisory staffing levels; policies and procedures; and operational processes and procedures.

As a result of the in-depth assessment of the Los Gatos-Monte Sereno Police Department, Meliora PSC found members of the department to be professional and dedicated to their mission of serving the Towns of Los Gatos and Monte Sereno. Meliora PSC conducted a comprehensive staffing study based a three-year data analysis of computer-aided dispatch (CAD) information examining workload, deployment, workload by hour, and response time. We also examined staffing in other areas of the police department compared to the workload and responsibilities of these key functions. Meliora PSC's team used different methods to gather information about the department from which to examine, assess and formulate recommendations. Meliora PSC collected data, reviewed policies, documents and reports provided by the LGMSPD which were used to gauge the workload and operational efficacy of the police department. In addition to collecting and reviewing information related to the agency's operational and support services functions, we met with personnel at all levels of the department to gain insight and knowledge about their ability to provide service to the community.



We also conducted a community meeting to learn how services were being received by town members and gain insight on areas of concern or interest. Communities want public safety agencies that are transparent, committed to continual growth, and aligned with best practices. Meliora PSC is pleased to be part of meeting this expectation for the Town of Los Gatos/City of Monte Sereno.

The report that follows will highlight areas that demonstrate the department's positive momentum and opportunities for continued success and improvement. The recommendations will assist LGMSPD in becoming more aligned with best practices in 21st Century Policing as they relate to the Los Gatos-Monte Sereno community's policing needs and expectations. It is not unusual to have over 100 recommendations with an agency of this size. This is not indicative of an agency in need of significant corrective measures, but rather illustrates the depth and detail of the assessment process.

Recommendations may have various levels of implementation and involve funding and/or collective bargaining agreements that will take several months, and in many cases, years to implement. Other recommendations may take more planning and require multiple phases to complete, such as the police facility. In some cases, recommendations can be most readily implemented or achieved.

Next, is an overview and findings which includes key highlights that identify five themes and prominent issues the police department is experiencing. Following the executive summary is a complete list of summary recommendations.

Overview and Findings

The assessment and feedback derived from the independent review of internal documents and data, department focus groups, internal stakeholder interviews, and community focus groups was examined alongside best practices and opportunities for improvement. We also identified a more advantageous structure for providing effective management of department operations. Overall, Meliora PSC found members of the LGMSPD committed to their public safety mission and to continuous improvement and learning. LGMSPD's operations and business practices demonstrate positive momentum and opportunities for continued success and improvement. Department members were openly agreeable to the assessment, its process, and our objective insight. Further, LGMSPD's executive staff embraced the idea that the assessment would assist them in taking measured steps to improve the organizational structure, operating strategies, and approach to both internal and external customer service.

As a result of a comprehensive review of the LGMSPD's organizational structure, processes, controls and practices, a total of five themes emerged: Organizational Structure/Restructure, Roles and Responsibilities, Risk Management and Liability, Process Improvement, Police Facility were identified resulting in the following findings and recommendations. Most importantly, if



adopted in its entirety, this comprehensive approach is a strategy that connects every staff member, unit, section, and ultimately the entire police department to the Town of Los Gatos/City of Monte Sereno’s legacy of delivering high quality service to the community.

FIVE MAIN THEMES:

Theme 1: Organizational Structure/Restructure/Facility

Having an organizational structure that aligns with the department’s and Town’s goals and objectives is critical. LGMSPD would benefit from realigning and restructuring the police department to enhance efficiencies and internal organization as well as allow staff, units, and functions to focus on their specific goals. The LGMSPD has a functional organizational structure and there is an opportunity to further align roles and responsibilities.

LGMSPD should re-examine the department’s main functions as well as its organizational structure and ensure that department-wide operations, documents and policy are in alignment. Creating an organizational structure suitable for a small Town police department to deliver contemporary police services is a priority.

With a slight adjustment to the current organizational structure, LGMSPD would better represent department-wide operations and more clearly identify the department’s main functions. Restructuring is not limited to a reorganization of the department but the addition of personnel staffing. For example:

- Add one full-time lieutenant to the Operations Bureau – Patrol Division to handle the administrative duties to allow patrol sergeants to focus on field supervision and the corporals to consistently train new officers, rather than work as supervisors.
- Consideration should be given to adding one full-time professional staff administrator in the future to manage the Support Services Bureau outlined in the new proposed organizational structure.
- Add one full-time dispatcher – according to the LGMSPD Emergency Call Tracking System (ECaTS) report, the recommended staffing level is two dispatchers for the dispatch center between the hours of 7:00 a.m. and 10:00 p.m. With the pending adjustment to an updated 3/12 schedule in dispatch where the fourth workday every other week (payback day) is eight hours, the built-in overtime in the current schedule will be mitigated and the eighth full-time dispatcher will allow the Dispatch Lead to focus on managing the dispatch center and developing staff.
- Reassign the Traffic Sergeant from Support Services Bureau to the Operations Bureau – Patrol Division to provide the traffic officer and function alignment.
- Community Relations Coordinator: re-assign traffic-related collateral duties to the Traffic Sergeant.
- Add one full-time Administrative Technician to the Investigations Division to handle the crime analysis, assist with investigations and handle the front counter of the Police Operations Building.



The restructure would continue to have a chain of command structure where the Chief leads the organization, sections are guided by the Captains and managed by a proposed lieutenant and/or professional staff administrator (for future consideration), and units comprised of line level staff are supervised by a sergeant or professional staff supervisor. This new structure would also better serve the Town and its community by aiding in strategic foresight.

LGMSPD is a smaller organization compared to others, but size does not have to be a differentiator. The Town has invested considerable resources in hiring staff for the LGMSPD and has an ongoing opportunity to acknowledge and unlock the potential in these individuals. Doing so will help the Town retain its investment, provide depth when staff need to assume additional roles and responsibilities, and maintain a solid foundation for in-house promotional candidates to be successful. LGMSPD benefits from its human capital when they leverage and invest in them.

Additionally, LGMSPD needs a contemporary facility to house the department instead of using two buildings that are miles apart adversely impacting communication, organizational efficiency and practicality. Investing in one facility for the LGMSPD is essential to ensure they have the resources and infrastructure necessary to fulfill their mission effectively. A detailed cost estimation should be conducted to determine the financial requirements for acquiring a new police department. Examples of what one facility would provide are:

- Adequate space for current and future staffing, equipment, parking for staff and visitors, and other essential needs of the organization.
- Updated infrastructure to support the integration of technology.
- Ensure compliance with ADA standards.
- Provide interview rooms and temporary holding cells with appropriate security to include audio/visual monitoring.
- Ensure proper building security.
- Enhance overall internal organizational communication, training and guidance as well as timely IT and other support.
- Ability to designate community engagement spaces to host public meetings, neighborhood watch programs and community academies, and foster positive relationships with the community.
- Implement sustainable design concepts to improve energy efficiency, renewable energy, and water conservation measures to minimize the environmental impact to the facility ultimately reducing long-term operational costs.

Theme 2: Police Facility

It is vital for the quality of public service to house the police department in one building. The current two-building model is not conducive to communication, organizational alignment, a unified team, especially with the majority of sworn personnel being at one location and professional staff being at another. The unintended consequence can create the perception that one group is more important than another, something we have seen throughout the



industry in other assessments. A detailed space and function analysis will be important as the Town pursues an appropriate building to house police services.

After a comprehensive review and evaluation of this report, LGMSPD is encouraged to prioritize and consolidate, where possible, recommendations considering Town and police department objectives, resources, and timing based on their impact, risk predominance, and ease of completion. It would also best serve LGMSPD to develop a mechanism to illustrate goals and objectives, identify timelines, link funding and/or personnel resources, and track progress, challenges, or adjustments for completion of recommendations. Importantly, unnecessary complexity should be avoided whenever possible, yet a detail-oriented plan should be employed where appropriate. A one-dimensional method to rating risk on a basic scale will ensure agility and desired outcomes are achieved.

The overview and findings from this organizational assessment can assist LGMSPD in embarking on a sustainable police operation, ability to make data-driven decisions, and enable them to continue to provide a high level of community/customer-minded service.

Theme 3: Roles and Responsibilities

The roles and responsibilities should be reviewed to assess workload volume and effectiveness. Examples of areas to be reviewed:

- The span of responsibility for the Community Outreach Coordinator who has multiple duties and responsibilities in both bureaus.
- The Lead Dispatcher is working as a dispatcher to cover staffing shortages rather than handling the critical role of a supervisor. As a result, important risk management tasks such as quality control audits. The pending new schedule along with adding one full-time dispatcher will allow the Lead Supervisor to focus on managing the dispatch center and focus on staff development.
- Reorganization of the department would also aid in providing more clarity and continuity in the organizational structure to include personnel roles and responsibilities.
- Develop division, section, unit manuals for each area of the department.

Theme 4: Risk Management and Liability

Risk management is the systematic process of detecting, measuring and mitigating risks or uncertainties that may affect an organization. Developing strategies and putting practices or plans in place help to minimize liability and maximize risk management effectiveness is key. Contemporary agencies use data management systems to provide routine management reports on a monthly, quarterly, and annual basis. The Data Management Toolkit included in the Appendix is one of those data management systems. It is also important to have an integrated data system that incorporates policies, training, and risk management areas. LGMSPD is working towards risk management practices; there are areas where they could implement and increase risk management and liability prevention. For example:



- Continue the concerted efforts to address the Property and Evidence Unit, to include ongoing audits, creating a manual, and following industry standards.
- Expand LGMSPD's training plan and include a summary of its training philosophy, more detail relative to purpose and objectives of training, and key performance indicators.
 - Establish a training calendar; it is an effective way to ensure federal, state, regional and local training requirements are met. This is a critical risk management tool.
 - Implement a formal supervisory training program for both sworn sergeants/lieutenants and professional staff supervisors/administrators.
 - Include critical risk management classes in the manager/supervisor training plan.
 - Track all training requests to include training denials in order to identify and address issues preventing staff training and development.
- Continue to use Lexipol, an automated, contracted legal resource which provides police policies that are perpetually updated in response to new state and federal laws and court decisions. This is an excellent risk management resource for a police organization.
- Establish a use of force review board to identify any trends, risk management and liability mitigation, and overall training needs.
- Implement an electronic personnel management system that allows for documentation of risk management areas such as pursuits, use of force, commendations, forced entries, on-duty traffic collisions, and missed court appearances. This can establish the foundation for an early intervention program.

Theme 5: Process Improvement

There is an opportunity for process improvement. For example:

- Policies and procedures exist throughout the organization; however, the level of consistency and content varies.
 - There are structured practices not in agreement or out of alignment with the verbiage in policies.
 - Policies and procedures need to be formally documented to ensure consistency, specificity, and a collective understanding of process or procedure such as in-service training or employee acknowledgement of said policies and procedures.
- Create a practice that opens a new CAD incident that can associate prior incidents related to it to meet industry standards, rather than reopening the original CAD incident number.

We would like to thank Chief Field, Captain Tata, Captain Albin, and their staff for the cooperation and assistance in gathering the details and research needed to complete this project.



SUMMARY RECOMMENDATIONS

LOS GATOS-MONTE SERENO POLICE DEPARTMENT RECOMMENDATIONS

1. Focus recruitment efforts on qualified diverse candidates, particularly amongst women and Asian. (Page 30)
2. Consider reorganizing and restructuring the police department as shown in Chart 5. (Page 32)
3. Update the organizational with the current chain of command structure and/or a revised organization structure/chart and Policy § 200 – Organizational Structure and Responsibilities updated as well. (Page 33)

PATROL DIVISION RECOMMENDATIONS

4. Mandate patrol personnel rotate to another shift, not just days off, after two shift rotations. (Page 49)
5. Reserve spots on the sign-up list for each team designated for officers with less than two years of experience. (Page 49)
6. Maintain vigilance over excessive overtime use and consider other options that might alleviate the overtime necessity for the police officers. (Page 52)
7. Add one FTE lieutenant that effectively links patrol supervision to the Patrol Captain. (Page 52)
8. Make a concerted effort to limit this practice of using corporals as field supervisors to the extent practical. (Page 54)
9. Forward all completed briefing training, to include the Daily Training Bulletins, to the Training Unit to be included in the respective employee's personnel file. (Page 55)
10. Rotate collateral duties supervisors on a routine basis. (Page 56)
11. Engage local law enforcement partners and outline an MOU that can clarify the working relationships in various areas moving forward. (Page 60)

PATROL ADMINISTRATIVE WORKLOAD RECOMMENDATION

12. Update the RIMS CAD/RMS system to log detailed administrative “busy time” for these specific types of daily administrative and personal tasks, and collect details such as type of personal busy time for breaks, gear, and equipment and information of types of administrative activities such as collateral duty, meeting, briefing, report writing, and court for future electronic data analysis. (Page 73)

WORKLOAD MITIGATION RECOMMENDATIONS

13. Consider enacting expectations that work that can be performed in the field be done there and restrict station time to only those instances that it is necessary. (Page 95)
14. Explore AI-Report Writing from their current BWC vendor to determine if the technology will assist the department in creating reporting writing efficiencies. (Page 95)



FTO RECOMMENDATIONS

15. Ensure the current supervisor overseeing the FTP is sent to the POST Filed Administrator's Course. (Page 99)
16. Transfer the FTP to the Operations Bureau and assign the Captain to attend the FTP Coordinator's Course. (Page 99)
17. Update Policy § 416 to include the Field Training Coordinator duties and responsibilities. (Page 100)
18. Consider scheduling quarterly FTO meetings to cover trainee performance and FTO trainer development. (Page 100)
19. Review the FTO Manual annually to ensure compliance with statutes and best practices. (Page 100)

TRAFFIC UNIT RECOMMENDATIONS

20. Transfer the Traffic Unit Traffic Unit to the Operations Bureau – Patrol Division. (Page 101)
21. Reinforce a data-driven approach to traffic enforcement to include the dissemination of collision data, including the top accident locations and causes along with an enforcement-based strategy for patrol and traffic officers to follow. (Page 106)
22. Assign personnel assigned to the Traffic Unit to attend traffic collision investigation courses such as Intermediate and Advanced Traffic Collision Investigation as well as auto-pedestrian and auto-motorcycle accident investigation courses. (Page 108)
23. Implement quarterly traffic motorcycle training for all personnel who use a police motorcycle. (Page 109)
24. Develop a system that captures the calls and/or emails requesting extra traffic monitoring and enforcement and ensure the system includes a searchable database. (Page 109)

DETECTIVE UNIT RECOMMENDATIONS

25. Assign the Senior Records Specialist full-time to Detectives. (Page 113)
26. Add one FTE professional staff member Administrative Technician as a civilian case investigator assigned to Detectives and to handle the Crime Analysis function for the department. (Page 113)
27. Restrict the detective bay area work space when it is unoccupied by locking the door with limited access, move the printer out of the detective area, and set up a camera and passkey system. (Page 114)
28. Develop written policy and procedure in accordance with the mandatory provisions of CA Government Code § 34090 – maintaining and destroying "routine video monitoring" of building security recording systems. (Page 115)
29. Assign a professional staff member as a contact person for those who come into the front lobby area during normal working hours, and clearly post those hours on the outside of the POB as well as the department website. (Page 115)



30. Fill one detective position as soon as staffing allows and fill the second vacant detective position once department-wide staffing levels have been filled and stabilized. (Page 116)
31. Publish a comprehensive and contemporary Detective Manual. (Page 117)
32. Assign all detectives to attend the Basic Core Investigations Course, Homicide/Death Investigations Course, Child Abuse Investigator's Course, and search warrant class upon assignment to the unit. (Page 117)
33. Ensure homicide case detectives attend autopsies associated with their cases. (Page 117)
34. Evaluate the RIMS Detective module to determine if it meets the current needs of the Investigations Division and conduct continual training for all Investigations Division employees on the use of the RIMS Investigative component. (Page 118)
35. Assign the Patrol Watch Commander to review and assess the APS elder abuse cases and the CPS child abuse cases faxed during off-hours and communicate to the Investigations Division what was done. (Page 120)
36. Update the Victim Services Unit procedure manual and conduct a review annually for any needed changes. (Page 121)
37. Implement a crime victim notification system and assign the Victim Liaison to create an electronic, telephonic, or USPS system. (Page 121)

CRIME ANALYSIS RECOMMENDATION

38. Add one FTE professional staff Administrative Technician position as a Crime Analyst assigned to the Investigations Division. (Page 124)

SRO RECOMMENDATION

39. Develop job description and specific training requirements for the SRO position. (Page 125)

PROPERTY AND EVIDENCE RECOMMENDATIONS

40. Continue with the creation and implementation of a Property and Evidence Unit Policy and Procedure Manual and conduct annual updates. (Page 126)
41. Immediately change the entire lock, access, and combination code for P&E and ensure this is done any time a change in key access personnel or supervision occurs. (Page 126)
42. Construct a separate gun storage area that meets IAPE/CAPE standards. (Page 129)
43. Install ventilation in the Narcotics storage area consistent with industry standards. (Page 130)
44. Install monitored security cameras per IAPE/CAPE standards. (Page 130)
45. Install an alarm in the POB P&E room in all recommended areas. (Page 130)
46. Renovate and retrofit the entire POB P&E storage room to meet (or exceed) industry standards on building requirements and best practices on security measures. (Page 131)
47. Contact an IAPE/CAPE construction inspector to ensure compliance of construction standards for the P&E off-site storage warehouse. (Page 131)



48. Develop written policy for adherence to Government Code § 34090 to maintain “routine video monitoring” for 365-day requirement. (Page 131)
49. Research storage solutions and protocol for long-term storing of vehicles kept for evidence. (Page 132)
50. Assign the P&E Administrative Technician and Investigations Sergeant to attend the IAPE Property and Evidence Management Course. (Page 133)
51. Establish written policies and procedures for purging, destruction, and disposition of property contained within the P&E evidence and storage areas. (Page 133)
52. Immediately conduct inspections, audits and inventories as described in Policy § 802.8. (Page 134)
53. Immediately conduct a complete and thorough property and evidence full inventory and document and retain the results. (Page 134)

SUPPORT SERVICES BUREAU RECOMMENDATION

54. Add one civilian, FTE Support Services Manager to the bureau. (Page 137)

DISPATCH RECOMMENDATIONS

55. Address the non-emergency and administrative phone lines being the same number as soon as possible. (Page 139)
56. Continue to staff the center with two dispatchers during high call volume/peak hours. (Page 141)
57. Add one FTE dispatcher to provide proper staffing in the dispatch center. (Page 144).
58. Resume random quality control audits on calls handled by dispatch as soon as practical and continue on a regular basis. (Page 144)
59. Reviewing all call types and reprioritize those call types as needed to meet industry standards. (Page 145)
60. Create a practice that opens a new CAD incident that can associate prior incidents related to it to meet industry standards, rather than reopening the original CAD incident number. (Page 146)
61. Update Policy § 801.4 – Responsibilities to reflect the appropriate classification for those responsibilities. (Page 148)
62. Consider assigning Dispatch staff to participate in POST Webinar courses. (Page 148)

RECORDS RECOMMENDATIONS

63. Replace the rejection email for online reports with a personal call to the crime reporter to explain that the incident was rejected, the reason for rejection, and to have an officer personally meet with reporter to take a formal report of the incident. (Page 153)
64. Conduct a comprehensive review the CopLogic online reporting program to determine if it is efficient, cost effective, and if it meets the service expectation levels of the Los Gatos-Monte Sereno community. (Page 154)
65. Implement a process to track all PRA and discovery requests. (Page 155)
66. Develop a Records Training Manual and/or Standard Operating Procedures Manual to include department policy references. (Page 156)



67. Update the policy or Organizational Chart to reflect the appropriate titles of Records and the manager. (Page 156)
68. Schedule and conduct a records purge as soon as practical. (Page 157)
69. Provide training to all supervisors on report review and determine if other accountability measures need to be introduced for proper report approval. (Page 158)
70. Limit the time spent on reports to critical entries and enter reports into RIMS in a timely manner. (Page 158)
71. Eliminate the practice of providing incident reports from CAD and return to officers contacting community members to complete reports, even if informational, to meet the needs of the community. (Page 158)
72. Discontinue the acceptance of cash by LGMSPD staff and accept credit cards, debit cards and payment apps as the only approved forms of payment. (Page 161)

PERSONNEL AND TRAINING RECOMMENDATIONS

73. Include demographic information when completing the hiring process for all personnel. (Page 164)
74. Formalize the re-integration program. (Page 166)
75. Share information gleaned from independent exit interviews at the Town and LGMSPD to improve overall organizational management. (Page 166)
76. Align Policy § 1001.6 – Evaluation Interview – policy and practice to be consistent by either updating the policy or practice. (Page 167)
77. Consider listing the purpose of a performance review and reports and process for evaluations on the evaluation form and ensure consistency amongst supervisors. (Page 167)
78. Consider completing abbreviated annual evaluations on all part-time employees. (Page 167)
79. Implement LEFTA System’s SHIELD Suite; a software application that addresses various high-liability areas and events within policing. (Page 168)

WORKER’S COMPENSATION RECOMMENDATION

80. Request regular workers compensation updates from Town HR and Finance to assist the department with addressing any challenges injured workers may be experiencing that causes delays in their return to work. (Page 170)

SPECIAL ASSIGNMENT AND PROMOTION RECOMMENDATIONS

81. Add mandated rotational guidelines to include the number of years and positions in Policy 1002 – Specialty Assignments. (Page 171)
82. Utilize the LEFTA system to electronically track all employees, their assignments, promotions, and other pertinent personnel data with viewing privileges limited to authorized personnel. (Page 172)

EMPLOYEE WELLNESS RECOMMENDATIONS

83. Appoint a trained wellness coordinator and ensure the coordinator is fulfilling the responsibilities of the position as outlined in the department policy. (Page 174)



84. Update the Peer Support policy, identify a lead team member, acquire more Peer Support team members, and establish a metrics structure of how many employees are assisted during a specified timeframe. (Page 174)
85. Consider training and certifying an additional professional staff member by Operation Freedom Paws in order to handle an Assistive Therapy K9. (Page 176)
86. Implement protocols for the Assistive Canine Therapy program in regard to operational clarity, structure, and measurements of success, and establish clearly defined policies and procedures to include chain of command, reporting of metrics, deployment, standards, and formal mandatory training (including consistent update training). (Page 176)
87. Create a department policy and guideline addressing the practice of bringing an employee-owned dog (pet) into either police facility. (Page 176)
88. Implement an early intervention program. (Page 177)

INTERNAL AFFAIRS RECOMMENDATIONS

89. Add an employee commendation form to the website as well as hard copies in the lobby at HQ and POB. (Page 179)
90. Revisit the current industry standard of the department receiving and investigating allegations of misconduct – an important mechanism for the department to hold its staff and itself accountable to the communities it serves. (Page 184)
91. Consider implementing an electronic system (such as Lefta Systems, Axon Standard or IAPro / Blue Team) as a risk management tracking tool for complaints, internal affairs investigations, pursuits, use of force, commendations, forced entries, on-duty traffic collisions, missed court appearance. (Page 185)

USE OF FORCE RECOMMENDATIONS

92. Examine the use of the LEFTA system or similar product for use of force and other risk management tracking. (Page 188)
93. Establish a use of force review board to identify any trends, risk management and liability mitigation, and overall training needs. (Page 189)

TRAINING RECOMMENDATIONS

94. Update the Training Plan annually as per policy. (Page 191)
95. Add a training calendar with a timeline, scheduling, and anticipated upcoming training for the year following. (Page 191)
96. Develop an annual training needs assessment survey and send to staff so the results can be incorporated as part of determining future training. (Page 191)
97. Add the Chief and Captains' AB 1234-mandated training regarding the Fair Political Practices Commission ethics training to the training matrix. (Page 191)
98. Consider implementing the Lexipol product, LEFTA, for electronic tracking and management of training. (Page 192)
99. Amend the policy or ensure the squad supervisors take a more active role in DTB compliance by their personnel. (Page 192)



100. Partner with a local agency that may have a Pre-Academy to help prepare Academy Trainees. (Page 193)
101. Include professional staff supervisors and existing supervisors to attend the Supervisor Field Training program. (Page 194)
102. Include critical risk management classes and supervision courses to the Training Plan for professional staff and sworn supervisors. (Page 195)
103. Assign supervisors, both sworn and professional staff, to attend the California POST Supervisor Leadership Institute (SLI) training within two years of assuming the position and consider sending those who have not yet attended. (Page 195)
104. Amend the Policy § 302.9 to specifically focus on aiming and firing the 40MM Launcher along with subject factors to avoid. (Page 196)

EQUIPMENT RECOMMENDATIONS

105. Provide each staff member with an individual first aid kit. (Page 197)
106. Continue to track and manage department-owned guns and use the DOJ list to reconcile firearms inventory. (Page 198)

COMMUNITY OUTREACH RECOMMENDATIONS

107. Transfer traffic-related duties such as parking permits and hearings be transferred to the Traffic Sergeant, and have the Community Outreach Coordinator report to the Administrative Sergeant. (Page 199)
108. Create a system so alarm billing letters are copied to Finance and transfer alarm billing responsibilities Town Finance – accounts receiving. (Page 200)
109. Amend the Town’s Alarm Ordinance to include residential alarm systems to register annually and be part of the false alarm protocol. (Page 200)
110. Add a Community Relations Policy to reflect the policy and practice of LGMSPD. (Page 200)
111. Consider creating a line item in the budget for the Explorer program. (Page 204)
112. Assign DART to the Administrative Sergeant. (Page 205)
113. Track community outreach events with volunteer hours and event costs. (Page 206)

FINANCE RECOMMENDATIONS

114. Implement a contemporary, functional fiscal system to create overtime reports to produce efficiencies not currently possible with the current system. (Page 207)
115. Ensure supervisors and managers are more involved in this budget planning process as a means to provide ongoing professional development and succession planning. (Page 209)
116. Immediately identify and implement a new finance system for the Town that includes a contemporary payroll and budgetary reporting components. (Page 210)
117. Modify the Town’s approval process to become more efficient and compliant with industry procedures. (Page 210)
118. Ensure the new finance system includes software for managing agreements that can populate or create forms to minimize data entry and redundancy. (Page 210)



POLICY MANAGEMENT RECOMMENDATIONS

119. Update the Policy § 1019 – Personnel Complaints as soon as possible, and review and update all other policies to ensure they are consistent with department practice and current procedures. (Page 212)
120. Consider increasing the service contract with Lexipol to include policy management, DTB and policy update issuance to department members as well as monitoring and compliance management of department personnel’s completion and review of policy and DTB’s. (Page 212)
121. Ensure supervisors collaborate periodically with the Administrative Sergeant to ensure all employees are compliant with policy review and acknowledgement. (Page 213)
122. Develop manuals for each area of the department. (Page 213)

FLEET RECOMMENDATION

123. Provide a pool car for employees that attend off-site meetings and training courses. (Page 216)

FACILITIES RECOMMENDATION

124. Conduct a space needs analysis, followed by detailed cost estimation to determine the financial requirements for a single facility. (Page 218)

TECHNOLOGY RECOMMENDATION

125. Implement an IT request system with policy and procedures to better respond and track IT issues. (Page 219)

UNMANNED AERIAL SYSTEM TEAM RECOMMENDATIONS

126. Remove any reference to a Certificate of Authorization in Policy § 609, Unmanned Aerial System. (Page 221)
127. Update the one current field-use UAS with thermal capacity. (Page 221)
128. Add professional staff members to the UAS team. (Page 222)
129. Increase UAS team training to eight hours once a month. (Page 222)
130. Add a line item in the budget for the UAS program. (Page 222)



TOWN OF LOS GATOS

The Town of Los Gatos is located in Santa Clara County and bisected by State Route 17, which runs through the Town from south to north. The Town of Los Gatos is at the base of the Sierra Azules, and is located approximately 60 miles south of San Francisco, in the southwestern portion of the county where the Santa Clara Valley meets the lower slopes of the Santa Cruz Mountains. San Jose is to the north and east, the City of Campbell to the north, the cities of Monte Sereno and Saratoga to the west, and unincorporated Counties of Santa Clara and Santa Cruz to the south. Los Gatos has a total land area of 14 square miles and is primarily residential with a quaint downtown business district.

Los Gatos is a general law Town run under the “Town-Council” form of government. The Town is governed by five elected council members with the position of mayor rotating between council members each year. A general law Town is one which operates under laws and rules established by the State of California.

Los Gatos was incorporated in 1887 and has a current estimated population of 33,540 (July 2023 U.S. Census); a 0.03% increase from 33,529 based on the April 2020 U.S. Census data.

Los Gatos Demographics

The Town of Los Gatos’ community race and demographics are comprised of 71.7% White, 17.2% Asian, 8.2% Hispanic or Latino, 7.3% with two or more races, 1.2% Black or African American, and 0.1% American Indian and Alaska native. Age and gender data indicate 50.3% are female, 20.1% are persons 65 years and over, 22.9% are persons under 18 years, and 3.9% are persons under 5 years.

The owner-occupied housing rate is 64.3% for 2018-2022. Families and living arrangements reflect 1,285 households with 2.54 persons per household. The percent of persons age five years and older language other than English spoken at home accounts for 29.6% for 2018-2022. Households with a computer are 94.8% and households with a broadband Internet subscription are 93.0%. Persons in poverty are 3.9% of the population.

CITY OF MONTE SERENO

In 1995, the City of Monte Sereno contracted for police services with the Town of Los Gatos. The City of Monte Sereno is located in Santa Clara County and bisected by State Route 9, which runs through the City from east to west. The City is located in the foothills of the Santa Cruz Mountains, about 10 miles southwest of San Jose, and is bordered by the Town of Los Gatos to the north, east, and south, the Santa Cruz Mountains to the southwest, and the City of Saratoga



to the northwest. Monte Sereno has a total land area of 1.6 square miles and is exclusively residential.

Monte Sereno is a general law City run under the “City-Council” form of government. The City is governed by five elected council members with the position of mayor rotating between council members each year. Monte Sereno was incorporated in 1957 and has a population of 3,479 based on the April 2020 U.S. Census data, a 4% increase from 3,341 based on the April 2010 U.S. Census data.

Monte Sereno Demographics

The City of Monte Sereno community race and demographics are comprised of 67.6% White, 19.6% Asian, 6.6% Hispanic or Latino, 0.7% Black or African American, 0.25% American Indian and Alaska native, 0.09% Pacific Islander, 10.4% with two or more races; and 49% female.

Based on 2020 U.S. Census data, there are approximately 1,223 households and the owner-occupied housing rate is 82.4%.

LOS GATOS-MONTE SERENO POLICE DEPARTMENT

The Town of Los Gatos’ first law officer was a Town Marshall in 1887, the same year the Town was incorporated. The first Chief of Police was named in 1926. Police headquarters were established in 1965 at 110 East Main Street when the Town Civic Center was built. In 1995, Los Gatos PD assumed police services with the City of Monte Sereno and Los Gatos-Monte Sereno Police Department (LGMSPD) was formed.

In 2009, Headquarters was not able to house staff and resources, so a second location, the Police Operations Building (POB), was opened at 15900 Los Gatos Boulevard in Los Gatos. Currently, Administration and the Support Services Bureau are housed at Headquarters on Main Street and the Operations Bureau is housed at the Police Operations Building (POB) location.

According to the LGMSPD policy manual, the department is broken into two main functions: Support Services Bureau and Operations Bureau. Each bureau is overseen by a captain. Electronic management systems are beneficial in any business/organization. Systems of this nature can enhance workflow, employee productivity, reduce storage space, allow for remote sharing, and expedite information look-up. Throughout this report, Meliora PSC will further describe areas of opportunity for enhanced workflow through electronic management systems.



Throughout the organizational assessment report, Meliora PSC will further describe areas of opportunity for improvement in the organization to include proper staffing and policy content and management.

Department Staffing

For fiscal year 2023-24, the LGMSPD is comprised of 60 full-time members: 39 full-time sworn and 21 full-time professional staff members. The information below regarding chain of command and personnel duties is being provided to help the reader understand organizational structure, the levels of responsibilities, and information regarding personnel.

Police organizations operate through a chain of command with levels of authority and ranks. Specific titles and duties can vary depending on the type of agency (e.g., police, sheriff). A typical rank order from line level staff to executive staff for a small agency is as follows:

- Line level staff (e.g., officers, dispatchers, detectives, records, administrative assistants)
- Corporal
- Sergeant/Supervisor
- Captain/Commander
- Chief

Line level staff make up the majority of personnel in any police organization and are considered front-line staff.

- Officers are on the front-line ensuring quality of life, maintaining a safe community and enforcing local laws. On any given day, a field police officer will perform a wide range of duties from responding to calls for service to include threats and emergencies, traffic enforcement, completing police reports, and community outreach. Detectives complete follow up on police reports and investigate crimes.
- Professional staff (civilians) play crucial roles in police organizations beyond traditional sworn positions. They have a long history of roles such as dispatcher, specialist or technician positions. Dispatchers are the front-line staff who answer 9-1-1 calls, business calls from the public, internal calls, and monitor field staff activities. Records specialists complete and manage critical behind-the-scenes paperwork and document management. Administrative assistants and technicians provide administrative support for the executive and management staff to ensure an organized and efficient organizational operation by way of completing a variety of tasks. They are responsible for confidential and time-sensitive information and documents. Today, professional staff are performing a wide range of positions allowing police officers to focus on sworn and hazardous tasks. Professional staff can also perform non-hazardous patrol duties, crime scene management, victim advocacy, data analysis, and overseeing volunteer programs.

Some police departments have steps in between different ranks such as a corporal between the rank of an officer and a sergeant. A corporal can serve as a critical link between officers and



supervisors. They can be responsible for leading patrol teams, serving as detectives, and providing guidance to line level staff.

Sergeants are experienced officers who serve in a supervisor and training capacity. Their main responsibility is to ensure all policies, practices and procedures are followed. They are responsible for reviewing and approving police reports, supervising critical incidents, training, and scheduling.

A Captain serves as an executive command staff overseeing all operations within a bureau. They ensure all department policies and practices are carried out and are responsible for managing all personnel within their respective bureau. They are responsible for administrative tasks such as performance evaluations, coordinating emergency responses, overseeing strategies, and representing their division in meetings, government activities and community organizations and events.

The Chief of Police is the highest-ranking level in the chain of command. The Chief is responsible for all police operations. Police Chiefs are highly experienced police executives who are appointed to the position by a Town Manager or other governmental official depending on the Town charter or elected officials. The Police Chief directs the development and implementation of goals, policies, and procedures for the department. They assess and recommend staffing, training and equipment needs as well as organizational changes. The Chief represents the police department in government meetings, coordinates with other Town services, collaborates with regional agencies and partners, and participates in community events. They are also responsible for coordinating with other law enforcement agencies on the state and federal level.



TABLE 1: Los Gatos-Monte Sereno Police Department Staffing FY 2023-24

POSITION	BUDGETED	CURRENT	VACANT
SWORN, FULL-TIME			
Chief of Police	1	1	0
Captain	2	2	0
Sergeant	7	7	0
Police Corporal	4	4	0
Police Officer	25	21	4
Sworn Total	39	35	4
PROFESSIONAL STAFF, FULL-TIME			
Executive Assistant	1	1	0
Senior Administrative Analyst	2	2	0
Administrative Analyst	1	0	1
Community Outreach Coordinator	1	1	0
Senior Communications Dispatcher	2	2	0
Communications Dispatcher Lead	1	1	0
Communications Dispatcher	5	4	1
Senior Records Specialist	1	1	0
Records Specialist Lead	1	1	0
Records Specialist	2	2	0
Community Service Officer	1	0	1
Senior Parking Control Officer	1	1	0
Parking Control Officer	1	1	0
IT Systems Coordinator	1	1	0
Professional Staff Total	21	18	3
TOTAL FULL-TIME POSITIONS	60	53	7

Source: Los Gatos-Monte Sereno Police Department, as of March 2024. Staffing numbers typically fluctuate throughout the year and may differ from staffing numbers when the report is published.



LGMSPD’s most recent race and gender demographics from July 2024 indicates 75% White, 13% Hispanic or Latino, 8% Asian, 2% other, 1% Black or African American, 1% Native Hawaiian or other Pacific Islander, and 39% are female.

CHART 1: Demographics Town of Los Gatos

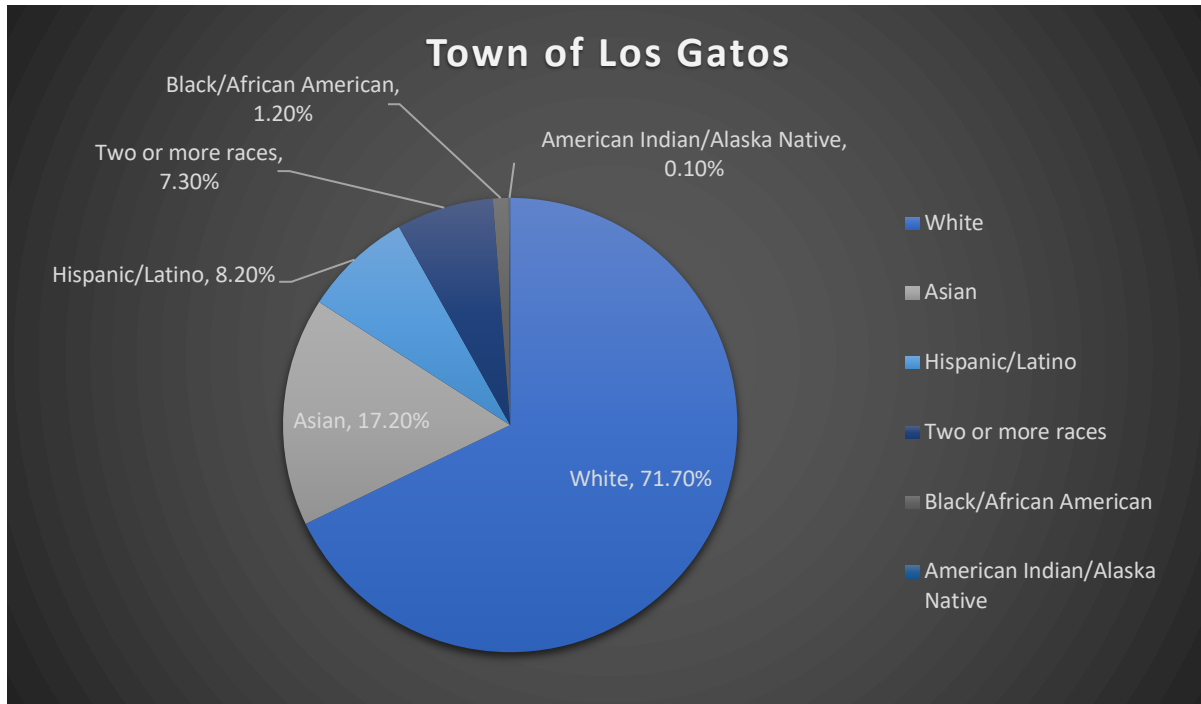


CHART 2: Demographics City of Monte Sereno

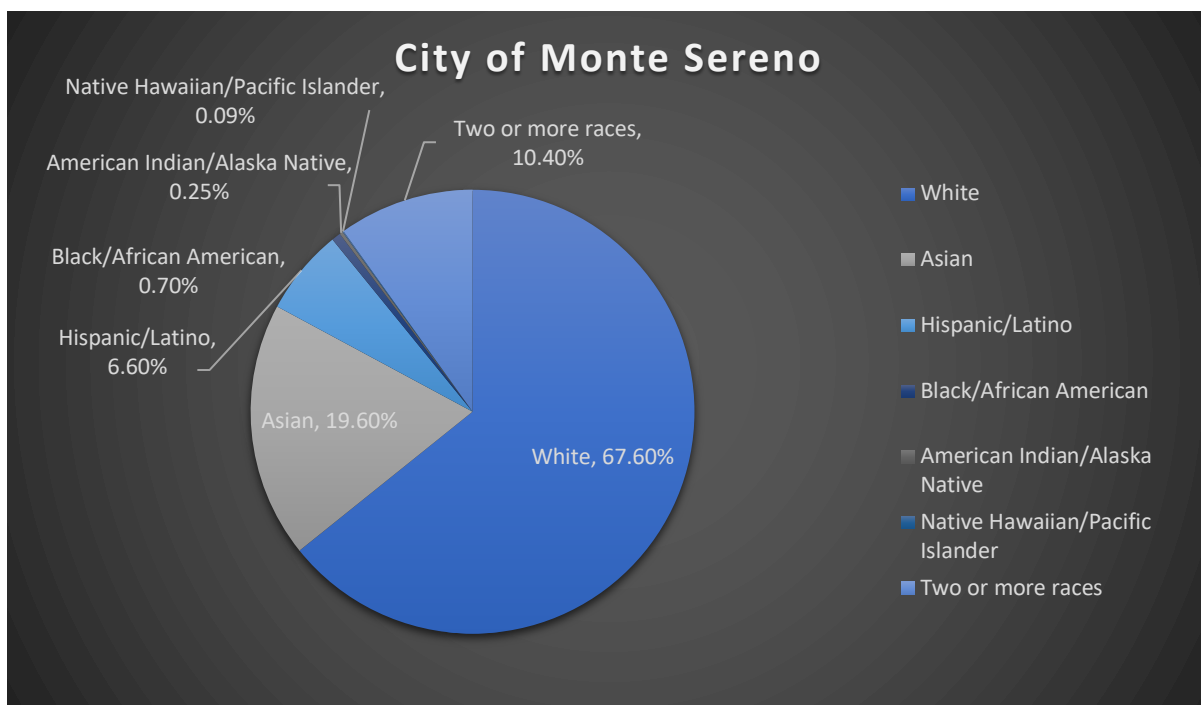
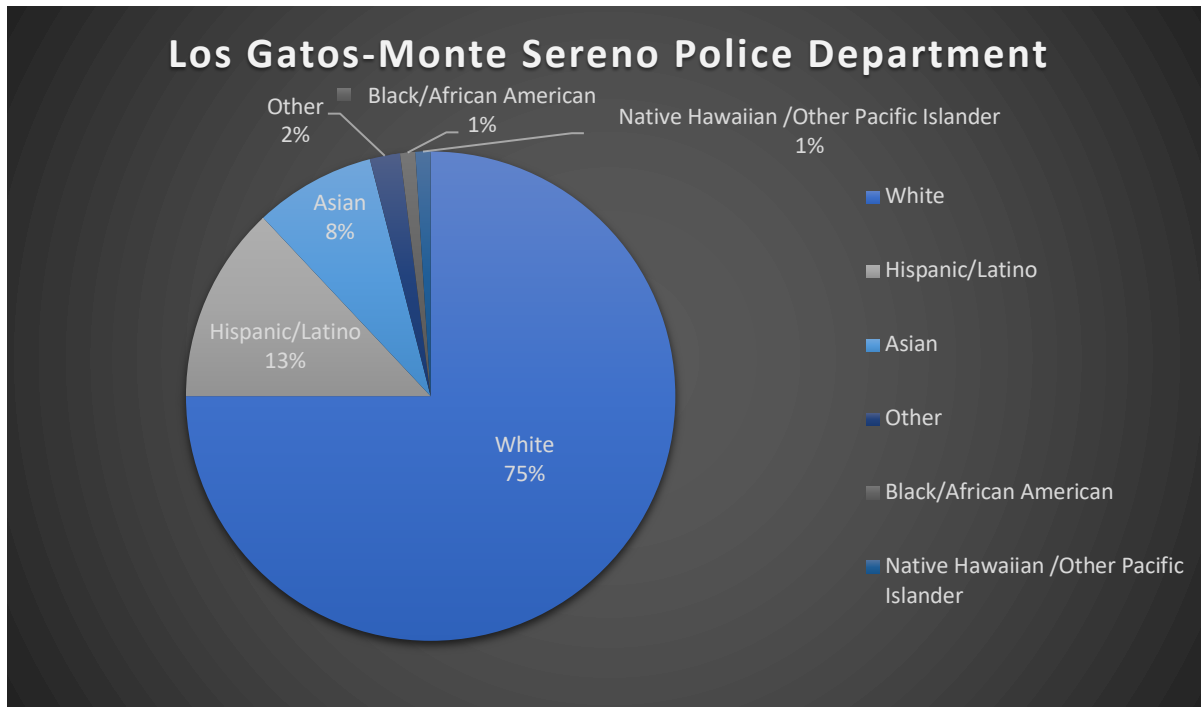




CHART 3: Demographics Los Gatos-Monte Sereno Police Department



As noted in the charts above, the demographics reflected for the Town of Los Gatos, City of Monte Sereno, and those of the LGMSPD are similar in races represented, with the variances being 17.2% and 19.6% Asian population in Los Gatos and Monte Sereno, respectively, and 8% in the police department; and 7.3% and 10.4% two or more races in Los Gatos and Monte Sereno, respectively, and 2% other in the police department. There was a notable difference in women with Los Gatos having 50.3% women, Monte Sereno having 49% women and the police department staff being comprised of 39% women. It is important for agencies to analyze applicants and personnel data to assist them in ensuring their department is reflective of the community they serve.

Regarding the gender breakdown of sworn officers, the California Peace Officer Standards and Training (POST) data warehouse¹ on police demographics indicates in 2022, the average percent of sworn women officers/deputies was 14.88%. By comparison, 13.89% of sworn personnel are women at the LGMSPD, nearing the state standard. There is currently a 30x30 Initiative started by a coalition of police leaders, researchers, and professional organizations to advance the representation and experiences of women in policing agencies across the United States with agencies being comprised of 30% sworn officers/deputies by the year 2030. Meliora PSC encourages LGMSPD to recruit qualified diverse candidates particularly amongst women and Asian groups to better align with the community they serve. In addition to recruiting women, it is also important that women are represented in leadership roles throughout the

¹ CA POST Website accessed December 2022, <https://post.ca.gov/Law-Enforcement-Demographics>



police department. To its credit, LGMSPD has women in every rank within the department to include Police Chief, Captain, Sergeant, Corporal, and Police Officer.

Mission and Core Values

Members of the LGMSPD are guided by the below Mission and Core Values.

MISSION STATEMENT

The Los Gatos-Monte Sereno Police Department is committed to ensuring public safety with integrity, compassion, and professionalism.

- *Providing exceptional law enforcement services*
- *Building community partnerships*
- *Engaging the community in problem solving*

CORE VALUES

- *Integrity*
- *Compassion*
- *Professionalism*

Organizational Structure and Responsibility

Per LGMSPD Policy § 200, Organizational Structure and Responsibility, “The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.”

The LGMSPD chain of command starts with the Chief of Police leading the department followed by Captain, sergeants/professional staff supervisor, corporals, and line level staff. Per Policy § 200.2, the “Chief of Police is responsible for administering and managing the Los Gatos-Monte Sereno Police Department. There are two bureaus in the Police Department as follows:

- Bureau of Operations
- Bureau of Support Services”

The policy further describes each bureau and that each bureau is commanded by the Captain. Per Policy § 200.3.1 Succession of Command, “The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate the Captain to serve as the acting Chief of Police. Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows: (a) Support Services Bureau Captain (b) Operations Bureau Captain (c) Detective Sergeant, and (d) Patrol Sergeant.”



Meliora PSC learned that in 2018, LGMSPD eliminated the lieutenant. Subsequently, most of the administrative duties and responsibilities were given to the Operations Captain, Administrative Sergeant, and patrol sergeants. With the addition of the duties from the eliminated position, the Captain's span of control, responsibility and supervision increased, as well as increased for the sergeants. Meliora PSC noted an opportunity for improved management with the addition of a one full-time lieutenant assigned to the Operations Bureau. More information on the lieutenant role and responsibilities is included in the Operations section of the report.

An organizational chart is typically a graphical representation of roles, responsibilities, and correlations between individuals within an organization. The main purpose is to illustrate the reporting structure and chain of command within the organization. LGMSPD provided an organization chart dated November 2023. Meliora PSC provides a recommended restructure of the Organizational Chart to address appropriate supervision and management in both bureaus, and includes adding a civilian manager position to oversee key functions of Dispatch, Records, Community Outreach, Budget and IT. More information on the addition of the manager will be provided in the Support Services portion of the report.

Meliora PSC further describes areas of opportunity in the organization to include proper staffing and span of control throughout this report to include the reasoning behind the suggestion or recommendation. Today's police professionals are more desirous of participating in the evolution of the organization, an asset to both the agency and department staff member.

COLLATERAL DUTIES

According to the Bureau of Justice Statistics national sources of law enforcement employment data, the United States is made up of about 18,000 federal, state, county, and local agencies. Roughly 80% of them have fewer than 25 employees. No matter the size of a police department each police agency has the same type of tasks and duties to provide public safety services. Personnel in small to mid-size agencies are more likely to have more collateral duties than larger agencies resulting in personnel become "jack of all trades."

In addition to an assigned position and its respective roles and responsibilities, it is common for personnel to have additional collateral duties. A collateral duty usually means a duty to support the agency that is secondary and supplemental to the primary duty of a position. Typically, these activities relate to functions that are not used daily but are roles required to provide the community with a full complement of services in the event of a major incident, disaster, or critical need.

Examples of collateral duties at LGMSPD include but are not limited to:

- Bicycle Team
- CRU-SWAT Team
- DART Team
- Defensive Tactics & De-escalation Team



- Drone Team
- FTO Program
- Firearms Range Team
- Hostage Negotiations Team
- Major Call-Out Team
- Peer Support Team
- Reserve Officers
- Social Media Team
- Tactical Dispatch
- Therapy Canine
- Traffic Unit
- Victim Services Unit
- Volunteers

Collateral duties have positive take-a-ways for both the employee and the department, Town, and community. For the employee, examples are enhanced professional development, select collateral duties provide compensation, exposure to different facets and added training. For the department/Town/community, they have employees that are more well-rounded, better trained, developed for the future, and whose leadership skills are being enhanced. Leadership development is critical to individual performance and an organization's success and continual development.

LGMSPD does not have a system in place to track time spent by personnel on collateral duties. It would be advantageous for the department to develop a computer-aided dispatch (CAD) code for time spent on ancillary duties. Tracking time spent on collateral duties would afford the department a better understanding of personnel's occupied time and in turn aid in determining appropriate staffing levels and needs. Currently, CAD information from the data report, which is comprised only of community and field-initiated activities, does not depict workload associated with administrative time such as collateral duties.

Meliora PSC developed the below proposed organizational chart in Chart 5 to better represent department-wide operations, more clearly identify the department's main functions, and is intended to provide clarity and continuity in the organizational structure, personnel roles and responsibilities, and supervision and management. This has been achieved by developing a command structure where under the Chief with management and guidance by the Captains, sections managed by a lieutenant and professional staff manager, and units made up of line level staff, are supervised by a sergeant or professional staff supervisor. This new structure would also better serve the Town and its community by aiding in strategic foresight and succession planning.

Meliora PSC also recommends the organizational chart be updated with the current chain of command structure and/or a revised organization structure/chart and Policy § 200 – Organizational Structure and Responsibilities be updated as well.



CHART 4: Current Organizational Chart

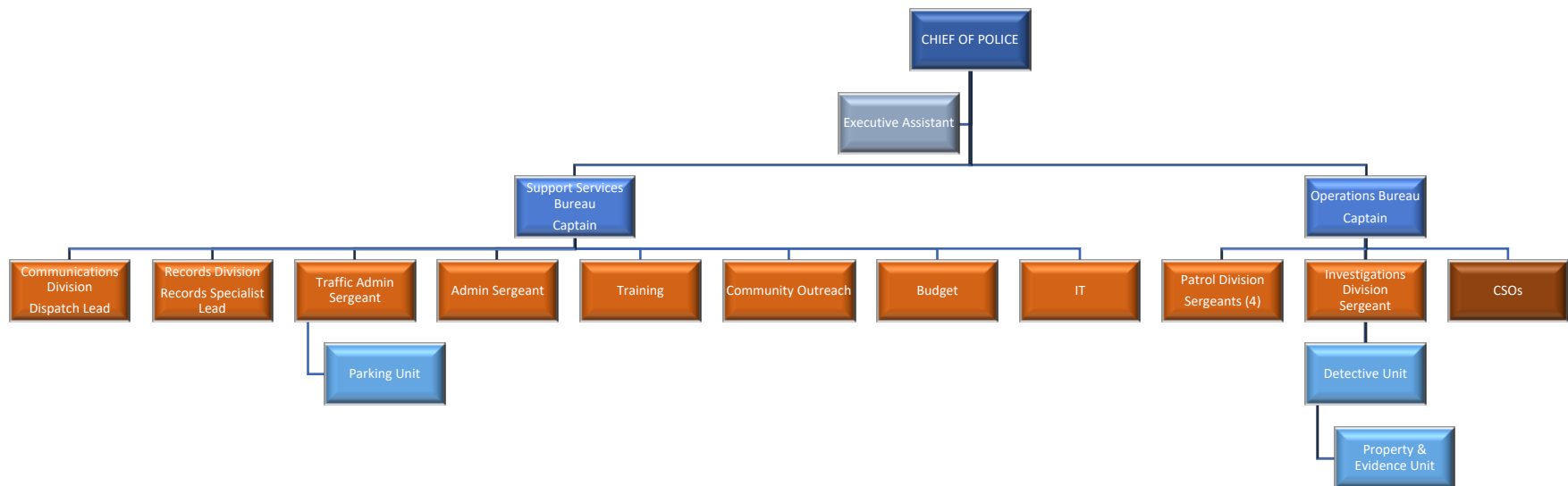
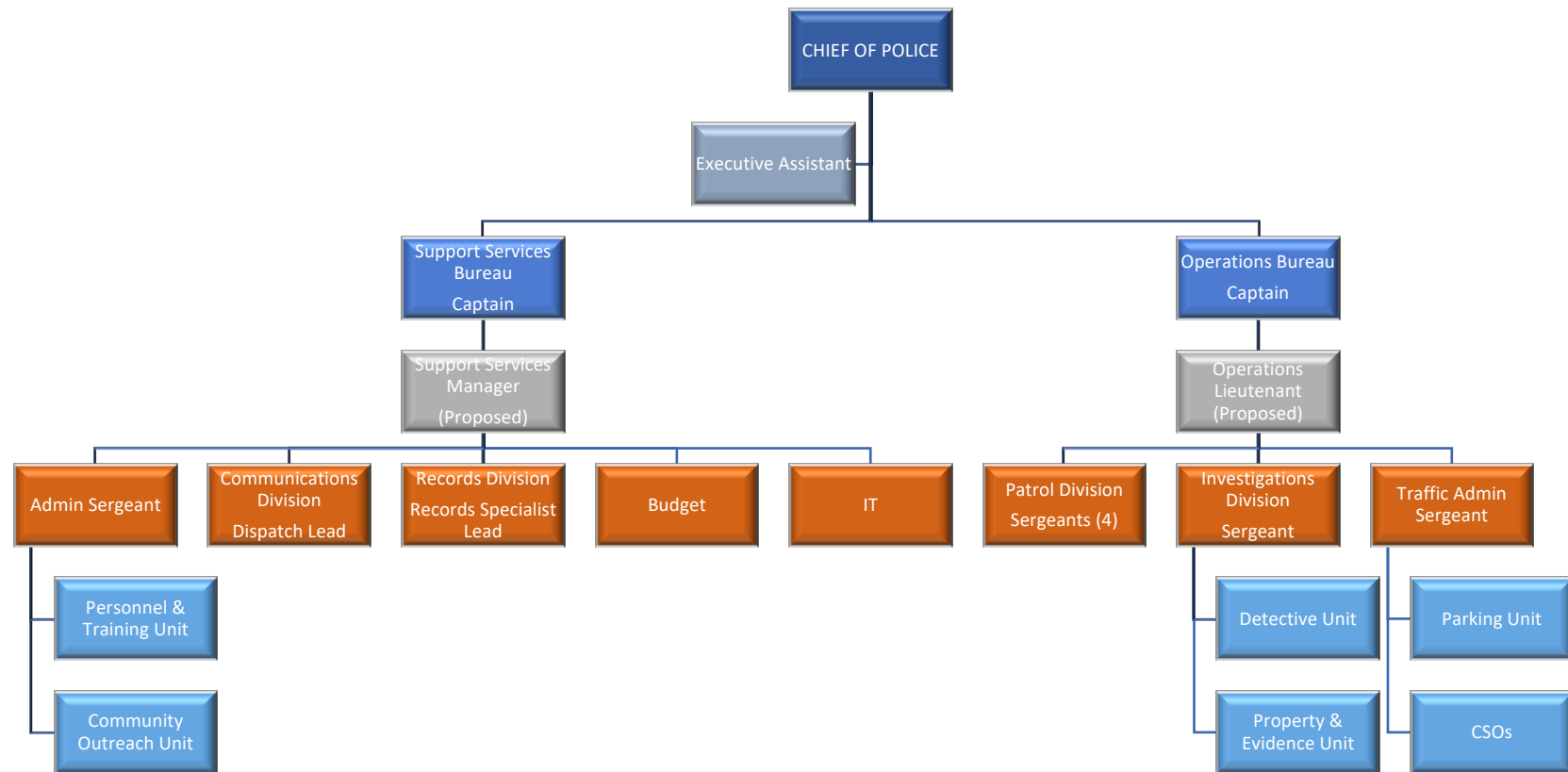




CHART 5: Proposed Organizational Chart





Strategic Plan

LGMSPD has a two-year department strategic plan for 2022-2024. The Town of Los Gatos' elected leaders and management staff, which includes the Chief of Police, meet and participate in a Strategic Planning process annually in conjunction with the budget preparation cycle.

Currently, the two-year goals are as follows:

- Goal 1: Organizational Recruitment, Development and Retention of a Quality Workforce.
- Goal 2: Prevent and reduce crime, increase quality of life, and focus on traffic safety.
- Goal 3: Active Partnerships.
- Goal 4: Embrace and Integrate Technology Throughout the Agency.
- Goal 5: Organizational Wellness.

The leadership of the Town of Los Gatos, Chief and staff are to be commended for having an up-to-date strategic plan. Meliora PSC learned the strategic plan is currently being updated for the next two years.

Crime Information

REPORTED CRIME

As part of the organizational assessment, Meliora PSC reviewed reported crime over the past 10 years as reported to the FBI through the Uniformed Crime Reporting (UCR) program. The FBI UCR program has been providing crime statistics to the public since 1930. Agencies participate voluntarily and submit their crime data either through a state UCR program or directly to the FBI's UCR program. After several years of working to enhance the level of detail, the FBI changed the manner in which crime statistics are reported.

Effective January 1, 2021, the FBI transitioned to the National Incident-Based Reporting System (NIBRS) to improve the overall quality of crime data collected by law enforcement. It captures details on each single crime incident – as well as on separate offenses within the same incident. As such, summary crime data collected through the historic UCR system was phased out.

As a result of NIBRS being a new method for reporting detailed crime statistics, there is no legacy NIBRS data for comparison. Until agencies have a few years of historical data in the NIBRS system to reflect crime trends, comparing UCR data to NIBRS data would be an inaccurate manner to compare crime that could result in misleading conclusions. Rather, where able, agencies should continue to collect data in the UCR format for a few years concurrently with NIBRS data reporting so that a more accurate analysis of crime fluctuations could be reflected in the three to five-year window of transition. While the detailed crime data contained with NIBRS will have more data per incident, that should not be misconstrued to assume crime has risen. Hence, by contrasting and comparing the UCR data for a few years



during the data reporting transition, reviewing how the crime patterns and fluctuations would be reflected compared to existing UCR data would help clarify if there was an actual increase or decrease in a particular crime category. Concurrently, there would be a collection of three to five years of NIBRS data to begin a more detailed and accurate assessment of crime trends containing a deeper analysis of those years going forward with NIBRS only data.

Meliora PSC learned that LGMSPD’s Record Management System (RMS) is compatible with NIBRS reporting. Each month LGMSPD runs a submission report from RMS that uploads to the Department of Justice resulting in NIBRS crime data being reported. The FBI database currently provides UCR summary crime data reports (during the NIBRS transition) on their Crime Data Explorer webpage. LGMSPD is commended for completing the transition to NIBRS reporting, as a number of CA agencies are still in the process of completing the transition.

Tables 2 and 3 below reflects the actual number of Part 1 crimes reported by the community to the LGMSPD. As noted, violent crime is low and there are more property crimes reported. There are two distinct tables to show the reported crimes in Los Gatos separately from Monte Sereno.

TABLE 2: Los Gatos 10-Year Part 1 Reported Crimes, 2014-2023

TYPE	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Homicide	1	0	0	0	0	0	0	0	0	3
Rape	6	7	2	3	2	2	3	0	7	6
Robbery	3	14	6	4	6	6	9	2	5	6
Assault	13	10	13	7	2	6	8	4	42	33
Total Violent	23	31	21	14	10	14	20	6	54	48
Burglary	181	149	139	70	58	57	103	31	111	86
Larceny	389	494	432	319	360	332	258	111	417	460
Motor Veh Theft	46	58	45	42	41	30	45	12	50	47
Total Property	616	701	616	431	459	419	406	154	578	593

Source: FBI Crime Data Explorer for years 2014-20222; Los Gatos-Monte Sereno PD for 2023 as not yet available on FBI website.



TABLE 3: Monte Sereno 10-Year Part 1 Reported Crimes, 2014-2023

TYPE	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Homicide	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Assault	0	0	0	0	0	0	4	1	2	4
Total Violent	0	0	0	0	0	0	4	1	2	4
Burglary	16	10	14	3	8	2	4	4	18	18
Larceny	12	28	13	8	8	9	9	10	16	14
Motor Veh Theft	1	3	1	0	3	1	2	1	3	3
Total Property	30	41	28	11	19	12	15	15	37	35

Source: FBI Crime Data Explorer for years 2014-2022; Los Gatos-Monte Sereno PD for 2023 as not yet available on FBI website.

In order to compare communities with varying sizes, geography, and community factors crime rates are expressed (indexed) as the number of incidents per 100,000 population to allow for comparison. Thus, the crime rate may reflect a number greater than the actual crime numbers reported in a category (Tables 2 and 3 above). In Tables 4 and 5, indexed crime rates for the Town of Los Gatos and City of Monte Sereno, respectively, the State of California and the Nation were examined over a 10-year period between 2014-2023. Crime trend data includes data pre and post-pandemic.

TABLE 4: Indexed Crimes Rates for Town of Los Gatos, California, Nation, 2014-23

YEAR	TOWN OF LOS GATOS			CALIFORNIA			NATION		
	Violent	Property	Total	Violent	Property	Total	Violent	Property	Total
2014	75	2,012	2,087	397	2,442	2,839	362	2,574	2,936
2015	100	2,258	2,358	428	2,628	3,056	374	2,501	2,875
2016	68	1,990	2,058	445	2,550	2,995	396	2,452	2,848
2017	46	1,402	1,448	453	2,505	2,958	395	2,363	2,758
2018	32	1,485	1,517	448	2,386	2,834	383	2,210	2,593
2019	45	1,361	1,406	442	2,336	2,778	381	2,131	2,512
2020	66	1,341	1,407	442	2,139	2,581	399	1,958	2,357
2021	15	462	477	481	2,165	2,646	387	1,832	2,219
2022	171	1,827	1,998	500	2,343	2,843	381	1,954	2,335
2023	143	1,768	1,911	*	*	*	*	*	*

*Source: FBI Crime Data Explorer for years 2014-2019 and 2022; Los Gatos-Monte Sereno PD for years 2021 and 2023. *State and National crime rates not yet available from FBI for 2023.*



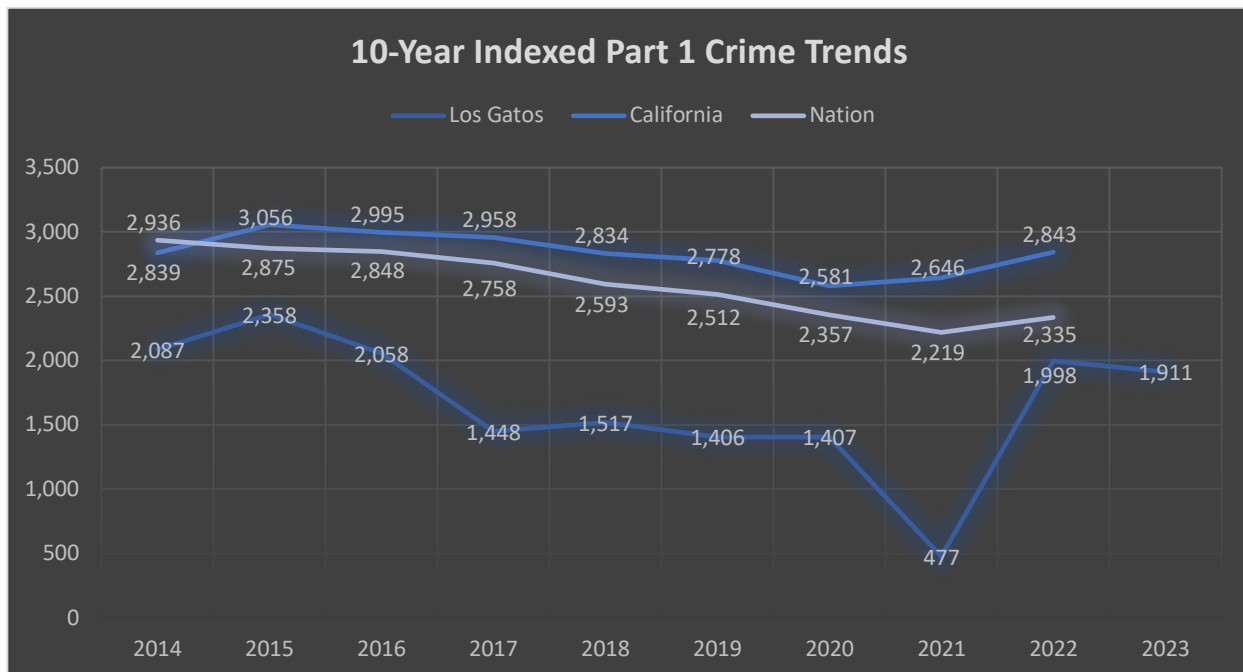
TABLE 5: Indexed Crimes Rates for City of Monte Sereno, California, Nation, 2014-23

YEAR	CITY OF MONTE SERENO			CALIFORNIA			NATION		
	Violent	Property	Total	Violent	Property	Total	Violent	Property	Total
2014	0	854	854	397	2,442	2,839	362	2,574	2,936
2015	0	1,145	1,145	428	2,628	3,056	374	2,501	2,875
2016	0	780	780	445	2,550	2,995	396	2,452	2,848
2017	0	307	307	453	2,505	2,958	395	2,363	2,758
2018	0	527	527	448	2,386	2,834	383	2,210	2,593
2019	0	342	342	442	2,336	2,778	381	2,131	2,512
2020	116	436	552	442	2,139	2,581	399	1,958	2,357
2021	29	428	457	481	2,165	2,646	387	1,832	2,219
2022	60	1,119	1,179	500	2,343	2,843	381	1,954	2,335
2023	115	1,006	1,121	*	*	*	*	*	*

Source: FBI Crime Data Explorer for years 2014-2019 and 2022; Los Gatos-Monte Sereno PD for years 2021 and 2023. State and National crime rates not yet available from FBI for 2023.

To more easily view the various types of indexed crime trends, Charts 6 and 7 below are intended to show the fluctuations and trends. The line graphs are intended to reflect how the Town of Los Gatos and City of Monte Sereno, respectively, follows or differs from the indexed, overall crime trends across the state and country.

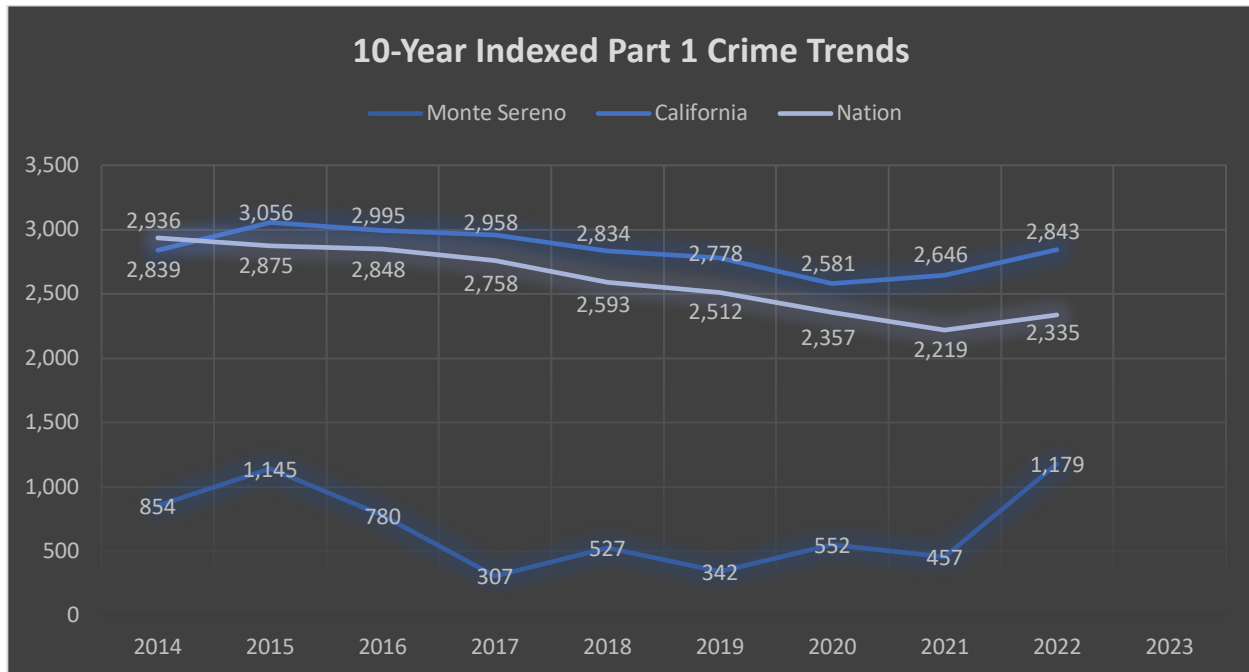
CHART 6: 10-Year Part 1 Crime Trends, Town of Los Gatos, State and Nation 2014 – 2023



Source: FBI Crime Data Explorer and Los Gatos-Monte Sereno Police Department.



CHART 7: 10-Year Part 1 Crime Trends, City of Monte Sereno, State and Nation 2014 – 2023



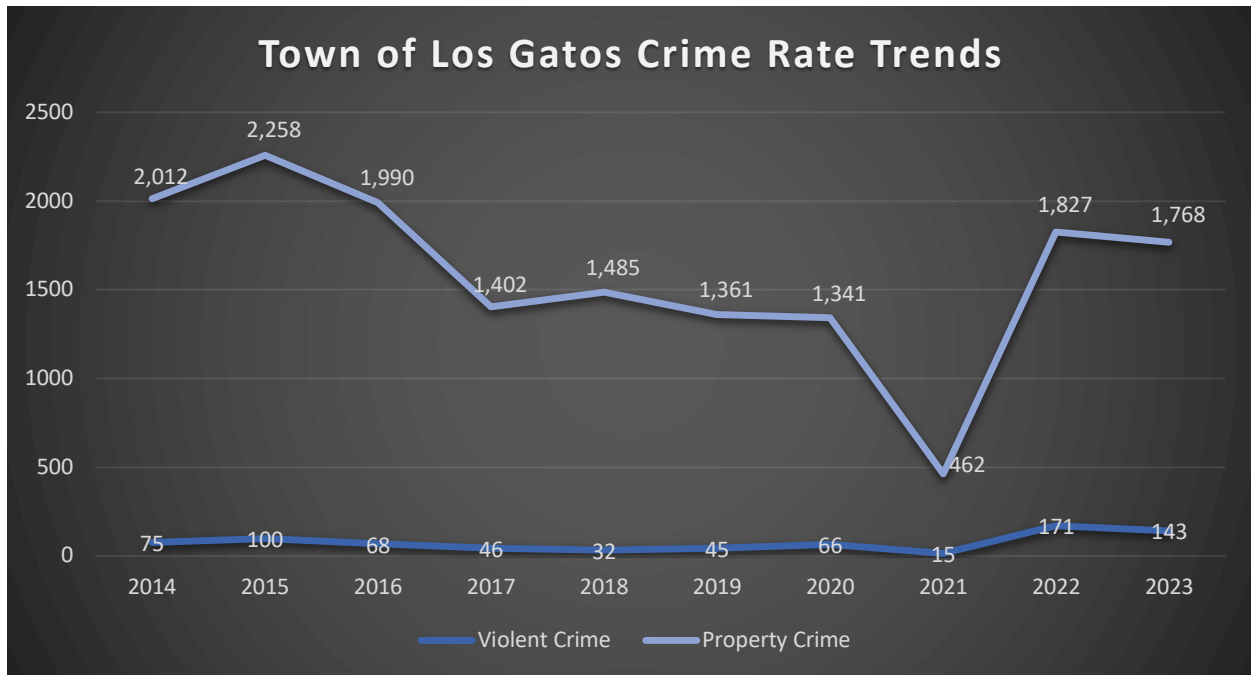
Source: FBI Crime Data Explorer and Los Gatos-Monte Sereno Police Department.

As reflected in the charts above, the overall crime rates in the Town of Los Gatos and City of Monte Sereno are lower than the overall crime rate in California and the Nation. From 2014 through 2021, the crime trends remained consistently low for the Town of Los Gatos and City of Monte Sereno in overall Part 1 crime. In 2022, crime spiked primarily with property crimes. The Town of Los Gatos experienced an increase in violent crimes, mostly in aggravated assaults. The highest year for overall crime in Los Gatos was 2,358 in 2015 and the lowest was 477 in 2021; and the highest year for overall crime in Monte Sereno was 1,179 in 2022 and the lowest was 307 in 2017.

In order to further explore the crime trends in the Town of Los Gatos and City of Monte Sereno, the next charts will provide a visual representation of the separate types of indexed crime: violent crime and property crime. Violent crime includes homicide, rape, robbery, and assault. Property crime includes burglary, larceny (theft), and motor vehicle theft. The last four years includes a representation of violent and property crimes during and subsequent to the pandemic.



CHART 8: 10-Year Crime Trends, Town of Los Gatos, 2014-2023

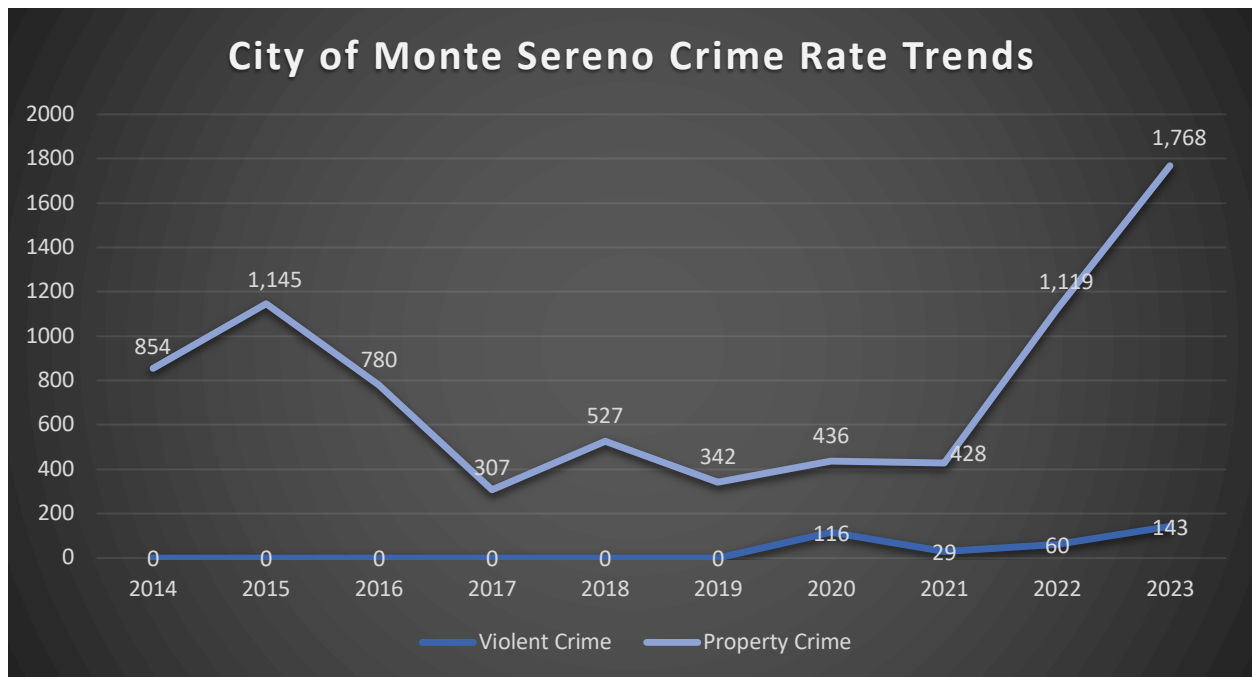


Source: FBI Crime Data Explorer and Los Gatos-Monte Sereno Police Department

As Chart 8 indicates, the violent crime rate in the Town of Los Gatos represented in dark blue for the past 10 years has remained relatively consistent with a slight increase over the past two years. The highest indexed violent crime rate was 171 in 2022 and the lowest was 15 in 2021. Again, violent crime is still significantly lower than state and national levels. The property crime rate represented in light blue trended downward overall; however, there was a spike in 2022 and 2023. The highest property crime rate was 2,258 in 2015 and the lowest was 462 in 2021. Again, property crime in the Town of Los Gatos remains lower than state and national levels.



CHART 9: 10-Year Crime Trends City of Monte Sereno, 2014-2023



Source: FBI Crime Data Explorer and Los Gatos-Monte Sereno Police Department

As depicted above in Chart 9, the violent crime rate in the City of Monte Sereno has been absent through most of the ten-year period. In 2020, there was a slight uptick where the highest violent crime was 143 in 2023 and the lowest was 0 from 2014-2019. It should be noted that the number of violent crimes reported were for aggravated assaults only, and the actual numbers were four in 2020, one in 2021, and two in 2022. The property crime rate represented in light blue trended downward from 2015 to 2021, and spiked upward in 2022 and 2023, but was still less than state and national crime rates. The highest property crime rate in Monte Sereno was 1,768 in 2023 and the lowest was 307 in 2017.



TABLE 6: Crimes Rate Comparisons with Town of Los Gatos/City of Monte Sereno and Other Local Agencies, 2022

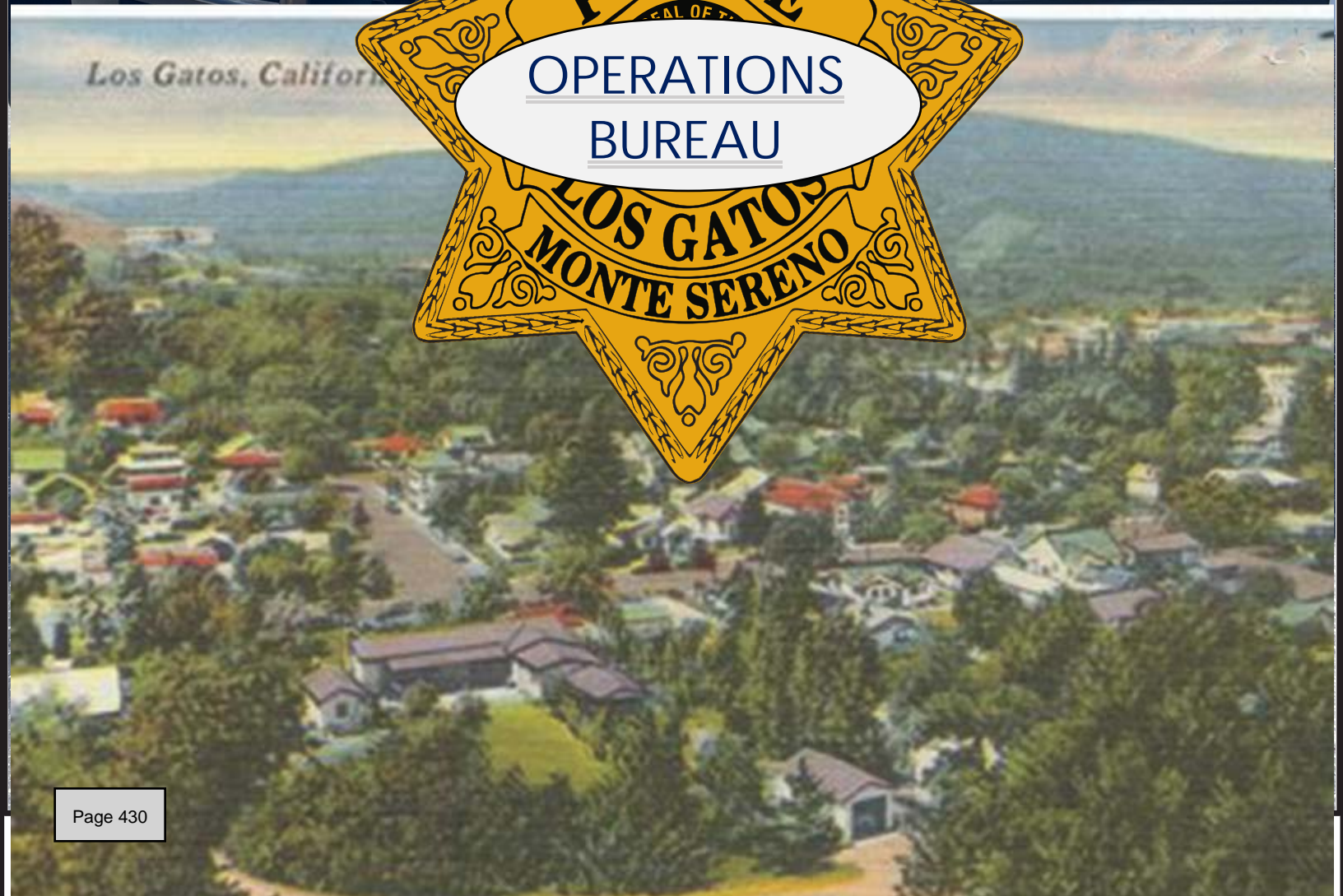
Town	State	Population	Crime Rates		
			Violent	Property	Total
Campbell	CA	41,605	353	3,069	3,422
Capitola	CA	9,748	267	3,139	3,406
Cupertino	CA	56,950	116	1,331	1,447
Gilroy	CA	56,742	481	2,180	2,661
Morgan Hill	CA	45,134	319	1,453	1,772
Saratoga	CA	29,306	41	816	857
Scotts Valley	CA	12,196	279	1,386	1,665
Watsonville	CA	51,517	586	1,862	2,448
Los Gatos	CA	33,540*	171	1,827	1,998
Monte Sereno	CA	3,479	60	1,119	1,179
California		39,029,342	500	2,343	2,843
National		333,790,926	381	1,954	2,335

Source: FBI Criminal Justice Information Services UCR crime reports accessed August 2024. *Town of Los Gatos population estimate data based on available 2020 US Census data.

Table 6 is for informational purposes only to provide the backdrop for crime in the region. As reflected in the table above, Los Gatos-Monte Sereno are both significantly below the violent, property and overall crime rates compared to most agencies in the local region, State, and Nation.

LOS GATOS-MONTE SERENO POLICE DEPARTMENT RECOMMENDATIONS

- Focus recruitment efforts on qualified diverse candidates, particularly amongst women and Asian. (Recommendation #1)
- Consider reorganizing and restructuring the police department as shown in Chart 5. (Recommendation #2)
- Update the organizational with the current chain of command structure and/or a revised organization structure/chart and Policy § 200 – Organizational Structure and Responsibilities updated as well. (Recommendation #3)





The Los Gatos-Monte Sereno Police Department (LGMSPD) is dedicated to the safety of the community. The Operations Bureau is comprised of uniformed Patrol, Detectives and Community Service Officers. The Patrol Division is responsible for responding to emergencies such as life-saving calls and in progress crimes, as well as working proactively in the community to address quality of life issues.

PATROL DIVISION

LGMSPD patrol function falls within the Operations Bureau. The bureau is led by a Police Captain who reports directly to the Police Chief. Like most municipal police departments, LGMSPD's uniformed Patrol Division is the most visible function of the agency that the community sees daily. The mere presence of the uniformed patrol function plays a vital role in the agency's ability to provide a sense of safety and security to the Las Gatos and Monte Sereno communities.

The fundamental responsibility of policing agencies is to provide a safe environment for the public's safety as well as ensure quality of life. LGMSPD recognizes these key responsibilities to allow the community to flourish and thrive as reflected in their Mission and Core Values Statements.

LGMSPD Policy § 400 identifies the policy and function of the patrol services provided:

400.3 POLICY

The Los Gatos-Monte Sereno Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.4 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Los Gatos-Monte Sereno Police Department. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.*
- (b) Apprehending criminal offenders.*
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.*



- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.*
- (e) Responding to reports of criminal and non-criminal acts.*
- (f) Responding to routine calls for service, such as public assistance or public safety.*
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.*
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.*
- (i) Directing and controlling traffic.*

It should also be noted that in addition to the department policy manual cited above, there is also a “Bureau of Operations Patrol Division Guidelines” document that outlines the expectations of those employees serving the patrol function. Portions of that document will be cited throughout this section of the report.

PATROL FACILITY

LGMSPD operates two police facilities. One of those facilities is considered the Police Operations Building (POB), which houses the Patrol Division and some other department functions. The Police Chief and Support Services functions, such as Dispatch and Records, are not co-located with the patrol force, rather they are at Police Headquarters located at the Town’s Civic Center. This is impractical in an agency the size of LGMSPD and creates some inefficiencies that can be better addressed with all functions under one roof (See Facilities section later in this report). The POB was originally built as a workspace for a utility company and later converted into the existing police operations facility. The building, although limited in size, does serve the operational minimums needed for patrol operations.

Some of the building characteristics include:

- Limited Office Space
- Employee Locker Rooms
- Equipment Storage
- Secure Evidence Storage
- Patrol Work Cubicles
- Gym
- Secure Patrol Vehicle Parking
- Secure Employee Parking
- Very Small Briefing Room
- Front Public Counter (Not Staffed – Secure Line to Dispatch Only)

Although the existing building serves the limited needs of the Patrol Division, there are shortcomings associated with the two-building configuration, including:



- Communication issues that arise with employees in different places.
 - This is amplified with 1/3 of the current workforce being with the agency for less than 2 years.
- Officers being separated from Records and Dispatch disrupts the natural workflow in an agency the size of LGMSPD.
- Agency reported disruptions to the historical “family” atmosphere that has traditionally existed in the organization.

Regular planning is being done to explore alternatives to bringing the agency back together in one facility. Although this two-building configuration has been in place for approximately 15 years, it was never intended to be a permanent solution. Meliora PSC strongly encourages the Town place a priority on having one building for police services.

STAFFING

To properly serve the community, agencies must ensure their services reflect the needs and available resources for their respective Town. Table 7 below provides a snapshot of those positions assigned to the Patrol.

TABLE 7: Patrol Division Staffing FY 2022-23

Position	2023/2024 Budget	2023/2024 Actual	Vacant
Captain	1	1	0
Sergeant	4	4	0
Corporal	4	4	0
Officer	18	16	2
Total	27	25	2

Source: Los Gatos-Monte Sereno Police Department. These totals represent filled positions; in some cases, employees are off work due to long-term injuries.

The primary responsibility of patrol officers is to patrol the Town of Los Gatos/City of Monte Sereno, respond to calls for service from the community, proactively address issues related to crime, and address community concerns in an effort to enhance the quality of life for those who live, work and visit the Town. The Patrol Division is comprised of four individual patrol teams. Ideally, each team is led by a police sergeant and will have one corporal and four or five police officers.

WORK SCHEDULE AND SHIFTS

LGMSPD patrol officers work a variation of the 12-hour shift schedule. Specifically, officers and sergeants are scheduled for 12.33 hours, with a start time of 6:40 a.m./p.m. and an end time of 7:00 a.m./p.m. With 24/7 coverage, the schedule is as follows for the four patrol teams:



- Team 1 – 6:40 a.m. – 7:00 p.m. Monday through Wednesday (every other Thursday)
- Team 2 – 6:40 p.m. – 7:00 a.m. Monday through Wednesday (every other Thursday)
- Team 3 – 6:40 a.m. – 7:00 p.m. Friday through Sunday (every other Thursday)
- Team 4 – 6:40 p.m. – 7:00 a.m. Friday through Sunday (every other Thursday)

Every week and during the pay period, there is automatic overtime built into the schedule for every officer and supervisor assigned to the patrol function. If an officer worked their full schedule it would result in 6.31 hours of overtime per two-week pay period. Additionally, there was a surplus of 12 hours owed to each patrol member every 28 days. This schedule may appear confusing when first exposed to it, but we learned that LGMSPD members became well-versed in understanding the scheduling dynamics and overtime associated with these details. Nonetheless, the department is seeking a more streamlined version of the schedule that would be less confusing and potentially reduce the mandatory overtime.

In our experience, a vast majority of police organizations tasked with providing 24-hour-a-day service have some type of eight, 10, or 12-hour shift schedule. Although there are variations of how they adopt these schedules, these are the industry norms. At the time of the site visit, LGMSPD was exploring other scheduling options and discussions were taking place between the employee union representing the sworn officers and the Police Chief. Meliora was provided a copy of one proposal being explored, and we offered some feedback on concerns we had about the proposal. Both groups have since moved on to other variations of a potential schedule change.

In our experience, agencies that have a consistent workload are better suited to an eight or 12-hour schedule as both schedules factor into a 24-hour workday. Agencies that see spikes in workload may be better suited to a 10-hour workday as they can overlap shifts for additional coverage. The 10-hour shift configuration will often require more officers.

In discussions with department leadership, Meliora PSC shared concerns about alternative scheduling. In our view, based upon the current workload observed in the agency we believe the department is best served by an eight or twelve-hour schedule (this would include the department's 12.33-hour version). The LGMSPD workload observed is relatively flat throughout a 24-hour period thereby reducing the need for shift overlap seen with traditional ten-hour schedules.

Following Meliora PSC's site visit and just prior to completing this report, we learned that LGMSPD has approved a new schedule that was negotiated between the agency and the police officers' union. The new schedule will be tested throughout an upcoming trial period and will adjust the current schedule for most officers on Teams 1-4 from 12.33 hours to 12-hour shifts. The department will also create some cover shifts that will be 10 hours for a small number of officers on newly created teams. The department believes this will result in some savings through reduced overtime and still provide the desired staffing.



Patrol shift deployments are for a six-month period. In an attempt to provide officers and sergeants advance notice to plan for family, school and other needs, shift sign-ups are intended to occur 10 weeks in advance of shift change. Sign-ups are based on seniority at each rank: sergeant, corporal and officers.

LGMSPD allows personnel to stay on the same shift for up to two, six-month deployments for up to one year, at which time they need to rotate to a different shift when they sign up. The rotation can be to another shift, e.g. day shift to night shift, or to different days off on the same shift.

In order to ensure officers and sergeants do not end up on the same shift for an extended period of time, Meliora PSC recommends the department mandate patrol personnel rotate to another shift, not just days off, after two shift rotations. In addition, to broaden the experience level of officers, Meliora PSC recommends LGMSPD reserve spots on the sign-up list for each team that can be designated for officers with less than two years of experience. This also allows less tenured officers to learn from the experienced officers on their respective shift. Staff indicated the average experience level in patrol is approximately two years.

Providing officers with the opportunity to work different shifts exposes them to more variety in the types of calls for service from the community. For example, driving under the influence (DUI) incidents typically occur in the evening hours versus daytime. If an officer works primarily dayshift, they will not have the exposure to DUI investigations. Conversely, fraud and/or burglary cases may occur more frequently during the daytime hours and assigning officers only to nightshift limits their exposure to these types of calls for service and investigations.

From a recruiting standpoint, the mandatory shift rotations allows new officers and laterals the ability to work different shifts rather than be relegated to the night shift until a new officer is hired so they can move up in seniority. Furthermore, the mandated shift rotation also underscores the department's commitment to officer wellness and ensuring officers and sergeants are well rounded.

MINIMUM STAFFING

Most police agencies have established minimum patrol staffing levels that they have determined are appropriate. These minimum staffing levels are often established based on a data analysis of the safe and effective staffing levels for managing the anticipated daily workload.

Los Gatos established its minimum staffing levels based on a historical sense of what is needed and aligns with the community's three-beat configuration. The four-officer minimum involves one officer covering each beat, with the fourth being a "rover" unit to assist the others when needed. These numbers have not been set based on an actual workload analysis.



The following minimum staffing numbers are documented in the Patrol Division Guidelines document:

Day Shift: 6:40 a.m. to 7:00 p.m.

- Team 1 – 1 sergeant and 4 officers
 - Monday, Tuesday, Wednesday, and every other Thursday
- Team 3 – 1 sergeant and 4 officers
 - Friday, Saturday, Sunday, and every other Thursday

Night Shift: 6:40 p.m. to 7:00 a.m.

- Team 2 – 1 sergeant and 3 officers
 - Monday, Tuesday, Wednesday, and every other Thursday
- Team 4
 - Friday and Saturday – 1 sergeant and 4 officers
 - Sunday, and every other Thursday – 1 sergeant and 3 officers

The term “supervisor” noted above can be a police sergeant or a police corporal based upon who may be scheduled that particular day. If a sergeant is working and there is a corporal on the shift, that corporal will be counted as one of the officers. In addition, traffic officers working on a police motorcycle and officers with tracking K9s are counted toward shift minimums as well.

It is important to note that although the agency works to ensure that these staffing levels are met at all times, the shift supervisor has some limited discretion to occasionally allow staffing to fall below these established levels, specifically during select hours of the shift when the workload historically diminishes. Those reduced levels can be allowed during those limited hours. Minimums can be met by either calling an officer to work the shift on overtime or holding over an officer coming off their shift.

PATROL OVERTIME

Overtime usage is a regular occurrence in every police organization throughout the country. Ideally, an achievable overtime budget is established annually, and the department will strive to meet those budgeted levels through effective management and oversight. The following table shows the budgeted and actual overtime expenditures in the department’s Patrol Division from 2019 to 2024.



TABLE 8: Patrol Overtime Budget and Expenditures

	Budget	Actual Expenditures	Balance
FY 19-20	\$216,002.18	\$379,096.66	(\$163,094.48)
FY 20-21	\$180,476.25	\$423,209.81	(\$242,733.56)
FY 21-22	\$206,470.64	\$593,799.11	(\$387,328.47)
FY 22-23	\$242,102.55	\$732,920.11	(\$490,817.56)
FY 23-24 (as of 3-26-24)	\$217,179.13	\$505,202.36	(\$288,023.23)

Source: Los Gatos-Monte Sereno Police Department Overtime Report as of 3-26-24.

As one can see, expenditures have exceeded what was budgeted and increased significantly each year since 2019. On the surface, this would appear problematic and suggest a potential mismanagement of fiscal resources. However, in discussing this with LGMSPD leadership, the overages are a byproduct of the department’s need to meet minimum patrol staffing. These overages are funded through salary savings behind the vacant positions, and therefore, the department’s overall budget has been met in each of the three years noted.

Agencies employ this strategy throughout the country (using salary savings to fund overtime). However, this practice has been exasperated in recent years as many agencies have reported problems maintaining authorized staffing levels. Although this strategy works fiscally, the employee impact of these decisions should be taken into consideration in managing this area of police operations.

Employee Impact of Patrol Overtime

The need for police officers to work overtime is a normal occurrence within the industry. But, the industry is evolving and officer wellness initiatives are understandably becoming more important. A component of officer wellness involves a healthy work/life balance and that balance can be severely disrupted with excessive overtime expected of its workforce. The long 12.33 hour shifts with the need to sometimes stay longer can add to potential stressor to this concern.

There was a general theme while talking to employees that they supported one another and would cover one another’s shift when asked. Additionally, the department had not reached a point of having to “order” employees to work in order to maintain minimum staffing. Once that occurs the department may have to become more restrictive in allowing an officer to take time off when requested – this may further exasperate work stress and is a complaint we often hear in other agencies struggling to maintain its staffing. In the case of LGMSPD, although employees were generally positive, they also shared that the overtime “ask” was becoming problematic and concerning.

In our assessment we believe LGMSPD demonstrated an awareness of wanting their officers to have that desired work/life balance and they understand that overtime was becoming a difficult ask for their workforce. However, the department’s only solution is to fill vacancies and reach



full staffing thereby alleviating the small gap between full staffing and minimum staffing. Meliora PSC believes the workload data presented in this report would suggest that there are times that the department's minimum staffing requirement can be adjusted to reduce the mandatory overtime need. Meliora PSC recommends LGMSPD maintain its vigilance over excessive overtime use and consider other options that might alleviate the overtime necessity for the police officers.

PATROL SUPERVISION AND MANAGEMENT

The Operations Bureau is commanded by a Police Captain and has command responsibilities over multiple department functions, including the Patrol Division. The Patrol Division itself is supervised by police sergeants who lead each of the four patrol teams. There is no middle manager between the patrol sergeants and the Captain. This rank structure has created an environment where Los Gatos Police Sergeants often perform administrative duties that may otherwise be handled by a middle manager or Police Lieutenant in many other organizations. In fact, while interviewing some of the patrol sergeants, we learned that a past Police Chief affectionally referred to the department sergeants as "sargtenants," implying the position was a hybrid supervisor-manager position within the agency.

The fact that a middle manager does not exist or that police sergeants are performing administrative work is not a concern. What concerns us is that these administrative responsibilities fall on the shoulders of the patrol sergeants rather than designated administrative sergeants. We believe this creates a gap in patrol supervision of daily operations. Meliora PSC recommends adding one FTE lieutenant that effectively links patrol supervision to the Patrol Captain.

LGMSPD Policy § 420 outlines that each patrol shift must be directed by supervisors capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions, and objectives. As such, sergeants have been identified to fill this role. However, there is the caveat that police corporals can fill the role of acting field supervisor if a sergeant is unavailable. Meliora PSC learned that this is an almost daily occurrence in Los Gatos.

When sergeants are on shift, they are technically designated as the shift supervisor. However, we learned that most patrol sergeants spend significant time during their shifts handling required administrative duties in the office. If no corporal is on shift, the sergeant will leave the office to respond to requests for assistance from field officers when they occur. If a corporal is on shift, that corporal will have regular patrol beat responsibilities but also handle most of those requests for assistance by other field officers.

Police work, by its very nature, can often be highly scrutinized by the community, media, and political leadership. Expectations for professional conduct by police officers are ever-increasing. Sergeants are often the most effective and influential position in an organization to ensure quality service and professional conduct by department employees. Yet, as professional



expectations increase, organizations frequently place additional administrative responsibilities on those sergeants tasked with supervising operations. As responsibilities increase, sergeants cannot be in the field as they should, ensuring professional conduct by department employees and being visible.

One example of where these issues collide is body-worn cameras (BWC). BWCs are a tool for recording the interactions of police officers and the public while officers are performing their duties. In some cases, BWCs have captured the unprofessional actions of officers. Yet, in most cases, the existence of video of an incident has shown that police officers are acting professionally and following department policy and the law. While there are undisputed benefits to BWCs in police work, this technology has created a significant workload for department employees, especially supervisors.

BWCs have randomized audit expectations, where supervisors must watch a certain number of BWC footage from each officer on their team during a certain performance period. Additionally, every critical incident, such as a use of force or a community member complaint, mandates the review of incident videos. If four officers are on a call that lasts for 30 minutes and results in a complaint, the reviewing supervisor will be required to watch the footage of the incident in its entirety and often from each officer to review the officer's conduct against the allegations made by a community member. That single incident can result in an additional two hours of work that did not necessarily exist before BWCs. Multiply that by the number of incidents that require a BWC review and add that to the existing workload, and it is easy to see how this technology has impacted the workload dynamic in any police agency. Additionally, this review expectation is often repeated by the reviewing manager following the administrative review by the sergeant. This means that the Bureau Captain often watches the same video for quality control of the administrative review or internal investigation.

Corporals Working as Shift Supervisors

As noted above, LGMSPD corporals often serve in the capacity of the shift supervisor. This occurs when a designated sergeant is off work and also occurs even when sergeants are working but delegate supervision to patrol corporals when they are busy on administrative duties in the office. Both of these examples occur frequently and during our assessment period there was one example of a corporal that had been supervising a shift for several months while the regular sergeant was off for an extended leave period.

The use of corporals in a leadership/supervisor capacity does occur in many agencies that have the corporal rank. But there are drawbacks to this practice that should cause an agency to limit their use in this capacity. Corporals often straddle the line between being a true supervisor, such as a sergeant and being a line level officer that handles regular calls for service. This role often causes some concern with the people holding the rank to step into the supervisor's role when necessary, knowing that they are often on a peer level with the officers with whom they work. Although LGMSPD is complimentary of the individuals serving in this rank and they do send the corporals to a POST-approved supervisory school, there was concern that these



individuals do not often view employee conduct that may need to be addressed in the same manner that a sergeant would.

With time and experience, sergeants develop a global view of supervision and leadership that oftentimes does not exist at the officer and corporal level. This is especially true when sergeants are exposed to some of the management dynamics in a police organization. Good supervisors evolve over time and become an important figure in an organization to ensure professional and ethical conduct by employees.

Additionally, corporals at LGMSPD are the department's primary FTO's. However, when pulled for supervisors duties they delegate the trainee to another officer for the day/week/month thereby disrupting the training period for a new officer (additional details are included in the FTO section of the report). Although we do not recommend that LGMSPD cease this practice, Meliora PSC recommends a concerted effort be made to limit this practice to the extent practical. Adopting the recommendation to move administrative duties away from sergeants with the addition of a lieutenant and ensuring the sergeants are in the field should assist in this goal. When this transition occurs, it will be important to re-establish the expectations of patrol field sergeants and continue to provide training related to supervision and accountability.

BRIEFING TRAINING

Briefing is an opportunity to present mandatory and optional training, review policies, procedures, and other relevant topics in an environment amenable to open discussion among various levels of experience and rank. Briefing time is also an opportunity to disseminate and discuss information on current operational and administrative topics. This short but significant interaction between supervisors and officers during briefing enables each to have a voice and provides an important opportunity for sergeants to demonstrate leadership. Briefing training can also be documented to satisfy California POST and/or LGMSPD training requirements.

One of the key responsibilities of a patrol sergeant is to provide briefing training, and LGMSPD Policy § 402 – Briefing Training – codifies this expectation. The policy states that assembly training should consist of the minimum following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations*
- (b) Notifying officers of changes in schedules and assignments*
- (c) Notifying officers of new General Orders or changes in General Orders*
- (d) Reviewing recent incidents for training purposes*
- (e) Providing training on a variety of subjects*

Patrol briefings generally take place at the beginning of an officer's shift. This is an opportunity for officers to discuss important cases, what occurred during the prior shift, and where



resources may need to be directed for the upcoming shift. They are an important aspect of policing, and the time should be capitalized to the greatest extent possible.

To accomplish this, briefing time is also a time to ensure some training takes place to ensure consistency and adherence to policy and expectations. Sergeants must establish what training will take place over a specified period of time, ensure that training occurs, and document that training did, in fact, occur and what officers received the training.

Meliora PSC took note during briefings we attended that, in fact, the time was being used to openly discuss current issues regarding crime, wanted suspects, and previous calls. The officers appeared to be engaged in the process. Although there was not an agendaized briefing training issue on the days we attended the briefing, we are confident that training is occurring as outlined in the policy since the briefing room contained a document on the bulletin board that outlines what training is required to be covered in briefings during a specific quarter. All patrol employees have access to this document, and an attestation of completion is to be forwarded to the Bureau Captain. Best practice indicates retention of briefing training records and forwarding training records, attendance, materials and curriculum or a summary to the Training Coordinator. Meliora PSC recommends all completed briefing training, to include the Daily Training Bulletins, be documented and sent to the Training Unit to be included in the respective employee's personnel file. The training form should include the following:

- Training topic.
- Date, time and location.
- Who provided the training?
- Who attended the training?
- What was the learning goal?
- Was learning goal met (verification)?
- Copies of articles, video, etc. for the training file.

LGMSPD subscribes to the Lexipol policy manual as well as the Daily Training Bulletins (DTB) associated with the policies. DTB's are designed to assist first-line supervisors and provide training within the time constraints of briefings. More information regarding department training will be described further in the Training section of the report.

SUPERVISOR COLLATERAL DUTIES

Agency supervisors often carry extra duties and assignments outside their primary responsibility area. This is usually done because select areas of police operations may not require or justify the need for full-time employees, yet providing the service to police operations yields community and department benefits. Often, these collateral duties allow supervisors and management employees an opportunity to enhance their professional span of control and benefit the organization through leadership development.



Agencies similar in size to LGMSPD often have supervisors carry these additional collateral responsibilities; this is done out of necessity but yields the benefit of leadership development within the department. However, it is essential that collateral assignments are rotated periodically rather than assigning a collateral duty to someone who has historically managed it and having the assignment remain with the individual rather than allowing others to experience that responsibility. Rotating collateral duties can also build strategic foresight and expand staff's experiential learning. This not only balances out assignments and prevents burnout from over-assigning tasks, but also builds internal succession planning as supervisors are exposed to other duties and responsibilities outside essential patrol duties. Meliora PSC recommends the collateral duties be rotated amongst supervisors on a routine basis.

Collateral assignments can also be assigned to officers or have some officers function as assistants in the respective duties for the sergeant. Providing training for a collateral duty along with the responsibility for oversight enhances the leadership growth of department personnel. This practice also gives police department staff insight into other aspects of how the duties and responsibilities of patrol functions are impacted by budget, societal needs, forecasting, collaboration with Town staff/departments and community members, and subsequently embedding leadership growth, development and succession planning into the culture of the organization. LGMSPD currently involves corporals and officers in the management workflow of collateral duties to enhance their experience and assist in succession building. The department leadership is commended for maximizing opportunities to build strategic foresight in the organization.

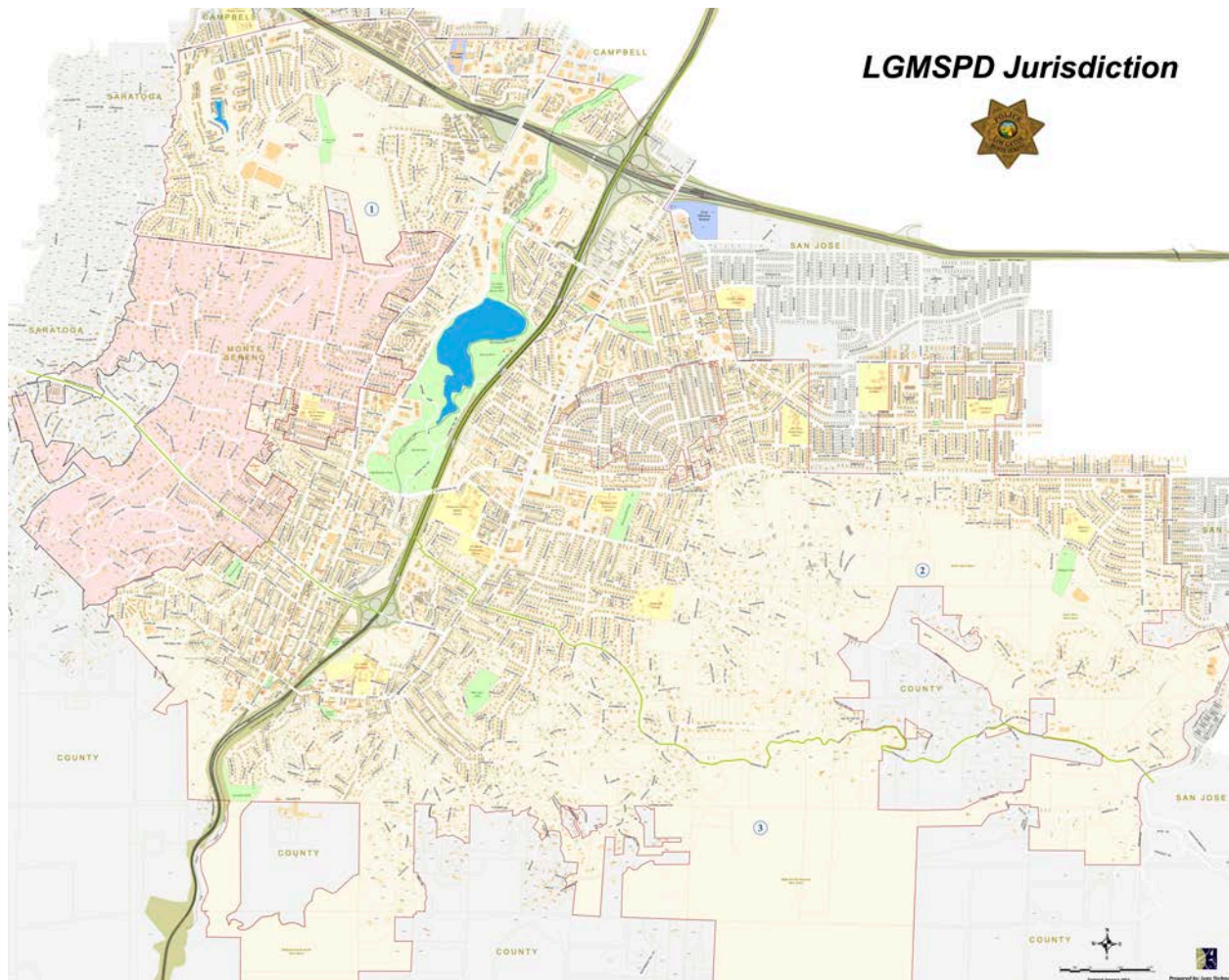
PATROL AREAS AND BEATS

LGMSPD patrols an area of approximately 14 square miles, with The Town of Los Gatos occupying a majority of that area and Monte Sereno covering a smaller area to the west of the Town. Monte Sereno is largely residential in nature, while Los Gatos is a mix of residential and commercial properties. The map image below is the LGMSPD Jurisdictional map. Monte Sereno is the pink-shaded area on the left of the image, with the remainder of the image detail being mostly Los Gatos. In the northern area of the Town is Interstate 85, connecting the area to Sunnyvale and Mountain View to the northwest and Highway 101 to the east. Dividing the community is Highway 17, with San Jose to the north and the Santa Cruz mountains to the southwest. The Pacific Ocean and the beach community of Santa Cruz are also to the southwest; the Highway 17 route through Los Gatos to the beach is a traffic chokepoint, creating concerns for the community and LGMSPD to manage.

LGMSPD's patrol area is largely suburban with traditional paved roads. Meliora PSC learned that there are occasional calls for service in the foothills, where there are trails for hikers and mountain bikers. However, these trails are not necessarily vehicle-friendly, creating occasional challenges for police response. We also learned that traffic congestion can be a major concern even outside of the seasonal beach traffic noted above. This not only impacts the Town to find solutions it also impacts the response time of the police department.



CHART 10: Los Gatos-Monte Sereno Police Department Jurisdictional Map



LGMSPD divides the community into three distinct beats. Beat 1 is located in the northwest area of the community, with Highway 17 creating the eastern beat border; beat 2 is the other side of Highway 17 in the northeast area of the community, while Beat 3 occupies the southern half of the community. Monte Sereno is located in both Beat 1 and Beat 3, and the community's downtown is located in the southern area of the community in Beat 3. The following figures are the individual beats patrolled by LGMSPD.



CHART 11: Los Gatos-Monte Sereno Police Department Beat 1





CHART 12: Los Gatos-Monte Sereno Police Department Beat 2

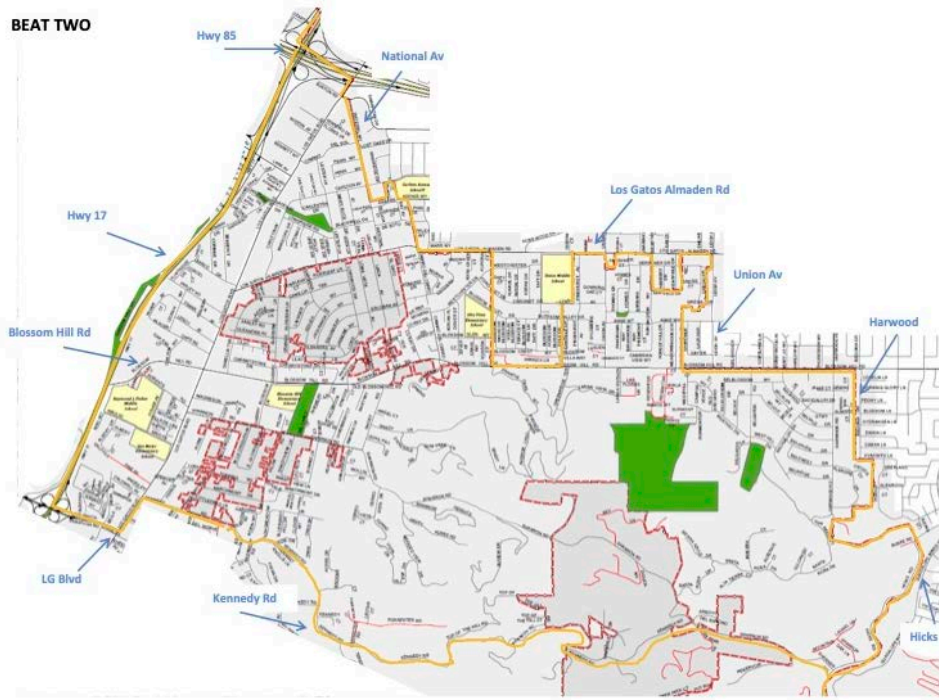
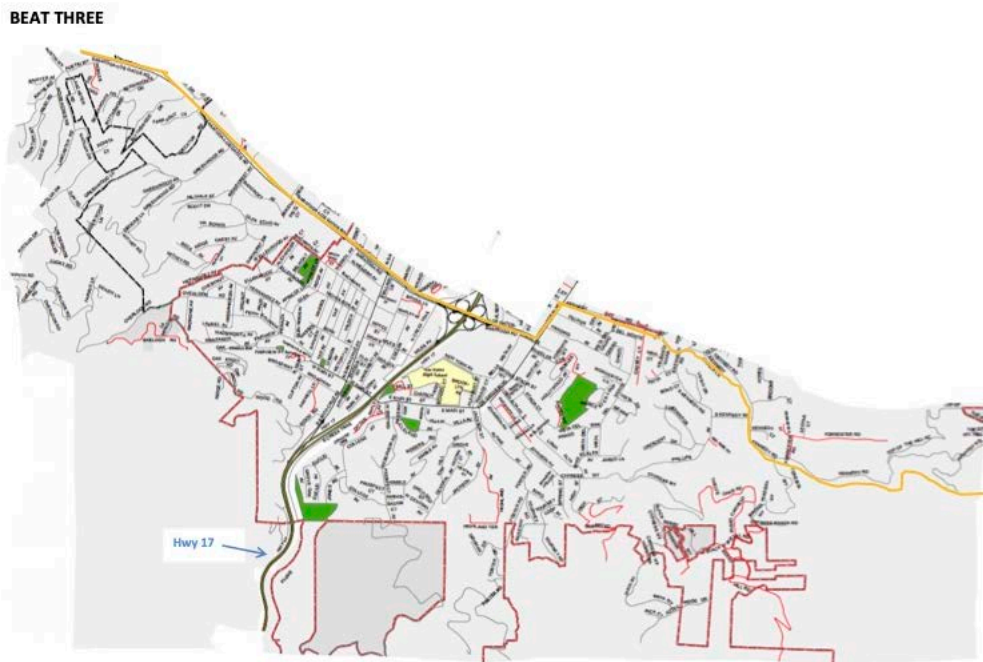


CHART 13: Los Gatos-Monte Sereno Police Department Beat 3





NEIGHBORING JURISDICTIONS AND PARTNERSHIPS

The Town of Los Gatos is located within Santa Clara County. There are pockets of areas within the community and in the foothills that are the patrol responsibility of the Santa Clara County Sheriff's Department. To the north of Los Gatos are the Cities of Campbell and San Jose, both of which have their own municipal police departments.

Although all surrounding agencies will assist one another on emergency mutual aid requests, LGMSPD also works together on regular calls for service with both the sheriff's department and Campbell PD. Examples verbally provided to our consultants include:

- The Santa Clara County Sheriff's Department—the county jurisdictional pocket referred to as “The Manor”—is located inside the larger jurisdictional boundaries of LGMSPD. Any calls for service within this area would be the responsibility of a sheriff's deputy responding from another area of the county. As such, LGMSPD will often provide service to the residents of that area when the need arises.
- Campbell PD and LGMSPD will each hold department events that require the attendance of all department personnel (e.g., an all-personnel meeting). When these events/meetings occur, the other jurisdiction will cover patrol responsibilities for the duration of the department event.
- When LGMSPD or Campbell PD have all their existing resources dedicated to other incidents (no officers available), the other department will cover certain calls for service until the other can “free up” their resources and resume coverage.
- Incidents that occur in the foothills of Los Gatos and within a county area have been handled by LGMSPD because the sheriff's department management told them there was a verbal agreement from many years earlier.
- Vasona Reservoir is located within Los Gatos but is a Santa Clara Park property. The park is patrolled part-time by park rangers employed by the county, but LGMSPD, not the sheriff's department, is called when a law enforcement presence is requested.

We learned that the existing relationship between these three agencies and any agreements to cover one another's jurisdiction, when needed, is based on what appears to be decades-old “handshake” agreements involving past leaders of their respective agencies. Although the need for one another's services does not occur frequently, the description of when and how these particular incidents occur falls outside of the County's 2009 Mutual Aid Agreements between all agencies in Santa Clara County. That agreement covers large-scale emergencies and events.

These relationships are valuable and ultimately benefit the communities served by their respective agencies. Additionally, having resources in place that can be shared when needed allows each respective community to fund a department for what is ‘normally’ required versus the ‘what-if’ scenario that happens only occasionally. Our concern with this arrangement is simply that it is based on old verbal agreements. Meliora PSC recommends LGMSPD engage each of these partners and outline an MOU that can clarify the relationship going forward. An agreement would clarify the liability for each respective agency while handling calls in the



other's jurisdiction and could clarify potential remedies if a significant imbalance begins to emerge in the use of one another's services. It will also provide clarity for future members of all agencies to understand the origin and exactly what was agreed upon versus the current situation where leadership interprets what one another will do for the other when asked.

PATROL DIVISION RECOMMENDATIONS

- Mandate patrol personnel rotate to another shift, not just days off, after two shift rotations. (Recommendation #4)
- Reserve spots on the sign-up list for each team designated for officers with less than two years of experience. (Recommendation #5)
- Maintain vigilance over excessive overtime use and consider other options that might alleviate the overtime necessity for the police officers. (Recommendation #6)
- Add one FTE lieutenant that effectively links patrol supervision to the Patrol Captain. (Recommendation #7)
- Make a concerted effort to limit this practice of using corporals as field supervisors to the extent practical. (Recommendation #8)
- Forward all completed briefing training, to include the Daily Training Bulletins, to the Training Unit to be included in the respective employee's personnel file. (Recommendation #9)
- Rotate collateral duties supervisors on a routine basis. (Recommendation #10)
- Engage local law enforcement partners and outline an MOU that can clarify the working relationships in various areas moving forward. (Recommendation #11)

Call for Service Data Analysis

The dispatch center is a critical component of an effective public safety organization. Dispatch plays a considerable role in police-community relationships since they are frequently the first person to speak with a community member seeking assistance. The efficiency in listening to the caller, gathering pertinent information, and relaying critical details to first responders significantly impacts the safety and well-being of community members and LGMSPD officers. This is especially critical for in-progress crimes as the efficacy of dispatch is integral in apprehending criminals and saving lives.

The dispatch center handles 9-1-1 calls for emergency services, community calls for assistance, and inter-agency requests through the Computer-Aided Dispatch (CAD) system. When those calls for service result in a report, arrest, assist, and/or investigation, the subsequent documentation becomes part of the LGMSPD Records Management System (RMS). As part of the assessment, Meliora PSC requested historical data from the department's CAD/RMS systems to assess workload, data analytics for organizational management and oversight, and efficiencies with associated systems and processes.



LGMSPD staff provided Meliora PSC’s data scientist CAD data from 2021-2023, and our data scientist completed a comprehensive data analysis. Furthermore, Meliora PSC will provide a Data Analysis Toolkit program so LGMSPD staff can replicate the tables and charts in the Data Analysis Report annually with the ensuing year’s CAD data. The goal is for LGMSPD staff to repeat the review of the data provided for this assessment and continue to evaluate and assess workload, performance, and responsiveness in the future. This will position the department leaders to make informed, strategic adjustments accordingly.

Our comprehensive data analysis included a review of workload, to include administrative activities, deployment of officers, and response times. These areas were used to determine the appropriateness of staffing levels. The discussion that follows refers to some tables and charts from the Data Analysis Report. There are additional tables and charts represented in the Data Analysis Report included in the Data Analysis section at the end of the report that are full of useful data that further illustrates the activities of LGMSPD.

Public safety agencies must ensure that police resources are available during the times of the day when they are most needed. This is accomplished by the design of shift schedules that meet demands appropriately, as well as supplying enough officers during the times they are needed. Decisions regarding the supply and demand of police services often include resources provided by elected officials and balancing community needs and expectations with available assets. The determination of how many officers to provide and for what purpose defies an exact calculation and must be made through a series of informed, and sometimes difficult, choices. Each of these elements will be explored in the following sections of the report.

WORKLOAD

To more clearly understand the service demands for LGMSPD, Meliora PSC analyzed department CAD data from January 1, 2021, through December 31, 2023. LGMSPD provided the call data, which Meliora’s data scientist then thoroughly reviewed. This involved exporting all call data, removing duplicate calls and calls not handled by other agencies, and further ensuring the call data accurately reflected calls for service for LGMSPD. As a result, from 2021-2023, there were 88,658 unique records based on call type and assigned units. When filtered to patrol records based on call source and identifier, 79,278 records (calls for service and field activities) were registered in the CAD data. Additional analysis brought the total to 60,007 separate and distinct calls for service (both community-initiated and field-initiated) that form the foundation for this workload analysis. Those totals are indicated in the table below.

TABLE 9: Community-Initiated and Field-Initiated Category Records, by Year

Source of Record	2021	2022	2023	Total
Community-Initiated Contact	6,184	6,797	6,617	19,598
Field-Initiated Contact	10,350	12,951	17,108	40,409
Total	16,534	19,748	23,725	60,007



To synthesize the distinct types of calls for service and examine thousands of calls for service more efficiently, the call types were grouped into 29 categories, as depicted in the tables below. Community-initiated refers to calls received by the dispatch by a public or outside agency member. Field-initiated refers to activities generated by LGMSPD staff.

TABLE 10: Community-Initiated Recorded Events, by Category, by Year w % Change

Call Category	Records			Percent Change	
	2021	2022	2023	2022	2023
Admin	79	81	80	2.53	-1.23
Agency Assist	89	105	91	17.98	-13.33
Alarm	1,069	1,150	1,034	7.58	-10.09
Animal	64	95	44	48.44	-53.68
Check Area	23	41	34	78.26	-17.07
Citizen Contact	351	433	574	23.36	32.56
Crime-Person	183	174	214	-4.92	22.99
Crime-Property	835	1,007	949	20.60	-5.76
Crime-Public	170	165	167	-2.94	1.21
Deceased Person	7	13	19	85.71	46.15
Disturbance	1,023	937	971	-8.41	3.63
Extra Patrol	112	206	152	83.93	-26.21
Fire	17	20	29	17.65	45.00
Medical	15	5	5	-66.67	0.00
Medical/Agency Assist	102	119	93	16.67	-21.85
Miscellaneous	26	37	29	42.31	-21.62
Miscellaneous Investigation	2	2	6	0.00	200.00
Missing Person	145	153	111	5.52	-27.45
Parking	60	98	52	63.33	-46.94
Pedestrian Contact	73	100	89	36.99	-11.00
Property	112	107	96	-4.46	-10.28
Special Assignment	4	6	2	50.00	-66.67
Suicide/Suicidal Person	15	25	26	66.67	4.00
Suspicious Activity	822	796	749	-3.16	-5.90
Traffic	91	110	147	20.88	33.64
Traffic Accident	125	142	202	13.60	42.25
Traffic Enforcement	3	2	1	-33.33	-50.00
Warrant	32	25	25	-21.88	0.00
Welfare Check	535	643	626	20.19	-2.64
Total	6184	6797	6617	9.91	-2.65

NOTE: The table depicts percentage changes using color coding showing decreases in blue shading and increases in red. Darker shading is associated with the significance of the change.



TABLE 11: Field-Initiated Recorded Events, by Category, by Year with % Change

Record Category	Records			Percent Change	
	2021	2022	2023	2022	2023
Admin	169	281	331	66.27	17.79
Agency Assist	10	6	11	-40.00	83.33
Alarm	6	4	1	-33.33	-75.00
Animal	1	6	1	500.00	-83.33
Check Area	1	1		0.00	-100.00
Citizen Contact	8	7	6	-12.50	-14.29
Crime-Person	1		5	-100.00	
Crime-Property	15	29	23	93.33	-20.69
Crime-Public	2	2	2	0.00	0.00
Disturbance	5	7	7	40.00	0.00
Extra Patrol	6,403	9,159	12,816	43.04	39.93
Fire		1			
Medical	3	3	2	0.00	-33.33
Medical/Agency Assist	1	2		100.00	-100.00
Miscellaneous		3	3		0.00
Miscellaneous Investigation	1		1	-100.00	
Parking	125	132	114	5.60	-13.64
Pedestrian Contact	223	378	415	69.51	9.79
Property	2	6	4	200.00	-33.33
School Patrol		3	11		266.67
Special Assignment	19	23	21	21.05	-8.70
Suspicious Activity	225	360	321	60.00	-10.83
Traffic	17	25	19	47.06	-24.00
Traffic Accident	6	13	15	116.67	15.38
Traffic Enforcement	3,104	2,483	2,960	-20.01	19.21
Warrant		3	5		66.67
Welfare Check	3	14	13	366.67	-7.14
Total	10,350	12,951	17,108	25.13	32.10

NOTE: The table depicts percentage changes using color coding showing decreases in blue shading and increases in red. Darker shading is associated with the significance of the change.



The following charts represent the same data in the tables above but allow for a visualization of the call types and the percentage of an officer's workload dedicated to that call type. Note: Charts 14 and 16 represent 2021-2022 combined data, Charts 15 and 17 represent 2023 data.

CHART 14: Record Category Summary for Community-Initiated Calls, 2021-2022

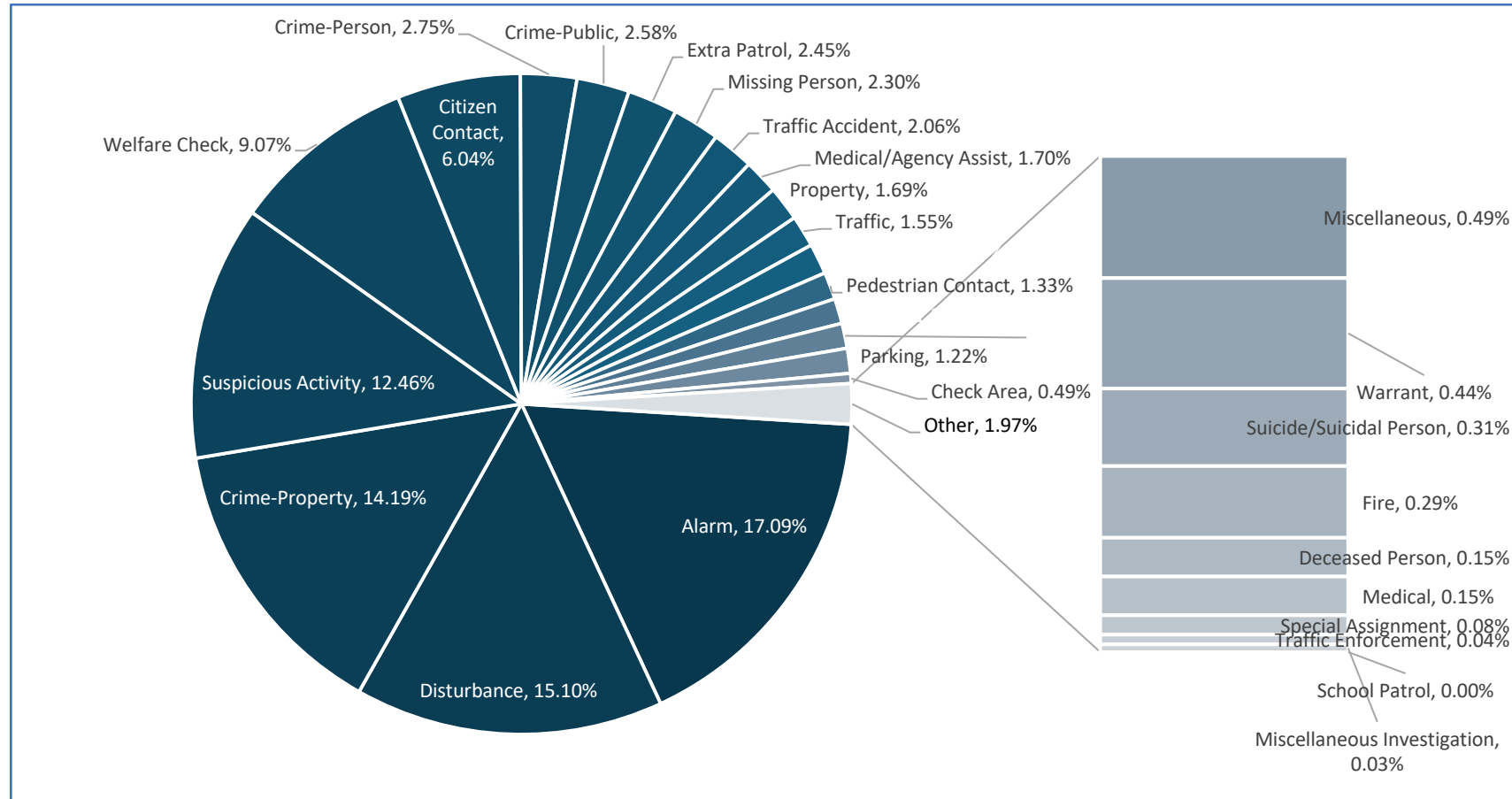




CHART 15: Record Category Summary for Community-Initiated Calls, 2023

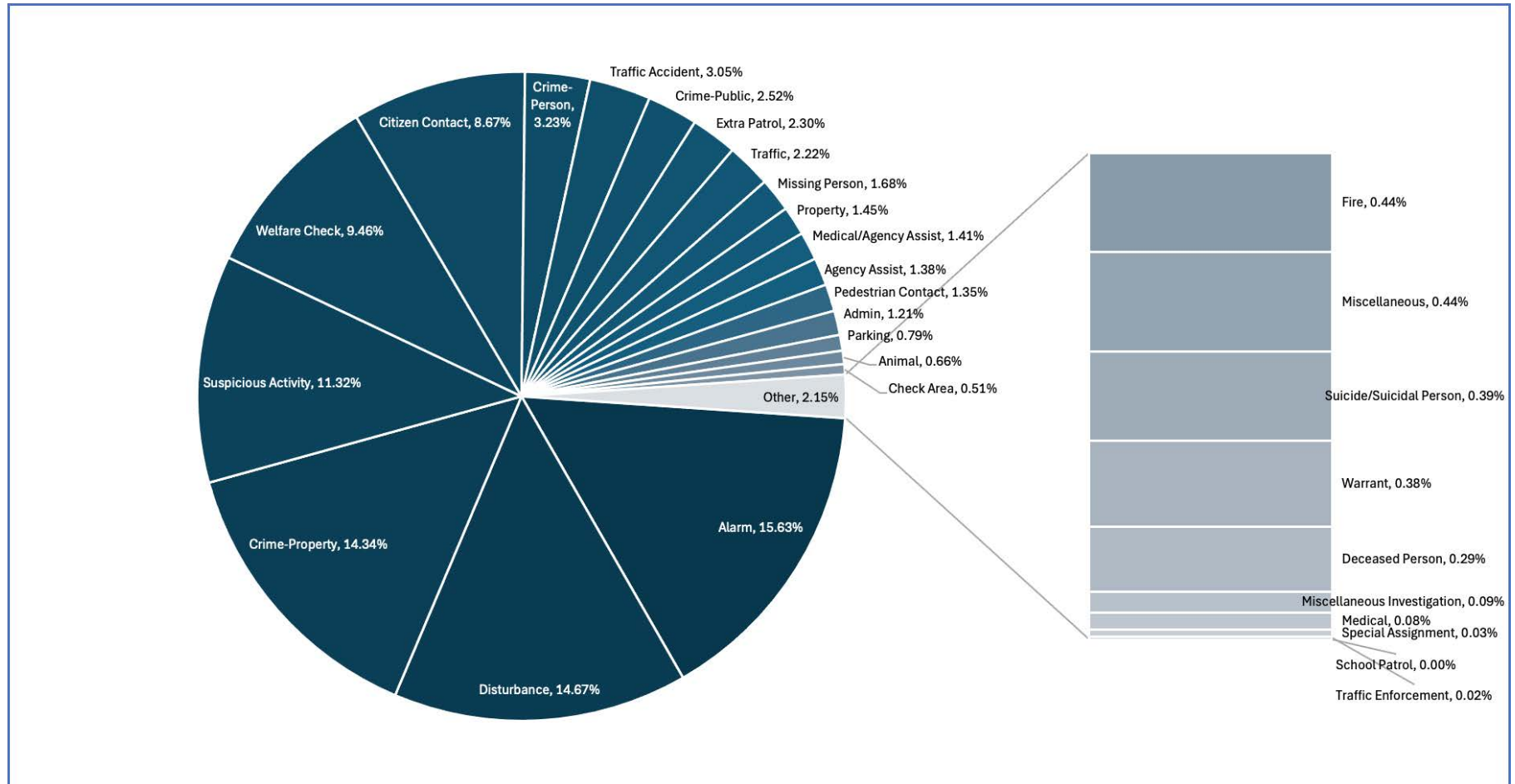




CHART 16: Record Category Summary for Field-Initiated Calls, 2021-2022

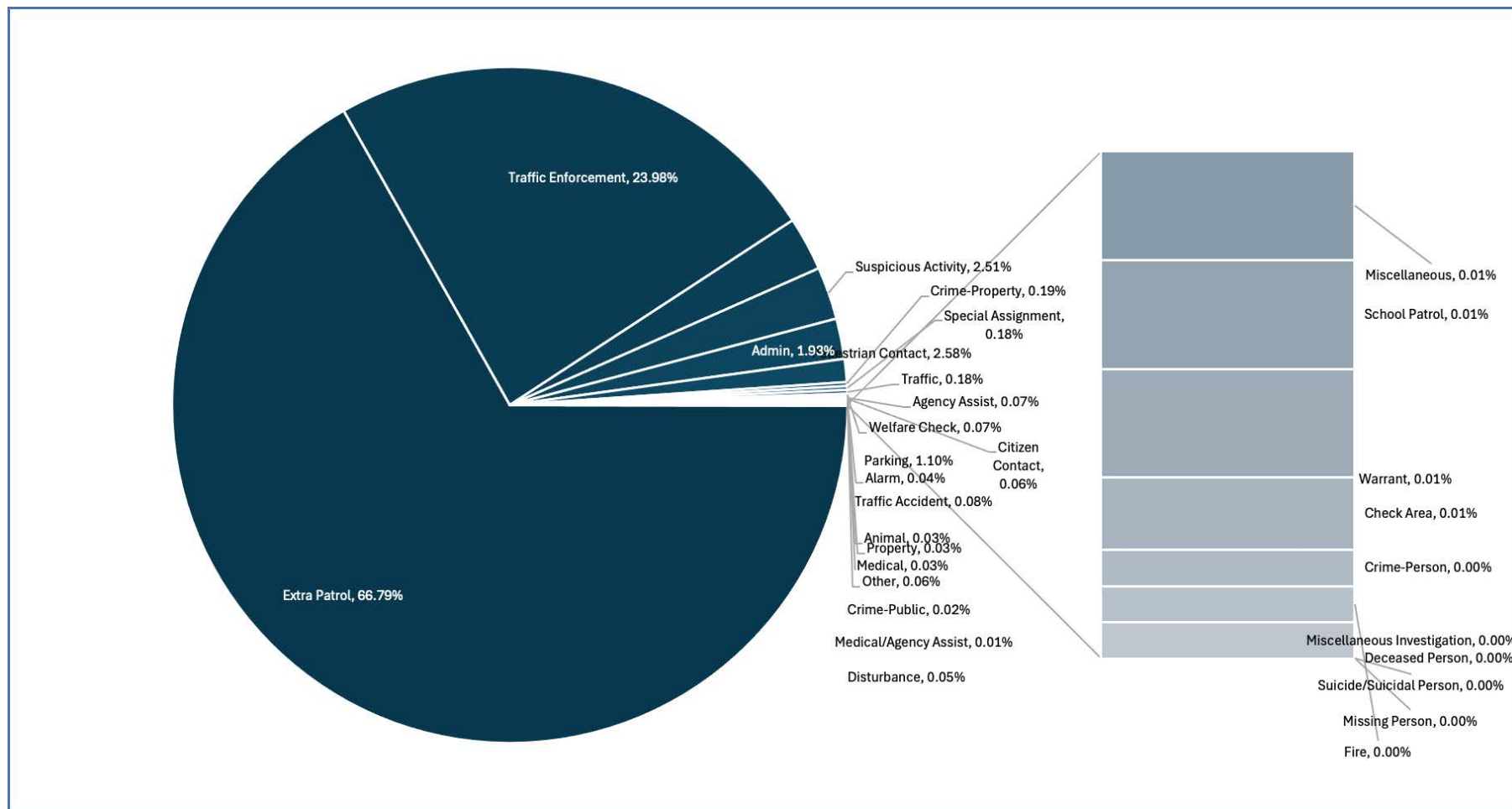
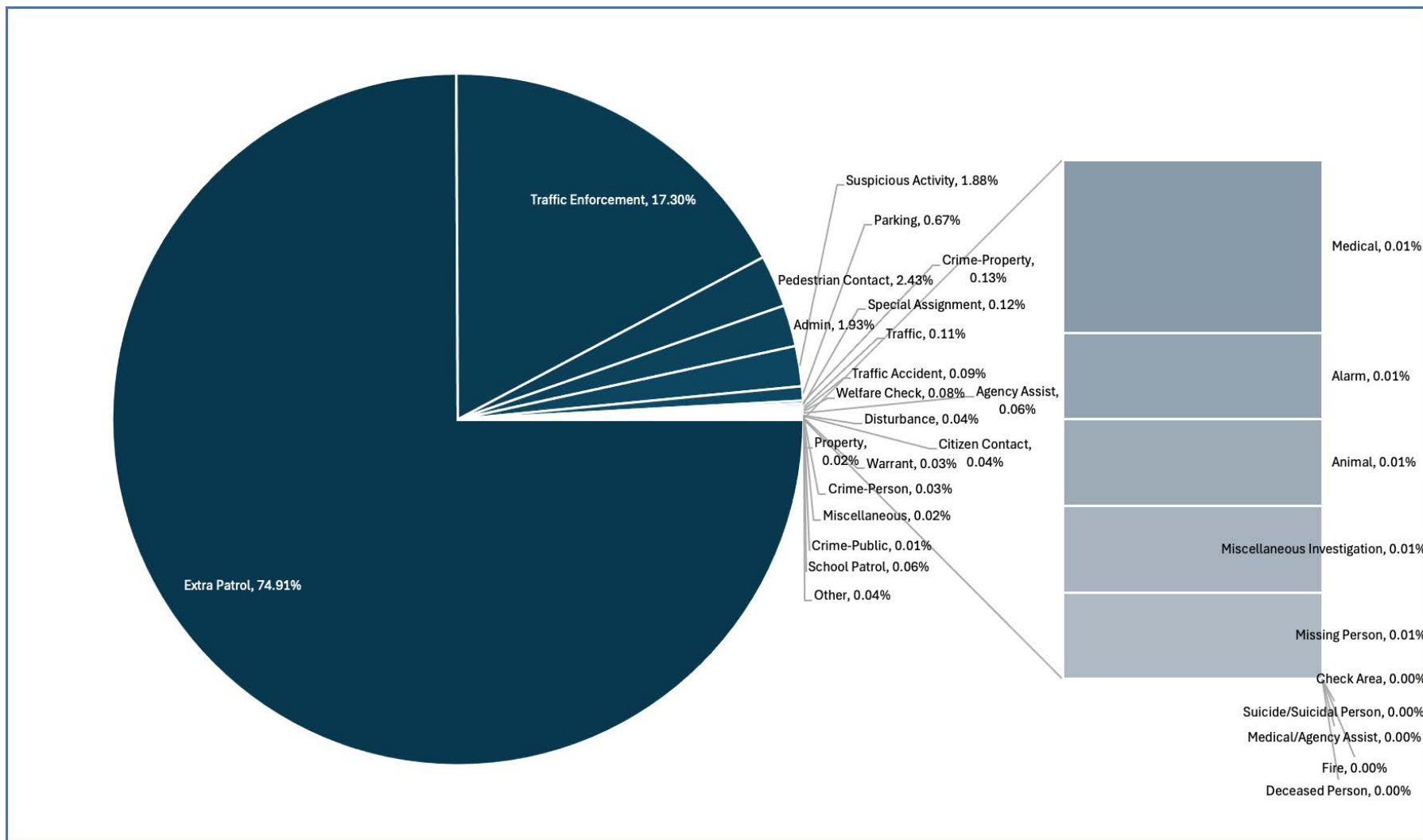




CHART 17: Record Category Summary for Field-Initiated Calls, 2023





From 2021-2023, the top community-initiated calls for service were:

- Alarm calls represented 17% of the community-initiated calls during that three-year period. It should be noted that 2023 calls in this category were 10% lower than the 2022 call levels and slightly less than the 2021 totals.
- Disturbance calls (e.g. a person causing a disturbance or a fight call) represented 17% of all community-initiated calls. This number also declined in 2023 over previous years.
- Calls concerning property crime (theft) were the third largest call category from the community, totaling 14% of the workload in this category.
- Traffic accidents and traffic-related incidents represented only 5.27% of all community-initiated workload in 2023. This category is on the rise as it was only 3.61% the previous 2 years.

From 2021-2023 the top field-initiated calls for service were:

- Extra Patrol occupied a majority of all field-initiated activity all three years; in fact, the level of activity in this area continues to rise from 66.79% in 2021-2022 to 74.9% in 2023. This activity accounted for more officer time in all three years than combined community-initiated activities.
- Traffic enforcement is the second-largest activity recorded by LGMSPD officers. In 2021-2022, this activity category accounted for 24% of field-initiated activity and then dropped to 17.3% in 2023.

We learned that the extra patrols observed in the CAD were partially a byproduct of the department's strategy to record patrol time spent in Monte Sereno. The Monte Sereno contract requires that LGMSPD patrol officers spend 80 hours per week in the Monte Sereno community. To document the contract requirements, LGMSPD officers record a "10-90" event when they enter the Monte Sereno area and remain on that event until they drive out of the area and back into Los Gatos. Within these assessments, we group calls into certain categories that are closely related and the 10-90 code is placed into the "extra patrol" category of time. Although using 10-90 is an easy and effective means of capturing patrol time, it does not necessarily reflect "workload" as intended in these assessments.

If officers are fulfilling a specific extra patrol request in the community it would be workload (e.g. vacation check request). If simply driving around on patrol, then the time spent in Monte Sereno is no different than the "available" time spent during the other parts of the shift when officers are simply "on patrol" in Los Gatos. If the department recorded time in that manner, it would imply that the workload was at 100% of an officer's time, and that simply is not the case.



The following is an additional breakdown of the “extra patrol” activity recorded by LGMSPD in the CAD system:

TABLE 12: Extra Patrol Events, by Source, by Year

Record Type	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Monte Sereno Patrol						298	1,322	1,620	1,620
Foot Patrol					88	78	36	202	202
Patrol Check	70	159	123	352	6,314	8,778	11,457	26,549	26,901
Patrol Request	42	47	29	118					118
Vacation Check					1	5	1	7	7
Total	112	206	152	470	6,403	9,159	12,816	28,378	28,848

The recorded Monte Sereno extra patrols started in 2022 and jumped significantly in 2023. Vacation check requests are denoted and are very minimal in the community. But, as the reader can see, patrol checks are a significant driver of the “workload” performed by LGMSPD officers without a great deal of accounting of what is occurring within that workload area. We discussed this with officers who indicated the department places a large emphasis on “high touch” policing, meaning that the community is demanding a high level of service and wants officers to engage and be very visible. As such, management has placed the expectation on patrol officers to engage in that fashion and ensure that their time is properly accounted for.



The following tables illustrate the number of calls in both field-initiated activity as well as community-initiated activity broken down by month, by season, and by the day of the week:

TABLE 13: Events, by Event Month and Initiator, by Year

Month	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
January	472	513	525	1,510	976	1,097	1,460	3,533	5,043
February	454	548	421	1,423	828	969	1,451	3,248	4,671
March	480	570	500	1,550	850	1,050	1,816	3,716	5,266
April	509	536	519	1,564	877	1,049	1,293	3,219	4,783
May	551	618	519	1,688	775	1,094	1,389	3,258	4,946
June	564	601	631	1,796	675	922	1,391	2,988	4,784
July	557	633	670	1,860	732	1,048	1,306	3,086	4,946
August	528	615	660	1,803	931	1,109	1,491	3,531	5,334
September	519	539	566	1,624	1,011	1,022	1,181	3,214	4,838
October	556	545	584	1,685	999	1,329	1,425	3,753	5,438
November	488	501	519	1,508	835	1,240	1,451	3,526	5,034
December	506	578	503	1,587	861	1,022	1,454	3,337	4,924
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

TABLE 14: Recorded Events, by Season and Initiator, by Year

Season	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Fall	1,603	1,699	1,810	5,112	2,941	3,460	4,097	10,498	15,610
Spring	1,443	1,654	1,440	4,537	2,555	3,068	4,560	10,183	14,720
Summer	1,672	1,852	1,820	5,344	2,182	3,064	4,086	9,332	14,676
Winter	1,466	1,592	1,547	4,605	2,672	3,359	4,365	10,396	15,001
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

NOTE: Autumn includes August, September, and October; Spring is characterized by February, March, and April; Summer comprises May, June, and July; Winter includes January, November, and December.



TABLE 15: Recorded Events, by Day of Week and Initiator, by Year

Day of Week	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Sunday	815	869	852	2,536	1,410	1,592	2,434	5,436	7,972
Monday	841	957	901	2,699	1,537	1,923	2,265	5,725	8,424
Tuesday	781	956	942	2,679	1,467	1,741	2,389	5,597	8,276
Wednesday	804	1,045	927	2,776	1,298	1,688	2,200	5,186	7,962
Thursday	903	957	1,045	2,905	1,400	1,761	2,195	5,356	8,261
Friday	1,085	1,045	994	3,124	1,609	2,141	2,872	6,622	9,746
Saturday	955	968	956	2,879	1,629	2,105	2,753	6,487	9,366
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

The data observed in these tables are consistent in the policing industry. Generally, summer months are busier than most other months when looking at community calls for service. Also, when community calls increase, there is a general tendency for field-initiated activity to slow.

All of the tables and charts in this section of the report highlight an important trend in LGMSPD operations and workload. The community-initiated workload has remained consistent over the three years. Overall calls in this category are about 6% higher in 2023 vs. 2021. But, field-initiated activity has risen significantly in the same period of time. Field-initiated calls for service, driven mostly by logging extra patrols, is almost 40% higher in 2023 vs 2021. This is amplified by the fact that field-initiated activity is already significantly higher than community-initiated calls for service. The increase also correlates with more field contacts post-pandemic that Meliora PSC notes in other assessments conducted.

PATROL ADMINISTRATIVE WORKLOAD

Administrative work being performed in patrol is typically any work recorded in CAD that may not fit into the categories of traditional community-initiated or field-initiated work, yet this is a very important area to consider when evaluating overall workload. There are categories of administrative work that are captured in CAD as both field-initiated as well as community-initiated, but the recorded workload in these categories is minimal.

In our discussions with LGMDPD patrol personnel, Meliora PSC learned that report writing time is not always accurately captured. Occasionally, officers will be completing police reports either in their patrol unit or in the police station, but they will be “available” in CAD. Although this practice is common in police work as it is baked into the culture of handling one’s beat, it does not help in accounting for officer activity and measuring true workload.

LGMSPD advised that officers have a code on their MDTs that shows them busy with reporting writing. However, report writing and other patrol administrative time appear to be lacking or underreported in the department data provided to Meliora.



Table 16 below provides a breakdown of out of service or administrative activity as an example. This table is provided as a sample of the type of detailed information that should be captured for future data analysis.

TABLE 16: Administrative Activity Sample

Description	Count	Avg. Occupied Time
Collateral Duty		
Court		
Equipment Maintenance		
Meeting		
Out on Portable		
Phone Message		
Pick Up		
Report Writing		
Return to Station/HQ		
Training		
Total Administrative		
Administrative		
Break		
Meal		
Total Administrative		
Grand Total		

Meliora PSC recommends LGMSPD work with the RIMS CAD/RMS system vendor to ascertain if there is an electronic feature that allows officers to log details of their administrative “busy time” for these specific types of daily administrative and personal tasks. This would mitigate using over-the-air radio traffic to provide dispatch as well as field personnel the ability to remain aware of their activities and availability for emergencies and other pending calls for service. Details to be collected include type of personal busy time for breaks, gear, and equipment and information of types of administrative activities such as collateral duty, meeting, briefing, report writing, and court be included for future electronic data analysis.

PATROL ADMINISTRATIVE WORKLOAD RECOMMENDATION

- Update the RIMS CAD/RMS system to log detailed administrative “busy time” for these specific types of daily administrative and personal tasks, and collect details such as type of personal busy time for breaks, gear, and equipment and information of types of administrative activities such as collateral duty, meeting, briefing, report writing, and court for future electronic data analysis. (Recommendation #12)



CALLS / EVENT ASSIGNMENTS

There were 60,007 events recorded in the CAD data associated with community-initiated and field-initiated records. These records occur between January 1, 2021, and December 31, 2023. In the table below, we examine the number of officers associated with an event over the three years. Most events were associated with one officer (75.4%) deployed, with decreasing percentages associated with two officers, three officers, and so forth. These records were analyzed based on the hour of day, weekend and weekday, day of week, month, and season to supply a more holistic examination of the deployment of units.

As the data depicts in Table 17 below, one police unit handled 42.5% of all community-initiated calls and 91% of all field-initiated calls; this indicates that LGMSPD feels comfortable handling many of its service demands with a single officer. Police agencies nationwide engaged in traditional municipal policing (not remote area policing) almost always dispatch two officers to any call that may signify some type of officer safety concern (e.g. disturbance calls, alarm calls, violent crime); LGMSPD also employs this practice. The fact that almost one-half of all community-initiated calls are managed by one officer indicates that officers are comfortable handling those calls without a backup officer to assist.



TABLE 17: Number of Assigned Units per call, by Year

Number of Unique Units	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
One Unit	2,564	2,985	2,781	8,330	9,515	11,716	15,701	36,932	45,262
Two Units	2,334	2,465	2,368	7,167	655	978	1,124	2,757	9,924
Three Units	907	938	945	2,790	130	211	204	545	3,335
Four or More Units	379	409	523	1,311	50	46	79	175	1,486
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

Table 18 below breaks down individual call types in greater detail and shows the areas where LGMSPD consistently has two or more units on a call type, areas in community-initiated CFS are alarms, crimes against people (assaults), disturbances, medical calls, suspicious activity, suicidal persons, traffic accidents and welfare checks.

TABLE 18: Average Unique Assigned Units, by Call Source, and Year - With Averages

Record Category	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Average
Admin	1.46	1.56	1.59	1.53	1.15	1.09	1.14	1.12	1.22
Agency Assist	2.00	2.03	2.00	2.01	1.30	1.33	1.64	1.44	1.96
Alarm	2.05	1.95	2.00	2.00	1.83	2.00	2.00	1.91	2.00
Animal	1.16	1.28	1.36	1.26	2.00	1.50	1.00	1.50	1.27
Check Area	2.04	1.34	1.35	1.51	1.00	1.00		1.00	1.50
Citizen Contact	1.16	1.22	1.19	1.19	1.00	1.43	1.17	1.19	1.19
Crime-Person	2.06	1.86	2.07	2.00	4.00		2.40	2.67	2.01
Crime-Property	1.55	1.76	1.80	1.71	1.93	1.90	2.09	1.97	1.72
Crime-Public	1.60	1.75	1.70	1.68	4.00	1.50	1.50	2.33	1.69
Deceased Person	2.14	2.38	2.21	2.26					2.26
Disturbance	2.11	2.15	2.22	2.16	1.80	2.14	2.29	2.11	2.16



Extra Patrol	1.39	1.23	1.28	1.29	1.02	1.02	1.01	1.01	1.02
Fire	2.88	2.85	2.90	2.88		1.00		1.00	2.85
Medical	2.73	2.00	1.80	2.40	2.00	2.33	2.00	2.13	2.33
Medical/Agency Assist	2.12	2.13	2.23	2.15	2.00	1.00		1.33	2.15
Miscellaneous	1.31	1.41	1.34	1.36		1.67	1.33	1.50	1.37
Miscellaneous Investigation	1.00	2.00	2.00	1.80	1.00		1.00	1.00	1.67
Missing Person	1.52	1.56	1.46	1.52			1.00	1.00	1.52
Parking	1.22	1.18	1.25	1.21	1.07	1.03	1.04	1.05	1.11
Pedestrian Contact	1.47	1.68	1.55	1.58	1.70	1.74	1.94	1.81	1.77
Property	1.23	1.07	1.36	1.22	1.00	1.00	1.00	1.00	1.21
School Patrol						1.00	1.00	1.00	1.00
Special Assignment	2.00	3.83	1.00	2.75	2.42	1.39	2.14	1.95	2.08
Suicide/Suicidal Person	3.13	3.04	3.19	3.12					3.12
Suspicious Activity	2.12	2.07	2.18	2.12	1.83	2.02	1.91	1.93	2.07
Traffic	1.43	1.38	1.66	1.51	1.29	1.44	1.26	1.34	1.49
Traffic Accident	2.58	2.12	2.71	2.49	2.33	2.23	2.60	2.41	2.49
Traffic Enforcement	1.67	1.50	1.00	1.50	1.17	1.25	1.28	1.23	1.23
Warrant	1.34	1.28	1.12	1.26		3.00	2.20	2.50	1.37
Welfare Check	2.16	2.02	2.12	2.10	1.67	1.57	1.85	1.70	2.09
Average	1.88	1.84	1.92	1.88	1.11	1.12	1.10	1.11	1.36

Charts 18 and 19 examine the number of calls/records received and handled by LGMSPD officers throughout the course of a day. Similar to what we often see in other assessments, the call volume is lowest during the early morning hours, begins to increase around 7:00 a.m., levels out around 10:00 a.m., spikes in the evening hours, and again decreases into the late night/early morning hours. This is oftentimes the rationale for departments to have lower staffing levels during the overnight hours when the workload slows and higher staffing levels during the regular business hours and evening time.



CHART 18: Community-Initiated Records by Hour, by Year

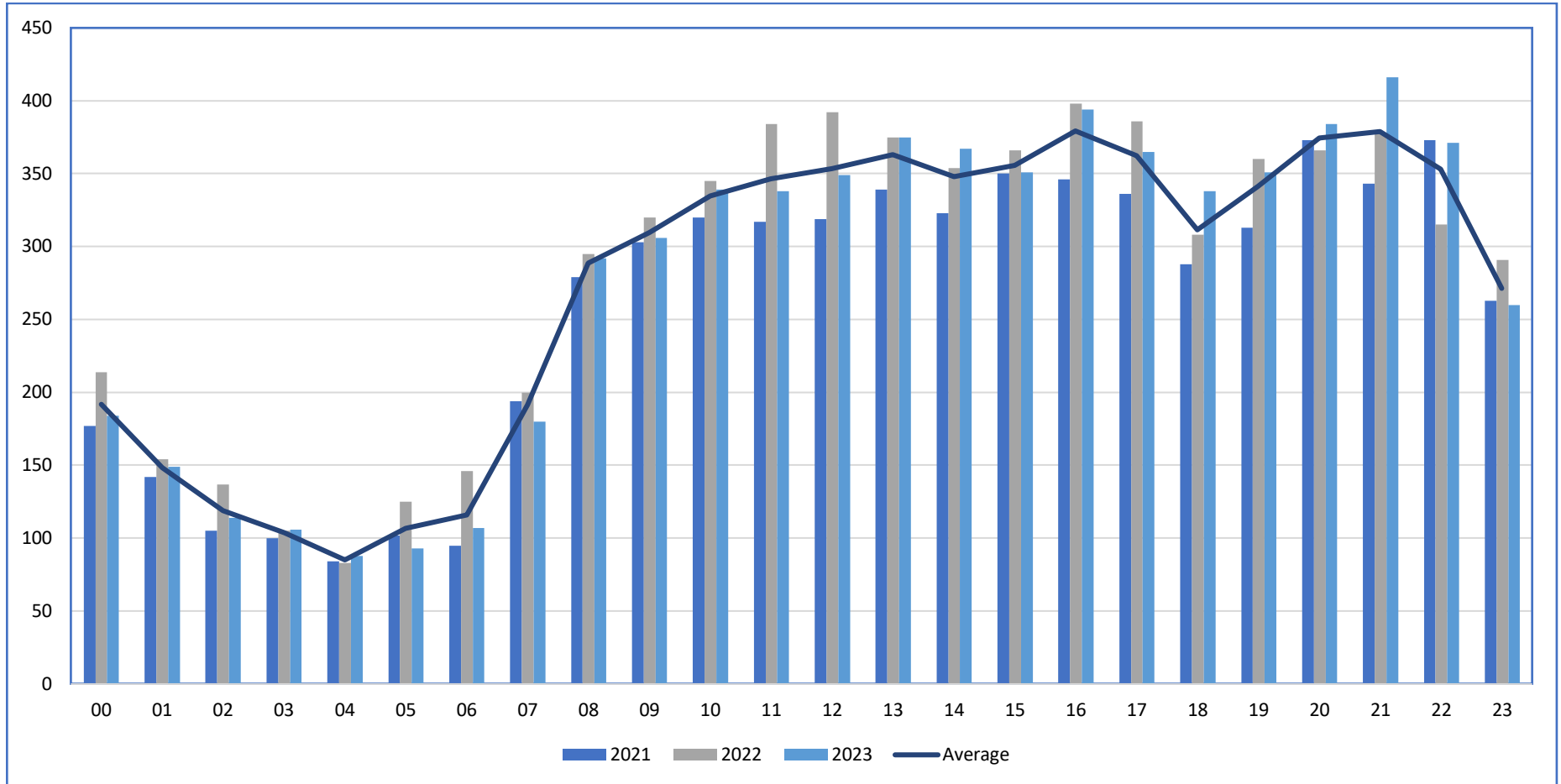
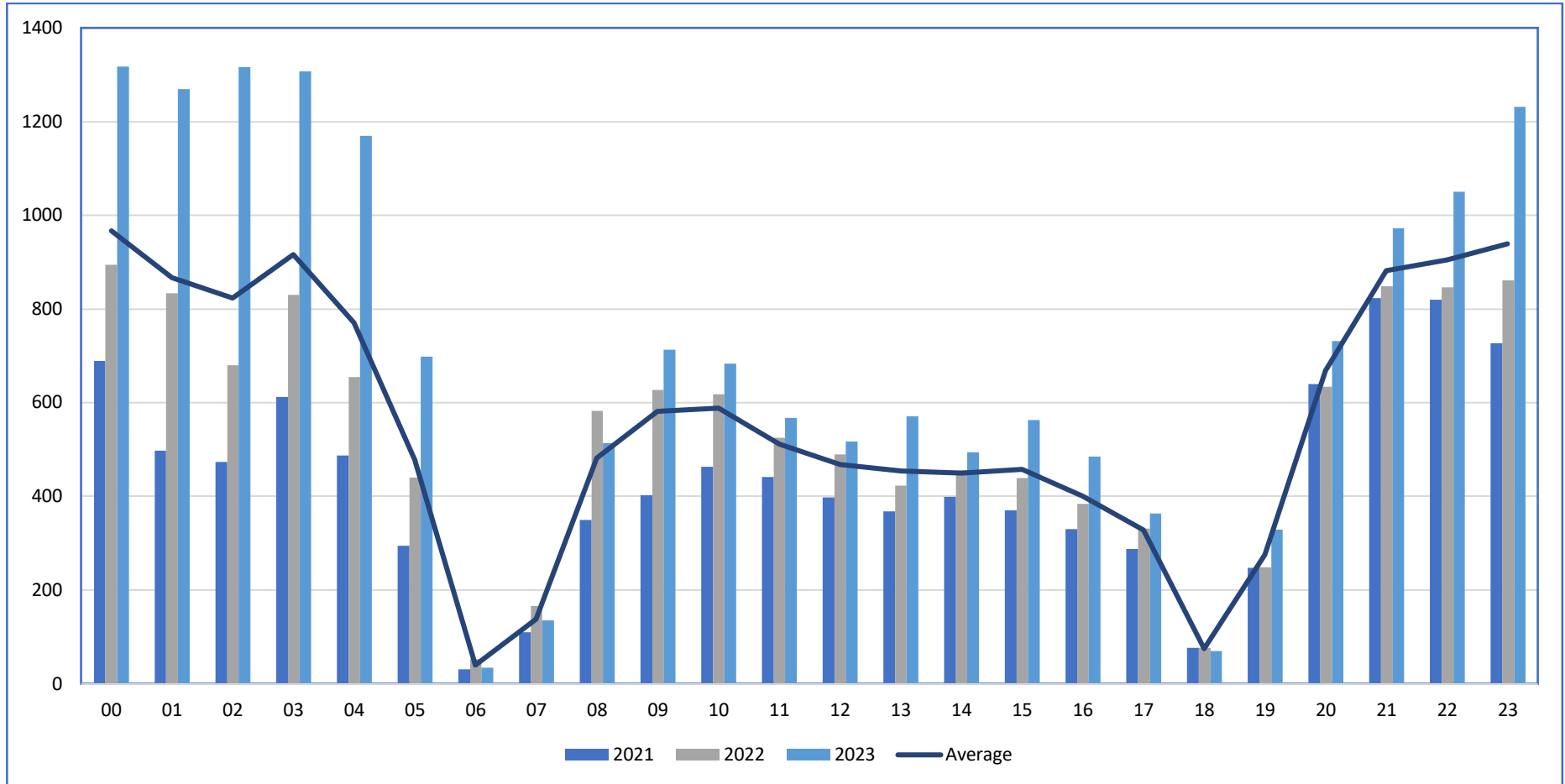




CHART 19: Field-Initiated Records by Hour, by Year - with Averages





RESPONSE TIMES

Being adequately staffed to respond to emergency calls for service is a key responsibility for any police department. In order to assess response times, Meliora PSC examined the response times of a variety of calls from emergency calls to more routine calls for service. A review of the call priorities to ensure they are aligned with the goals of the agency is provided later in the Dispatch portion of the report.

Response times should reflect the agency's time (from receipt of a call for service to arrival) to respond to the community's request for assistance; as such, we focus the Response Time portion of the data analysis on community-initiated calls for service. These segments reflect the dispatch time – from a call being created and dispatched where the officer acknowledges they are en route; and travel time – the duration of time to travel to the call location. The dispatch time combined with travel time comprises the total response time.

As part of the operations assessment, Meliora PSC routinely calculates when a call is received and dispatched. In our discussions with the department, we identified that the procedure for reactivating a call introduces discrepancies in the data set. This presents a challenge in accurately determining the average dispatch time. To address this issue, we applied a data refinement process. We established a threshold using the median dispatch time of 6.058 minutes and an adjusted standard deviation, represented by the interquartile range (IQR) of 9.649 minutes. We excluded any dispatch times that significantly deviated from the norm by setting a cutoff point at 15.707 minutes (median plus 1.64 times the IQR). This method, a widely accepted practice in statistical analysis for identifying outliers, ensures that our dispatch time calculations are robust and representative of the typical call response scenario. That being said, we note the resulting dispatch time lacks the ability to more accurately reflect time received to dispatched to a field unit and has a compounding effect to overall response time.

As illustrated below, for the past three years the average response time for all community-initiated calls is just over 12 minutes. Response time in 2023 is slightly longer than 2022 and 2021. In fact, the overall response time is getting longer and moving in the wrong direction. Higher priority calls (Priority 1) are about two minutes faster about 10 minutes; this is slower than the national desired benchmark of five minutes².

² Auten, J.H. (1981) *Response Time – What's the Rush?* NCJRS Virtual Library <https://www.ojp.gov/ncjrs/virtual-library/abstracts/response-time-whats-rush#:~:text=Several%20studies%20have%20established%20that,drops%20to%20approximately%2020%20percent>



Los Gatos can have significant traffic issues that could delay overall response time. These are sections of the community where the roadways narrow or police units may need to cross highway bridges. Meliora PSC observed these areas do get backed up with traffic and staff shared the same concerns.

When evaluating response times based on priority, it is important that Priority 1 calls receive the most attention. Priority 1 calls are the highest level of emergency and require an immediate response as they deal with life emergencies and in-progress crimes. The difference of a few minutes could impact life-saving efforts as well as determine how quickly a wanted person is located and apprehended. The desired industry standard is five minutes or less for Priority 1 calls.

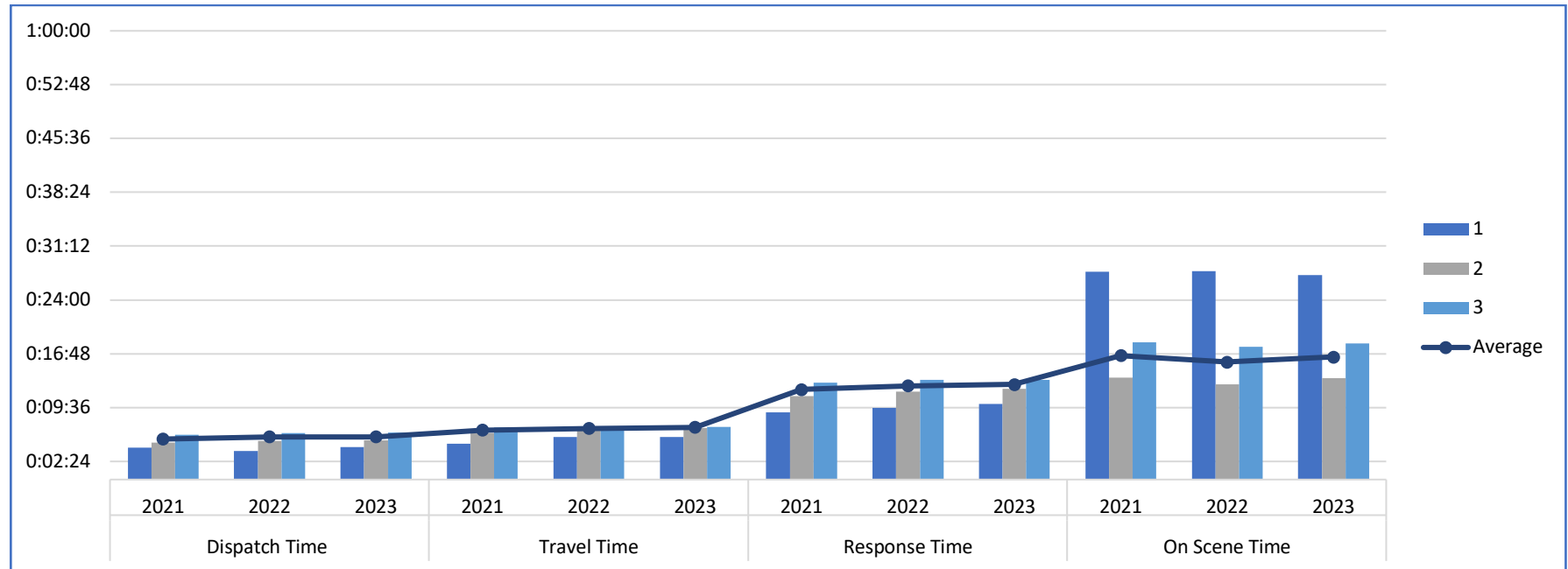
Meliora PSC suggests LGMSPD seek ways to improve its response time to priority one calls for service. The overall dispatch time of 4:23 (2023) is longer than we have traditionally observed for Priority 1 calls. In general, busy police agencies have a wider time gap between priority calls for service. Simply stated, lower priority calls wait while officers are managing the more urgent matters. LGMSPD prides itself on providing a high-level service and we believe the mechanisms are in place to respond quickly to an emergency. However, those efforts are not reflected in the department data. The Dispatch portion of the report also addresses the practice of re-opening a call for service that may adversely impact the accuracy of dispatch time. Correcting this practice should provide the ability to improve and more accurately reflect dispatch time and consequently overall response time when the Data Analysis Toolkit is used for ensuing years.

TABLE 19: Response Time Record Status and Average Minute, by Record Priority, by Year

Priority	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
1	0:04:15	0:03:50	0:04:23	0:04:46	0:05:43	0:05:42	0:09:01	0:09:33	0:10:04	0:27:48	0:27:50	0:27:22
2	0:04:56	0:05:10	0:05:13	0:06:15	0:06:34	0:06:55	0:11:11	0:11:45	0:12:08	0:13:36	0:12:43	0:13:34
3	0:06:00	0:06:15	0:06:15	0:06:58	0:07:05	0:07:04	0:12:58	0:13:20	0:13:19	0:18:22	0:17:44	0:18:11
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



CHART 20: Response Time Record Status and Average Minute, by Record Priority, by Year



The following is a breakdown of overall response times to the individual call categories. Unfortunately, this table does not distinguish what calls are most urgent versus routine (priorities). For instance, traffic accidents have an overall response time of about 11 minutes. However, injury accidents likely have a much faster response, in this table all accidents are grouped. This table is valuable information for the department to measure their response times in select categories



TABLE 20: Response Time Record Status and Average Minute, by Record Category, by Year

Record Category	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Admin	0:04:20	0:05:18	0:03:54	0:06:10	0:08:21	0:06:37	0:10:30	0:13:39	0:10:31	0:08:14	0:10:45	0:16:17
Agency Assist	0:04:58	0:04:46	0:04:31	0:08:20	0:06:35	0:05:55	0:13:19	0:11:21	0:10:26	0:13:57	0:15:34	0:14:39
Alarm	0:04:29	0:04:43	0:05:03	0:06:15	0:06:57	0:07:12	0:10:44	0:11:40	0:12:15	0:06:46	0:06:50	0:06:17
Animal	0:06:17	0:07:05	0:07:05	0:08:29	0:08:44	0:07:31	0:14:45	0:15:49	0:14:35	0:10:48	0:11:43	0:10:27
Check Area	0:05:10	0:06:19	0:06:43	0:04:10	0:03:30	0:03:10	0:09:21	0:09:50	0:09:53	0:20:37	0:12:24	0:11:16
Citizen Contact	0:06:50	0:06:56	0:07:02	0:07:42	0:05:37	0:05:24	0:14:32	0:12:33	0:12:26	0:23:00	0:22:43	0:24:18
Crime-Person	0:06:04	0:06:30	0:06:22	0:05:39	0:08:09	0:08:10	0:11:43	0:14:40	0:14:31	0:30:00	0:27:51	0:28:25
Crime-Property	0:05:46	0:05:38	0:05:31	0:07:12	0:07:33	0:07:52	0:12:58	0:13:11	0:13:23	0:24:30	0:23:26	0:26:09
Crime-Public	0:05:29	0:06:06	0:05:35	0:06:56	0:06:49	0:07:06	0:12:26	0:12:55	0:12:41	0:09:03	0:11:42	0:10:24
Deceased Person	0:04:06	0:04:05	0:04:19	0:07:21	0:06:28	0:08:25	0:11:27	0:10:33	0:12:43	0:51:00	0:56:49	0:42:15
Disturbance	0:05:11	0:05:45	0:05:36	0:06:08	0:06:21	0:06:27	0:11:19	0:12:05	0:12:03	0:15:07	0:15:04	0:13:26
Extra Patrol	0:06:24	0:06:41	0:07:03	0:05:08	0:05:28	0:05:43	0:11:32	0:12:10	0:12:46	0:10:03	0:07:57	0:08:57
Fire	0:04:29	0:06:15	0:04:56	0:03:38	0:04:39	0:04:14	0:08:07	0:10:53	0:09:10	0:27:35	0:24:34	0:16:07
Medical	0:05:17	0:05:39	0:06:13	0:09:30	0:05:16	0:07:32	0:14:48	0:10:54	0:13:45	0:23:34	0:16:10	0:06:30
Medical/Agency Assist	0:04:52	0:05:02	0:05:35	0:05:55	0:05:29	0:06:51	0:10:47	0:10:31	0:12:27	0:17:29	0:19:36	0:18:03
Miscellaneous	0:06:36	0:06:03	0:07:49	0:16:15	0:04:26	0:07:44	0:22:51	0:10:30	0:15:33	0:16:36	0:16:42	0:16:33
Miscellaneous Investigation	0:03:29	0:03:33	0:07:18	0:10:11	0:06:13	0:06:31	0:13:40	0:09:46	0:13:49	0:25:06	0:33:44	0:19:57
Missing Person	0:05:46	0:07:21	0:07:06	0:08:02	0:07:01	0:06:23	0:13:48	0:14:22	0:13:29	0:22:56	0:21:10	0:19:10
Parking	0:06:37	0:06:02	0:07:05	0:06:50	0:10:11	0:08:17	0:13:27	0:16:13	0:15:21	0:10:15	0:10:42	0:12:22
Pedestrian Contact	0:06:30	0:05:45	0:06:04	0:06:57	0:07:57	0:09:36	0:13:28	0:13:43	0:15:40	0:12:33	0:18:29	0:16:01
Property	0:04:57	0:06:16	0:04:12	0:08:12	0:08:14	0:08:43	0:13:10	0:14:30	0:12:55	0:16:31	0:16:36	0:18:16
Special Assignment	0:01:53	0:00:31	0:00:26	0:00:30	0:00:00		0:02:23	0:00:31	0:00:26	0:42:14	0:32:21	
Suicide/Suicidal Person	0:05:04	0:05:21	0:05:43	0:04:51	0:07:49	0:06:17	0:09:55	0:13:10	0:11:59	0:27:48	0:31:11	0:23:48
Suspicious Activity	0:05:51	0:05:58	0:06:03	0:06:23	0:06:12	0:06:44	0:12:14	0:12:11	0:12:47	0:12:39	0:12:23	0:13:21
Traffic	0:05:30	0:06:09	0:05:46	0:04:52	0:05:17	0:06:26	0:10:21	0:11:26	0:12:12	0:08:50	0:08:51	0:09:54
Traffic Accident	0:04:41	0:04:51	0:04:40	0:06:07	0:06:15	0:06:28	0:10:48	0:11:06	0:11:08	0:28:31	0:27:10	0:25:03
Traffic Enforcement	0:01:56	0:02:47	0:03:25		0:02:52		0:01:56	0:05:39	0:03:25		0:15:40	0:17:01
Warrant	0:04:47	0:05:48	0:05:14	0:03:23	0:07:44	0:10:30	0:08:10	0:13:32	0:15:44	0:24:49	0:19:20	0:17:34
Welfare Check	0:05:57	0:06:05	0:06:16	0:07:08	0:07:16	0:07:17	0:13:05	0:13:21	0:13:33	0:15:59	0:16:17	0:15:24
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



The following table shows the overall response times based on in days of the week. Overall response times are fastest on Sundays and slowest on Wednesdays, with an overall difference of one minute.

TABLE 21: Response Time Record Status and Average Minute, by Day of Week, by Year

Day of Week	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Sunday	0:05:14	0:05:15	0:05:32	0:06:43	0:06:37	0:06:30	0:11:57	0:11:52	0:12:02	0:15:14	0:14:40	0:16:08
Monday	0:05:21	0:05:31	0:05:44	0:06:15	0:07:12	0:07:26	0:11:36	0:12:42	0:13:10	0:16:59	0:17:19	0:16:30
Tuesday	0:05:27	0:05:39	0:05:46	0:06:51	0:06:49	0:07:12	0:12:19	0:12:27	0:12:58	0:16:35	0:16:20	0:17:06
Wednesday	0:05:34	0:05:48	0:05:33	0:06:54	0:06:45	0:07:34	0:12:27	0:12:33	0:13:07	0:16:56	0:15:33	0:16:07
Thursday	0:05:38	0:05:59	0:05:47	0:06:39	0:07:31	0:06:45	0:12:16	0:13:30	0:12:33	0:17:22	0:15:29	0:16:04
Friday	0:05:34	0:06:12	0:05:56	0:06:31	0:06:41	0:06:47	0:12:04	0:12:53	0:12:43	0:16:57	0:15:28	0:16:32
Saturday	0:05:04	0:05:24	0:05:43	0:06:31	0:06:23	0:06:44	0:11:35	0:11:46	0:12:27	0:15:47	0:14:59	0:16:23
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24

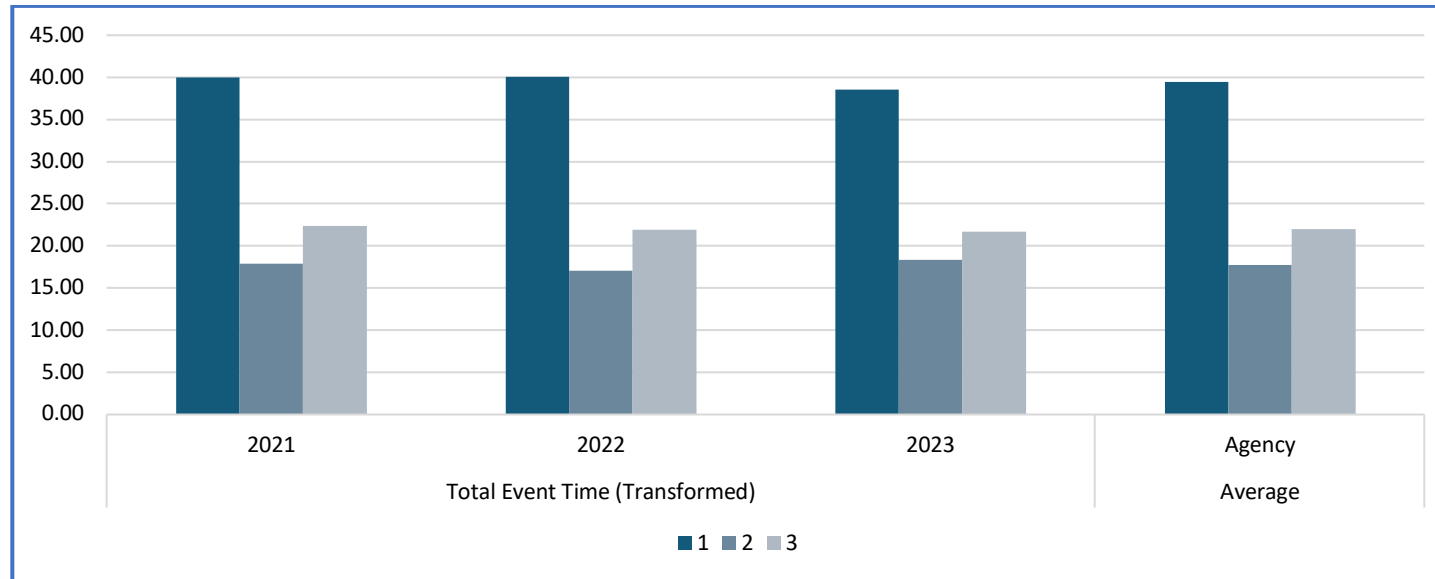
The following table and chart shows the average time the primary unit spends on calls broken down by priority. As expected, higher-priority calls can sometimes be more complex thereby requiring more investment in officer time. As calls move down the priority scale the time it takes to properly manage that call is reduced.

TABLE 22: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority

Priority	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
1	39.97	40.10	38.51	39.45
2	17.88	17.07	18.32	17.75
3	22.40	21.91	21.70	21.98
Total	20.39	19.93	20.42	20.24



CHART 21: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority





Staffing Analysis

Proper police patrol staffing is a key decision weighing on communities across the country. This dilemma is not new, but is more critical in today's current fiscal environment. Communities expect police departments to have sufficient staffing to respond immediately to emergency calls for service, timely to non-emergency calls for service, and adequately to handle quality of life issues. Due to the differences presented in every community from population size, to rural versus suburban, to land size and topography, just to name a few variables, there is no single calculation to arrive at the appropriate staffing number. Furthermore, communities expect the officers to be properly trained and experienced to provide a high level of service.

Historically, officers-per-thousand population was one way in which cities determined proper staffing. However, the International Association of Chiefs of Police indicates that ratios are totally inappropriate as a basis for staffing decisions as the difference from suburban, to urban to rural communities impacts staffing.

Agencies across the country use a minimum staffing model that takes into account the jurisdiction's specific needs. The agency's management team determines the minimum staffing levels based on past practice and call volume, and in some instances minimum staffing levels are codified in policy.

The International Town Manager's Association recommends staffing be determined based on a *Rule of 60* guideline³. This three-pronged approach is predicated on the following:

- 60% of the total number of sworn deputies be assigned to patrol
- Average workload for patrol staffing should not exceed 60%
- Total service time should not exceed a factor of 60

As stated in the *Analysis of Police Department Staffing* report,

Uniformed patrol is considered the backbone of policing. Officers assigned to this important function are the most visible members of the department and command the largest share of departmental resources. Proper allocation of these resources is critical to having officers readily available to respond to calls for service and provide law enforcement services to the public.

From an organizational standpoint, it is important to have uniformed patrol resources available at all times of the day to deal with issues such as proactive enforcement and community policing. Patrol is generally the most visible and most available resource in policing and the ability to harness this resource is critical for successful operations.

³ An Analysis of Police Department Staffing: How many deputies do you really need? McCabe, James, 2013, International Town Manager's Association White Paper.



From an officer's standpoint, once a certain level of CFS activity is reached the officer's focus shifts to a CFS-based reactionary mode. Once a threshold, or a saturation point, is reached, the patrol officers mindset begins to shift from a proactive approach in which he or she looks for ways to deal with crime and quality-of-life conditions in the community to a mindset in which he or she continually prepares for the next CFS. After saturation, officers cease proactive policing and engage in a reactionary style of policing. Uncommitted time is spent waiting for the next call. The saturation threshold for patrol officers is believed to be 60%.

Using the *Rule of 60* as part of the staffing analysis, Meliora PSC noted the following.

RULE OF 60 – PART 1

In applying *Part 1* of the *Rule of 60*, as of July 2024, LGMSPD is currently budgeted (allocated) 39 sworn positions, and 35 positions are filled. Of the 39 sworn positions, 27 sworn positions are assigned to Patrol, which is 69%. As such, patrol staffing meets the first part of the *Rule of 60* guidelines.

RULE OF 60 – PART 2

The second part of the *Rule of 60* guidelines indicates average workload for patrol staffing should not exceed 60%. Should the average workload exceed 60% consistently in a 24-hour period, it would indicate the department is understaffed. Conversely, if the average workload minutes were significantly less than 60%, then it may indicate the department is overstaffed. Simply exceeding 60% occasionally in a 24-hour period alone does not indicate an agency is understaffed. Meliora PSC cautions that no one portion of the *Rule of 60* guidelines can be applied independently. As mentioned previously, staffing decisions must take into consideration distance/terrain, rural vs metropolitan, and other distinguishing characteristics of the agency and community.

As we examine the average workload for patrol staffing, Meliora PSC analyzed CAD data for three years, 2021-2023. The tables and charts that follow are indicators of all work being performed by all officers assigned to the patrol function. Chart 22 is the workload for patrol officers only (officers assigned to beats in the Town).



CHART 22: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023

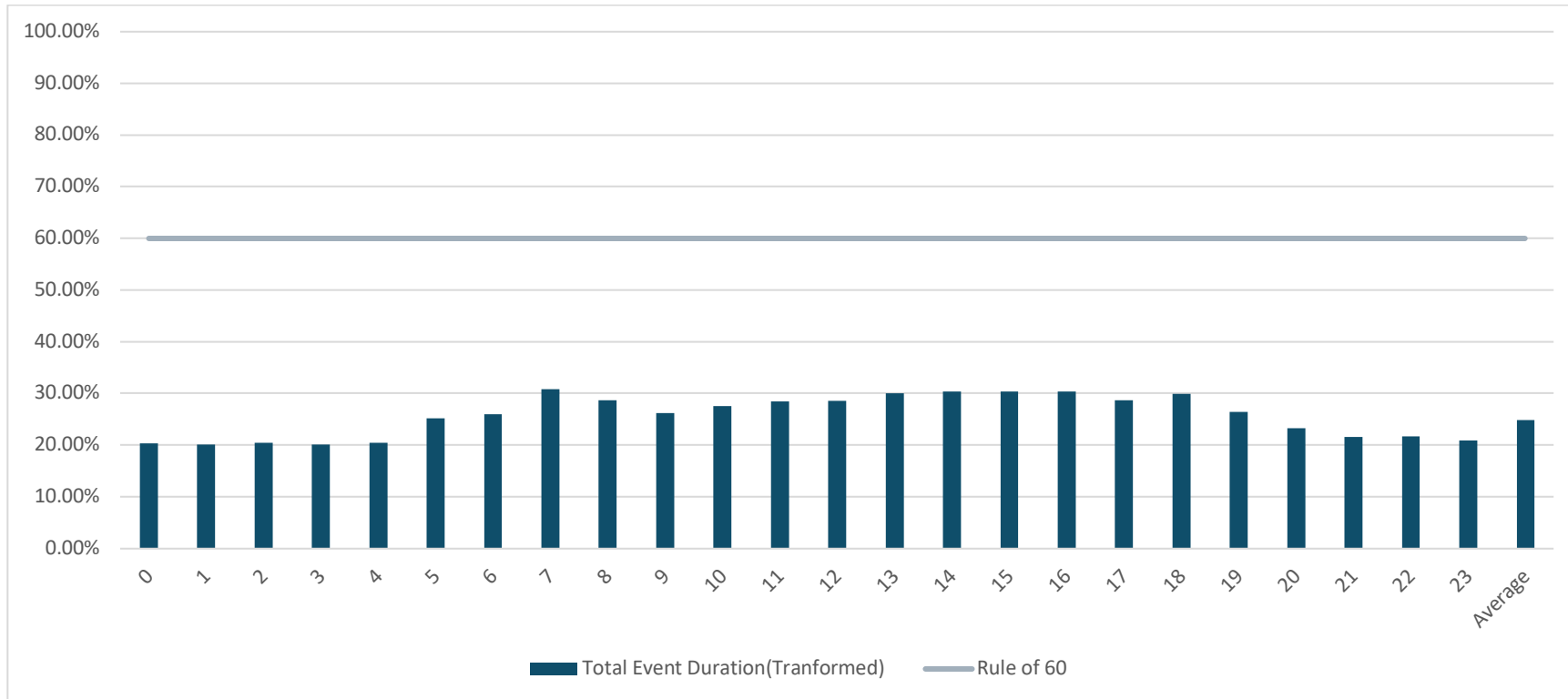
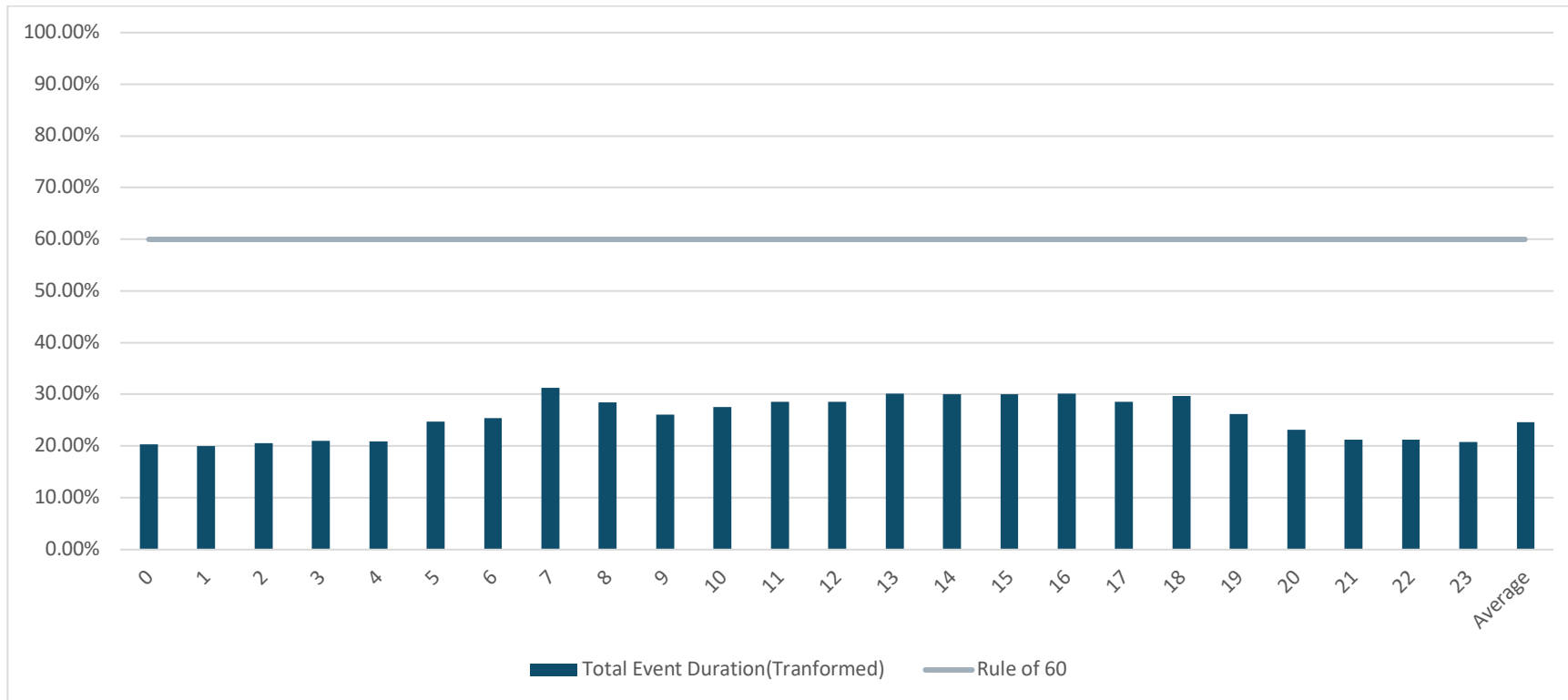


Chart 23 below is the workload of all officers and patrol sergeants assigned to the patrol function in LGMSPD. Although the workload variances are minor when including the sergeants, we feel this is an important metric for the department to follow if they take steps to have sergeants spend more time in the field versus being consumed with administrative duties.



CHART 23: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023, including Patrol Sergeants



LGMSPD workload for patrol officers as well as patrol officers and supervisors is consistently near the 30% mark throughout the day and closer to the 20% mark during the overnight hours. Although these workload metrics likely do not include all administrative time as noted earlier in this report, we feel that the patrol function of the department is properly staffed. There appears to be room within the workload area to consider allowing for fewer officers mandated by minimum staffing during the early morning hours as well as more flexibility during the remainder of the day. That is a department management decision that impacts employee agreements and perceived officer safety, additionally, there may be community demands for a set staffing number. However, it should be noted that documented workload percentages would support a reevaluation of minimum staffing.



The following table and charts show the number of contacts by hour generated through community-initiated calls for service and field-initiated activity. Community calls for service are at their lowest point during the overnight hours and remain stable throughout the remainder of the day. Conversely, field-initiated activity has always been highest overnight with a considerable spike during 2023. The low points on the field-initiated activity chart correlate with the department briefing times.

TABLE 23: Total Records by Hour for Call Sources, by Year

Hour	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
00	177	214	184	575	689	895	1,317	2,901	3,476
01	142	154	149	445	498	834	1,269	2,601	3,046
02	105	137	114	356	474	680	1,316	2,470	2,826
03	100	105	106	311	613	830	1,307	2,750	3,061
04	84	83	88	255	488	655	1,170	2,313	2,568
05	102	125	93	320	295	441	698	1,434	1,754
06	95	146	107	348	32	53	35	120	468
07	194	200	180	574	111	167	136	414	988
08	279	295	292	866	350	583	514	1,447	2,313
09	303	320	306	929	403	628	713	1,744	2,673
10	320	345	339	1,004	464	618	684	1,766	2,770
11	317	384	338	1,039	442	526	568	1,536	2,575
12	319	392	349	1,060	398	490	517	1,405	2,465
13	339	375	375	1,089	368	424	571	1,363	2,452
14	323	354	367	1,044	399	456	494	1,349	2,393
15	350	366	351	1,067	371	439	563	1,373	2,440
16	346	398	394	1,138	331	384	485	1,200	2,338
17	336	386	365	1,087	288	332	364	984	2,071
18	288	308	338	934	77	77	71	225	1,159
19	313	360	351	1,024	248	249	330	827	1,851



20	373	366	384	1,123	640	634	732	2,006	3,129
21	343	378	416	1,137	824	849	973	2,646	3,783
22	373	315	371	1,059	820	846	1,050	2,716	3,775
23	263	291	260	814	727	861	1,231	2,819	3,633
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

CHART 24: Community-Initiated Records by Hour, by Year

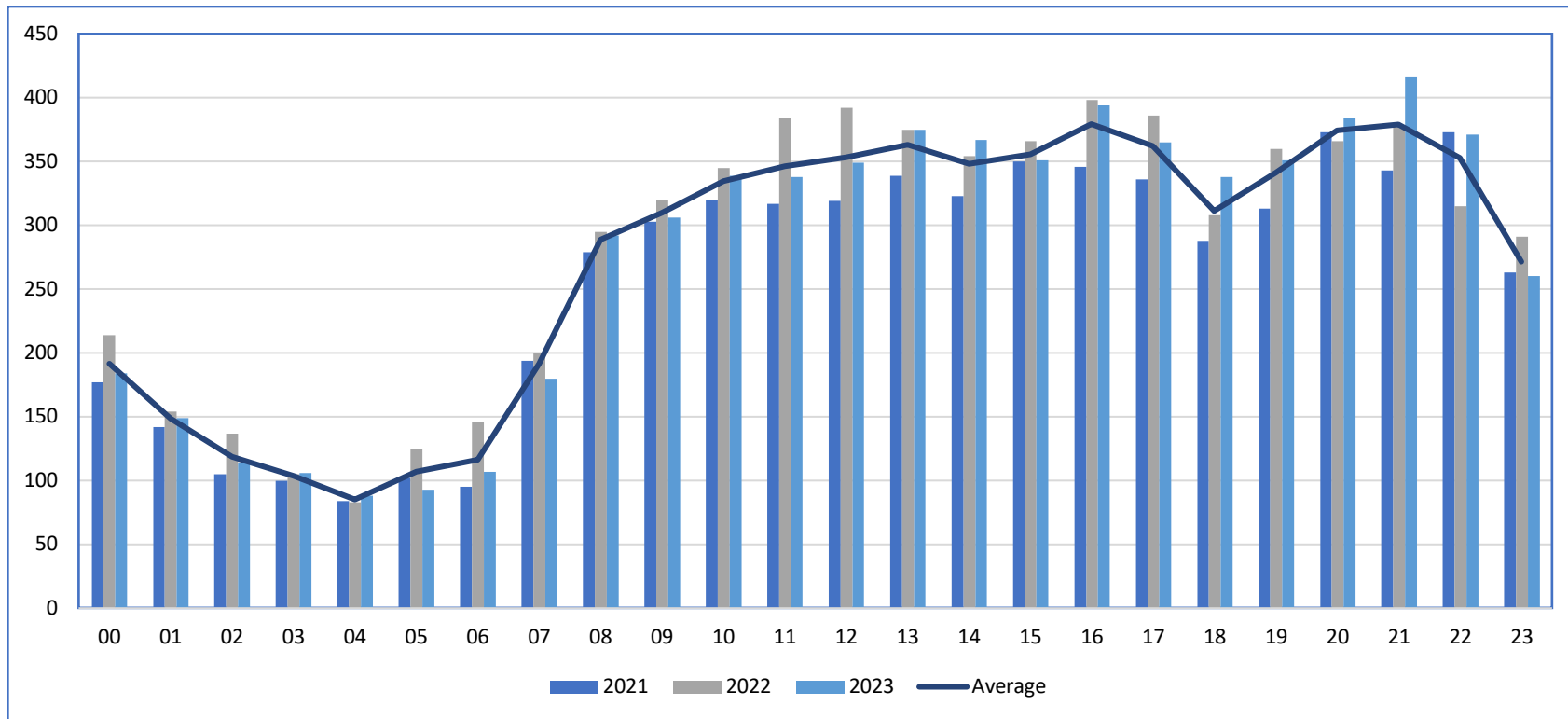
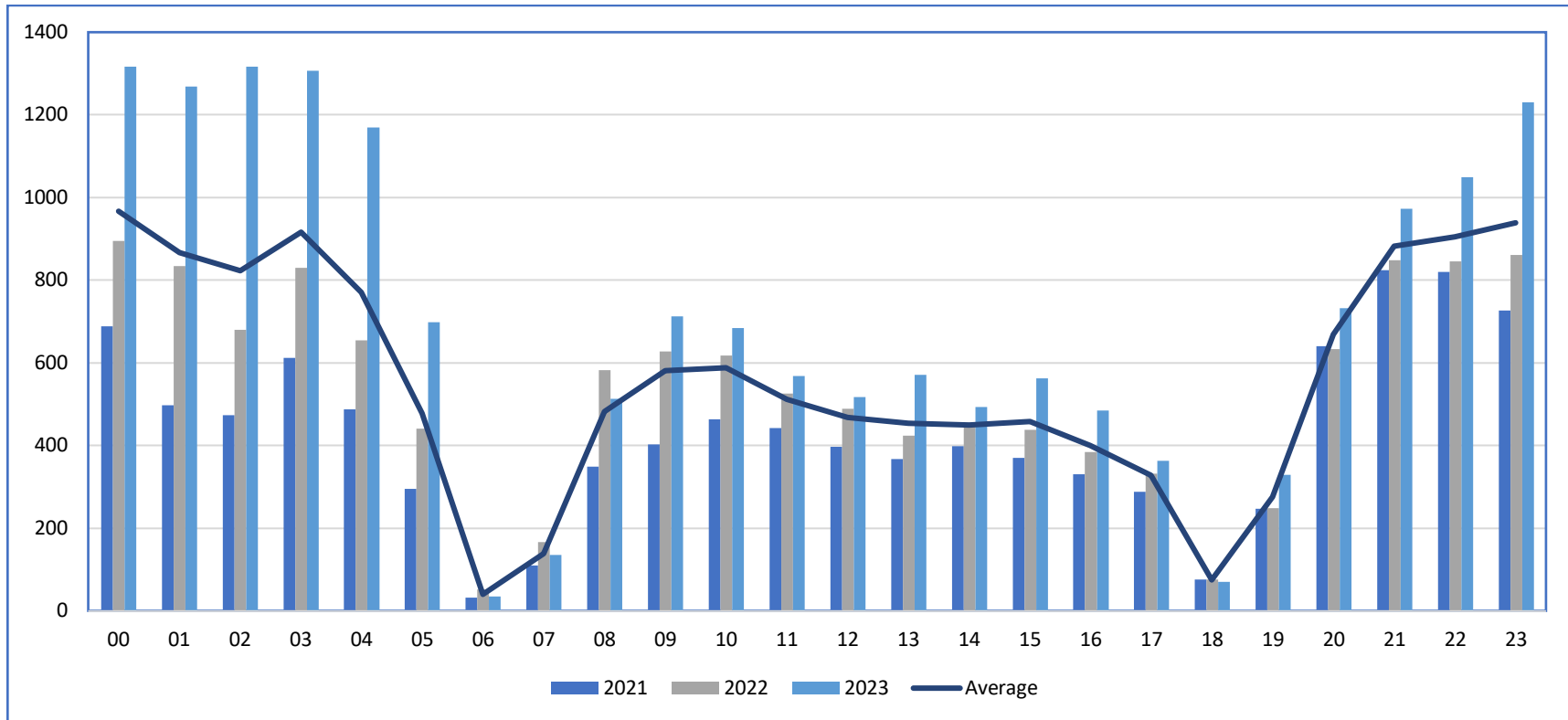




CHART 25: Field-Initiated Records by Hour, by Year - with Averages





The following table denotes the volume of calls that are handled within a specified period. In Los Gatos, 37% of all calls are handled in 5 minutes or less, and 3,300 of those calls are handled in less than one minute. Almost 5,400 calls (9%) of all calls take more than one hour to handle.

We believe the reason for the short duration of calls (less than 1 minute) is because officers are going on scene and quickly clearing, this may occur in field-initiated extra patrols where the officer is simply logging the location for tracking purposes. Another dynamic that gained popularity after COVID restrictions were enacted is handling certain calls via telephone. In those cases, officers may call a reporting party and handle any concerns, and when the call is finished the officer will simply tell a dispatcher that a call that had been waiting in the CAD queue is completed. LGMSPD confirmed that this does occur but it is typically because a reporting party only wanted a telephone call and not necessarily a uniform response to their residence or business. Refer to the Records portion of the report for further details regarding this practice.

In our evaluation of the longer calls (over one hour), we know that some police calls are complex in nature and a police investigation may take a long time to complete. But, with those types of calls being more the exception in Los Gatos, we believe there may be another reason for the high number of calls in this area. LGMSPD has a practice of officer handling a call that requires that a written report be completed and the officer returning to the station to complete those reports before going back into service. This practice likely explains the number of calls in this category.

TABLE 24: Total Event Duration

Event Duration Category	Community-Initiated Contact	Field-Initiated Contact	Total
Less than 1 minute	1,711	1,600	3,311
1-5 minutes	3,683	15,237	18,920
6-10 minutes	2,837	9,070	11,907
11-15 minutes	1,910	4,087	5,997
16-20 minutes	1,474	2,284	3,758
21-25 minutes	1,124	1,484	2,608
26-30 minutes	925	1,085	2,010
31-40 minutes	1,310	1,556	2,866
41-50 minutes	890	1,010	1,900
51-60 minutes	626	715	1,341
More than 61 minutes	3,108	2,281	5,389
Total	19,598	40,409	60,007

The following tables evaluate the time it takes to complete calls on average based on the time of the day and if that call is community-initiated versus field-initiated.



TABLE 25: Community-Initiated CAD Unit Total Event Duration (Transformed), by Hour, by Year

Hour	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
00	19.74	20.20	18.27	19.43
01	19.47	19.62	16.06	18.36
02	22.15	19.71	18.48	20.07
03	16.68	17.58	19.43	17.97
04	15.01	17.55	17.26	16.62
05	16.45	15.31	15.88	15.86
06	16.49	15.88	17.49	16.51
07	16.79	19.11	17.32	17.77
08	20.75	18.53	19.82	19.66
09	21.72	21.05	20.50	21.08
10	22.62	21.47	24.49	22.86
11	23.08	23.63	23.08	23.29
12	21.95	18.41	24.56	21.48
13	22.84	23.49	23.78	23.39
14	21.76	22.06	21.75	21.86
15	24.21	21.25	23.51	22.94
16	23.23	19.51	21.99	21.48
17	19.30	20.22	22.04	20.56
18	18.21	21.17	19.44	19.56
19	18.45	19.86	19.53	19.30
20	21.20	20.10	18.36	19.84
21	17.19	16.76	17.58	17.19
22	17.78	18.95	16.31	17.60
23	20.24	17.11	18.81	18.68
Total	20.39	19.93	20.42	20.24



TABLE 26: Field-Initiated Total Event Duration (Transformed), by Hour, by Year

Hour	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
00	11.85	10.96	10.49	10.97
01	13.34	11.03	10.40	11.19
02	13.30	11.32	10.54	11.31
03	12.31	10.46	11.80	11.49
04	12.94	10.57	12.10	11.83
05	14.13	11.56	18.18	14.92
06	11.79	15.69	10.88	13.23
07	21.96	18.24	18.54	19.35
08	15.14	13.17	19.91	15.95
09	13.22	13.14	13.56	13.33
10	11.93	12.28	15.44	13.40
11	13.21	12.50	14.99	13.62
12	13.45	13.31	16.06	14.34
13	13.11	12.57	16.74	14.42
14	15.73	14.23	17.60	15.89
15	15.03	15.60	14.98	15.19
16	15.00	15.67	16.07	15.65
17	13.31	13.31	15.76	14.19
18	9.76	12.78	15.29	12.54
19	11.75	13.58	11.76	12.30
20	12.10	11.15	10.62	11.27
21	13.14	11.02	10.36	11.46
22	11.92	11.03	11.40	11.44
23	13.80	10.33	9.86	11.05
Total	13.22	12.06	12.88	12.70

RULE OF 60 – PART 3

When interpreting the workload by hour, the total service time should not exceed 60 minutes per hour based on the *Rule of 60* guidelines. Such a result would indicate the event would spill into the next hour potentially compounding resource issues and was not present in this case.

The fact the overall total service time provides the maximum service time and due to the LGMSPD falling within the *Rule of 60 – Part 1* guideline, and the majority of total service time falling below the *Rule of 60 – Part 2* threshold, most calls and activity also fall within *Rule of 60 – Part 3*.



WORKLOAD MITIGATION

In evaluating police workload there is always attention given to what types of work currently being performed that can be done more efficiently. This is especially true in agencies that are consistently meeting or exceeding the “Rule of 60.” In those cases, it is prudent to explore efficiencies before adding additional officers to the workforce.

LGMSPD does not fall within the area where the existing workload is concerning or impacting service delivery. Additionally, there is an expectation within the community that the department fulfills certain services that busier police departments may not have the capacity to perform. LGMSPD leadership made it clear that their community places a high expectation on the services performed by the department. Nonetheless, we will highlight certain aspects of policing that many agencies around the nation have employed to reduce or mitigate the workload of the sworn officer workforce; we will also highlight some areas of LGMSPD operations that may need to be explored at some point in the future.

- **Traffic Collision Response and Reporting** – There are existing efficiencies built into the reporting of traffic collisions, specifically, California has an abbreviated form for property damage collisions where parties can simply have their information documented and allow insurance companies to determine fault. However, because most traffic collisions do not involve injuries and are civil matters in nature, some agencies have restricted their response to these types of calls and advised involved parties to just exchange their information.
- **Use of Professional Staff Employees** – many agencies have expanded the use of professional staff/civilian employees to handle more calls for service and perform criminal investigations. LGMSPD used this concept as an intern program, and we applaud the organization for this initiative. However, many agencies have created these positions as a full-time career path and expanded their use into more critical areas of police operations and functions. Meliora PSC will address this further in the Investigations portion of the report.
- **Report Writing** – As noted earlier in this report, LGMSPD patrol officers frequently return to the police station to write police reports. The police station is a more comfortable environment and has better computer systems for the task (faster computers, multiple screens, etc.). There are always examples where officers will do reports in the station versus in a patrol car. The concern is that it is the norm in Los Gatos versus only doing it when necessary. Most agencies do not have this luxury and expect that officers are deployed throughout the jurisdiction in patrol cars versus being in the station report writing. If Los Gatos-Monte Sereno were to become a busier policing environment, this is a practice that would be criticized, yet it is baked into the culture of the organization. Meliora PSC recommends consideration be given to enacting expectations that work that can be performed in the field be done there and restrict station time to only those instances that it is necessary.
 - **AI Report Writing** – LGMSPD is an Axon customer for BWC and other technology. Within this realm of policing, some of the vendors occupying this space are



introducing AI-based report writing. This is an area that LGMSPD may wish to explore to determine if the technology is a good fit for the organization and assists in solving some of the report writing concerns highlighted in this report.

- **Alarm Ordinance** – Municipalities have instituted alarm ordinances designed to mitigate the number of false alarms that create an unnecessary workload for the police. Los Gatos has an alarm ordinance in place. Although unpopular, some agencies have ceased responding to alarm calls. Due to the high service level of LGMSPD and manageable patrol workload, we offer this for informational purposes only. Refer to the Community Outreach portion of the report for details on alarms.

WORKLOAD MITIGATION RECOMMENDATIONS

- Consider enacting expectations that work that can be performed in the field be done there and restrict station time to only those instances that it is necessary. (Recommendation #13)
- Explore AI-Report Writing from their current BWC vendor to determine if the technology will assist the department in creating reporting writing efficiencies. (Recommendation #14)

Field Training Program

The Field Training Program (FTP) is one of the most crucial functions in any police department. The purpose of the FTP is to train new officers so that each is prepared to function as a solo beat officer at the conclusion of their training cycle. All new officers, and those hired as lateral officers from another law enforcement agency, attend one of several local public safety training academies that are approved California POST Basic Academies. The academy provides the minimum training requirements for California. After successfully completing the academy, newly-trained officers are assigned to a field training officer (FTO).

Experienced officers are selected as FTOs to train police academy graduates and lateral officers. The FTOs serve as role models for new police-trainees and shape their behavior and understanding of the department's vision, philosophy, and operational processes. Field training officers have the dual responsibility of providing police service in their assigned beats, as well as conducting training and evaluations of new officers.

The FTP is intended to facilitate an officer's transition from the academic setting to the performance of general patrol duties. Although an officer graduating from the academy has received a thorough introduction to basic police subjects, that officer cannot be expected to immediately assume the full responsibilities of an experienced officer. Newly assigned officers must receive additional training in the field where they can learn from officers who have a great deal of practical patrol experience. Trainees are evaluated and must display learning comprehension and apply what is taught. The FTP introduces a newly assigned officer to the personnel, procedures, policies and purposes of the department.



When new officers join the department, LGMSPD has a well-organized orientation program that exposes the new officers to all they need in preparation for entering the FTO program. These types of programs are a valuable investment in initiating the program in a consistent and organized manner.

California Peace Officers Standards and Training (POST) has select requirements that all agencies must adhere to in a FTP. The program must be POST-approved and training records are audited annually to ensure compliance. Additionally, changes to a department's FTP must be approved by POST to remain in compliance.

FTPs typically have three, 5-to-6-week phases that incrementally move a trainee toward serving as a solo certified police officer. These programs, depending on the individual agency requirements, are typically 16-18 weeks in length and often have an additional phase at the end where the trainee serves a solo officer under the observation of a FTO accompanying them while in civilian attire. Experienced officers that leave one agency and join LGMSPD may have an abbreviated and accelerated FTP.

Traditionally, each of the 5–6-week training blocks are designed to be with the same FTO for consistency in training and observations. The FTOs are required to document the trainee's progress in daily written reports that are then approved by the training sergeant and placed into the trainee's file. The benefit of this process is that deficiencies in a trainee's progress can be observed and addressed in a consistent manner. Once a phase is complete, the FTO will write an end of phase report and meetings take place between the next phase FTO, the FTO completing the phase, and the training sergeant to ensure the right training plan is in place to ensure consistency and progress for the benefit of the trainee.

LGMSPD has a similar program in place, but they admit that they have moved away from the traditional phase approach and have evolved into a program measured in weeks. One reason partially to blame for this altered approach is the difficulty in scheduling a trainee with an available FTO. LGMSPD uses an aging scheduling software program that is not user-friendly and complicates long-term planning for the FTP. Additionally, most corporals who are the department's primary FTO are often unavailable to train because of the abovementioned supervision responsibilities. Finally, the additional officers designated to assist in the FTP are often moved to other assignments, rarely have an uninterrupted schedule, or are burned out from a constant cycle of training, therefore needing a break from the additional responsibility.

Because there are so many newer employees in the Patrol Division, many lack the experience required of the FTO role. Of those remaining employees with the desired experience, a smaller group enjoys the responsibility and is natural in the teaching environment. With the overall size of the patrol group, this does not leave a large group of available FTOs to fill the role when needed.

These dynamics have created the scenario where trainees often get moved from one FTO to another thereby disrupting the desired consistency in the program. We believe this is an area of



LGMSPD operations the department should seek to improve. Minimizing the use of corporals as supervisors, as recommended above, should provide some remedy to the challenge. Improving the scheduling software is another area of potential improvement. Finally, the department should set into place a longer planning cycle to ensure that an assigned FTO will be available for the majority of a training phase. This may require a proactive approach to how vacations and time off for FTOs are scheduled to work around the training cycle.

LGMSPD entry level officers shall be required to successfully complete the FTP, consisting of a minimum of 10 weeks. Policy § 418.5 states, “A lateral officer may exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).”

LGMSPD Policy § 416.7 states, “All documentation of the Field Training Program will be retained in the officer’s training files and will consist of the following: (a) Daily Observation Reports, (b) End-of-phase evaluations, and (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.”

In addition to the regular police officer training, all new officers spend time in Dispatch, Records and Investigations so they can best understand the needs of those units and gain a more well-rounded approach to the job of being an LGMSPD police officer.

FIELD TRAINING OFFICER SELECTION

LGMSPD Policy § 416 – Field Training Program – “is intended to provide a standardized program to facilitate the officer’s transition from the academic setting to the actual performance of general law enforcement duties of the Los Gatos-Monte Sereno Police Department.” LGMSPD’s policy says that an FTO is “an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers.”

The following selection process is included in LGMSPD’s Policy § 416.2.1:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

Prior to being assigned as an FTO, the training officer is required to successfully complete the POST 40-hour FTO Course. Furthermore, every three years all FTOs must successfully complete the POST 24-hour FTO Update Course, which is mandated by 11 CCR § 1004. California Penal Code § 13515.28 mandates all FTOs meet crisis intervention behavioral health training (CIT). LGMSPD is complimented for including these provisions in the existing policy and ensuring all FTOs are complying. Staff indicated that all FTOs have attended the POST 40-hour FTO Course,



and all but two FTOs are current on the three-year FTO Update Course. During the course of the organizational assessment process, the two FTO's out of compliance are now in compliance. All FTOs have attended 8 hours of mental health/crisis intervention behavioral health training.

SUPERVISION

The FTP Supervisor is a critical role in any police department. Since the FTOs help new officers assimilate to the policies, procedures and practices of the organization, they also have a strong influence on department culture. As such, the FTP supervisor is key to ensuring the culture that new officers learn is consistent with a contemporary police organization seeking to evolve to best practices and committed to ongoing improvement. Policy § 418.3 – Field Training Officer Program Supervisor – responsibilities are described as:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTO

LGMSPD operates a Field Training Program (FTP) managed by an Administrative Sergeant assigned to the Support Services Bureau. Management of the program is one of several programs and responsibilities the sergeant carries.

The FTP supervisor is required to complete a POST-approved Field Training Administrator's Course within one year of appointment to the position, as mandated by 11 CCR 1004(c). LGMSPD's FTO Supervisor has not attended this course due to the fact that they are serving in the role as a temporary duty. Because they are approaching the one-year period, the department will be scheduling the training shortly, a step Meliora PSC encourages.

The FTO Administrator is normally filled by a lieutenant; however, LGMSPD does not have a lieutenant position so these duties are handled by the Captain. Currently, the FTO program falls under the Support Services Bureau and the current Captain has not attended the FTO Coordinator course. Meliora PSC recommends FTP be transferred to the Patrol Division and the Operations Captain attend the FTO Coordinator Course. Earlier in the report, Meliora PSC recommended that LGMSPD add one FTE Lieutenant position; this is an example of a responsibility that could be overseen by a lieutenant. Once the lieutenant position is filled, the lieutenant should attend requisite training.



Meliora PSC recommends Police § 416 be updated to include – Field Training Coordinator duties and responsibilities. As a Lexipol subscriber, there is sample language available to update in the manual.

With regard to FTO ongoing training, Meliora learned that in practice, FTO meetings are held as needed, and may occur once per quarter. Regular FTO meetings provide the opportunity to not only discuss the progress of trainees, but also to continue to enhance the teaching and training skills of the FTOs. Meliora PSC recommends consideration be given to ensuring FTO meetings occur at least quarterly and cover trainee performance and FTO trainer development.

FTP OUTCOMES

Table 27 reflects LGMSPD is committed to creating a positive training environment and police officer trainee success rates improved from 2019 to 2023.

TABLE 27: FTO Program Results, 2019-2023

	2019	2020	2021	2022	2023
Sworn FTOs	*	*	*	*	*
Sworn Officer Trainees	1	3	2	4	2
Officer Trainees Passing FTO	1	3	2	3	1*
Passing Percentage	100%	100%	100%	75%	50%

*Source: Los Gatos-Monte Sereno Police Department. * Staff was unable to provide the number of FTOs since the overall number fluctuated throughout the year. **The employee opted to resign after joining the FTP – unrelated to performance.*

The department, and in particular, the FTP sergeant and FTOs are to be commended for their commitment to the FTP program rather than treating the FTP as a “rite of passage” evaluation process. Rather, FTOs work with their respective trainees to determine their suited adult learning style (auditory, visual, experiential, etc.) to maximize the learning environment and opportunity for success.

FTP MANUAL

LGMSPD uses POST’s Field Training Program Guide (Volume) as their FTP Manual, including the forms to document training. The FTP Manual includes various sections within the manual to provide the opportunity to include agency specific activities. LGMSPD’s Field Training Program guide was approved by POST in March 2020. Meliora PSC recommends the FTO Manual be reviewed annually to ensure compliance with statutes and best practices.

FTO RECOMMENDATIONS

- Ensure the current supervisor overseeing the FTP is sent to the POST Filed Administrator’s Course. (Recommendation #15)



- Transfer the FTP to the Operations Bureau and assign the Captain to attend the FTP Coordinator’s Course. (Recommendation #16)
- Update Policy § 416 to include the Field Training Coordinator duties and responsibilities. (Recommendation #17)
- Consider scheduling quarterly FTO meetings to cover trainee performance and FTO trainer development. (Recommendation #18)
- Review the FTO Manual annually to ensure compliance with statutes and best practices. (Recommendation #19)

Traffic Unit

Traffic safety and the efficient flow of traffic are always key factors for any community. Per LGMSPD Policy § 500 – Traffic Function and Responsibility – the goal of traffic law enforcement is to reduce traffic collisions. Contemporary police agencies accomplish this by applying the three E’s: *education, enforcement, engineering*. In discussions with LGMSPD leadership, we were told that the 3 E’s of traffic were at the forefront of their traffic enforcement philosophy.

The Traffic Unit is listed in the Support Services Bureau in the current Organizational Chart. Due to traffic duties being focused to field services, Meliora PSC recommends the Traffic Unit be transferred to the Operations Bureau – Patrol Division. For purposes of the assessment, the Traffic Unit will be reported in the Patrol Division portion of the report.

STAFFING, SCHEDULE AND SUPERVISION

TABLE 28: Traffic Unit Staffing, FY 2023-24

FY 2022/23	Authorized	Actual	Vacant
Traffic Sergeant	1	1	0
Traffic Officer	2	1	1
TOTAL SWORN STAFF	3	2	1
Sr. Parking Control Officer	1	1	0
Parking Control Officers	1	1	0
TOTAL PROFESSIONAL STAFF	2	2	0
TOTAL STAFF	5	4	1

SOURCE: Los Gatos-Monte Sereno Police Department.

Consistent with similarly sized police agencies, LGMSPD currently deploys one full-time traffic officer. Patrol Officers also do their part by making traffic enforcement an area of focus while on patrol. The sole traffic/patrol officer predominately works the day shift from 6:40 a.m. to 7:00 p.m. on one of the patrol teams. Although this officer focuses on traffic enforcement while working, they are part of the patrol minimum staffing plan and may often be called upon to assist in the traditional patrol function by handling regular calls for service. Although there is



only one traffic officer at this time (assigned to a motorcycle), there is a second position that is currently unfilled.

In addition to the sole traffic officer, the department also has a Traffic Sergeant position that carries the responsibility of managing the serious traffic investigations that occur in Los Gatos. In addition to the management of traffic collision investigations, the Traffic Sergeant also carries the supervisory responsibility of two parking enforcement officers and manages various other police projects for the administration. The Parking Control Officers work mainly day shift hours.

TRAFFIC ENFORCEMENT AND THE THREE E'S

Traffic enforcement is an important responsibility of every police department. Communities demand safe roadways, and they demand appropriate visibility of traffic enforcement as well as the fair enforcement of serious violations. In developing a strategy for overall traffic enforcement, it is important to remember the 3 E's and apply a common sense, data-driven approach to mitigating serious traffic concerns.

Education is at the forefront of traffic safety. There are several national campaigns designed to educate and highlight select traffic issues and bring those issues to the forefront of the driving public (e.g.: DUI campaigns, seatbelt enforcement periods, distracted driving). Additionally, police officers can be the most effective educators to the driving public by explaining the law to uneducated drivers.

Engineering is another important aspect of the 3 E's. Whenever a serious traffic concern can be mitigated through a common sense and affordable engineering solution it should be explored and pursued. LGMSPD advised that there are open lines of communication between the police department and the Town's Traffic Engineering Department to discuss problematic locations and explore non-enforcement options as a solution.

Finally, enforcement is at the forefront of what police departments contribute in the area of traffic safety. Meliora PSC contends that traffic enforcement should always be data-driven to the greatest extent possible. In other words, patrol and traffic officers should be armed with data concerning where accidents are occurring and what is causing them, and direct enforcement efforts to solve those problems. Efforts should be measured and evaluated to determine effectiveness. Although non-data-driven enforcement will always occur as officers are expected to act when serious violations occur in front of them, this type of random enforcement should be the exception and not the norm.

TRAFFIC DATA AND MANAGEMENT

LGMSPD provided us with several reports demonstrating that the department collects the necessary information to apply a data-driven approach to enforcement. However, in discussing

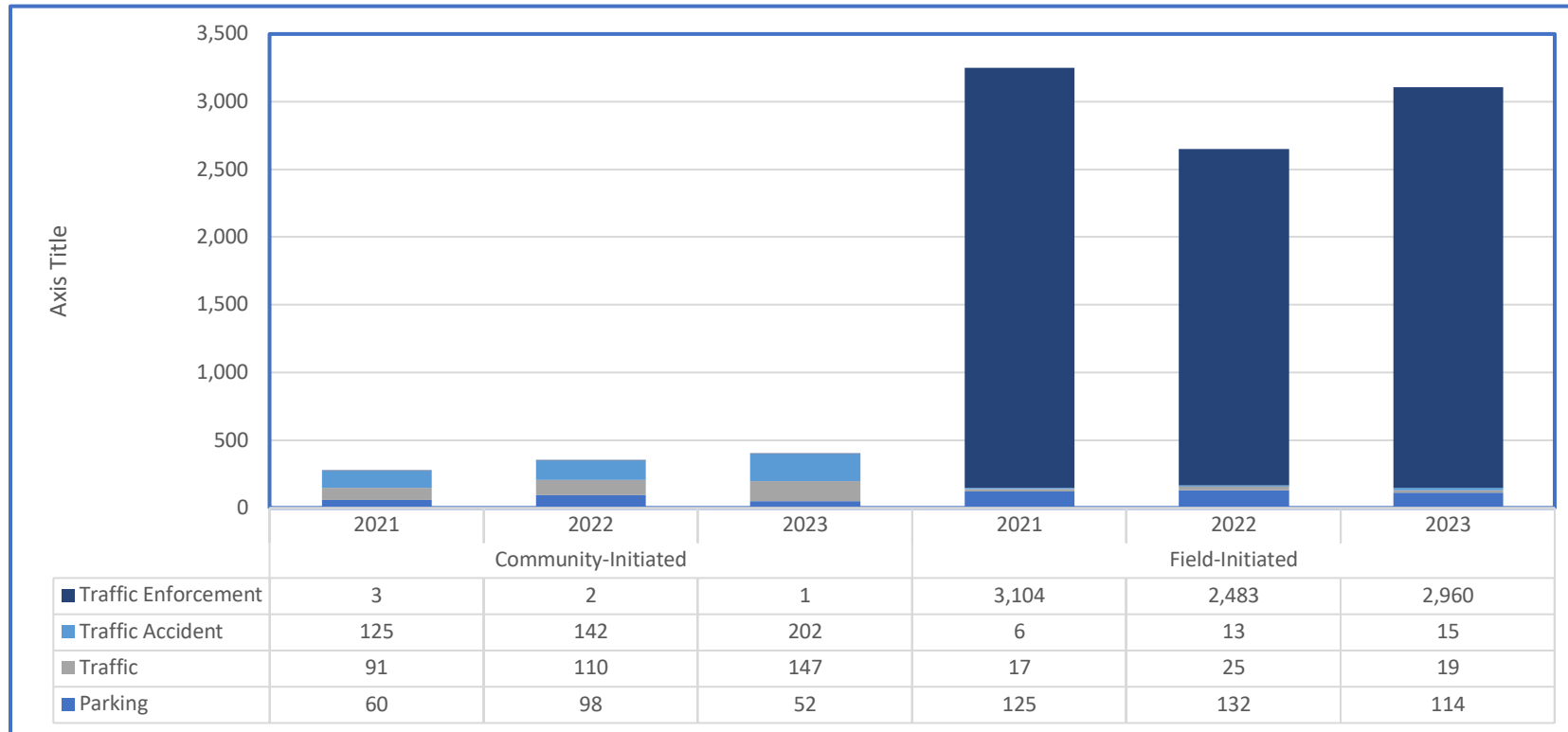


the normal approach with members of the patrol force, Meliora PSC learned that randomized enforcement is typically what occurs.

The following charts provide information and data on the traffic enforcement and investigative efforts of LGMSPD. As expected, traffic accidents are traditionally reported to the police dispatch center and are investigated as community-initiated activity. Most enforcement activity is field-initiated. Traffic accidents have been on the rise over the past three years while enforcement is down from 2021 levels.



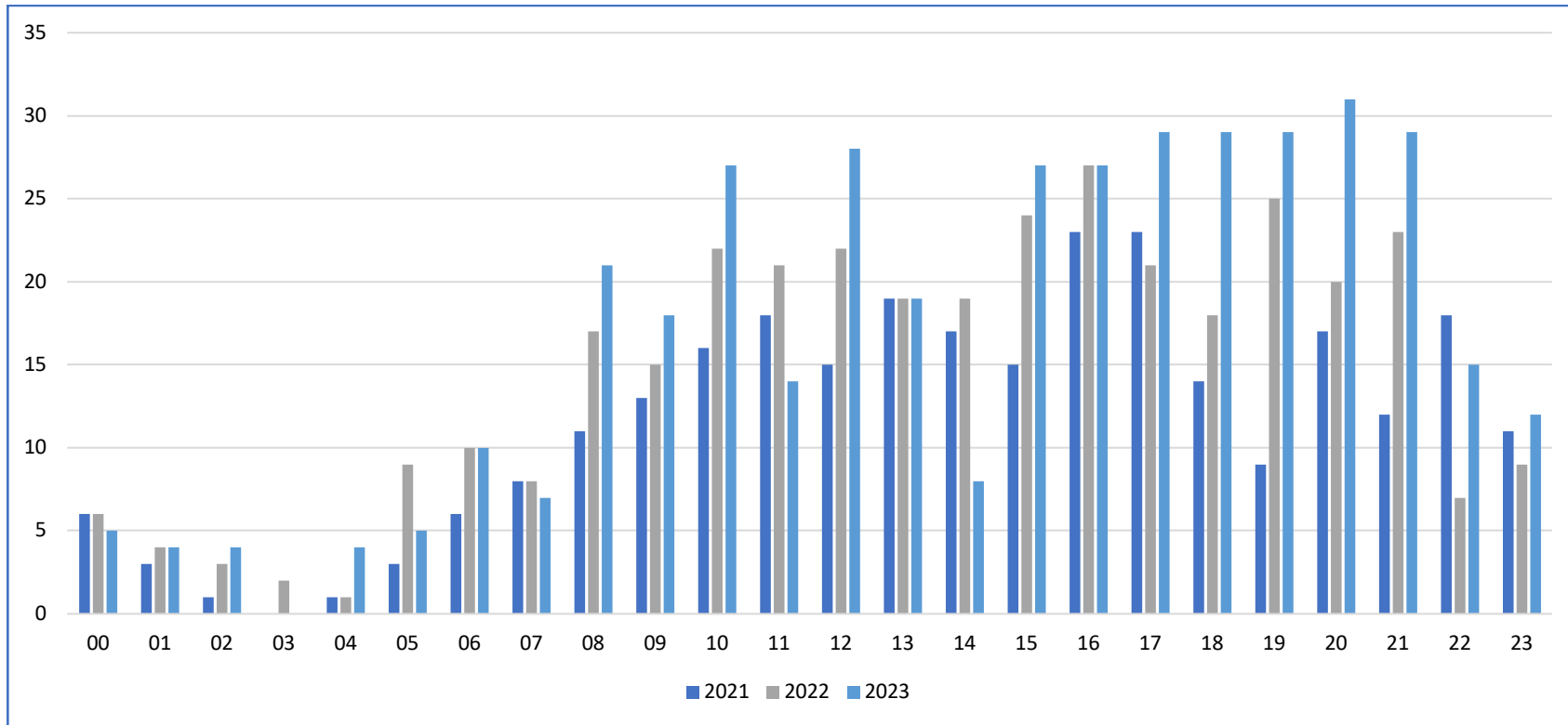
CHART 26: Community-Initiated and Field-Initiated Traffic Records, by Year



The following chart shows that although community-initiated traffic reports are not as common as field-initiated, those calls typically come into police dispatch starting around 8:00 a.m. and peaking at 9:00 p.m. Again, in most categories, the community-initiated activity is increasing when compared year-to-year from 2021-2023.



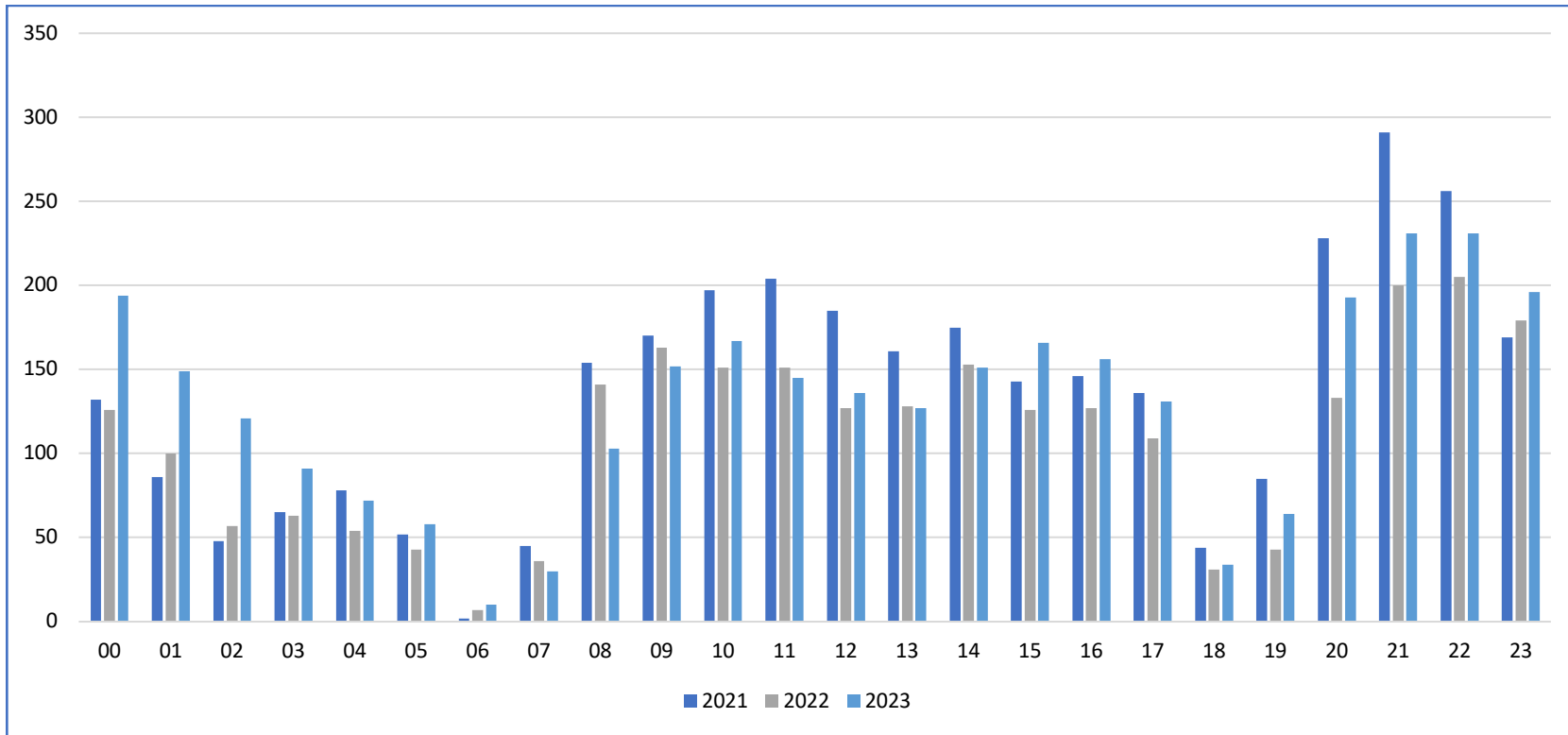
CHART 27: Community-Initiated Traffic Records, by Hour, by Year



This chart shows field-initiated traffic activity (mostly enforcement). The low points correspond with briefing times when officers are at the station. The highest level of activity occurs in the later evening hours.



CHART 28: Field-Initiated Traffic Records, by Hour, by Year



The following tables of data are taken directly from LGMSPD data on traffic collisions that have occurred in the Town since 2021. Although the information contained within these tables was assembled by Meliora PSC using LGMSPD data, it is an example of data available to the department and the community that can assist in driving traffic enforcement strategy. Meliora PSC recommends LGMSPD reinforce a data-driven approach to traffic enforcement. This involves the dissemination of collision data, including the top accident locations and causes along with an enforcement-based strategy for patrol and traffic officers to follow. Efforts should be measured and re-evaluated regularly to ensure effectiveness.



TABLE 29: Intersections with at least 5 Collisions in One Year, 2021-2023

Intersection	2021	2022	2023
Los Gatos Blvd/Blossom Hill Rd	-	1	6
Los Gatos Blvd/Almaden Rd	-	1	5
Lark Ave/Los Gatos Blvd	9	5	1
Los Gatos Saratoga Rd/Massol Ave	5	1	-

Los Gatos Boulevard and Blossom Hill as well as Los Gatos Boulevard and Almaden Road have seen a sudden spike in traffic collisions in 2023 versus past years. The department should be focusing directed efforts at these locations. However, Lark Avenue and Los Gatos Boulevard experienced a significant decline in collisions over the past three years. If this is due to LGMSPD efforts it should be highlighted as a success.

TABLE 30: Total Collisions, 2021-2023

Year	Total Collisions	Total Injuries	Fatalities
2021	202	83	0
2022	152	73	0
2023	212	104	1

Both overall collisions and injuries sustained in those collisions saw an increase in 2023 after a drop in 2022. Overall, collisions are up 5% while injuries are up 25%.

TABLE 31: Driving Under the Influence Collisions, 2021-2023

Year	# DUI Collisions	Minor Injuries	Major Injuries	Fatalities
2021	16	4	0	0
2022	25	2	0	0
2023	23	8	0	0

DUI-related collisions increased in 2022 and 2023 over the base 2021 year, and injuries increased significantly in those collisions in 2023.

TABLE 32: Hit and Run Collisions, 2021-2023

Year	Hit and Run Collisions	Involving Injuries
2021	64	7
2022	65	6
2023	57	3

Hit-and-run collisions, including those involving injuries have declined by 11% in the three-year period.



TABLE 33: Citations Issued by LGMSPD Officers, 2021-2023

Year	# of Citations
2021	1621
2022	1372
2023	1704

Citations issued by LGMSPD have increased in 2023 over both 2021 and 2022. There is no industry standard for the number of citations to be issued by an officer and quotas are explicitly prohibited by law. LGMSPD is to be commended for including this information in Policy § 500.3 – Enforcement – it states the department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). However, the department can expect time and effort be directed at traffic collision mitigation efforts to include stopping violators and either educating or issuing the driver a citation.

TRAFFIC TRAINING

A key responsibility of traffic personnel is traffic collision investigations. California POST has a number of courses specifically created to provide personnel the ability to develop expertise in traffic investigations from basic, intermediate, and advanced collision investigation courses to specialized collision investigations to include automobile-pedestrian, motorcycle, and digital crime scene investigation. Meliora PSC recommends traffic personnel be assigned to attend these courses to enhance their level of acumen when investigating serious traffic collisions.

Major traffic collisions require a qualified team to conduct extensive investigations. Contemporary police agencies recognize that fatal traffic collisions are an unattended death that could be determined to be an accident, or in some cases, an actual crime ranging from manslaughter to homicide. As such, experienced investigators and crime scene specialists must be well trained and available to respond to such incidents. The Town of Los Gatos/City of Monte Sereno is fortunate to have had none over the past few years. In the event of a fatal traffic collision, the Traffic Sergeant is the lead investigator who oversees the investigation with LGMSPD staff and detectives.

The operation of a police motorcycle is a perishable skill. As such, perishable skills training is a practice necessary to maintain the high degree of riding skills to ensure the safe operation of the motorcycle for enforcement purposes. Although motor officers ride routinely in their daily assignment, this is no substitute for motorcycle training that includes slow-speed maneuvering and traffic collision evasion, at the very least. These exercises are established in the police motorcycle training guide used at the police motorcycle academy approved by the California Peace Officers Standards and Training (POST). Per the POST Motor Guide, “A sound motorcycle training program strengthens the skills and knowledge of the individual officers while raising the overall competence and safety of the unit. Costs associated with training are an investment and budgeting for training is a proactive risk management practice.”



Most agencies that have traffic units manned with motor officers require the motor officers to conduct motorcycle safety and skills training at a minimum of at least annually, with some agencies training quarterly. LGMSPD does not conduct routine motorcycle safety and skills training. Meliora PSC recommends the traffic motorcycle officer(s) participate in quarterly perishable skills training. This could be accomplished by collaborating with regional traffic units and attending eight hours of slow speed and road training. It is also important the training be documented and forwarded to the Training Unit to be entered into the respective motor officer's training file.

TRAFFIC COMPLAINTS

Meliora PSC inquired about the process for community members to request traffic enforcement in their neighborhood or report a traffic concern in the Town of Los Gatos/City of Monte Sereno. Staff indicated that traffic enforcement requests may be made through a number of sources ranging from contacting the Mayor's Office, calling the Town Manager, reaching out through the LGMSPD police email, calling dispatch, and flagging down a patrol officer. The only means to track these types of traffic safety concerns is to attempt to research the traffic-related complaints called into the dispatch center. The other manners to raise a traffic concern do not currently have a system in place to track the complaint, follow up, and outcome.

Tracking community traffic concerns separately presents an opportunity for the department to be more strategic and efficient when receiving tips and/or concerns related to traffic safety in the Town. The traffic complaints could be compared to traffic collision locations as a means to enhance safety.

Meliora PSC recommends a process be developed that builds upon the calls and/or emails requesting extra traffic monitoring and enforcement. The system should include a searchable database so that monthly, quarterly, and annual reports can be added to a management dashboard that illuminates traffic safety issues throughout the year. The information should also be part of the sergeants' responsibilities in briefings to inform the patrol officers of hot spot areas to be monitored and addressed.

LGMSPD currently uses a radio code to indicate they are focusing traffic education and enforcement efforts; however, this does not necessarily capture the outcome. Disposition codes should be updated in CAD so that outcomes such as monitored area, citation issued, and/or warned could be included for data mining /tracking in the future. By creating a process to track traffic-related complaints by category and include the department's response, this information could also be useful in bringing closure to the calling party as a means to continue building trust as a responsive 21st century police agency.

TRAFFIC UNIT RECOMMENDATIONS

- Transfer the Traffic Unit Traffic Unit to the Operations Bureau – Patrol Division.
(Recommendation #20)



- Reinforce a data-driven approach to traffic enforcement to include the dissemination of collision data, including the top accident locations and causes along with an enforcement-based strategy for patrol and traffic officers to follow. (Recommendation #21)
- Assign personnel assigned to the Traffic Unit to attend traffic collision investigation courses such as Intermediate and Advanced Traffic Collision Investigation as well as auto-pedestrian and auto-motorcycle accident investigation courses. (Recommendation #22)
- Implement quarterly traffic motorcycle training for all personnel who use a police motorcycle. (Recommendation #23)
- Develop a system that captures the calls and/or emails requesting extra traffic monitoring and enforcement and ensure the system includes a searchable database. (Recommendation #24)

PARKING ENFORCEMENT

The Town of Los Gatos/City of Monte Sereno currently has a professional services agreement with Dixon Unlimited, Inc. with Parks and Public Works for their parking enforcement needs. The LGMSPD's responsibilities include enforcement and parking citation hearings, while Parks and Public Works handles the contract and signage.

Two parking control officers, overseen by the Traffic Sergeant, are responsible for parking enforcement. Efforts are focused on the downtown district. Maintaining parking enforcement duties at the department have a number of benefits to include cost savings, accountability, flexibility, and community engagement.

EQUIPMENT

There are two dedicated parking enforcement vehicles: EV parking enforcement unit and a gopher three-wheel vehicle designed for parking enforcement. Both vehicles are equipped with automatic license plate readers.

INVESTIGATIONS DIVISION

STAFFING

The Investigations Division is organizationally placed within the Operations Bureau, which is commanded by a Captain. Under the direction of sergeant, the Investigations Division is comprised of the Detective Unit, which includes the School Resource Officer (SRO) and Property and Evidence.



TABLE 34: Investigations Division Staffing, FY 2023-24

FY 2023/24	Authorized	Actual	Vacant
Operations Bureau Captain	1	1	0
Investigations Lieutenant	0	0	0
Investigations Sergeant	1	1	0
Detectives	4	2	2
Task Force Officer	1	0	1
School Resource Officer	1	1	0
TOTAL SWORN STAFF	8	5	3
Victim Services Advocate (Volunteer)	1	1	0
Administrative Technician	1	1	0
Senior Records Specialist	1	0.4	0.6
TOTAL PROFESSIONAL STAFF	3	2.4	0.6
TOTAL STAFF	11	7.4	3.6

Source: Los Gatos-Monte Sereno Police Department.

SELECTION

When an opening in the investigations division arises, an organizational memo is sent out to employees. Officers who are interested, and meet minimum qualifications, go through a formal testing process of submitting a letter of interest and then participating in a rated oral interview/assessment.

Detectives have a three-year rotation with an option for a fourth year upon mutual desire of the detective and the department. However, there is no policy addressing the specifics of the rotations. The department is commended for implementing special assignment rotations. This is especially important for smaller, patrol-centric agencies that do not offer more assignments as a means to retain officers. Having a rotational policy assists in managing the organization by returning experienced personnel to patrol and providing opportunity for professional growth and development to personnel seeking special assignments. Refer to the Specialty Assignment section of the report for further recommendations on the rotational policy.

SCHEDULE

Investigations personnel work a mixed schedule, with the sergeant and one detective working a 4/10 schedule, Monday through Thursday, from 7:00 a.m. to 5:00 p.m. The other detective works a 5/8 schedule, Monday through Friday, from 8:00 a.m. to 4:00 p.m. This allows for 5-day work week coverage. Detectives are considered generalists, but since there are currently only two, one is assigned to Person Crimes and one is assigned to Property Crimes. Typically, detectives are called in to handle high profile crimes such as shootings, stabbings, rapes, and suspicious death investigations. When a homicide occurs, the entire Investigations Division (all detectives and the sergeant) responds to the scene and assists with the investigation.



Detectives may adjust their work schedule as necessary to facilitate investigative needs. The School Resource Officer works a 4/10 schedule, Tuesday through Friday, from 7:00 a.m. to 5:00 p.m.

The Senior Records Specialist works a 5/8 schedule, Monday through Friday, and the Administrative Technician assigned to Property and Evidence works a 4/10 schedule, Monday through Thursday, from 7:00 a.m. to 5:00 p.m.

The Senior Records Specialist currently divides their time between Records and Detectives with 60% of their time in the Records function and 40% (two days per week) in Detectives. They are also secondary in functions to the Property and Evidence (P&E) Room, yet still have access to the P&E Room.

The primary functions of the Senior Records Specialist are to assist detectives with criminal history work ups, take evidence to the crime lab, conduct records management work as it pertains to Investigations, and provide overall professional staff support to detectives. The Senior Records Specialist is the only professional support staff member within the Investigations Division working in a support function, which was quite surprising due to the normal workflow and dynamic needs and desires of the community requested of a full-service Investigations Division. The Senior Records Specialist answers phone calls that come into the Detective Unit, but when she is not there, the calls are delivered to an answering machine.

The Senior Records Specialist is responsible for court liaison duties, which includes preparing criminal case packets and in-custody cases for the District Attorney's Office. The Senior Records Specialist must physically take all the criminal cases to the DA's office for in-person filing as there is no electronic case filing process in Santa Clara County. As one can imagine, in-custody cases on Mondays (or Tuesdays when the holiday falls on a Monday) is extremely frenzied. Every day the Senior Records Specialist starts their morning in Investigations and, once their duties are completed at the DA's office, they work in Records.

The Senior Records Specialist has Warrant Officer duties as well. She drives to the Santa Clara County courthouse, gets sworn in, signs the warrant complaint and files it with the Court. The Santa Clara County Courthouse does not open until 8:00 a.m., and commute times along with time spent in the courthouse can impact time away from the department.

The Senior Records Specialist also registers sex, arson, and gang offenders. There are currently 14 sex registrants who reside in Los Gatos. They must all annually register five days before or after their birthdays. It takes about an hour to register one sex registrant. This does not include any new sex registrants that move into town or any unhoused sex registrants within the Los Gatos or Monte Sereno. Unhoused sex registrants must register every 30 days.

There is one gang registrant and one arson registrant that must register only once, and that process takes about an hour as well. However, if either of those registrants are out of compliance, the Senior Records Specialist receives the teletypes, then completes the follow-ups



and works with detectives on a plan for getting the out of compliance registrant into custody. This recently occurred and the out of compliance registrant was arrested for being out of compliance. Once released from jail, he was re-registered.

The Senior Records Specialist accepts all officer subpoenas from the court, manages the process for serving all officers, enters the subpoenas into the Department Outlook calendar, scans the documents and hand carries them to the sergeant for personal service.

Finally, the Senior Records Specialist is responsible for ordering all office supplies and kitchen equipment for the entire POB. She also orders supplies for Property and Evidence.

Since January 2024, the Senior Records Specialist has worked back and forth between Investigations and Records, yet without clear goals and objectives. The recent title change is blurred with no clear job description for the work that she is tasked to perform. She answers to two different supervisors: the Investigations Sergeant and Records Lead. Meliora PSC recommends the Senior Records Specialist be assigned solely to Investigations as the majority of the workload performed relates specifically to detectives. The other records work should be handled by Records staff.

Meliora PSC identified a significant area for opportunity for the LGMSPD. Police departments have used a long-standing practice of having police officers handle workload that can be handled by professional staff members. In an effort to examine proper staffing in the Investigations Division and identify cost-efficient ways to maintain safety in LGMSPD, Meliora PSC inquired about the use of professional staff assigned to assist with investigations, crime analysis, and other general investigative assignments. This practice has proven to be cost-effective as well as providing opportunities for civilian personnel to develop professionally within the department.

Civilian Investigators or Administrative Technicians are professional staff members who are assigned to investigate cases and conduct a multitude of various investigative functions. Contemporary police agencies use Administrative Technicians to perform functions formerly handled by sworn personnel and have proven to be an invaluable resource. These professional staff positions can be used within the LGMSPD to handle the crime analysis function for the department, investigate cases, assist in search warrant pre-investigation and preparation, conduct follow-up on Missing Persons and Adult Abuse cases, and assist with the investigative workload being handled by sworn officers.

Creating additional professional staff positions in the department enhances the professional development and career opportunities for civilians in the organization by providing a civilian career ladder. We learned LGMSPD already established a civilian career ladder and is applauded for this contemporary approach to police services. Meliora PSC recommends the department evaluate the feasibility of adding one FTE professional staff member and assign them to the Investigations Division. (More information on the duties and functions will be addressed in the Crime Analysis portion of the report.)



LOCATION

The Investigations Division is housed at the Los Gatos-Monte Sereno Police Operations Building (POB) located at 15900 Los Gatos Boulevard in the Town of Los Gatos.

POB is a one-story building, which opened in 2009. The Investigations Division is located in an office, which is configured in a “bay area” with individual cubicles for the detectives. There are six workstation cubicles. The Investigations Sergeant has an individual, private office, across the hall from the cubicle area – with a window that allows the sergeant to see directly into the bay area.

POB has multiple security cameras set up on the outside of the building, but none inside the building. There are no cameras in the Property and Evidence Room, Investigations, or near the departmental equipment/surplus room. (See recommendation below and recommendations contained within the Property and Evidence portion of this assessment for further details.)

The detective bay area office is left unlocked 24/7. Currently, anyone with access to the POB building has unlimited access to the detective cubicles. The sole reason for this is that one of the only two printers in the POB building is located in the detective office area. If that printer was moved outside the detective area to allow access for POB employees’ use, the detective office could be locked for off hours, weekends, and holidays. While evidence is not normally stored within the bureau, it should be a restricted area when it is unoccupied. There are work stations with active investigative files, operational plans, and access to confidential law enforcement computers. Meliora PSC recommends the detective office cubicles be considered a restricted area during off hours, holidays, and weekends. The department printer should be moved out of the area, cameras should be mounted at the door to the detective office, and a new physical key or key access system be installed, limiting access to division employees and command staff.

The Investigations Division has one non-secure designated interview room with audio and visual recording capabilities. The room is equipped with a single camera that is always recording and a covert microphone that can be turned on/off via a wall switch, and audio quality is poor. The recordings are stored on the same server as the department’s facility surveillance cameras and any LGMSPD computer can log into the camera system. During the investigation of a recent homicide, several departmental desktop computers were logged in at the same time to monitor the suspect’s interview and the system worked well with two exceptions. Those two exceptions have been identified and updated equipment is in the process of being ordered to alleviate any further issues.

Of note, the LGMSPD only stores its routine videos on the server for a few weeks rather than the 365 days required by law per California Government Code § 34090.6, which states in part:

Notwithstanding the provisions of Section 34090, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and



after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

Further, subsection (c) explains that “routine video monitoring” means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

Meliora PSC recommends LGMSPD develop written policy and procedure that are in accordance with the aforementioned mandatory statute and work with their legal consultant on destruction of videos.

With the 2023 closure of the department’s temporary holding facility, there is no longer a secure interview room at LGMSPD. The need for such a room has proven to be minimal with the holding facility’s secure interview room being used approximately three times in the past decade.

There is also no “witness center” at LGMSPD for the management of multiple witnesses after a critical incident. Triaging multiple witnesses and victims at a large-scale event can become unmanageable and, at times, not the best conditions for multiple victims and witnesses that must be interviewed. It is commendable that the department recognized this as an issue and is currently working with a local hotel for contract services to obtain multiple rooms to act as a witness coordination area on an as needed basis.

The POB building has a lobby with a front desk area; however, it is not staffed to accept visitors. If a visitor arrives at the front of the POB building, they are directed to pick up a phone, (on a wall at the front of the POB building) that rings directly to police dispatch, which is staffed 24/7. Dispatch must then contact someone within the POB, and advise them that someone is in front of the POB and needs assistance. This is cumbersome and confusing for visitors, community members, victims, and other individuals that must conduct business at the POB. Meliora PSC recommends assigning a professional staff member to serve as a contact person to assist people that come into the front lobby area during normal working hours, and clearly post those hours on the outside of the POB as well as the department website.

DUTIES AND RESPONSIBILITIES

Detectives conduct criminal investigations for both misdemeanor and felony crimes. The responsibility of the detective is to respond to crime scenes, case follow-up, investigations, presenting cases for prosecution and participating in court proceedings.



Accurate staffing is a key decision weighing on police leaders as they respond to their community's needs. This dilemma is not new, but is more critical in today's current fiscal environment. Communities expect police departments to have sufficient staffing to respond to investigative calls for service adequately and efficiently, and to handle quality of life issues appropriately.

We did discover that staffing levels in the Investigations Division have remained the same for many years. The budgeted SRO position was just filled prior to this assessment, as the prior SRO recently retired after being out of the workplace for an extended period of time. During the summer months and while school is out, the SRO assists detectives with investigations. However, the Investigations Division is currently operating with two of the four budgeted positions, and the budgeted Task Force Officer position has been vacant for the entire fiscal year due to short staffing. Meliora PSC recommends filling one detective position as soon as staffing allows. The second vacant detective position should be filled once department-wide staffing levels have been filled and stabilized.

TRAINING

LGMSPD utilizes Lexipol, which provides Policy Manual management and maintenance for police agencies. While all of the policies for LGMSPD are legally sound, they are not personalized for the department's operations and functions. This will be addressed in the Support Services Division portion of the report.

LGMSPD Policy § 600.2 states, "it is the policy of the Los Gatos-Monte Sereno Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor."

While the two detectives within the Investigations Division are currently assigned to investigate either Person Crimes or Property Crimes, they are considered generalists in that they are not assigned a specific type of investigation. If there is a homicide or death investigation, the entire Investigations Division would respond to the scene to investigate. This is true of other serious crimes such as sexual assaults, kidnappings, and shooting victims.

There is a significant opportunity for the LGMSPD in that there is no formal published Detective Manual that addresses procedures, processes, investigation tools, standard operations, case management, and case clearance procedures. Detective Manuals prove to be extremely helpful not only to newer detectives, but those detectives who are faced with a situation they may have never handled before such as writing a search warrant on a specific crime. It also can be helpful to sergeants newly assigned into the division. There are substantial amounts of available industry resources, phone numbers, federal, local and state contacts, basic investigative tools such as affidavit and search warrant samples, and general investigative knowledge information that would greatly assist investigations sergeants, incumbent and newly assigned detectives, as well as the Senior Records Specialist, who acts as the Court Liaison and Warrant Officer.



Meliora PSC recommends a comprehensive Detective Manual be published and specific written guidelines be developed.

There is no formal training process for newly assigned detectives. Once assigned to the Investigations Division, the only mandatory training a newly assigned detective receives is the California P.O.S.T. required Sexual Assault Investigations course. While there is a departmentwide Training Plan, the written protocol for specific training upon being assigned to detectives is vague and ambiguous and does not provide direction for a detective on what training is essential, desirable or recommended. Detectives are not even required to attend the Core Investigations Course, an essential course for investigators. Although kidnappings, homicides, and sexual assaults in Los Gatos and Monte Sereno are extremely rare, there have been two homicides within the past year. Also, the Person Crimes Detective is the representative to the County's Internet Crimes Against Children (ICAC) Task Force, but has not been to the Child Abuse Investigators course.

The two detectives assigned to the Investigations Division wrote approximately 100 search warrants within the last year. Many of these search warrants were for property crimes; including geo-fencing, phone and computer downloads, but some were in relation to crimes against persons. Detectives are not sent to Basic Search Warrant school, and there is no Detective Manual to highlight examples of search warrants. To advance the skills of their roles, Meliora PSC recommends that upon being assigned to the Detective Unit, every detective should attend, the California P.O.S.T. Core Investigations course, Homicide/Death Investigations, Child Abuse Investigators course, and a search warrant class.

While discussing investigative duties and responsibilities, it was discovered that detectives assigned to homicide investigations do not attend autopsies. Having the case detective present at the autopsy is an invaluable investigative tool as it assists in the investigation. Autopsies establish the identity of the deceased, determine the cause of death and time of death, and where possible, confirm or refute the alleged manner of death. When a case detective is present at the autopsy and evidence is recovered from the victim (bullets, knives, etc.), the detective can immediately take possession of the evidence and book it into the Property and Evidence room for immediate processing. This ultimately assists in the chain of custody when/if a trial commences. Meliora PSC recommends homicide case detectives attend autopsies.

CASE MANAGEMENT

Case management is a critical element of a properly functioning Investigations Division. Case management is a significant tool that that detectives use to manage their investigative resources and functions. Proper case management can assist in determining employee's workload performance and identify if an employee has taken on the majority of extensive cases, thus informing the supervisor who can quickly take action and reassign or redistribute duties and tasks to another employee. Workload data can also determine efficiency and effectiveness of the division, which can assist in optimizing how work is assigned. It can contribute in staffing analyses as well as assist in financial and equipment resource allocation.



There is no written protocol for case management to include assignment, tracking, follow-up of assigned cases. There are also no written checks and balances for investigative case management. Assignment, tracking and approval of investigative reports, follow-up calls and reports to victims and witnesses, and the recovery of surveillance footage is not necessarily captured in a timely manner. The current sergeant does an outstanding job managing these items; however, the sergeant will be retiring within the next month.

Currently, LGMSPD uses the Records Information Management System (RIMS) for detective case assignment, tracking, and investigative case management. However, the employees currently assigned to Investigations have not been trained on the software features nor how to utilize the system, and there are no written protocol or directions for using the software. Consequently, there are no documented updates, notes, or follow-ups in the RIMS case management system. Since the Records Division is responsible for formally clearing cases through NIBRS, detectives only show what cases they have open. LGMSPD was not able to provide the numbers of year-to-date cases that have been cleared for each detective. Staff indicated the one Person Crimes Detective has about 20-25 open cases, and the one Property Crimes Detective has about 75-100 open cases. It is hard to determine if detective’s caseloads are excessive or not as detectives do not use the detective component of the RIMS case management system. The Investigations Sergeant tried to extrapolate current case and clearance information, but it became extremely cumbersome. Meliora PSC recommends LGMSPD evaluate the entire detective case management component of the RIMS system to determine if it meets the needs of the Investigations Division. Then, conduct comprehensive training for all Investigations Division employees on the use of the RIMS Investigative component and conduct regularly scheduled update training.

Case audits are another key management and oversight feature in a well-run, fully operational Investigations Division. Audits, documentation, and resolution are critical components of proper investigative service delivery to the public as well as the victims of crimes. Due to the limited use of the RIMS Case Management system, case audits are not being completed. For future reference, the tables below are examples of the types of information that is useful in case management and audits.

TABLE 35: Detective Case Status Sample, 2021-2023

Case Status	2021	2022	2023	TOTAL
Active				
Closed by Detective				
Closed by Sergeant				
Closed				
Inactive				
Court Filing *Pending Court				
Court Rejected				
TOTAL				



TABLE 36: LGMSPD Filings Sample for Detectives, Patrol, Traffic, 2021 - 2023

Filing Rates	2021	2022	2023	Ratio
Cleared by Arrest				↓ %
Criminal Cases				↓ %
Felony Arrests				↓ %
Misdemeanor Arrests				↓ %
Case Rejected				↑ %

TABLE 37: Case Status Changes Sample, 2022 - 2023

Cases	2022	2023	Ratio
Detective Initiated Arrest			↓ %
Open/Pending Court			↑ %
Cases Filed			↑ %
Pending Filing			
Search Warrants			↓ %
Total Reported Cases			↓ %

There are no absolute standards to determine appropriate caseload for police investigators. One murder investigation could occupy the time of several detectives for months. In contrast, one detective could handle hundreds of theft cases in a similar period. The International Association of Chiefs of Police (IACP) suggests that a detective caseload between 120 and 180 cases per year (10 to 15 per month) is manageable. Other sources suggest that departments should staff one detective for every 300 Part I Index Crimes recorded each year; however, this does not take into consideration how many of those crimes were assigned to detectives. Due to the lack of case management information and RIMS not being fully utilized, we are unable to better address detective staffing. The limited data provided by the department is antidotal, and as such, we cannot make a definitive recommendation as to appropriate section-wide staffing levels and suggest no changes be made absent the availability of reliable data.

Crime Scene Investigation

Investigation of a crime scene is a highly specialized function. Successful identification and collection of evidence is of paramount importance in successfully solving crimes. There is no Forensic Team within LGMSPD, which is typical for the size and crime occurrence rate within Los Gatos and Monte Sereno.

All officers are equipped with a fingerprint kit, and have been trained in basic fingerprinting, basic evidence retrieval, and biological evidence recovery. For more extensive crime scenes,



LGMSPD contracts services with the on-call Crime Scene Team from the Santa Clara County Crime Lab. The contracting of services for this function has worked well for LGMSPD. The department also contracts services for computer forensics with the Santa County Crime Lab. There have been about 10 requests for computer forensics services, including cell phone requests, within the past two years. If there is an online Child Sexual Abuse Material (CSAM) case, the case would be investigated by the ICAC Task Force forensic team.

MISSING PERSONS INVESTIGATIONS

All basic missing person cases come in through patrol, who take the initial report, and are later reviewed by the Investigations Sergeant. In the event of highly unusual circumstances that would make the missing person case look suspicious or high priority, detectives would likely be requested, via chain of command, to respond and begin immediate investigation.

ELDER AND CHILD ABUSE INVESTIGATIONS

When an elder or child abuse is reported by the Department of Family and Children’s Services or Adult Protective Services during normal business hours, those agencies send a cross report to LGMSPD via fax to Records. Records then stamps and dates it for when it was received and forwards it via inter-office mail to the Senior Records Specialist. The Senior Records Specialist scans and emails it to the Investigations Sergeant who then reviews each case to determine the appropriate level of response and investigation. For every cross report, an incident number is created to show what was done in the case. The cross report gets attached to the CAD incident. Entering them into CAD also allows the department to have background information in the event there are future calls regarding the same persons or location.

Conversely, when a child or elder abuse case is sent during off hours (weekends and holidays), the faxed cross reports into Records could sit on the fax machine until the next business work morning. It could then take anywhere from one to three days to be sent to the detectives for review. Because the documented fax report physically travels from one building to another (HQ to POB), it is subject to getting lost – another adverse issue related to two police buildings.

The majority of these cases are not acute in nature; however, they still must be reviewed and triaged upon receipt to determine the urgency and assess if a patrol officer should be sent out to the victim’s location as soon as possible. Meliora PSC recommends the Patrol Watch Commander review and assess the faxed reports from CPS child abuse cases and APS elder abuse cases upon receipt. The Watch Commander should then send an email to the Investigations Sergeant advising what was done with the report, and what follow-up may need to be done.



NARCOTIC INVESTIGATIONS

There is no Narcotic Unit within LGMSPD, which is typical for the size and number of narcotic occurrences within the community. There are no allocated departmental narcotic funds, and there is no history of informant use at LGMSPD.

VICTIM ADVOCACY

LGMSPD Policy § 316 addresses Victim/Witness Services by ensuring that crime victims and witnesses receive appropriate assistance and are provided with information on available resources. LGMSPD is committed to providing guidance and assistance to the victims and witnesses of crime. The policy states, "The members of the Los Gatos-Monte Sereno Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy."

Policy § 316.3 requires the Chief of Police to appoint a member of the department to serve as the crime victim liaison, and that the crime victim liaison shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

LGMSPD has a comprehensive Victim Services Unit (VSU), which is staffed by one volunteer. The VSU volunteer is a longtime volunteer within the unit and is very adept at the services the unit provides. The volunteer has been formally trained on mandatory and proper victim/witness services. There is a comprehensive VSU Policy and Procedure Manual that addresses duties, responsibilities, procedures, qualifications, selection processes, and mandatory and continuing training for VSU volunteers. LGMSPD should be recognized and applauded for the outstanding overall management of the VSU and the services it provides. Meliora PSC recommends the manual be updated as it was developed and published in 2020. There have been updated mandated training requirements, for crime victim liaisons, as well as updated services to be provided to victims of certain violent crimes. It is a good practice to review the policy and procedure manual annually to incorporate any future updated mandates.

A goal within the Investigations Division should be to contact all crime victims; even those victims whose cases were not assigned to a detective. This is especially important for those cases that will never be assigned to a detective to let the victim know that the report was received; however, due to a lack of leads, the case was not assigned to a detective. The notification could also include a simple advisement on how to contact a detective should any leads arise. Currently, this is not being done due to limited time and resources. We believe contacting all crime victims would be an excellent opportunity to enhance community relations. Meliora PSC recommends the Victim Liaison be assigned to create an electronic, telephonic, or USPS victim notification system. The Victim Liaison has already been formally trained on Victim advocate needs, and contacting all crime victims would be a great community resource.



There is no cold case homicide team at LGMSPD, which is usual for an agency this size. The department utilizes the Cold Case Team at the Santa Clara County District Attorney's Office to look into the one cold case that occurred in the town in 2001.

DETECTIVE UNIT RECOMMENDATIONS

- Assign the Senior Records Specialist full-time to Detectives. (Recommendation #25)
- Add one FTE professional staff member Administrative Technician as a civilian case investigator assigned to Detectives and to handle the Crime Analysis function for the department. (Recommendation #26)
- Restrict the detective bay area work space when it is unoccupied by locking the door with limited access, move the printer out of the detective area, and set up a camera and passkey system. (Recommendation #27)
- Develop written policy and procedure in accordance with the mandatory provisions of CA Government Code § 34090 – maintaining and destroying “routine video monitoring” of building security recording systems. (Recommendation #28)
- Assign a professional staff member as a contact person for those who come into the front lobby area during normal working hours, and clearly post those hours on the outside of the POB as well as the department website. (Recommendation #29)
- Fill one detective position as soon as staffing allows and fill the second vacant detective position once department-wide staffing levels have been filled and stabilized. (Recommendation #30)
- Publish a comprehensive and contemporary Detective Manual. (Recommendation #31)
- Assign all detectives to attend the Basic Core Investigations Course, Homicide/Death Investigations Course, Child Abuse Investigator's Course, and search warrant class upon assignment to the unit. (Recommendation #32)
- Ensure homicide case detectives attend autopsies associated with their cases. (Recommendation #33)
- Evaluate the RIMS Detective module to determine if it meets the current needs of the Investigations Division and conduct continual training for all Investigations Division employees on the use of the RIMS Investigative component. (Recommendation #34)
- Assign the Patrol Watch Commander to review and assess the APS elder abuse cases and the CPS child abuse cases faxed during off-hours and communicate to the Investigations Division what was done. (Recommendation #35)
- Update the Victim Services Unit procedure manual and conduct a review annually for any needed changes. (Recommendation #36)
- Implement a crime victim notification system and assign the Victim Liaison to create an electronic, telephonic, or USPS system. (Recommendation #37)

Crime Analysis

Crime analysis has several benefits such as aiding a police agency in deploying resources in a more effective manner, enhances public safety by identifying crime trends, and assists in



creating crime prevention strategies. A crime analyst can be pivotal in compiling and reviewing data regarding crime and criminal activity.

The systematic analysis of data and information is valued by police agencies seeking to improve their effectiveness in preventing and managing crime within their communities. Crime analysts review all police reports with the goal of identifying emerging crime patterns. The crime analyst is trained to use technology, software systems, and intelligence training to capture patterns related to criminal activity, traffic collisions, crime mapping and predictive crime analysis. Some analysts have the ability to assist with data mining CAD/RMS data to assess workload, digital download assessment for phones, computers, and other digital devices, calls for service, response times, and activities of organizational personnel. Many crime analysts prepare weekly crime analysis reports that are shared with Patrol, other field operational units, and other areas within the agency.

LGMSPD Policy § 800.1 states that crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

The policy includes where to find Data Sources and defines Crime Analysis Factors; nonetheless, it is lacking in detail and has not been personalized for LGMSPD. For instance, the policy has one paragraph explaining Crime Analysis Dissemination, but the policy does not establish who is responsible for disseminating crime analysis information and does not define "timely basis" for disseminating the information. The policy is vague and ambiguous and lacks detail, which renders it impractical. There is no crime analysis being conducted per the LGMSPD Policy § 800.

In the past, LGMSPD had a Crime Analyst but the position was deleted from the budget. Eventually that position transformed into the Senior Records Specialist. When Meliora PSC reviewed the Town of Los Gatos job description for the Senior Police Records Specialist (for Detectives), there was no mention of crime analysis duties. However, listed as one of the Police Records Specialist's "typical functions" is a job duty description of, "*Enters data into computer system to build a database which will provide information for statistical reports, criminal activity, crime analysis, tracking offenders, management of records, workload description, tracking officer activity and special services as required.*" Regardless, the department policy nor the job duty description designates which employee is responsible for the dissemination of crime information and the crime analysis function.

Crime analysis has numerous benefits such as aiding a police agency in deploying resources in a more effective manner, enhances public safety by identifying crime trends, and assists in creating crime prevention strategies. A crime analyst can be pivotal in compiling and reviewing data regarding crime and criminal activity.



Meliora PSC recommends adding one FTE professional support staff positions such as an Administrative Technician assigned to Crime Analysis. This position can be the same position as the previously mentioned professional support staff member discussed within the Investigations portion of this assessment to assist at the front counter. By having multiple staff members in a classification allows the opportunity to build upon the existing civilian career ladder where personnel are able to perform a variety of assignments within their tenure with LGMSPD.

CRIME ANALYSIS RECOMMENDATION

- Add one FTE professional staff Administrative Technician position as a Crime Analyst assigned to the Investigations Division. (Recommendation #38)

School Resource Officer

The sole School Resource Officer (SRO) is assigned to the Investigations Division – Detective Unit. They have a dedicated desk within the Detective Unit office. The SRO is responsible for interactions to the public schools within Los Gatos and Monte Sereno, and are partially funded by the school districts.

SRO SCHEDULE

The current SRO is newly assigned as of the summer of 2024. They work a 4/10 shift schedule Tuesday through Friday from 7:00 a.m. to 5:00 p.m. and can adjust their hours for special school events and trainings.

They will occasionally work “school specific” overtime spots such as football games, dances, and graduations. The new SRO began meeting with various school staff members before the academic year ended. During the summer when school is out of session, the SRO works within the Detective Unit assisting detectives with their caseload.

SRO DUTIES AND RESPONSIBILITIES

The SRO is not assigned to specific schools and does not function as part of the staff at any schools. The SRO does not have dedicated office space at any of the schools; rather, the SRO has built a network of contacts with administrators across the district and checks in with them as needed.

SRO duties include safety and security of the students at the five schools within Los Gatos-Monte Sereno during school and at certain after school events. There is one high school, Los Gatos High School, which is in the Los Gatos-Saratoga Joint Union High District. There is one middle school, Raymond J. Fisher Middle School, and three elementary schools that all fall under the Los Gatos Union School District. There is also other elementary school physically



located in the Town of Los Gatos, but is in the San Jose Unified School District; however, the SRO does not provide services to that school. The SRO does not provide services to the private schools within Los Gatos-Monte Sereno.

The SRO meets with different school administrators (including members of the district) usually at the beginning of the year. The SRO also conducts risk assessments at the high school and middle school at the request of school's administration.

The SRO is responsible for taking reports that occur at the school brought to them by school administration, parents, DCFS, and some reports that have a nexus to the school.

The SRO engages in a variety of other activities that include, but are not limited to:

- Conducting educational youth programs such as drug awareness, on-line awareness classes, E-Bike safety, gun local programs, bicycle helmet safety, Mothers Against Drunk Driving (MADD) awareness, and other safety programs as requested by the schools or if a situation occurs that requires additional presentations to the students and parents.
- Providing an Active Shooter presentation/training at the high school each year.

SRO SELECTION AND TRAINING

Meliora PSC learned there is no current job description for the School Resource Officer even though the SRO is considered a specialty assignment covered under the LGMSPD Policy § 1002.2. The minimum requirements and selection process are described in the policy as well as in the Personnel and Training portion of this report.

The current SRO has been in the position for less than two months, and has not yet attended POST or other training specifically focused on school resource officer duties. Since there is no written job description, there are no specified training requirements either. Meliora PSC recommends a job description be developed to include specific training requirements for the SRO position. This may include attendance at the POST 40-hour School Resource Officer course and California School Resource Officers Association annual conference.

SRO RECOMMENDATION

- Develop job description and specific training requirements for the SRO position. (Recommendation #39)

Property and Evidence Unit

Property and Evidence (P&E) operations are some of the highest risk functions within any law enforcement agency. How a police agency takes in, processes, stores and disposes of property and evidence is of utmost importance. It is especially true for weapons, narcotics, currency, and



jewelry. Police agencies across the nation have faced severe consequences for the mismanagement of property and evidence units.

LGMSPD Policy § 802 states, “the Property and Evidence purpose and scope provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.”

Meliora PSC determined that the directives in Policy § 802 are not strictly followed, and there is no written procedure manual. The Administrative Technician is currently working on a Property and Evidence Room Policy and Procedural Manual as well as “work flow charts.” Meliora PSC, recognizes and appreciates this effort, and the importance of the completion of the manual and work flow charts cannot be understated. A policy and procedure manual must be published as soon as practicable. This manual should be regularly updated as appropriate.

The Property and Evidence Administrative Technician has attended basic California Association of Property and Evidence (CAPE) training, and LGMSPD relies on direction from CAPE for standard operating procedures and best practice changes. CAPE membership also includes the annual seminar and chapter meetings as well as online support/classes if needed. LGMSPD is commended for ensuring P&E staff are provided proper resources to perform this important duty.

STAFFING

P&E is staffed with one full-time Property and Evidence Administrative Technician. There is also a Senior Detectives Records Specialist who serves as a back-up if the P&E Administrative Technician is out of the office.

There have been many personnel changes within the P&E room including, P&E Technicians, back up techs, sergeants, and other command staff members. IAPE recommended Standard 8.6 Security – Lock Changes states that locks, access codes, and combinations to the property room should always be changed with any resignation, termination, retirement or transfer of Property Unit key-holding personnel. Meliora PSC was unable to get a definitive answer to when the last lock, access codes, and combination codes changes were made. With the most recent sergeant retirement, Meliora PSC recommends an entire lock, access and combination code change be completed.

The P&E Administrative Technician works a 4/10 schedule, Monday through Thursday from 7:00 a.m. to 5:00 p.m. P&E appointments for the public are offered between 8:00 a.m. and 4:30 p.m., Monday through Thursday. The public can make an appointment via email or phone contact.



The P&E Administrative Technician took over P&E in June of 2023 and has worked within the law, best practice guidelines, and policy to update the P&E room to align with industry standards. LGMSPD is to be commended for proactively addressing P&E as well as complimenting the Administrative Technician for outstanding efforts in this critical endeavor. During the organizational assessment, Meliora PSC identified improvement areas and made recommendations in the report for development and overall P&E oversight and management.

LOCATION/SECURITY

The P&E room and main storage area is located on the first floor of the POB. There is a second Property and Evidence storage warehouse facility located at 41 Miles Avenue in the Town of Los Gatos.

There are approximately 6,500 P&E items stored at the POB main evidence room, POB bike cage area (bicycles and other items), and POB outside closet area. The main P&E storage room appears to be clean and well organized. Items held in the main P&E room are contained in envelopes or bags and stored within a designated box or on a designated shelf.

The bike cage is a chain link fence enclosure with a sloped roof offering some protection from the elements. The gap between the roof and top of the fence runs from 10 to 17 inches. No evidence is stored in this area, only safekeeping and found property. The bike cage area is accessed by a physical key.

The current number of items at the off-site warehouse is unknown as these items were never entered into RIMS. The P&E Administrative Technician is in the process of entering in those items into the RIMS system.

The International Association of Property and Evidence (IAPE) and the California Association of Property and Evidence (CAPE) are two of the foremost authorities on facility structure, intake protocol, evidence maintenance, security, and the overall management of the property and evidence function within a law enforcement agency. IAPE has a published Professional Standard Manual that identifies recommended standards for Property and Evidence functions/operations within a police agency. Meliora PSC has utilized those set published standards for the basis for identified areas of improvement within the LGMSPD P&E facility.

POB PROPERTY AND EVIDENCE ROOM

The external POB building walls are made of concrete. One of the walls of the P&E room borders the POB exterior concrete wall. The other three walls of the P&E room are constructed of building grade drywall and are interior walls inside the POB. Two of those walls are solid drywall from floor to a drop ceiling. The third drywalled wall is placed in between the evidence processing room and the actual P&E room. The wall is made up of 25 one-way secured intake evidence lockers. P&E technicians can retrieve items once locked in the lockers, but employees



placing items in the lockers cannot reopen a locker once an item has been securely placed in the locker. The wall that houses the 25 lockers does not go to the ceiling; the wall only goes up to the drop ceiling that is all throughout the POB. We inquired about the proper security to include the internal walls and LGMSPD staff tested the third wall and learned it is not secure since there was a small crawl area to allow access to the P&E room (although there is no history of a breach). IAPE Standard 5.1 (Facilities- Construction) state, “A Property facility should be constructed to provide levels of security that will deny unauthorized entry, and provide a safe working environment.”

More specifically, Standard 5.1:1 and 5.1:2 identifies the construction materials and specifications for exterior and interior walls:

1. *Exterior Walls*

The building materials should ideally consist of concrete blocks with concrete filled cells, poured concrete walls, tilt-up concrete walls, or other similar material. Other types of prefab or modular construction may be suitable under some conditions, such as metal or brick buildings.

2. *Interior Walls*

It is best to avoid sheetrock or drywall, as it can easily be penetrated. In the event drywall is used, it should be backed with plywood, wire mesh, a double layer of drywall, or laminated gypsum board. All interior walls should extend from the floor to the roof, or the floor pan of the next level. This prevents access into a controlled area by climbing over a wall through a suspended ceiling.

Meliora PSC noted that the exterior and interior walls of the LGMSPD Property Room do not meet the IAPE recommended standards as provided in 5.1 Facilities – Construction Standard.

There are two entry doors into the P&E room; one from inside the Administrative Technician’s office, and one in the POB hallway close to where firearms are stored. The only way to enter the P&E room from the Administrative Technician’s office is through a third door that enters the office from the POB hallway. For clarification, the Administrative Technician’s office sits in between the door to the POB hallway, and the entry door to the P&E storage room. All three doors are operated by the same physical key, and the two P&E room entry doors also have the ability to be opened by key card that is electronically access monitored. The physical key is only issued to the Administrative Technician assigned to P&E. The Investigations Sergeant and the Senior Detectives Records Specialist have access via key card, but they are not issued a physical key. The two entry doors are fire rated, solid wood, and have automatic closures.

IAPE Standard 5.1: 5 states:

5. *Doors*

Exterior doors should be metal clad with metal frames. The hinges to these doors should always be located on the inside unless they are special security hinges Interior doors should be solid-core or metal clad. Half-doors or Dutch doors, where permitted by code, should be dead-bolted on both halves.



Meliora PSC acknowledges that the IAPE requires P&E storage room entry doors are to be made of flush metal, or metal clad with solid cores to prevent breaching. The entry doors to the LGMSPD P&E storage room do not meet IAPE recommended standards.

There is a locked and secured money safe, equipped with coded key pad for opening. LGMSPD P&E is in compliance with industry standards for the monetary safe.

IAPE Industry standards recommend that specialized lockers and shelving be provided for evidentiary weapons storage and for drug storage in secure rooms that are separate from the rest of the evidence storage room. These rooms should also have separate key card access. There is no separate secured room for firearms in the LGMSPD P&E storage room. Firearms are stored, within the P&E storage room, on shelves near one of the two entry doors, and against a wall that borders an office (not within the P&E storage room). That wall is made of drywall; however, it is solid from floor to roof. This wall configuration rises above the drop ceiling.

IAPE Standard 11.4 Firearms – Storage states: The following are recommended features for a firearm storage area:

- 1. A firearm room, closet, or cage should be constructed of concrete block, lath and plaster, security screen, or drywall that has been reinforced with plywood or wire mesh. The room should not have suspended ceiling access from an adjacent room. Ingress should be via a solid core door equipped with a double cylinder dead-bolt keyed separately from the main property room.*
- 2. A locker, cabinet, or locking shelves may be used for smaller quantities of firearms. There should be a separate padlock on a hasp to secure the doors.*
- 3. Any room or area that maintains firearms should have a separate alarm and video system to monitor ingress and activity inside.*

Meliora PSC observed that the LGMSPD gun storage area does not meet the IAPE recommended standards regarding a firearms storage room. Guns are locked within the P&E room with other secure evidence. Meliora PSC recommends a gun storage room (closet or cage) be constructed to meet industry standards.

While there is a separate narcotics vault with a physical key access, there is no ventilation in the vault. Best practices recommend that narcotics vaults be equipped with ventilation. IAPE recommended standards are:

Any area that is used for storing drugs should be independently ventilated in a manner that noxious fumes are removed from the building, and not re-circulated into the building's heating, ventilation, and air conditioning (HVAC) system. The proper design of a drug storage area should include a "negative pressure" ventilation system that changes the air in the storage room approximately 10-12 CPH (changes per hour). Heating, air conditioning, and ventilation system duct or registers should be constructed to prevent unauthorized entry into the secure storage area.



Meliora PSC recommends a ventilation system be installed per the specifications of industry standards.

There are no security cameras located at the two P&E entry doors, there is no security camera in the evidence intake and processing room, and there is no alarm at the POB Property and Evidence room. Further, IAPE Standard 8.7: Security – Alarms recommends that all storage areas should be alarmed and monitored on a 24-hour basis. Storage rooms that contain guns, money and drugs should be separately alarmed or independently zoned area whenever possible. Meliora PSC recommends LGMSPD install security cameras and alarms per IAPE recommended standards and industry best practices.

IAPE Standard 8.1 Security – Policy states, “Written policy should require access controls that will ensure that unauthorized persons do not enter secure areas. These controls include, but are not limited to: key control, changing locks or access codes with changes of personnel, access logs, after-hours procedures, use of surveillance cameras and alarms.”

While the P&E Administrative Technician is currently writing a procedure manual and creating workflow charts specific to the functions/operations of P&E, Meliora PSC could not locate any written policy addressing access controls, after-hour procedures, and use of surveillance cameras. It should be noted that when the Administrative Technician allowed Meliora PSC access to assess the Property Room, proper industry protocol was followed requiring logging in/out a written access log that required all necessary information for good record keeping. No public entrance is allowed into the POB P&E room. If a member of the public needs to recover property from the P&E room, they make an appointment. Once at the POB lobby, the P&E Administrative Technician brings the evidence/property to the lobby where it is then released. At no time does a member of the public go into the P&E room.

Meliora PSC strongly recommends that the entire POB P&E room be completely refitted and renovated to meet (or exceed) industry standards on building requirements and best practices on security measures. Construction, safety, ventilation in the narcotics vault, gun storage, and overall security measures are just a few of the items that the Town of Los Gatos must address to bring the P&E room up to professional recommended industry standards.

PROPERTY AND EVIDENCE STORAGE WAREHOUSE

The P&E storage warehouse is located at the Town Corporate Yard. Staff indicated after 2014, the POB property room ran out of storage space and the P&E CSO requested a secondary storage location. It was decided that the secondary storage area would be housed at the Los Gatos Corporate Yard.

The warehouse building is made of single layer corrugated steel. The building has one shared wall with a division of the Town’s Public Works Department. The other three sides of the building are not shared nor are they attached to any other building. The building does have a temperature control monitor. Per IAPE standard 5.1.1, while exterior walls should ideally



consist of concrete blocks with concrete filled cells, other types of prefab or modular construction *may* be suitable under some conditions, such as metal or brick buildings. As such, this storage warehouse may be in compliance with the set standards of the IAPE. To ensure certainty of compliance to standards, Meliora PSC recommends an IAPE or CAPE auditor or inspector be contacted to further advise.

There is a physical key required to enter the storage building as well as an alarmed key pad. Once inside the building, there is desk area to the right and an open bay area to the left. The left side is where the wall is shared with Public Works. To the right and behind the desk area is a partitioned “cage” area, taking up about 1/3 of the building, which is secured by a chain link fence made of heavy metal material. The fenced in partition is lined with a plastic cover to reduce the ability to look into the caged area. There is an alarm connected with the chained partitioned area. There is also a heavy padlock attached to a thick chain as a locking mechanism for the partitioned area. The locked partitioned area is where the overflow of P&E is stored.

There is also a refrigerator contained within the partitioned area; however, it is not functional. Staff indicated that any DNA evidence is retained off site at the Santa Clara County Lab as well as the Santa Clara Sexual Assault Forensics.

There are security cameras in the warehouse; however, there is no written policy on how long the security footage is kept. LGMSPD only keeps routine video monitoring for a few weeks. Meliora PSC recommends LGMSPD develop written policy in adherence to Government Code § 34090 and maintain routine video monitoring for 365 days.

There is an open bay area to the left of the partitioned cage, which is where the Disaster Aid Response Team (DART) stores equipment. DART is a civilian volunteer group who are managed by a LGMSPD supervisor. If DART needs to access the equipment, the LGMSPD supervisor must be called and they will be the one to access the building. It should be noted that while the supervisor does have a building key, there is a separate distinct alarm code, which is different than the alarm code used for P&E entrance. This is a good practice to deter unauthorized access.

Behind the DART equipment storage area is another secured chained area, which currently houses a vehicle for evidence. Inside this secured area, and to the rear of where the vehicle is being stored, is a public works meter that must be regularly checked. Because this area is secured and housing evidence, a supervisor or the P&E Administrative Technician must unlock the evidence area, and must be present the entire time Public Works is on scene. This area is very small and cannot accommodate the storage of another vehicle held for evidence. There is no dedicated area for automobiles, RVs, and boats that are impounded by LGMSPD for evidentiary purposes. Meliora PSC recommends that LGMSPD research other areas for maintaining long-term storage of evidence vehicles.



STORAGE LOCKERS

There are a sufficient number of lockers (25) within the main P&E room intake area, which is located in the office next to the main P&E storage room. Items can be deposited into the lockers, but cannot be taken from them once deposited. P&E technicians can retrieve the items at any time. There is also a small refrigerator available to employees booking evidence in need of refrigeration; however, there is no locking mechanism to secure evidence. Rather, should evidence be placed in the refrigerator, a crime scene seal is placed on the door and the Administrative Technician then takes the evidence to the county crime scene lab.

DIGITAL PROPERTY MANAGEMENT

Due to the growing need for transparency and proper oversight of property and evidence, contemporary police agencies use digital property management systems to ensure efficiencies in this area. Meliora PSC learned LGMSPD P&E utilizes a RIMS-based barcoding system, which includes the use of a wireless hand-held scanner.

INTAKE AND PROCESSING

There is a clean and well stocked evidence processing room. It is adjacent to the POB P&E storage room. There is adequate counter space for processing multiple items, and the room is equipped with cabinets and a working sink. There is an eye rinsing station that was not tested to determine if it was in working condition but was within valid limits of the expiration period. The bar code scanner is easily accessible and was working when we observed its use. There are 25 one-side secure lockers for evidence, which is sufficient for the amount of evidence processed by LGMSPD staff.

The intake process at the POB Property and Evidence Room is as follows: Officers or other employees within the department who have authority for seizing property and booking into the P&E room use a barcode scanner and print a barcoded label, which is applied to the property/evidence item(s). Once the property/evidence is secured in the locker, access is no longer available from the employee's side.

Property and Evidence staff subsequently collect the property/evidence from the other side of the locker within the secured P&E intake facility, process it, and then assign the item to a storage location.

DUTIES AND RESPONSIBILITIES

Although Policy § 802 – Property and Evidence is very detailed and contains procedures for certain P&E tasks, there is no Property and Evidence Procedure Manual identifying all the duties and responsibilities of the unit. The LGMSPD webpage highlights the duties as the Evidence Technician is responsible for managing all property and evidence which comes into



the police department. This includes three distinct functions; receiving, storage, and disposition. Receiving property and evidence includes the responsibility for proper packaging, documentation, safety and security of the items.

From information gleaned within Policy § 802, the Property and Evidence Unit maintains evidence and property collected by officers, detectives, and other employees within the LGMSPD. P&E maintains items that are related to criminal matters, evidence seized, narcotics, found property, weapons, and firearms. Annual inspections and audits and monthly supervisory inspections are mentioned in Policy § 802.8 - Inspections, but there is no mention of any of these duties involving P&E staff. It should be noted that the current P&E Administrative Technician has identified many of these deficiencies and has taken it upon himself to develop written procedures and workflow charts to be published at a later date, which is an example of the high priority the technician and leadership of LGMSPD has placed on addressing the issues with P&E.

Multiple times during the assessment, supervision was unaware or unfamiliar with CAPE and IAPE’s recommended standards and requirements. This is no fault of the supervisors as the LGMSPD has not normally sent a supervisor to CAPE or IAPE training. Meliora PSC recommends that the P&E Administrative Technician and the Investigation’s Sergeant attend the IAPE’s Property and Evidence Management Course.

Policy § 802.7.1 addresses Exceptional Dispositions, including weapons and narcotics, but does not establish a written procedure for annual destruction or purging, nor does it address how it should be done or which personnel should be managing the destructions. There are professional, industry, and legal standards for purging and destruction. As such, Meliora PSC recommends that written policies be established for purging, destruction and disposition of property contained within the LGMSPD P&E room.

TABLE 38: Property and Evidence Workload, 2020-2023

Category	2020	2021	2022	2023
Total Intake	3,027	4,492	4,751	5,836
Total Purged/ Destroyed/other	28,323*	74	18	13,744**
Items Sent to Lab	1	0	1	7
Items Checked Out to court	0	0	0	1
Items Released to Owner	67	65	106	125
Total Activity	33,438	6,652	6,898	21,736

*Source: Los Gatos-Monte Sereno Police Department. *The numbers depicted for 2020 purging were due to the LGMSPD implementation of a new RIMS P&E system. ** The numbers depicted for 2023 purging was when the new P&E Administrative Technician was hired.*



AUDITS AND INVENTORIES

In order to ensure property and evidence is maintained in a professional manner consistent with industry best standards, audits and inventories are crucial. In a number of cases, agencies may have audits and inventory schedules included in the property and evidence policy and procedure; however, as previously discussed this is not the case with the LGMSPD P&E Unit.

One of the most overlooked areas of property and evidence is the audit and inventory of the unit. The purpose of a police department's P&E room audit is to review how well the department receives, inventories, and establishes chain of custody with regards to property and evidence. It also reports how well a department maintains property and evidence while it is in its custody, how the department releases evidence for investigations and court purposes, and if the items have been purged correctly. Agencies have begun to recognize that the consequences of mismanagement of property and evidence can lead to agency embarrassment, lost court cases, loss of public confidence, and in some instances, financial loss.

The Administrative Technician is currently conducting a major audit of the P&E Unit that began in mid-2023 and is expected to conclude in 2024. The audit has identified significant shortcomings in the previous P&E Unit software and processes. Evidence tracking is being converted from a defunct software product to RIMS. Past practices and procedures are being evaluated as well.

Policy § 802.8 – Inspections of the Evidence Room requires that the supervisor of the evidence custodian shall, on a monthly basis, make an inspection of the storage facilities and practices to ensure adherence to policies and procedures. Subsections (b) and (c) further necessitate unannounced inspections of the evidence storage areas shall be conducted annually as directed by the Chief of Police, and an annual audit of evidence will be conducted by a Captain, not associated with evidence control. Finally, subsection (d) states that whenever there is a change in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated with the property room function. It appears Policy § 802.8 is not being followed. When Meliora PSC inquired about the last audit or inventory, there was no knowledge or records of the required audits or inventories being conducted. Meliora PSC recommends that the supervisor from Investigations Division conduct monthly inspections, and that all of the requirements in Policy § 802.8 be adhered to regarding inspections, audits and inventories.

Once again, the P&E Administrative Technician identified the lack of adherence to Policy § 802.8, and is currently conducting an internal audit to manage the amount of evidence that had not been purged in years. Meliora PSC recommends a full P&E inventory be conducted immediately and the results be documented and retained. Additionally, an external P&E audit should be completed by June 2025.

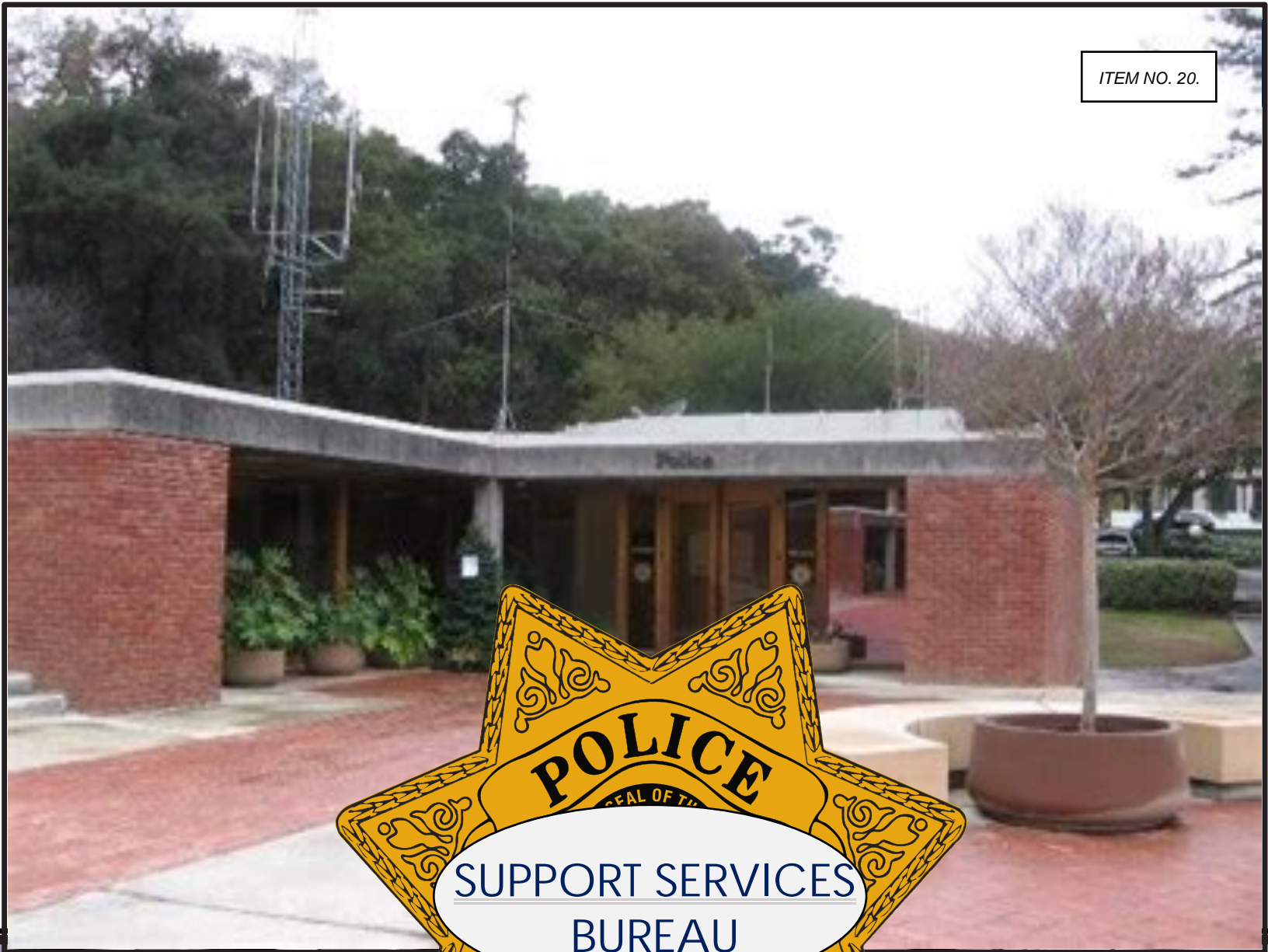
During the observation of the items stored within P&E, Meliora PSC conducted a random on-site assessment of P&E items to detect proper intake, reporting, barcoding, and placement of



P&E items stored within the P&E facility. At no time did Meliora PSC personnel handle or take possession of any items that were reviewed during this random assessment process. Two weapons were observed to be properly barcoded, marked, tagged, and placed appropriately. These two items were cross referenced to the initial intake, barcoding, and P&E electronic processing/intake of the items. Proper procedure and processing were followed for both items. This same protocol was observed for a cash item from the secured safe. Proper procedure and processing were followed for all items assessed.

PROPERTY AND EVIDENCE RECOMMENDATIONS

- Continue with the creation and implementation of a Property and Evidence Unit Policy and Procedure Manual and conduct annual updates. (Recommendation #40)
- Immediately change the entire lock, access, and combination code for P&E and ensure this is done any time a change in key access personnel or supervision occurs. (Recommendation #41)
- Construct a separate gun storage area that meets IAPE/CAPE standards. (Recommendation #42)
- Install ventilation in the Narcotics storage area consistent with industry standards. (Recommendation #43)
- Install monitored security cameras per IAPE/CAPE standards. (Recommendation #44)
- Install an alarm in the POB P&E room in all recommended areas. (Recommendation #45)
- Renovate and retrofit the entire POB P&E storage room to meet (or exceed) industry standards on building requirements and best practices on security measures. (Recommendation #46)
- Contact an IAPE/CAPE construction inspector to ensure compliance of construction standards for the P&E off-site storage warehouse. (Recommendation #47)
- Develop written policy for adherence to Government Code § 34090 to maintain “routine video monitoring” for 365-day requirement. (Recommendation #48)
- Research storage solutions and protocol for long-term storing of vehicles kept for evidence. (Recommendation #49)
- Assign the P&E Administrative Technician and Investigations Sergeant to attend the IAPE Property and Evidence Management Course. (Recommendation #50)
- Establish written policies and procedures for purging, destruction, and disposition of property contained within the P&E evidence and storage areas. (Recommendation #51)
- Immediately conduct inspections, audits and inventories as described in Policy § 802.8. (Recommendation #52)
- Immediately conduct a complete and thorough property and evidence full inventory and document and retain the results. (Recommendation #53)



SUPPORT SERVICES
BUREAU





The Support Services Bureau is responsible for the business portion of the LGMSPD and overall administrative functions. The bureau is comprised of Communications, Records, Personnel & Training, Community Outreach, Budget, and IT. Community members interact with personnel in the Support Services Bureau at the front counter, over the phone, and through a variety of community programs, events, and incidents.

Due to the number of staff and volunteers working in the bureau, and the various types of duties and responsibilities to include Records, Communications, and volunteers, and the organizational management functions to include budget and units related to professional standards and training, a civilian middle manager is recommended to be added to the bureau. The police manager would not only be able to assist with personnel management, but also assist with budget and IT oversight. This would allow the Support Services Captain to be responsible for the overall bureau while also providing a manager to assist with personnel and organizational management. Meliora PSC recommends adding one FTE civilian police manager. This will enhance the civilian career ladder for professional staff within the LGMSPD and also ensure the increased requests for discovery and public records are fulfilled and overseen by a qualified civilian manager with requisite prior experience.

SUPPORT SERVICES BUREAU RECOMMENDATION

- Add one civilian, FTE Support Services Manager to the bureau. (Recommendation #54)

COMMUNICATIONS DIVISION

LGMSPD Communications Division serves Los Gatos’ 32,402 and Monte Sereno’s 3,343 residents, business owners, and individuals who visit or traverse through the communities. Dispatchers are the answering point for all 9-1-1 calls and are responsible for business calls (also referred to as administrative calls) that come into the police department during business and non-business hours. Dispatchers also provide services for all police personnel and volunteers that are in the field.

DISPATCH STAFFING

TABLE 39: Communications Division Staffing, July 2024

Position	Authorized	Actual	Vacant
Support Services Captain	1	1	0
Lead Dispatcher	1	1	0
Senior Dispatcher	2	2	0
Dispatcher	5	4	1
Total	9	8	1

Source: Los Gatos-Monte Sereno Police Department.



Dispatch operates on minimum staffing which can cause an issue for vacation and sick time coverage. LGMSPD currently has one open dispatcher position; it does not require prior dispatch experience. Training a non-experienced dispatcher takes several months/hours and can be exceedingly difficult for the employee to retain information when only working a limited number of hours. Police dispatchers require comprehensive training in handling emergency calls, prioritizing responses, and learning additional ancillary duties.

The current dispatcher schedule is based on call taking and dispatch coverage over a 28-day pay period. Six dispatchers work three, 12-hour shifts on day shift (6:00 a.m. to 6:00 p.m.), swing shift (12:00 p.m. to 12:00 a.m.), and midnight shift (6pm-6am) the first week and four, 12-hour shifts the second week resulting in a built-in eight hours of overtime every 28 day pay cycle. The dispatcher in training is working four, 10-hour shifts each week. When the dispatcher successfully completes training, schedule adjustments will be made reducing overtime. The Lead Dispatcher typically works days/hours; however, the lead also fills in when dispatch positions need to be filled.

TABLE 40: Dispatch Schedule, July 2024

DISPATCHER	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	6AM-6PM	6AM-6PM	PAYBACK				6AM-6PM
2			PAYBACK	6AM-6PM	6AM-6PM	6AM-6PM	
3	12PM-12AM	12PM-12AM	12PM-12AM	PAYBACK			
4				PAYBACK	12PM-12AM	12PM-12AM	12PM-12AM
5	6PM-6AM	6PM-6AM	6PM-6AM				PAYBACK
6				6PM-6AM	6PM-6AM	6PM-6AM	PAYBACK
7	VARIOUS – IN TRAINING						

Source: Los Gatos-Monte Sereno Police Department.

WORKLOAD DEMAND/CALL VOLUME

Each dispatcher is responsible for the emergency and non-emergency calls from the public and dispatching on the radio to officers and other field personnel, as well as assisting with field requests.



TABLE 41: Telephone Call Load, 2020–2023

	2020	2021	2022	2023
Total - 911 Calls				
911 Calls	8,191	9,066	9,474	10,319
Abandoned 911 Calls	789	913	1,077	4,203
% of 911 Abandoned Calls	8.79%	9.15%	10.21%	28.94%
Total 911 Calls	8,980	9,979	10,551	14,522
Total – 10-Digit Emergency Calls				
10-Digit Emergency Calls	1,760	1,626	8,076	22,617
Abandoned 10-Digit Emergency Calls	147	162	159	185
Outbound 10-Digit Emergency Calls	72	27	273	1,278
% of 911 Abandoned Calls	7.45%	8.95%	1.87%	0.77%
Total 10-Digit Emergency Calls	1,979	1,815	8,508	23,913
Total – Administrative/Non-Emergency Calls				
Administrative/Non-Emergency Calls	32,855	33,025	24,813	9869
Abandoned Administrative/Non-Emergency Calls	78	95	71	77
Outbound Administrative Calls	16,510	16,788	16,471	14,923
Unparsed	0	0	0	0
Total Administrative/Non-Emergency Calls	49,443	49,908	41,355	24,869
Total of All Calls	60,402	61,702	60,414	63,304

Source: Los Gatos-Monte Sereno Police Department – ECaTS report.

During the process of gathering the above-requested data, staff discovered that the non-emergency and administrative phone lines were the same number. Meliora PSC recommends LGMSPD correct this issue. Emergency Call Tracking System (ECaTS) staff advised LGMSPD that the current Vespa phone system is antiquated and cannot allow full functionality of ECaTS. A new phone system will be purchased upon anticipated funding by the California Office of Emergency Services which should address this shortcoming.

To determine the busiest hours for LGMSPD, we examined telephone call data by hour that showed between 8:00 a.m. and 7:00 p.m. represent the busiest hours for the dispatch center. The following table shows call activity by hour of day for 2023. It should be noted this does not include radio traffic workload or ancillary duties.



TABLE 42: Average Hourly Telephone Call Load, 2023

Hour of Day	Call Volume	Daily Average
Midnight	987	3
1:00 a.m.	792	2
2:00 a.m.	766	2
3:00 a.m.	561	2
4:00 a.m.	626	2
5:00 a.m.	620	2
6:00 a.m.	873	2
7:00 a.m.	1,406	4
8:00 a.m.	2,210	6
9:00 a.m.	2,760	8
10:00 a.m.	2,885	8
11:00 a.m.	3,020	8
Noon	3,446	9
1:00 p.m.	3,303	9
2:00 p.m.	3,290	9
3:00 p.m.	3,213	9
4:00 p.m.	2,898	8
5:00 p.m.	2,502	7
6:00 p.m.	2,330	6
7:00 p.m.	2,102	6
8:00 p.m.	1,804	5
9:00 p.m.	1,791	5
10:00 p.m.	1,641	4
11:00 p.m.	1,444	4

Source: Los Gatos-Monte Sereno Police Department – ECaTS report.

TEXT TO 9-1-1

Text to 9-1-1 is a service that allows community members to send a text message to 9-1-1 emergency services instead of making a phone call. At LGMSPD, text messages are received via a web-based interface, which is independent from the department’s 9-1-1 phone system. Each dispatcher logs into the Text to 9-1-1 at each shift change. LGMSPD’s dispatch training manual covers Text to 9-1-1 procedures. Each Text to 9-1-1 is recorded in an event and notes are added to the event.



TABLE 43: Text to 9-1-1 Messages Received, 2021-2023

2021	2022	2023
173	54	37

Source: Los Gatos-Monte Sereno Police Department – ECaTS report.

EMERGENCY CALL TRACKING SYSTEM

According to the ECaTS generated report from LGMSPD, the recommended staffing level is two dispatchers for the dispatch center between the hours of 7:00 a.m. and 11:00 p.m. coinciding with the heaviest call volume almost every day of the week (see report below). Meliora PSC recommends LGMSPD continue to staff the center with two dispatchers during high call volume/peak hours.



CHART 29: Recommended Dispatch Staffing Forecast

AVERAGE AGENT FORECAST (TABULAR)

Day Of Week	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Monday	2	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1
Tuesday	2	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Wednesday	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Thursday	1	2	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Friday	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Saturday	2	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Sunday	1	2	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1



ADEQUATE STAFFING LEVELS

One of the primary challenges facing dispatch centers is ensuring there is adequate coverage for sick and vacation time taken by existing staff. With six dispatchers on LGMSPD's team, absences due to illness, scheduled leave including vacations and FMLA leave can significantly impact the dispatch center. Having the dispatcher currently in training successfully complete training and filling the one vacancy can assist with better management of staffing and improve staff wellness. Back filling the last-minute call outs can take its toll on the dispatchers who are called upon to fill the void. This can lead to dispatcher burn out and causes current employees to want or need to take more time off.

The Lead Dispatcher covers some absences resulting in less time to manage the unit. With short staffing, there has not been an opportunity to conduct any audit or quality control measures. Other job duties such as updating the Dispatch Center manual, conducting quality assurance audits, and providing closer supervision would be enhanced.

Minimum staffing does not necessarily mean adequate staffing, but rather indicates there are usually enough personnel available to staff the dispatch center. According to the ECATS report above, the heaviest call times are between 7:00 a.m. and 11:00 p.m. and two dispatchers are recommended during those times. However, there is a functional deficit between 7:00 a.m. and 12:00 p.m. when only one day shift dispatch is scheduled and prior to the start of swing shift.

In order to address the number of dispatchers needed to ensure proper staffing levels are met, we must first calculate the actual hours a dispatcher is scheduled. A standard 28-day pay period is 160 hours (four weeks x 40 hours per week), which equates to 2,080 hours per year (160 hours x 13 pay periods per year). A 3/12-hour work schedule typically includes one 8-hour payback day every other week for a total of 14 shifts in order to meet the 160-hours worked every 28 days. In LGMSPD's case, currently the fourth day worked every other week is actually a 12-hour shift, which equates to eight hours of overtime every 28-day pay period.

The 12-hour dispatch schedule results in a dispatcher being scheduled to work 14 shifts in a 28-day pay period or 168 hours (14 shifts x 12 hours) or 2,184 hours per year (168 hours x 13 pay periods per year). From a scheduling perspective, 2,184 hours per year equals 182 shifts per year a dispatcher is scheduled ($2,184 \div 12 = 182$). However, this does not factor in leave time for vacation, sick leave, FMLA, worker's compensation, military time, or training courses, which in our experience averages approximately 18% time off per year. Consequently, with a 18% leave time factor, a dispatcher works approximately 149.24 shifts per year ($182 \times 18\% = 32.76$ shifts leave time; $182 - 32.76 = 149.24$ shifts worked). Thus, it would take 2.45 dispatchers to cover one 12-hour shift for one year ($365 \text{ days} \div 149.24 = 2.45$). For a 24-hour shift, LGMSPD would need five dispatchers ($2.45 \times 2, 12\text{-hour shifts} = 4.9$) to fill one position in dispatch.

Since ECATS shift minimums are recommended at two dispatchers from 7:00 a.m. to 11:00 p.m. (and even at midnight on Monday, Tuesday, and Saturday), that would require 10 dispatchers (two dispatcher minimums x 4.9 dispatchers = 9.8) to provide 24-hour, seven-day coverage.



Since a majority of the 24-hour shift requires two dispatchers, we believe LGMSPD would need one additional dispatcher (eight dispatchers total) to meet the recommended minimums.

The current dispatch schedule has seven dispatchers, which indicates the department is under staffed by one dispatcher. The benefit of adding an eighth dispatcher would be two-fold: the Dispatcher Lead could focus on the duties and responsibilities regarding managing the dispatch center, and the dispatchers would be able to take time off and attend training.

We later learned that LGMSPD was moving to a new dispatch schedule in September comprised of four shifts:

- Day shift: 6:00 a.m. to 6:00 p.m. (pay back 6:00 a.m. to 2:00 p.m.)
- Mid-Days: 8:00 a.m. to 8:00 p.m. (pay back 8:00 a.m. to 4:00 p.m.)
- Swing Shift: 4:00 p.m. to 4:00 a.m. (pay back 4:00 a.m. to 12:00 a.m.)
- Graveyard Shift: 6:00 p.m. to 6:00 a.m. (pay back 6:00 p.m. to 2:00 a.m.)

Staff advised the pay back day which is the fourth work day every other week was now going to be 8-hours like the traditional 3/12 shift schedule. This will alleviate the built-in overtime and reflects LGMSPD's efforts to be cost effective. Meliora PSC recommends an eighth dispatcher be added to the budget, which is consistent with our staffing analysis.

QUALITY CONTROL AUDITS

Contemporary police communications centers ensure quality control audits are randomly conducted on calls handled by dispatch staff. These audits are usually conducted by a manager or supervisor and reviewed with the dispatcher for training purposes and may be used when completing yearly evaluations. Staff informed Meliora PSC that due to existing staffing, it is challenging to allocate sufficient time to complete these audits. Meliora PSC recommends random quality control audits on calls handled by dispatch be resumed as soon as practical and be conducted on a regular basis. The filling of the existing vacancy and return of a dispatcher from leave will alleviate some of the dispatch responsibilities the Lead Dispatcher currently carries and ensure audits, policy amendments, and day-to-day operational responsibilities are consistently performed. Moreover, by adding one additional dispatcher, the Dispatch Lead could focus her full-time attention to staff development and managing the unit.

ANCILLARY WORKLOAD DEMANDS

LGMSPD dispatchers are also responsible for answering the outside HQ phone when Records is closed to the public. This task can be distracting when the dispatcher is on the phone handling a call for service, assisting a community member, or dispatching/monitoring a call for service on the police radio. During normal business hours, Records personnel manage the lobby, greet the public, and answer the HQ outside phone. Should a new police facility be acquired this should be taken into consideration.



Dispatchers are also responsible for, but not limited to, the following:

- Answer and triage all phone calls that come in on the non-emergency business line.
- Enter most of the data into the California Law Enforcement Telecommunications System (CLETS), which includes but is not limited to, missing persons, all vehicle-related entries, warrant entry/confirmation, emergency protective orders. Data entry into CLETS can be time-consuming depending on what the entry entails.
- Handling Operation CARE, where dispatchers call elderly residents at their requested time.
- Monitor HQ and POB cameras.
- Release vehicles when Records is closed with approval of the on-duty sergeant.
- Re-route 911 misrouted calls.
- Provide residents with Town information after Town offices are closed when the non-emergency call is received.

COMPUTER-AIDED DISPATCH

LGMSPD dispatch operates a computer-aided dispatch (CAD) system from SunRidge Systems called RIMS. RIMS has different modules that are used throughout the agency. Dispatch staff reported that the system meets their needs.

CALL PROCESSING/CALL TYPES

Priority codes are crucial in establishing the urgency of response by officers who are dispatched to a call for service. Dispatch will collect information from the reporting party to determine which call type and priority is appropriate when dispatching an officer. Meliora PSC reviewed the call types and priority codes and found that some call types were categorized as Priority 2 when, to be consistent with industry standards, should be Priority 1 calls. Meliora PSC recommends reviewing all call types and reprioritizing those call types to meet industry standards. The priority codes enable officers to respond quickly to emergency situations. Calls classified as high priority, such as reports of crimes in progress, accidents with injuries, or threats to public safety require an immediate response to prevent harm or loss of life. Clear prioritization ensures that these emergencies are identified, and officers respond immediately.

HIGH PRIORITY/AVERAGE RESPONSE TIMES

Most agencies will rate a Priority 1 call for service with criteria that include those involving life threatening situations, serious crimes in-progress, medical emergencies, and any other urgent public safety issues. Community members rely on LGMSPD to respond quickly to their urgent situation when they call for assistance. Quick responses also deter criminals from continuing their unlawful behavior if they believe police are responding expeditiously. These timely responses also aid in building trust and confidence with the community.



Meliora PSC learned that some incidents were reopened in CAD if there was follow-up being done to connect the initial incident to any follow-up. This had an unintended consequence of extending the time that an incident was open and created confusion with actual response and completion times for data analysis. As mentioned earlier in the response time portion of the Calls for Service Data Analysis, this also impacts the ability to accurately assess dispatch time and overall response time. Meliora PSC recommends LGMSPD create a practice and open a new CAD incident that can associate a prior incident related to it, rather than reopening the original CAD incident number. This would be consistent with industry practices and allow accurate response times to be calculated.

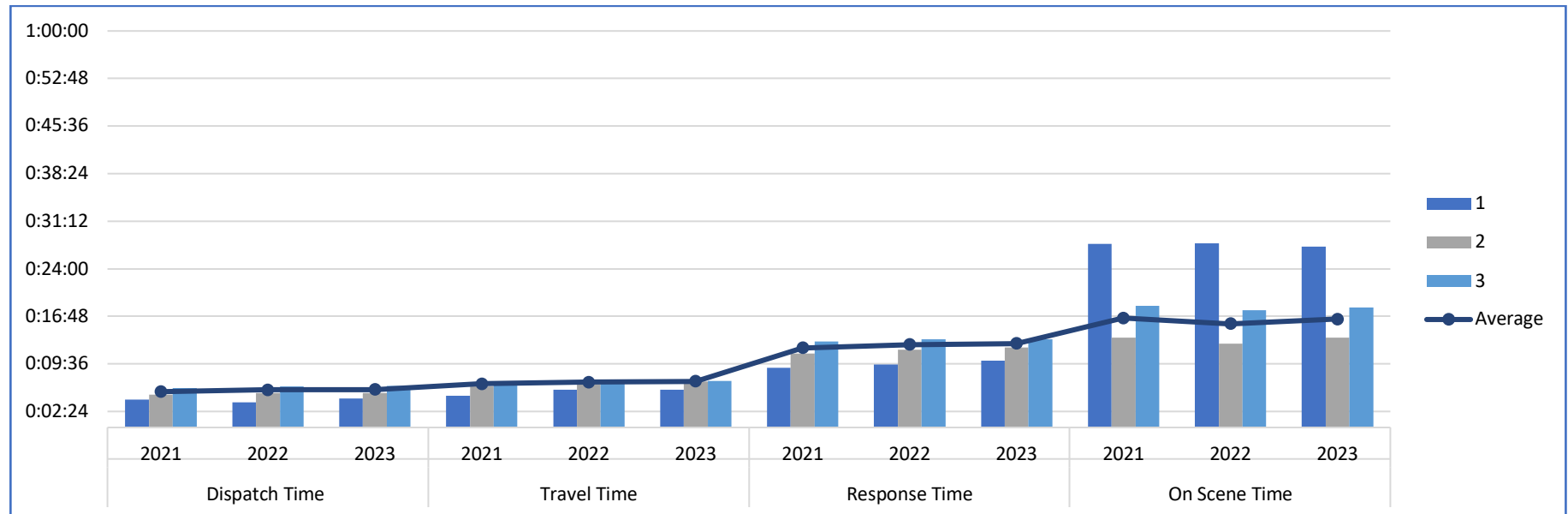
The below table and chart represent the average LGMSPD dispatch time (when the dispatcher relays information to the officer responding), response time (how long it took the officer to get to the location after the dispatcher relayed the information), and occupied times (how long the officer was on the call for service) for 2021-2023. Additional response time data is included in the Data Analysis Report at the end of this report.



TABLE 44: Response Time Record Status and Average Minute, by Record Priority, by Year

Priority	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
1	0:04:15	0:03:50	0:04:23	0:04:46	0:05:43	0:05:42	0:09:01	0:09:33	0:10:04	0:27:48	0:27:50	0:27:22
2	0:04:56	0:05:10	0:05:13	0:06:15	0:06:34	0:06:55	0:11:11	0:11:45	0:12:08	0:13:36	0:12:43	0:13:34
3	0:06:00	0:06:15	0:06:15	0:06:58	0:07:05	0:07:04	0:12:58	0:13:20	0:13:19	0:18:22	0:17:44	0:18:11
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24

CHART 30: Response Time Record Status and Average Minute, by Record Priority, by Year





POLICIES

Meliora PSC learned that LGMSPD has a policy specifically addressing the Communications Operations. Policy § 801 covers radio communications, documentation, confidentiality, and training. Policy § 801.4 – Responsibilities – refers to a Records and Communication Manager who would oversee Communications. As that position does not exist on the organizational chart, Meliora PSC recommends the policy be changed to reflect the appropriate classification for those responsibilities.

TRAINING

Meliora PSC reviewed LGMSPD’s Dispatcher Training manual and found that it was complete and easy to follow. Each dispatcher attends the POST 120-hour Basic Public Dispatcher course. The LGMSPD Training Plan lists mandatory, essential, and desirable POST classroom training for all dispatcher positions. Meliora PSC recommends LGMSPD also consider assigning staff to participate in POST Webinar courses. An example of online seminar courses are:

- Dispatch Priming – 8 hours
- De-Escalation Training for Dispatchers - 8 hours
- Dispatcher Customer Service – 8 hours
- Dispatcher – Interpersonal Skills/Career Survival – 8 hours
- Dispatcher – Complacency-Critical Decision Making – 4 hours
- Dispatcher – School Violence – 4 hours
- Dispatcher – Active Shooter Situations – 4 hours
- Science of Wellness or Dispatcher Wellness – 8 hours

DISPATCH RECOMMENDATIONS

- Address the non-emergency and administrative phone lines being the same number as soon as possible. (Recommendation #55)
- Continue to staff the center with two dispatchers during high call volume/peak hours. (Recommendation #56)
- Add one FTE dispatcher to provide proper staffing in the dispatch center. (Recommendation #57).
- Resume random quality control audits on calls handled by dispatch as soon as practical and continue on a regular basis. (Recommendation #58)
- Reviewing all call types and reprioritize those call types as needed to meet industry standards. (Recommendation #59)
- Create a practice that opens a new CAD incident that can associate prior incidents related to it to meet industry standards, rather than reopening the original CAD incident number. (Recommendation #60)
- Update Policy § 801.4 – Responsibilities to reflect the appropriate classification for those responsibilities. (Recommendation #61)



- Consider assigning Dispatch staff to participate in POST Webinar courses. (Recommendation #62)

RECORDS DIVISION

Records is responsible for maintaining document control over all original reports, including all crime, arrest, and traffic accident reports that are received by the department. At LGMSPD, the Lead Records Specialist (LRS) manages the day-to-day operations of the Records Division including directing, managing, and supervision. The LRS has their own office to conduct supervisory responsibilities in a confidential manner.

RECORDS STAFFING

The following table reflects authorized and actual staffing levels as of June 2024.

TABLE 45: Records Division Staffing, July 2024

Rank	Authorized	Actual	Vacant
Support Services Captain	1	1	0
Lead Records Specialist	1	1	0
Senior Records Specialist	1	1	0
Records Specialist	3	2	1
Part-time CSO	.5	.5	0
Part-time Reserve Officer	0	.25	0
Total	6.5	5.5	1

Source: Los Gatos-Monte-Sereno Police Department.

Records staff works a 5/40 work schedule that provides for five-day coverage. Full-time staff work Monday through Friday starting as early as 7:00 a.m. and ending as late as 4:30 p.m. LRS and Records Specialists work 8:00 a.m. to 4:30 p.m., and the Senior Records Specialist works from 7:00 a.m. to 3:30 p.m. Records staff are scheduled for 8.5 hours to include an unpaid 30-minute lunch. The part-time CSO works Tuesday and Thursday from 8:00 a.m. to 3:00 p.m., and Wednesday from 8:00 a.m. to 12:00 p.m.; and the Reserve Officer works Mondays from 8:00 a.m. to 1:00 p.m. and Wednesday from 12:00 p.m. to 4:30 p.m.

The Records counter is open Monday through Thursday from 9:00 a.m. until 4:00 p.m., and on Friday from 9:00 a.m. until 1:00 p.m. A call box on the outside of HQ allows people to contact Records when staff is present while the counter is closed. The counter is closed on weekends when no staff is working.



WORKLOAD DEMAND

Most functions performed by Records Divisions across the nation are much more than the common perception of simple tasks such as filing reports and providing copies as needed. Many of these duties are tightly regulated by federal and state laws to protect the privacy of individuals and to ensure compliance with mandated functions. The following is a list of many of the duties performed by Records staff at LGMSPD, most of which are daily tasks:

- Cash open and close Register – Run two reports, prepare deposit and deliver to Finance.
- Run property by serial number and report in RMS
- Run Bookings Report from county system
- Answer phone calls transferred from dispatch and address questions from the public
- Review Briefing Log
- Run Warrant Report in county database twice daily
- Mail from POB or US Postal – open & distribute twice daily
- Lexis Nexis transfers – collision reports
- Vehicle and vehicle property releases
- Citizen report and incident requests
- Citation processing and signoff
- Parking Permits – Questions and Payments
- Visitor log
- Background Checks
- Insurance Requests – Received via email or mail. Fax return with reply
- Received Package Deliveries
- Retrieve and process paperwork from Dispatch twice daily which may consist of CHP 180'S, Emergency Protective Order, and Property Sheets
- Case Processing
- Processing of Warrants including entry and purging
- PC 290 and Arson Registration
- DA/Court Run
- Process and log subpoenas. Notify officer and send response to DA.
- Pre-Booking Appointments
- Administrator for CJIC, Mugshot, CSAR, LEADS, DOJ, RMS, Crossroads, and JIMS
- NIBRS/CIBRS monthly entry for Cases, DV, LEOKA, Use of Force. Run CIBRS reports
- Run Error Case reports for both Los Gatos and Monte Sereno – Review and clear all errors.
- Review and process PRA and subpoenas received from Town Clerk's Office.
- New officer training/Records review.
- Train/oversee light duty officers when assigned to Records
- Massage Therapy Permit review and approval.
- Manage and comply with report requests.
- Attend monthly meeting
- Case Sealings.
- Calls for Service Requests.
- Serna Packets – prepare packet and return to DA by specified date.



With the assistance of other personnel in the department, the workload associated with Records during the three-year period of 2021 – 2023 is reflected in the table below:

TABLE 46: Records Workload, 2021-2023

	2021	2022	2023	Total
Police Reports Reviewed/Approved *Includes online reports	2187	2220	2165	6,572
Supplementals Approved	1056	1234	1120	3,410
Arrests Processed	340	533	517	1,390
DA Filings	356	413	417	1,186
Citations Processed	934	1758	1545	4,237
Documents Scanned	11,167	10,576	16,643	38,386
Total	16,040	16,734	22,427	55,181

Source: Los Gatos Monte Sereno Police Department.

ONLINE REPORTING

In addition to obtaining report copies, LGMSPD also provides online reporting capability to the public via a link on their website via CopLogic. Members of the public can submit a report online via the department website link.

Once the report is received, the part-time reserve officer reviews the report and either approves the report or sends it back to the community member that has filed the report to file a case report. Refer to the Investigations section for further information regarding online reporting.

CopLogic is an online self-reporting system for crime victims to report specific, non-injury minor crimes while eliminating the requirement of an on-scene response by a police officer. CopLogic was intended to improve the use of police officer’s time by eliminating the need to respond to a minor, non-injury crime incident, thus creating a better allocation of resources and improved response times to more serious crimes. It was also created to enhance police community relations as anyone can file a report, 24 hours a day/ 7 days a week. The only requirement to use the online CopLogic system is to have internet access and a valid email address. Individual police agencies utilizing CopLogic set up parameters of which types of crimes are suitable for online reporting.

LGMSPD entered into a multi-year contract with CopLogic in 2020, that runs through FY 25/26 and ends in October 2026. The department set aside \$75,000 for the contract, which is approximately \$12,000 per FY paid in an annual lump sum. The first CopLogic report was generated on July 29, 2021.

A crime victim can simply go to the LGMSPD website to the online reporting page to “Report a Crime.” Once at the Report a Crime page, there is a general guideline and a list of incident types



that the victim can select. The crime victim/reporter is directed to several screens/pages and numerous drop-down options for reporting the incident. The first page is basic information on type of incident and victim information. Subsequent pages include incident details, narrative, and a review page prior to submitting the report to the LGMSPD. Completion of information fields on each page is required before continuing to the next page.

LGMSPD authorizes eight different “incident types” to be reported online through the CopLogic reporting system. Crime victims can report on crimes such as Custody Order Violations, Harassing Phone Calls/Emails, Identity Theft, Lost Property, Theft, Vandalism, Vehicle Burglary, and Vehicle Tampering.

Meliora PSC accessed the online reporting system and noted one of the first issues arises on the opening page for selection of the incident type. While each of the eight incident types are listed and can be selected, the introduction page specifically states, *“If the incident you are reporting has a known suspect, you should instead call us.”* This can be confusing since the first incident type a crime reporter can select is Violation of a Court Order, which always has a known suspect. The second incident type a victim reporter can select is Harassing Phone Calls/Emails, which always has a suspect – although not necessarily known to the victim. There is also no threshold for maximum level of loss for Identity Theft and Theft in general. A victim could have a theft loss of \$100,000 (or more) and can still report the crime online.

There is an option in the online reporting to include involved persons, which can include suspects. Many times, victims have physical evidence pertaining to the crime (e.g. court order, visible fingerprints, bank statements, mail, video and telephonic recordings, endorsed fraudulent checks, and biological evidence), but the online reporting system will still allow the crime to be submitted online. This has proven to be problematic, in that evidence is lost by the time the case is formally assigned to a detective. In one online reported crime, it was discovered there was video evidence of multiple mailbox burglaries captured on a mounted apartment complex video camera system. By the time the crime report was assigned to the detective, the video capturing the crimes had been recorded over and all video evidence was lost. In another incident, it was discovered that there was a significant crime spree of vehicle burglaries. Video evidence was lost, as was the ability to track the suspects movements on the crime spree. Since there is no crime analyst function within LGMSPD, detectives were not aware that a crime spree was actively occurring until well after the fact.

Once a victim/reporter submits the report to the police department, an incident number is provided. However, they have no way of knowing that their report may be rejected at a later time. Most victims do not understand the difference between an incident report number (generated within the CAD system and is not a report) versus a crime report number (where an actual crime report was generated) that we discuss below in the Report Review portion. Every incident reported in CopLogic is reviewed by a LGMSPD Record’s staff member.



When the report is approved, it is either filed with no suspect or follow information or it is eventually forwarded to the detectives for follow up. Subsequently, the lack of detail diminishes the usefulness for crime analysis.

If the report is rejected, there is no immediate victim notification of a rejection. The online reporting system is not set up to automatically and/or instantly reject reports that do not meet the requirements of online reporting. Reports that do not meet the requirements for being reported online are rejected by the reviewing LGMSPD Records staff member by selecting the "Reject" option from within the report review screen. A rejection is always done after the fact, and at times, several days after the incident was originally reported. Selecting the "Reject" option generates an automated instructional e-mail to the reporter where they are advised their report was rejected, and advising the reporter/victim to contact the police department to make a formal report. Meliora PSC recommends the rejection email be replaced with a personal call to the crime reporter to explain that the incident was rejected, the reason for rejection, and to have an officer personally meet with reporter to take a formal report of the incident.

There have also been several incidents where a police officer was called to a location for a crime report, and when the victim was not desirous of prosecution (e.g.: they only wanted to report it for insurance purposes) the officer advised the victim to report it in the CopLogic online reporting system. A crime victim does not understand what the judicial process is for prosecution, and not taking a report simply because a victim is non-desirous of prosecution is outside of policy guidelines.

TABLE 47: COPLOGIC ONLINE REPORTING STATISTICS, 1/1/19-06/25/2024

CRIME TYPE	English	N/A	N/A	N/A	N/A	N/A	N/A	Rejected	Total
Annoying Phone Calls	3	0	0	0	0	0	0	32	35
Child Custody Order Violations	9	0	0	0	0	0	0	4	13
Grand Theft	13	0	0	0	0	0	0	0	13
Identity Theft	86	0	0	0	0	0	0	43	129
Lost Property	53	0	0	0	0	0	0	26	79
Petty Theft	176	0	0	0	0	0	0	122	298
Vandalism over \$400	93	0	0	0	0	0	0	46	139
Vandalism under \$400	2	0	0	0	0	0	0	0	2
Vehicle Burglary	76	0	0	0	0	0	0	19	95
TOTAL	511	0	0	0	0	0	0	292	803



TABLE 48: COPLOGIC Estimated Time and Cost Savings, 1/1/19-06/25/2024

ESTIMATED TIME AND COST SAVINGS				
Total Reports	Estimated Hours Per Report if Taken By an Officer	Estimated Cost Per Report if Taken By an Officer (\$)	Total Hours Saved	Total Savings (\$)
803	1.50	55.00	1204.50	44,165
ESTIMATED YEAR TO DATE SAVINGS SINCE 01/01/2024				
Year to Date Total Reports	Year to Date Hours Saved		Year to Date Total Savings(\$)	
127	190.50		6,985	

Tables 48 and 49 illustrate the CopLogic online reporting statistics from inception to current date, and depicts estimated time and cost savings of the program. What is noteworthy is the amount of rejected online reported cases. Of the 803 total cases reported to the LGMSPD over the five and one-half year period, 292 were rejected, which is more than a third of all online reported cases. When further analyzing the individual “incident types,” 90% of all Annoying Phone Calls were rejected, 30% of all Child Custody Order Violations were rejected, 40% of all Petty Theft cases were rejected, and 33% of Lost Property cases were rejected. The chart does not explain how any of the originally rejected cases were resubmitted and/or if eventually accepted.

The estimated time and cost savings show that each online report saves 1.5 hours of an officer’s staff time (to report a crime), for a total saving of 1,204.50 staff hours. When this is multiplied by \$55 an hour, the total cost savings is \$44,165, and when divided by the four years into the contract, the savings are \$11,041.24 per year. However, the contract costs for the past four years total \$46,656, which represents no savings at all for the first four years of the contract.

To further complicate matters, the amount of LGMSPD Record’s professional staff hours to review each of the 803 cases is not documented or included in the cost benefit analysis. Furthermore, if 30% of all online reported cases are being rejected, there are staff related costs associated with that function that are also not mentioned.

Finally, no community feedback forum has been established to determine if the Los Gatos-Monte Sereno community is truly satisfied with this program and the level of service it provides.

Meliora PSC, recommends LGMSPD conduct a comprehensive review the CopLogic online reporting program to determine if it is efficient, cost effective, and if it meets the service expectation levels of the Los Gatos-Monte Sereno community.



PUBLIC RECORDS ACT REQUESTS/DISCOVERY REQUESTS

As society has become more reliant upon technology in their daily lives, there is an expectation that information be shared and police agencies have become more transparent. Balancing the public's right to information and transparency with an individual's privacy is a challenging task particularly in the policing realm that is also guided by federal and state laws as well as agency policies. The police industry mainly relies on the Records Division to review, redact, and process requests that are related to the Public Records Act (PRA). As more digital media equipment is used, including software apps and body worn cameras, there has been a noted corresponding increase in the workload to those who are required to process these requests. These demands, often complex, result in significant increases in staff time to review, redact, and process demands for information, documents, and recordings.

Absent adequate staffing and planning, these demands can overwhelm police department units charged with fulfilling requests. Both Records and the Town Clerk in Los Gatos receive Public Records Act (PRA) requests and Records and Property and Evidence also receive Discovery requests. These requests can eventually place a demand on staff to evaluate, research, audit, collect, and prepare department material to answer PRA/Discovery requests.

Documenting PRA Requests and Release Information

It is critical that ALL public record requests are recorded and a copy of what was released (with redactions) also be recorded, either in the RMS database or in an electronic or paper file. If the request is for a police report/CAD log or any information related to a criminal case and/or incident report, a copy of the requestor's identification, along with the request should be uploaded into RMS along with what was released. If the request was denied, the reason for denial and who denied the release should also be recorded. Retaining this information is best practice and can assist in future potential legal challenges or litigation regarding record releases.

Discovery requests normally come from the District Attorney's Office for reports, radio tapes, evidence, body camera footage, and other pertinent evidence. Since the reports are already with the DA's Office, the majority of Discovery requests are sent to the Property and Evidence Unit.

Meliora PSC learned that LGMSPD does not currently track all Discovery and PRA requests and was not able to provide an accurate number of requests that have been received in the past three years. The Town Clerk will accept PRA requests and track them in the Town's Freedom of Information Act (FOIA) database. LGMSPD places the PRA requests into RIMS. Meliora PSC recommends LGMSPD implement a process to track all PRA and Discovery requests. It is important to track workload activity like Discovery and PRA requests to assist when analyzing staffing needs and/or when requesting additional staff to accomplish workload demands. Furthermore, it is important there is a centralized location containing all PRA and Discovery requests to ensure they are responded to in a timely manner.



TABLE 49: PRA & DISCOVERY ACTIVITY, 2021-2023

	2021	2022	2023	Total
Total PRA and Discovery Requests	354	530	642	1,526

Source: Los Gatos Monte Sereno Police Department and Town Clerk.

TRAINING

A Records training manual that outlines, in detail, all aspects of the unit from function and organizational structure to step-by-step responsibilities for meeting workload/work-product responsibilities can serve as an excellent training aide, both for new employees and staff who want to ensure they are thoroughly and appropriately performing an assigned duty. We learned the Records manual has not been updated for over a year. Records staff is actively in the process of creating a written procedure manual by meeting weekly to accomplish this goal.

Meliora PSC recommends the Records manual be completed and determine any other needs such as inclusion of standard orientation, instruction materials, daily observation reports, competency sign off sheets, etc. This will assist in enhancing employee development and ensuring procedures are being followed and tasks are completed accurately.

RECORDS POLICIES

It is important for an organization to have policies and procedures in place for the following reasons:

- Provides a roadmap for day-to-day operations.
- Ensures compliance with laws and regulations.
- Gives guidance for decision-making.
- Streamlines internal processes.
- Defines how employees are expected to behave and detail responsibilities of both management and employees.

LGMSPD Policy § 803 establishes the guidelines for the operational functions of the department’s Records Division. The policy addresses LGMSPD file access and internal requests for case reports. The policy manual also references several sections related to Records responsibilities including Policy § 806 – Records Maintenance and Release – providing guidance on the maintenance and release of department records.

Policy § 803 – Records Division, references that Records is a Division and that the manager is a Records Supervisor. Meliora PSC recommends either the policy or the Organizational Chart be changed to reflect the appropriate titles of Records and the manager.



RECORDS RETENTION

The Town of Los Gatos has an established records retention schedule. Meliora PSC learned that, due to staffing and workload, there has not been a recent “purge” of the records. Meliora PSC recommends a “purge” be scheduled as soon as practical.

RECORDS MANAGEMENT SYSTEM

LGMSPD uses RIMS for the records management system (RMS) by SunRidge Systems. RIMS has different modules and is used for Patrol, Traffic, Dispatch, Detectives and Property and Evidence.

Report Review

The review of reports and approval is an industry practice to ensure completeness and accuracy of details, elements of a crime and in some cases, probable cause for arrest. LGMSPD’s report review consists of the report being electronically submitted to a supervisor for approval. If approved, the report is sent to records for entry into RIMS. If the supervisor does not approve the report, it is sent back to the report writer to correct.

During the site visit, we learned there is a backlog of 250 reports waiting to be entered into RIMS. Those backlogged reports would not be available to victims until entered, potentially creating a negative experience with the department.

Meliora PSC believes there are several reasons for the backlog. First, supervisors may be approving reports that contain errors. Those errors are either being corrected by Records staff or sent back by Records staff to the approving supervisor for correction by the report writer. Second, Records staff is spending an inordinate amount of time in correcting and/or reading reports because of missing information causing data entry delays. The most common errors include:

- Not adding unknown suspects whether identifying information is/is not known
- Combining property when it should be listed separately
- Total stolen property value not matching what is listed in the narrative and/or the receipt/stolen property list
- Property missing – not listed in property but mentioned in the narrative
- Person connection to case issue – e.g.: person listed as “victim” but listed as “mentioned” in narrative
- Vehicle missing – vehicle mentioned in narrative but not listed in vehicle section
- Vehicle registered owner not listed or incorrect registered owner is listed
- Grammar/spelling issues in narrative
- Page 1 not being completed



- Officers listing persons as “victims” and/or “suspects” instead of “mentioned” for Information Only reports
- Returning correction request to officer for a 2nd time - Not all corrections were completed

Meliora PSC recommends Records staff provide training to all supervisors on report review and that LGMSPD determine if other accountability measures need to be introduced. A key responsibility of patrol sergeants is to review and ensure all reports are complete prior to approval. Following the training, Meliora PSC recommends Records staff limit time spent on reports to critical entries and enter the reports in a timely manner.

Reporting Issue

During the site visit, we learned about the difference between an incident report and a case report. An incident report is a notation in CAD about an event that took place as reported by a reporting party, victim, and/or witness. The information in the CAD notes cannot be disclosed to the public, including the reporting party. Most often, incident numbers are taken over the phone by staff. Conversely, a case report is a “regular” report of a crime that is reviewed and entered into RIMS. The case reports are available to the public, but may require redaction. Case reports can be taken in person, over the phone, or online reports.

According to staff, this practice became common during COVID to accommodate distancing and has remain the current practice. We noted that creating an incident report did not allow victims to receive documentation through report copies for insurance or other purposes. Providing CAD incident reports numbers is also inconsistent with the long-standing practice LGMSPD has of knowing the people that they serve. Normally, there is time to respond in-person to these types of calls and handle the call by completing a case report. Meliora PSC recommends the practice of providing incident reports from CAD be greatly reduced or eliminated, and return to officers contacting community members to complete reports, even if informational, to meet the needs of the community.

FBI UCR/NIBRS CRIME REPORTING

Each month the LRS is tasked with the responsibility of reporting crime data to the State of California, Department of Justice (DOJ), for inclusion in the UCR/NIBRS. The report is prepared based upon report data entered into RMS. The LRS reviews all reports submitted by patrol officers and detectives to ensure the accuracy of the coding prior to finalizing the report for the DOJ.

The FBI transitioned from the Uniform Crime Reporting Program (UCR) reporting to a more comprehensive model referred to as the National Incident Based Reporting System (NIBRS). The UCR model calls for the reporting of the most serious crime recorded when multiple crimes occur during a specific incident. For instance, in a home invasion robbery, where an assault occurs



during the robbery, the robbery would be reported rather than the assault in the prior UCR process. Under NIBRS, the same event will result in every crime committed by each suspect as a separate crime; therefore, increasing the crime from one felony under the present crime data system to the two felonies that occurred. The conversion to NIBRS has the potential to slightly increase crime rates from 2022 forward. In addition, NIBRS will also track relationships between victims and offenders, arrestees, and property involved in crime.

LGMSPD began submitting National Incident-Based Reporting System (NIBRS) data to the FBI on January 1, 2022. Agencies that have fully implemented NIBRS report time-consuming reconciliation issues with NIBRS, and additional issues related to the RMS during the report validation process, requiring time-consuming attention to detail. The processing time can be significantly impacted by the complexity of the case. Further information on crime was provided earlier in the Crime portion of the report.

COMPLIANCE AUDITS

Compliance audits are usually performed bi-annually by the State of California, Department of Justice (DOJ). These audits include accessing confidential databases on offender information or other similar confidential records. The audits, and a review of the findings, reflect just how complex and demanding the records function can be. We requested copies of a few of these audits and they are addressed below:

2022 Criminal Justice Information System(CJIS)/National Crime Information (NCIC)

An audit was conducted and a letter was mailed to the Chief of Police on August 11, 2022. Included in this audit were random selections of records of the California Restraining and Protective System (CARPOS), Missing Persons System (MPS), Wanted Persons System (WPS), Automated Boat (ABS) and Stolen Vehicle System (SVS), California Sex and Arson Registration (CSAR), Automated Firearms System (AFS), and Automated Property System (APS).

The report reflected that LGMSPD was IN COMPLIANCE in the following areas:

- Hit confirmation procedures.
- Timely entries – CARPOS, MPS, WPS, ABS, SVS, AFS, CSAR and APS.

The report reflected that LGMSPD was OUT OF COMPLIANCE in the following areas:

- Second party checks – CSAR only.
- Recent consultation – CSAR only.

The report indicated that the department needed to make the needed modifications in the two areas and there could be a follow-up audit. Although there was no follow-up audit, staff confirmed the modifications were made soon after the letter was received.



California Law Enforcement Telecommunications System (CLETS)

The CLETS audit reviews compliance with state and federal security requirements. The goal of the audit is to help ensure criminal justice information is being handled securely. This covers a range of practices, such as completing required training and verifying protections in an agency's technical environment to protect confidential data.

On October 16, 2023, LGMSPD received notification from DOJ that an audit had been completed relative to the CLETS system and the office was IN COMPLIANCE. The CLETS assessment covered a range of topics including an administrative review of policies, user/agency agreements, completion of required training and security.

The responsibility to ensure the agency follows all of DOJ's regulations can be daunting. The CLETS representative is a Senior Dispatcher who must make certain that every CLETS user is certified bi-annually or be deactivated in CLETS and made inactive if they no longer work for LGMSPD.

CORI/III Audit

In October 16, 2023, LGMSPD received notification from DOJ that an audit had been completed referencing the use of use of DOJ's Automated Criminal History System (ACHS) and the Federal Bureau of Investigation's (FBI) Interstate Identification Index (III) purpose code (PUR) use. LGMSPD was IN COMPLIANCE.

PAYMENT OPTIONS

LGMSPD Records staff are the face of the department when community members step into the front lobby of the police department. Staff is responsible for collecting payments from customers who desire to obtain a vehicle release, purchase copies of reports, subpoenas, permits and other similar items or services. When payment is required, the customer will pay by debit card, credit card, or cash and a receipt is given to the customer.

If cash is used as the form of payment, the Records Specialist will complete the transaction on a computer and a receipt is generated for the customer, and a second receipt is placed into the payment drawer at the counter. The payment drawer can be opened through the computer or by key.

At the end of each day, a Daily Transaction Report is run as well as a Receipt Report. One Records Specialist will count the cash, number of bills by denominations, and a second Records Specialist will do a separate count to verify the amounts. No coins are collected. A deposit slip for cash is completed and all cash and records are stored overnight in a locked cabinet. At the start of the next business day, the box is removed, cash counted with the deposit slip, and then taken to the Finance Department by a Records Specialist. The daily amount remains in the cash box and is placed in the payment drawer. A Finance staff person accepts the cash and deposit



slip. The cash is counted by the staff person and gives the Records Specialist a receipt.

The acceptance of payment is a normal activity in the daily function of a police department. However, accepting payment through cash places the department and involved employees at risk should there be issues of irregularities when reconciling cash. While we are not suggesting anything improper has occurred, agencies throughout the state have experienced employee theft of monies based on a lack of proper systems and processes for collection of cash. In light of advancements in technology, credit cards and software payment apps are not only efficient ways to accept payment, but also provide the payee and department a means to electronically track payment without being exposed to the risk of monies being lost and/or misused. Meliora PSC recommends that credit or debit cards and payment apps only, not cash, be accepted as form of payment. This would allow for the process to be more efficient and secure.

RECORDS RECOMMENDATIONS

- Replace the rejection email for online reports with a personal call to the crime reporter to explain that the incident was rejected, the reason for rejection, and to have an officer personally meet with reporter to take a formal report of the incident. (Recommendation #63)
- Conduct a comprehensive review the CopLogic online reporting program to determine if it is efficient, cost effective, and if it meets the service expectation levels of the Los Gatos-Monte Sereno community. (Recommendation #64)
- Implement a process to track PRA and discovery requests. (Recommendation #65)
- Develop a Records Training Manual and/or Standard Operating Procedures Manual to include department policy references. (Recommendation #66)
- Update the policy or Organizational Chart to reflect the appropriate titles of Records and the manager. (Recommendation #67)
- Schedule and conduct a records purge as soon as practical. (Recommendation #68)
- Provide training to all supervisors on report review and determine if other accountability measures need to be introduced for proper report approval. (Recommendation #69)
- Limit the time spent on reports to critical entries and enter reports into RIMS in a timely manner. (Recommendation #70)
- Eliminate the practice of providing incident reports from CAD and return to officers contacting community members to complete reports, even if informational, to meet the needs of the community. (Recommendation #71)
- Discontinue the acceptance of cash by LGMSPD staff and accept credit cards, debit cards and payment apps as the only approved forms of payment. (Recommendation #72)



ADMINISTRATIVE SERVICES DIVISION

LGMSPD Administrative Services Division is the operation and control of the police department including making operational decisions, management of personnel and training, community outreach, budget management and development, distribution of policies and procedures, and facilities.

TABLE 50: Administrative Services Division Staffing, July 2024

Rank	Authorized	Actual	Vacant
Support Services Captain	1	1	0
Traffic Sergeant	1	1	0
Administrative Sergeant	1	1	0
TOTAL SWORN STAFF	3	3	0
Senior Administrative Analyst	1	1	0
Community Outreach Coordinator	1	1	0
Parking Control Officer	2	2	0
Administrative Technician	1	1	0
IT Administrator	1	1	0
TOTAL PROFESSIONAL STAFF	6	6	0
Total	9	9	0

Source: Los Gatos-Monte-Sereno Police Department.

The Structure and Responsibility section mentioned earlier in the report addresses the recommended re-organization of the department where the Traffic Sergeant is moved to the Operations Bureau as it is a field service to include the parking control officers.

Personnel & Training Unit

The Support Services Captain is responsible for the management of Personnel, including recruiting and retention, hiring, and training qualified individuals to work at the LGMSPD in both sworn and professional staff positions. The Administrative Sergeant and Senior Administrative Analyst/Training Coordinator share the responsibilities of recruiting, hiring, training, and retaining personnel.

RECRUITING AND HIRING

Recruitment, hiring, training, and retention of qualified people is critical for an efficiently run organization and a safe and flourishing community. For the past several year, it has been more challenging for the policing profession. Recently, the task of finding character-minded, good-



hearted individuals willing to join the profession has been reduced due to varied factors including increased external scrutiny, negative public perception of the policing profession, and increased risk of physical and reputational harm. Agencies are finding the need to evolve their recruitment and hiring process through new procedures, changes in incentives, and identifying and implementing best practices. The industry is also losing experienced police professionals who are opting to retire early or change careers and leave the industry all together.

LGMSPD Policy § 1000 – Recruitment and Selection – provides a framework for employee recruiting efforts and identifying job-related standards for the selection process and incorporates equal opportunities for all applicants. The department focuses on “those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.” The policy describes the recruitment strategy, selection process, background investigation, disqualification guidelines, employment standards and documents information on probationary periods. The policy was reviewed and found to be thorough and reflective of contemporary hiring standards.

LGMSPD does not conduct written or physical agility tests. Applicants are required to submit those test scores with their application. A review of the applications is done by the Personnel and Training Analyst. Qualified applicants are given a Personal History Questionnaire (PHQ) to complete. Completed PHQ’s are reviewed by the Administrative Sergeant to determine if any disqualifiers are in the PHQ. Successful candidates participate in an oral interview with two officers and a community member. If successful, a background is conducted by third party Secure Solutions Investigations. Upon approval of the completed background, polygraph, medical, and psychological tests are given. Finally, a Chief’s interview is conducted before a final hiring decision is made. Meliora PSC found this process to be consistent with industry best practices.

The use of social media and recruitment ads has historically been used by agencies across the region to reach out to potential candidates; however, the best recruiters are members of their own agency. LGMSPD has an officer referral program. The program offers an incentive of \$3,000 for a successful entry level officer, \$4,000 for a successful pre-service officer, and \$5,000 for a successful lateral officer. Success is defined by the referred employee being hired, completing the FTP, and becoming eligible to receive their Basic POST certificate or completion of one year (if a lateral). The referring employee receives a third of the incentive pay upon achieving each of the three “success” milestones.

The LGMSPD normally does not have many vacant positions, both with sworn and professional staff. The agency attends several area job fairs and does not seem to have a problem attracting applicants. For the first part of 2024, from January 1 through June 30, a total of 123 applications were received. The table below depicts the trends in applications received for both sworn and professional staff positions for prior four years.



TABLE 51: Los Gatos-Monte Sereno Police Department Applications, 2020-2023

	2020	2021	2022	2023	TOTAL
Trainee	453	454	58	199	1,164
Pre-Service	112	113	36	22	283
Lateral	20	21	22	38	101
Dispatcher	138	604	200	120	1,062
Records Specialist	867	91	225	0	1,183
CSO Intern	46	22	0	68	136
Administrative Technician	0	0	0	73	73
TOTAL	1,636	1,305	541	520	4,002

Source: Los Gatos-Monte Sereno Police Department.

As reflected in Table 52 below, Training tracks total hired and gender; but does not track race nor does it have a system in place to do so. Meliora PSC recommends Training include demographic information in the data regarding all personnel hired.

TABLE 52: Los Gatos-Monte Sereno Police Department Recently Hired, 2021-2024 YTD

	2021	2022	2023	2024*	TOTAL
Male	6	5	7	3	21
Female	0	0	0	3	3
Sworn Total	6	5	7	6	24
Male	2	2	5	1	10
Female	7	6	3	1	17
Professional Total	9	8	8	2	27
TOTAL HIRED	15	13	15	8	51
TOTAL MALE	8	7	12	4	31
TOTAL FEMALE	7	6	3	4	20

Source: Los Gatos-Monte Sereno Police Department. * YTD as of June 30, 2024.

As mentioned earlier in the Town and department demographics section, it is important to analyze personnel data and applicant information to assist the organization in focusing recruitment efforts on enhancing diversity in hiring qualified employees that are reflective of the community it serves. Diversity in the workplace means having a workforce inclusive of diverse backgrounds and national origins as well as gender, cultural background, sexual orientation, and life experience. It also means that the organization fosters a sense of belonging that makes everyone feel like they are members of the team.

Earlier in the demographics section of the report, the Town’s demographics were compared to LGMSPD sworn demographics, and showed 13.9% of LGMSPD sworn members are women. As discussed, the 30x30 initiative seeks to advance the representation and experiences of women



in policing; in short police organizations are encouraged to increase the number of women in policing to 30% by 2030. The 30x30 initiative further explains it uses scientific data to show that not until 30% is achieved will it impact culture versus assimilating into the status quo. The point of this scientific data is that women need to “thrive and not just survive.” The 30x30 initiative also serves to highlight culture, in that police and sheriff organizations are encouraged to transfer their culture to support and celebrate the value of diverse and underrepresented personnel. To the credit of LGMSPD, there are women represented at each rank: Chief of Police, Captain, Sergeant, Corporal, and officer, which demonstrates a commitment to this initiative.

PRE-EMPLOYMENT INVESTIGATIONS

The pre-employment background investigation is one of the most crucial investigations of a police organization as those allowed to become members of the agency have a huge responsibility to lead their lives with the highest levels of integrity in keeping with the Law Enforcement Code of Ethics. Due to limited resources, the LGMSPD outsources their pre-employment backgrounds. This is customary practice for more agencies as background companies can be hired on an as-needed basis saving valuable resources and getting investigations completed more quickly. LGMSPD is complimented in the efficient and cost-effective strategy to complete the hiring process, wherein timeliness is important in a competitive hiring environment.

The LGMSPD background investigation process uses the California POST Investigations manual which works in conjunction with the POST 10 dimensions that are incorporated into the background process. The dimensions are as follows:

- Integrity
- Impulse Control/Attention to Safety
- Substance Abuse and Other Risk-Taking Behavior
- Stress Tolerance
- Confronting and Overcoming Problems, Obstacles, and Adversity
- Conscientiousness
- Interpersonal Skills
- Decision-Making and Judgment
- Learning Ability
- Communication Skills

RE-INTEGRATION PROGRAM

A “Re-integration Program” is designed to re-integrate employees who have been off work for several months, due to an injury or other reasons, by providing them refreshers on pertinent information, systems, policies, as well as having the returning employees complete any training missed during their absence. LGMSPD does not have a formal re-integration program but does



have returning employees receive refreshers on pertinent information, systems, policies, as well as having the returning employees complete any training missed during their absence. For sworn officers, they are required to qualify at the firearms range before going back in field service. For extended absences, a “mini-FTO” program is designed in addition to legal and other updates. Meliora PSC encourages LGMSPD to formalize a re-integration program.

RETENTION

Equally important to recruitment and hiring is retention. The first step in retaining employees is ensuring they are properly welcomed to the agency. Onboarding new hires is the welcoming process agencies conduct to integrate employees into the organization. The Town’s Human Resources Department conducts onboarding for all new employees, which covers mostly administrative paperwork and explanation of Town benefits. The LGMSPD is praised for having new sworn trainees assigned a “mentor.” The mentor is a certified Field Training Officer (FTO) who helps with LGMSPD-specific new employee orientation also known as onboarding process.

Employees are a valuable commodity to organizations, and it is in the agency’s best interest to meet with employees to address issues that may result in staff seeking other employment. In addition to meeting with staff and learning about challenges that may cause them to contemplate leaving, conducting exit interviews with those who separate due to retirement, transferring to another agency, or leaving for other reasons are insightful in understanding employee satisfaction, department culture, and areas for organizational improvement. Typically, the Chief has scheduled meetings with the Peace Officers Association (POA) to discuss emerging issues and departmental trends. These meetings also present an opportunity to discuss and gain insight regarding reasons why personnel may be contemplating leaving. Lastly, usually a member of the organization’s executive staff will speak with a departing employee to gain insight into the organization and/or why the employee is leaving.

During the site visit, we learned most departures are to work closer to the employee’s home, while the second reason is better pay and benefits. While many applicants live in the Pacific Grove, Santa Cruz, and Palo Alto areas, those areas have a high cost-of-living that may not be sustainable for employees. We have noticed this trend from our recent assessments for police professionals to lateral to an agency that is closer to the employee’s home.

LGMSPD is complimented as the Chief personally conducts exit interviews with departing employees, as well as the Town Manager. Meliora PSC recommends both departments meet and share LGMSPD specific information that is gleaned from the independent exit interviews to improve overall organizational management.

PERFORMANCE EVALUATIONS

LGMSPD Policy § 1001 – Evaluation of Employees addresses the performance evaluation system, “The Department’s employee performance evaluation system is designed to record



work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.” The policy further states, “The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.”

LGMSPD staff shared that an employee performance evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted, in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Meliora PSC reviewed the steps supervisors use in evaluation preparation and processing and found them to be thorough and appropriate. Policy § 1001.6 – Evaluation Interview – the LGMSPD rater is to draft the evaluation and then have a “private discussion” with the employee. By practice, the rater drafts the evaluation and submits it to the Captain for review and edits. The Captain will route the evaluation back to sergeant/supervisor to make appropriate changes or with an approval. Once the evaluation is approved, the sergeant/supervisor presents the evaluation to employee for review. Meliora PSC recommends that LGMSPD make the policy and practice consistent with each other by either updating the policy or practice for consistency.

LGMSPD is to be complimented for the performance appraisal, which outlines specific points that should be considered in the determination for the rating. Job functions are broken down into the following five categories: Policies and Procedures, Work Habits, Ethics and Integrity, Judgement, Verbal Communications, Written Communication, Interpersonal Skills, Problem Solving, Initiative, Incorporates Department Vision, Job Interest, Personal Interest, Controlling Difficult Situations, Investigations, Operations and Communications (Investigators Only). Meliora PSC encourages LGMSPD to consider stating the below information on the evaluation form itself to assist in ensuring all supervisors are following the same process:

- The purpose of a performance review and reports.
- The process for evaluations.

Policy § 1001.3.1 states that evaluations are addressed for reserves in the Reserve Officer Policy § 325. We found LGMSPD's Reserve Officer Policy §325.5.6 to cover reserve officer evaluations.

We asked for a description of the evaluation process for part-time employees both sworn and professional staff. LGMSPD advised that they do not complete evaluations for part-time employees. Meliora PSC recommends consideration be given to completing abbreviated annual evaluations on all part-time employees. The abbreviated evaluations could be helpful should the part-time employee seek full-time employment with the department or Town.



Meliora PSC found that the evaluation Policy § 1001.3 – Evaluation Process indicates, “all sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.” We confirmed all supervisors have attended this specific supervisory training.

LGMSPD manages and tracks deadlines for evaluations via an excel spreadsheet. Meliora PSC recommends the use of LEFTA System’s SHIELD Suite; a software application that addresses various high-liability areas and events within policing. This software was also recommended for Internal Affairs. For training, LEFTA will systematically track evaluations, due dates, and completion of evaluations. Using a tracking system for multiple administrative areas is cost effective and encourages usage by staff with one seamless system. Moreover, using one software system to handle multiple risk management and personnel management areas within the department will aid in its use.

As of July 2024, our review of LGMSPD’s completed evaluations found two past due evaluations in 2024, indicative of the agency placing a priority on timely employee feedback. LGMSPD is commended for completing evaluations in a timely manner.

If an employee is out on leave, typically their evaluation will be given to them upon return to work. Exceptions are when an employee is due for a salary (step) increase in which case LGMSPD makes every effort to administer the evaluation to an employee. For purposes of tracking, evaluations are considered pending and not past due if LGMSPD is unable to administer the evaluation to an employee who is out on leave. Currently, four employees evaluations fall within this pending category.

PERSONNEL AND TRAINING RECOMMENDATIONS

- Include demographic information when completing the hiring process for all personnel. (Recommendation #73)
- Formalize the re-integration program. (Recommendation #74)
- Share information gleaned from independent exit interviews at the Town and LGMSPD to improve overall organizational management. (Recommendation #75)
- Align Policy § 1001.6 – Evaluation Interview – policy and practice to be consistent by either updating the policy or practice. (Recommendation #76)
- Consider listing the purpose of a performance review and reports and process for evaluations on the evaluation form and ensure consistency amongst supervisors. (Recommendation #77)
- Consider completing abbreviated annual evaluations on all part-time employees. (Recommendation #78)
- Implement LEFTA System’s SHIELD Suite; a software application that addresses various high-liability areas and events within policing. (Recommendation #79)



Worker's Compensation

Worker's Compensation claims are a factor in policing due to the hazardous nature of police work. Managing other injuries and medical conditions is also critically important due to the level of physical and mental acuity necessary to safely perform many of the jobs in the police department. Because absences due to both on and off-duty injuries contribute to significant staffing issues, both should be managed and monitored in concert.

LGMSPD's worker's compensation is managed by the Town's Human Resources (HR) Department, not the police department. The police department assists the Town and police employees acting as a conduit and liaison, as necessary.

LGMSPD Policy § 1022.3.1 states, "MEMBER RESPONSIBILITIES: Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate. A Town of Los Gatos Medical Referral Form needs to be filled out by the employee and the employee's Doctor when the employee is scheduled to return to light duty or a non-full duty assignment. This form is to be submitted to Human Resources and the Bureau Captain."

At the time of our site visit, LGMSPD had two employees off on workers' compensation. LGMSPD ensures that if an employee is off due to workers compensation or FMLA, it is coded as such on their timesheet so that the Town can appropriately track the data. All claim information is kept by the Town's HR department. Therefore, LGMSPD staff does not have any role in monitoring or analyzing financial or operational impacts of these absences.

LGMSPD has extensive policies and procedures in place to guide management of all types of injury and illness absences including:

- Policy § 406 – Hazardous Material Response
- Policy § 702 – Personal Protective Equipment
- Policy § 1007 – Sick Leave
- Policy § 1008 – Communicable Diseases
- Policy § 1016 – Fitness for Duty
- Policy § 1022 – Occupational Disease and Work-Related Injury Reporting
- Policy § 1030 – Illness and Injury Prevention

The Support Services Captain is responsible for ensuring all policies and procedures are being followed. We requested aggregate information on work-related injuries and medical conditions to spot any trends that might indicate the need for further review in order to identify opportunities to reduce or mitigate situations that result in lengthy absences and staffing shortages.



TABLE 53: Worker’s Compensation Claim Data, 2022-2023

	2021	2022	2023
Lost Time	4,102 days	4,965 days	6,797 days
Costs for Lost Time	\$260,513	\$346,191	\$519,181
Costs for Medical Only	Not Tracked	Not Tracked	Not Tracked
Total Disability Amount Paid	Not Tracked by PD	Not Tracked by PD	Not Tracked by PD
Total Number of Claims	Not Tracked by PD	Not Tracked by PD	Not Tracked by PD

Source: Town of Los Gatos Worker’s Compensation Administrator.

In addition to reducing the cost of medical and lost time, facilitating employees’ return to full duty expeditiously is a key component to the overall management of injury claims that impact staffing shortages. Worker’s compensation costs are overseen by the Town of Los Gatos Finance Department. While there are regular meetings attended by LGMSPD staff, LGMSPD staff are not provided with financial updates regarding the areas shown above. In 2023, LGMSPD began to track the salary costs in Microsoft Excel. Meliora PSC recommends LGMSPD request regular worker’s compensation updates from Town HR and Finance. The operational impact of worker’s compensation absences is appropriate for police staff to manage and collaborate with Town staff. This can also assist the department with addressing any challenges injured workers may be experiencing that causes delays in their return to work.

WORKER’S COMPENSATION RECOMMENDATION

- Request regular workers compensation updates from Town HR and Finance to assist the department with addressing any challenges injured workers may be experiencing that causes delays in their return to work. (Recommendation #80)

Specialty Assignments and Promotions

LGMSPD Policy § 1002 addresses specialty assignments and promotions. The policy states, “The Los Gatos-Monte Sereno Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.”

The policy outlines special assignment positions, general requirements for specialty positions, evaluation criteria including listing desired traits by name for special assignment, and selection process for special assignments. The policy should also contain general requirements including traits such as leadership, decision-making, integrity, initiative; desirable qualifications such as time at the department along with knowledge, skills and abilities; and a defined selection process that also includes an interview process.

The process to be considered for a special assignment is as follows:



- Submit a memo of interest which should include the employees' interests and qualifications.
- Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations.
- The supervisor recommendations will be submitted through the chain of command to the Bureau Captain for whom the candidate will work. The Bureau Captain will schedule interviews with each candidate.
- Based on supervisor recommendations and those of the Bureau Captain after the interview, the Captain will submit his/her recommendation(s) to the Chief of Police.
- Appointment by the Chief of Police.

Although specific rotation guidelines are not spelled out in either the policy or employee MOU's, they are specified in the specialty assignment announcement memorandums posted prior to testing. Each specialty assignment has had varying rotation periods based on department need, staffing, and training involved. For example, Detectives, SRO, Administrative Sergeant and Traffic Sergeant assignments are three years with an optional one-year extension at the discretion of the Chief of Police. Traffic officer is a four-year assignment with an optional one-year extension. K9 is based on the life of the dog but traditionally slated for a seven-year assignment.

Meliora PSC recommends LGMSPD create a policy with mandated rotational guidelines to include the number of years per specialty assignment position. This is especially important for smaller, patrol-centric agencies that do not offer more assignments to retain officers. In practice, LGMSPD already includes the years and positions for the required rotations. The department is to be commended as this assists in managing the organization by returning experienced personnel to patrol and providing opportunity for professional growth to personnel seeking special assignments. It appears the current number of years are consistent with the personnel size of LGMSPD but should be reviewed when developing the policy. More than three years in an assignment can limit the specialty assignment for others and not provide an opportunity for professional growth and development to a larger number of personnel.

For promotional requirements, the policy states that this information is available at the Town's Department of Human Resources; this is typical for smaller-sized agencies.

Meliora PSC also reviewed job descriptions/job flyers for various police department positions. The document is broken down into the following categories: Essential Functions, Qualification Guidelines, Knowledge, Skills and Abilities. Candidates are ranked by score on their written and/or oral interviews, depending on the position.

An electronic personnel tracking system would provide LGMSPD with an efficient way to document all transfers throughout the department. Currently, all personnel promotions and assignments to different assignments are retained in an employee's individual personnel file. For instance, should the department want to know where an employee has worked or who has



worked on a particular assignment or desk, they would have to research the individual's personnel file or all personnel files to get the answer. As already mentioned, Meliora PSC recommends LGMSPD utilize the LEFTA system, if possible, to electronically track all employees, their assignments, promotions, and other pertinent personnel data with viewing privileges limited to authorized personnel; thus, being able to quickly and efficiently query a system versus manually checking personnel files.

STRATEGIC FORESIGHT

Police departments benefit from having a strategic foresight plan designed to future proof their organization to ensure seamless policing operations in perpetuity. It should be a philosophy that drives the plan; succession planning strategic foresight is a mindset rather than a simple succession plan checklist type program. Strategic foresight is built through a foundation throughout the organization with a budget, goals, and philosophy. Organizations should look at this through a long-term lens.

Due to the increased number of police professionals leaving the profession through retirement, attrition, public sentiment regarding policing, and other reasons, it is imperative now more than ever that a contemporary police department have a strategic foresight plan. Strategic foresight helps ensure that agencies continue to effectively operate without disruption after a personnel transfer, when employees leave their organization, or retire.

Police executives are expected to prepare the future leaders of the organization which can mean allowing staff to develop by experiencing different assignments over several years. Depending on employee turnover or the size of a department this can vary.

To overcome the challenge of staff not benefiting from time to develop and grow in a variety of positions, agencies must focus on increasing training for staff to prepare them for advancement. Some organizations have brought outside trainers to the agency for training, ongoing coaching, and staff development. Another unique consequence of this challenge is many agencies are increasingly recruiting for supervisory and management positions from outside agencies due to limited experiences of staff within the organization.

The management and supervision of the LGMSPD falls on the shoulders of the Chief and two Captains, and the Chief began in January of 2022.

A challenge for the LGMSPD is the tenure of the existing patrol officers, with the average years of experience being two years. The most junior officer has one month of experience, and the most senior patrol officer has 25 years of experience. From a different lens the average tenure of the existing patrol sergeant rank is five years at the sergeant rank; the sergeants are the watch commanders and highest-ranking persons on duty during the night and weekend shifts. The most junior sergeant has one month of experience, and the most senior sergeant has eight years of experience as a supervisor.



Some notable strategic foresight recommendations are:

- Include coaching in the career development plan.
- Create bureau, section, and unit manuals so key information is readily available. Manuals help retain critical information that may not be relayed when a person leaves or retires.
- Communicate the strategic foresight plan to department members.
- Track workforce key factors such as:
 - Number of employees who are eligible for retirement and their current assignments.
 - Ensure those eligible for retirement are distributed across the organization and not in one division.
- Identify years of service/tenure of employees. Those closer to retirement can impart important institutional knowledge on less tenured employees.
- Identify where junior/less tenured and experienced employees are assigned and make adjustments where possible.
- Track and monitor appointment dates, age at appointment, and separation trends. Ongoing attention will help forecast future staffing needs across different circumstances and also assist with retention efforts.

During the assessment process, we noted an opportunity for improved management with the reorganization of the police department and the addition of one lieutenant immediately and one professional staff administrator in the future. Details regarding this recommendation are outlined in the Structure and Responsibility section of this report.

SPECIAL ASSIGNMENT AND PROMOTION RECOMMENDATIONS

- Add mandated rotational guidelines to include the number of years and positions in Policy 1002 – Specialty Assignments. (Recommendation #81)
- Utilize the LEFTA system to electronically track all employees, their assignments, promotions, and other pertinent personnel data with viewing privileges limited to authorized personnel. (Recommendation #82)

Employee Wellness

The 21st Century Policing report, Pillar 6: Officer Wellness and Safety states, “The wellness and safety of LEOs (Law Enforcement Officers) is critical not only to themselves, their colleagues and their agencies, but also to public safety.”

Wellness is governed by LGMSPD Policy § 1032 that states, “It is the policy of the Los Gatos-Monte Sereno Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.”



The current policy provides guidance on establishing and maintaining a proactive wellness program for department members. The LGMSPD wellness program is intended to be a well-rounded approach to member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness. It is noteworthy how much the LGMSPD recognizes the importance of overall wellness within the department and includes all personnel within the organization in their vibrant wellness programs.

The department takes a holistic approach to wellness and developed an internally published "Wheel of Wellness" that is intended to be a tool of self-assessment. It allows an individual employee to see what is available to them by providing tools and support programs in the following areas: Emotional, Physical, Career, Spiritual, Social, Financial, Environmental, and Intellectual. Each of these areas have specific programs and tools available to employees. There is even an on-duty workout program. The LGMSPD should be recognized for their exceptional efforts on several of these programs.

Policy § 1032.3 requires the Chief of Police to appoint a trained Wellness Coordinator. The Wellness Coordinator is to collaborate with advisors, the Personnel and Training Unit, legal counsel, licensed psychotherapist, qualified health professionals, as appropriate, to fulfill the responsibilities of the position. Currently, there is no appointed Wellness Coordinator. Meliora PSC recommends the Chief of Police appoint a Wellness Coordinator as a collateral duty to this important role as soon as practicable.

PEER SUPPORT

LGMSPD has a Peer Support Team, which was one of the first in Santa Clara County. The program was implemented in the early 2000s. There was a published policy and procedure manual that included requirements for selection into the program, training, duties and responsibilities. The program is staffed with sworn and professional staff members. At its peak, the Peer Support Team had about ten members who were trained in the peer support role within the department. Many members of the Peer Support Team retired or left the LGMSPD. Currently, there are a total of 5 members; however, several of those members are no longer in the workplace for varying reasons. There are Employee Wellness information boards at both LGMSPD locations, that are predominantly placed in common areas. Each of the boards have Peer Support information on the program and who an employee can contact for peer support.

The policy and procedure manual has not been maintained or updated in 15 years, and management of the program has not been maintained as actively as in the past. Meliora PSC recommends the Peer Support policy be updated, a lead team member be identified, acquire more Peer Support team members, and establish a general measurement of how many employees are assisted during a specified timeframe. This program is outstanding, and more attention should be dedicated to consistency of the Peer Support program.



EMPLOYEE ASSISTANCE PROGRAM

LGMSPD has an Employee Assistance Program (EAP) as well. Information about EAP is also listed on the Wellness information board. CONCERN Health, who is the contracted provider for support services to the LGMSPD, has responded to critical stress debriefings and assists employees if requested. CONCERN has a fiscal assistance component as well as a legal services component.

CHAPLAIN PROGRAM

There is a Chaplain program at the LGMSPD, which is supervised by a patrol sergeant. There are two chaplains with one being with the program since 2000, and one chaplain being with the program for about a year. Both chaplains are active pastors within Los Gatos-Monte Sereno; however, their work within the Chaplain program is focused on spirituality and is not religion specific. The chaplains are very accessible, and are primarily used to support departmental personnel; however, they can be used for community support if the need arises.

ASSISTIVE THERAPY CANINE

Finally, in its infancy is an Assistive Therapy Canine wellness program, which is a pilot-program established in 2022 to enhance employee wellness, assist in the response and treatment of trauma and mental health, and provide community outreach and engagement. Two K9s were purchased and funded by the Los Gatos Police Foundation, which is a community-based affiliation of the LGMSPD. The Assistive Therapy Canine Policy states that the program is to be supervised by the LGMSPD Canine Coordinator, but the department does not currently have an enforcement K9 team; therefore, there is no Canine Coordinator. As a stop-gap, the Assistive Therapy Canine program is currently being overseen by a captain within the police department. Having no designated K9 coordinator can be unclear to the Assistive Therapy Canine Teams and the department as to chain of command, supervision, direction for deployment, statistical reporting, and clarification on management of the overall program.

The Assistive Canine program is staffed with two therapy K9s (Gary and JJ). K9 Gary is assigned to a sworn corporal and K9 JJ is assigned to a professional staff member. Both therapy K9s have been trained and certified by Operation Freedom Paws, which is a non-profit organization that focuses on the needs of first responders and veterans. Operation Freedom Paws certifies each K9 and their handler through a National Program, but there are no written procedures for program file maintenance and when an Assistive Therapy Canine can go with an officer to a radio call.

K9 JJ is assigned to a professional staff member, and has been trained with that specific staff member. However, the professional staff member has been temporarily out of the workplace for an extended period of time. While out of the workplace, another professional staff member has taken the duty of bringing K9 JJ into the station and to community events. This presents an



issue since the second professional staff member has not been trained or certified by Operation Freedom Paws. Assistive Therapy Canines are fairly new to police agencies. As such, there are limited clearly defined policies and procedures for this program. LGMSPD Policy § 318 addresses the Assistive Therapy Canines, but it is mostly guideline based. We noted that there is no clear departmental procedure for allowing a non-certified and untrained employee from bringing an Assistive Therapy K9 (formally assigned to another established K9 handler) into the department or to a community event. Meliora PSC recommends either the professional staff member be trained and certified by Operation Freedom Paws in order to avoid any potential liability or the Assistive Therapy K9 remain off duty with the primary handler. Furthermore, having an extra therapy-trained K9 handler may assist should the primary therapy K9 handler be unavailable for extended periods as is the current case. In either case, the Assistive Therapy K9 would either need to remain with the handler and not at work, or be reassigned to the newly-trained handler.

While the program should be commended for its originality, creativity, resourcefulness, and identified need – the program needs organizational structure and attention. Aside from no procedural manual, there is no set structure and minimal direction of when a therapy K9 should/can be brought into the workplace and/or community events. There are vague guidelines for re-certification, updated training, and overall utilization. While it is a pilot program, the LGMSPD Assistive Therapy K9 teams have been in place for almost two years. There is also a noteworthy lack of metrics, reporting, and statistical data to determine program use, effectiveness, and overall success. Meliora PSC recommends immediate attention be given to operational clarity, structure, and measurements of use and success to determine the future of the program. If the program is formally incorporated into the department, clearly defined policies and procedures must be established. The policy and procedure should include chain of command, reporting of metrics, deployment, standards, and formal mandatory training (including consistent update training).

While Meliora PSC was assessing the Assistive Therapy Canine program, we noted that employees were allowed to bring their personal dogs into the POB without notification or supervisory authorization. We recognize that bringing a personally-owned dog into a public workplace can be positive for the employee and the department; however, there should be well established department guidelines for this practice. With an existing Assistive Therapy K9 program, the risk of an untrained personal pet/dog coming into the workplace can be unpredictable. Should the personal pet become scared or alarmed, it could result in a potential injury to a staff member, owner, and/or a member of the public when the pet is coming and going from the department. We question the prudence of balancing employee wellness with untrained pets when the department has a Assistive Therapy Canine program in place. Meliora PSC recommends a department policy be created to address addressing the practice of bringing an employee-owned dog (pet) into either police facility. This could be done by adding a section in the existing Assistive Therapy Canine policy.



EARLY INTERVENTION PROGRAM

An Early Intervention Program (EIP) is a resource for supervisory personnel to identify employees who may display symptoms of job stress, performance problems at early stages, or personal matters impacting their job performance and/or conduct. The intent of an EIP is to proactively provide employees with the assistance and training necessary to perform their assigned duties in an effective and efficient manner. While individual incidents such as personnel complaints, traffic collisions, and uses of force are reviewed at the time of occurrence by a supervisor and managers, these incidents may appear acceptable in isolation, but a pattern of less-than-optimal job performance may be developing that is more difficult to identify. Tracking the indicators detailed in this program enables supervisors to examine the totality of an individual’s actions and make a more accurate assessment of the employee’s well-being.

The following table shows a sample of early intervention indicators and a threshold schedule that may be of value to the organization. Each agency that chooses to utilize an EIP should establish its own list of indicators and a threshold schedule that meets the needs of the organization, while considering workload demands present in that agency. This is only a sample for illustration purposes.

TABLE 54: Sample Early Intervention Program Thresholds

Incident Type	of incidents	Threshold
Administrative investigation	X	3 incidents within 12 months
Citizen complaint	X	3 incidents within 12 months
Missed court	X	2 incidents within 12
Use of force	X	4 incidents within 12
Vehicle accidents	X	2 incidents within 12
Vehicle pursuit	X	2 incidents within 12
Cumulative total	X	7 incidents within 12

It is important to note that the notification triggered by reaching a threshold in and of itself does not suggest a definitive problem with an employee, but rather, informs supervision of a high rate of total incidents, which is a number determined by the department. For instance, officers working in high-crime areas are more commonly involved in arrests and uses of force, thereby potentially triggering a notification even though their actions may be entirely appropriate. This applies to more proactive officers as well. Nonetheless, the department can look at the employees’ pattern of conduct and determine if there may be any concerns at the earliest stages. If so, the concern can be addressed through counseling, training, or as otherwise called for. Since LGMSPD does not have an early intervention program, Meliora PSC recommends LGMSPD implement an EIP.



EMPLOYEE WELLNESS RECOMMENDATIONS

- Appoint a trained wellness coordinator and ensure the coordinator is fulfilling the responsibilities of the position as outlined in the department policy. (Recommendation #83)
- Update the Peer Support policy, identify a lead team member, acquire more Peer Support team members, and establish a metrics structure of how many employees are assisted during a specified timeframe. (Recommendation #84)
- Train and certify an additional professional staff member by Operation Freedom Paws in order to handle an Assistive Therapy K9. (Recommendation #85)
- Implement protocols for the Assistive Canine Therapy program in regard to operational clarity, structure, and measurements of success, and establish clearly defined policies and procedures to include chain of command, reporting of metrics, deployment, standards, and formal mandatory training (including consistent update training). (Recommendation #86)
- Create a department policy and guideline addressing the practice of bringing an employee-owned dog (pet) into either police facility. (Recommendation #87)
- Implement an early intervention program. (Recommendation #88)

Internal Affairs

Ethical behavior is the cornerstone of public trust. For any public safety organization to maintain such trust, it must constantly demonstrate that its relationship with the community will be fair, objective and rooted in consistently applied ethical practices. Members of the LGMSPD are expected to demonstrate, through words and actions, that the best interest of the public is always at the forefront of their decisions.

PERSONNEL COMPLAINTS

Trust in American policing is experiencing a pendulum swing and maintaining the public's trust is vital to the mission of public safety. Sir Robert Peel is credited with saying:

To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect.

Until May of 2021, the LGMSPD received personnel complaints and gave supervisory and management attention to allegations of misconduct, which is the industry standard. We learned the change in policy was the result of several Town Council meetings on police reform, soon after the murder of George Floyd in 2020. There does not appear to be any independent reason for the change, other than the nationwide initiative for police reforms. After conversations with the Town Attorney and police department, the Town Council created an administrative procedure implemented on May 18, 2021, which changed the complaint process



from being handled by the police department, to being overseen and managed by the Town Attorney's Office.

As stated in the Town Administrative Procedure, all personnel complaints submitted directly to the Town Attorney's Office or police department for further investigation will undergo a preliminary review by the Town Attorney and Support Services Captain in accordance with the Town's Administrative Complaint Investigation Procedure. They will determine classification of the complaint into one of the several categories. Those categories are supervisory referral, conduct complaint, non-misconduct concern, demonstrably unfounded, or inconclusive.

If a complaint is made to a supervisor at LGMSPD, the community member is referred to the Town Clerk or department website to file a complaint. The form is posted on the Town's website and includes a fillable complaint form that can be printed or emailed to the Town Clerk. During our site visit, hard copies of the complaint form were not observed in the police department lobby nor LGMSPD website. Providing the public access to complaints as well as commendation forms in person at the department's lobby and online is in keeping with best practice. Meliora PSC encourages the LGMSPD to add an employee commendation form to the website as well as hard copies in the lobby at HQ and POB. LGMSPD supports employees who come forward with an internal complaint.

PERSONNEL INVESTIGATIVE PROCESS

Per the Town Policy, complaints will fall under the following classification system as determined by the Town Attorney:

1. Supervisory Referral: A Supervisory Referral is a formal complaint which contains an allegation involving a minor transgression that may best be handled by bringing the matter to the attention of the subject member's supervisor and the chain of command to determine if the transgression occurred and the appropriate corrective action without formal investigation. All of the following objective criteria must be met for a complaint to be considered a Supervisory Referral:

- The issue must be personnel-related,
- Allegations of misconduct must be related to action(s) or inaction(s) by a sworn member of the department, and
- The allegation(s) must involve a minor transgression in which a finding of sustained would not likely result in substantial discipline.

2. Policy Complaint: A Policy Complaint is defined as a complaint in which sworn officer(s) took action that was determined during the Preliminary Review to be in compliance with LGMSPD policy, procedure or California or Federal Law, but for which the complainant believes the policy is inappropriate or invalid. In these cases, there is no indication a complaint is made specifically against the officer taking the action. Upon determining the complaint to be a Policy



Complaint, the Policy will be reviewed, and the complaint will not be placed in the officer's personnel file.

3. Conduct Complaint: A Conduct Complaint is defined as a formal complaint in which a complainant files an allegation against a sworn officer, which if true would indicate the officer violated (1) any local, state, or federal law, or (2) any department policy or procedure, and where such actions could result in the involved officer receiving substantial disciplinary action.

4. Non-Misconduct Concern: After receiving a formal complaint alleging misconduct by a sworn officer, the Town's preliminary review may indicate that the allegations did not involve a violation of:

- Any local, state or federal law or,
- Any department policy or procedures. Such a complaint will be re-categorized as a Non-Misconduct Concern, meaning it does not meet the criteria outlined in the definition of a Conduct Complaint. Recategorizing complaints as Non-Misconduct Concerns allows the Town to track issues that may indicate a need for training for sworn personnel and/or community outreach/dialogue. Complaints categorized as Non-Misconduct Concerns will not be placed in the officer's personnel file.

5. Demonstrably Unfounded: When the preliminary review of a formal complaint reveals that the misconduct alleged in the complaint did not occur, based on immediately available evidence and/or recorded media, the complaint is categorized as "Demonstrably Unfounded." Complaints categorized as unfounded will not be placed in the officer's personnel file.

6. Inconclusive: A matter in which the complaining party either refuses to sign and complete the Town of Los Gatos Police Department Community Complaint Form, refuses to cooperate during the investigation, or becomes unavailable after diligent follow-up. In such matters, the Preliminary Reviewers may further investigate the matter depending upon whether there are sufficient leads to establish reasonable suspicion that serious misconduct or a criminal offense has been committed by the officer(s) based upon the initial information provided. If sufficient independent evidence is not available, the complaint will be classified as "Inconclusive."

Town Policy requires conduct complaints that require more than a preliminary review to be assigned by the Town Attorney to an independent investigator for investigation. Due to an influx of low-level or demonstrably unfounded Community Complaints submitted in 2023 where LGMSPD was unable to resolve the complaint at a lower level, which was practice prior to the 2021 Town Policy, the Town process was revised by the Town Manager and Town Attorney in 2023. The update addressed the well intentioned Town Policy that may have inadvertently been in conflict with proper reporting requirements for community complaints, the Peace Officer Bill of Rights, Senate Bill 2, and a process that requires the complainant to take additional steps to lodge a complaint. In both the initial and revised policy, the Town Attorney in consultation with the Chief of Police make the decision on the finding of a conduct



complaint that is investigated by an outside investigator. The Chief of Police determines the level of discipline in sustained cases.

We reviewed LGMSPD Policy § 1019 – Personnel Complaints, dated 9/1/2023 from the website. That version of the policy does not contain any policy language from the Town Administrative Procedure and appears to be the policy prior to the change by the council. The department has a draft of an updated policy that incorporates the changes, but it has not been completed as of the site visit. However, the current practice appears to be consistent with the Town Administrative Procedure.

Police departments must exhibit professionalism, courtesy, and significance to those who bring favorable, but importantly, report potential misconduct or deficient performance. LGMSPD Policy § 1019.2 – specifically addresses this by stating, “The Los Gatos-Monte Sereno Police Department takes all complaints seriously regarding the service provided by the Department and the conduct of its members.” The policy further indicates, “It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.”

Employees pursue their career with the best intentions. When misjudgment occurs, employees will accept discipline and criticism in a more positive manner when they feel the process was conducted properly and they have been provided continuous updates. The guidelines set forth by the police department are intended to establish consistency with the internal affairs process and promote the philosophy tenants of leadership and excellence.

As with background investigations, several agencies across the state have opted to seek outside investigators to conduct personnel investigations, whether they are complaints from a member of the public or internally generated. In addition to completing the investigations in a timely manner and without impacting the sergeants’ primary duties, investigations could be done by a lieutenant or by an external investigator. External investigations promote confidence in the objectiveness of the investigation. The current Town Administrative Procedure requires an independent investigation for a conduct complaint that warrants additional investigation after the preliminary review.

Under the Town Administrative Procedure, there does not appear to be an opportunity for resolution between the supervisor and complainant, a practice that is appropriate. Instead, this practice has been replaced by the Town Attorney’s review. By meeting with the complainant, the supervisor is able to learn more about the facts concerning the incident and to explain the officer’s conduct where appropriate. Often times, the explanation and insight provided resolves the matter. Other times, the supervisor may learn additional information not previously known that elevates the complaint to a misconduct complaint. Interaction with the public and supervisor is key to communication and continuing to build trust. At the end of this section we will address the opportunity to allow for this type of resolution, and it requires changing the Town Administrative Procedure regarding complaints.



Per Policy § 1019.6.4 – Completion of Investigations, “Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).” It further states, “In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.” All pursuits, traffic collisions and use of force investigations have a disposition; none are pending.

Upon completion of the personnel investigation, a conclusion of fact is determined. LGMSPD’s policy lists the following dispositions:

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

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

Not Sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

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

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

DISCIPLINE

Per Policy § 1019.10.1, “Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member’s personnel file, and any other relevant materials. The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.”

Per Policy § 1019.10.2, “Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Captain for further



investigation or action. Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. " Examples of disciplinary action include written reprimand, suspension, demotion, or termination.

In accordance with current case law, any documentation of counseling, oral reprimand, or training that is provided because of a sustained personnel complaint shall not state or infer said counseling, oral reprimand, or training was imposed as a form of discipline, either implicit or implied.

COMPLAINT INFORMATION AND DATA

During the course of the assessment, we requested a history of community complaints (when a member of the public either complained about a department member to a supervisor OR submitted a written complaint) and a history of internal affairs complaints (when a member of LGMSPD reports potential misconduct or performance concern to a supervisor). It was initially reported that there were two complaints by members of the public in the past five years, one in 2020 and one in 2022, and both were sustained. During the same timeframe, there were three internal complaints, all in 2023, with two being sustained and one not sustained.

In our experience, a total of five complaints to include internal and community generated in a five-year period is questionable. This is based on the police department being comprised of human beings, who by their very nature, may make mistakes. Two community complaints in a five-year period underscores the concern we raised earlier wherein the process for accepting a complaint should be seamless and centralized and not require additional steps by the community member as the current policy dictates.

When asked for clarification and to hone the search to 2021 forward (timeframe the complaint policy was in the process of changing), staff provided additional information that showed a larger number of complaints that is more likely accurate. However, the classification categories implemented by the Town are inconsistent with the California Department of Justice's Annual Report of Civilians' Complaints Against Peace Officers, which uses sustain, not sustained, exonerated, unfounded, and pending as the outcome categories. Tables 55 and 56 below depict the updated community complaint totals for 2021-2024 as well as those reported to the California Department of Justice's Annual Report of Civilian Complaints from 2021-2023. Again, we note a discrepancy in the complaint numbers for 2021 and 2022 reflecting one and three, respectively, at the department versus the numbers reported to CA DOJ, two and four, respectively.



TABLE 55: Community Complaints, 2021-2024

	Total	Supervisory Referral	Policy Complaint	Conduct Complaint	Non-Misconduct Concern	Demonstrably Unfounded	Incomplete
2021	1	0	0	0	0	1	0
2022	3	0	0	0	0	3	0
2023	12	4	0	0	0	7	1
2024*	2	0	0	0	0	2	0
TOTAL	18	4	0	0	0	13	1

*SOURCE: Los Gatos-Monte-Sereno Police Department. * denotes as of July 2024, and 2024 to be reported to CA DOJ in January 2025.*

TABLE 56: CA DOJ Annual Report of Civilian Complaints, 2021-2023

	Total	Sustained	Not Sustained	Exonerated	Unfounded	Pending
2021	2	0	0	2	0	0
2022	4	0	0	3	1	0
2023	12	0	0	0	9	3
Total	18	0	0	5	10	3

SOURCE: California Department of Justice OpenJustice website <https://openjustice.doj.ca.gov/data>.

The fact the Town Attorney’s Office serves as an intermediary in the acceptance and management of complaints regarding LGMSPD leaves the opportunity for complaints, regardless of merit, to be inaccurately reported in the Annual Report of Civilians’ Complaints Against Peace Officers to the State of California Department of Justice. Ultimately, the goal is to accept all complaints and report them as community complaints. The initial review step by the Town Attorney should not impact the fact a complaint has been accepted. In fact, requiring community members to complete a form and submit it may reduce the likelihood of receiving the complaint, contrary to the intent of the Town and LGMSPD. Moreover, this could create a larger problem in that minor complaints that the department is unaware of prevents supervisors and managers from being proactive in providing training and oversight to ensure the issues are not repeated.

Meliora PSC recommends the department, Town Manager, and Town Attorney revisit the current industry standard wherein the department receives and investigates allegations of misconduct – an important mechanism for the department to hold its staff and itself accountable to the communities it serves – and remove the Town Attorney from the complaint intake process. This also eliminates any potential conflict of interest with the Town Attorney’s Office so they can serve as a legal advisor.

Regarding internally-generated complaints, staff also provided updated totals to include one internal affairs investigation from 2022. It is not unusual for there to be a higher percentage of sustained findings in internal complaint investigations as opposed to complaints from



community members. Internal complaints are typically generated from supervisors or office personnel who are more aware of specific policy violations and report violations. So, there may be a higher likelihood that an internal complaint is sustained. External complaints may be based on procedural issues or not provide the community member with the benefit of context on why an officer performed in the manner he/she did. This is not to say that all complaints by community members lack foundation for poor service and/or policy violation, but rather to share insight from this noteworthy outcome in assessments conducted across the county.

TABLE 57: Internal Complaints, 2021-2024

	Total	Sustained	Not Sustained	Exonerated	Unfounded	Pending
2021	0	0	0	0	0	0
2022	1	1	0	0	0	0
2023	3	2	1	0	0	0
2024*	0	0	0	0	0	0
Total	4	3	1	0	0	0

*SOURCE: Los Gatos-Monte-Sereno Police Department. * denotes as of July 2024.*

We recognize the issues with the complaint process may be intertwined and also related to the absence of an electronic tracking system. Meliora PSC recommends an electronic system (such as Lefta Systems, Axon Standard or IAPro / Blue Team) be considered as a risk management tracking tool for complaints, internal affairs investigations, pursuits, use of force, commendations, forced entries, on-duty traffic collisions, missed court appearances, etc. An efficient system would include the ability for supervisors to upload documents and any recordings for administrative review as well as provide the ability to provide data analytics to include management reports and graphs. The department could then provide quarterly or semi-annual reports to the Town Attorney on aggregate numbers of complaints and related dispositions.

Many agencies respond to allegations of misconduct as they occur, this approach is reactive. Contemporary organizations are shifting the approach to include a more proactive strategy towards internal affairs and department operations overall. This includes implementing random audits and inspections of all employees, equipment, incident/offense reports, attendance records, property receipts, rejected criminal investigations, training records, and other documentation for quality assurance, safety, and compliance with policies. This could also include selecting random police reports and BWC, checking property and evidence, accuracy of traffic citations, and attendance at traffic court. Meliora PSC mostly sees this type of approach at larger size agencies due to the number of employees relative to span of control. Smaller agencies tend to have more frequent contact with employees due to the ratio of supervisor/employee and a smaller facility. Meliora PSC encourages LGMSPD to consider following this type of contemporary proactive approach.



INTERNAL AFFAIRS RECOMMENDATIONS

- Add an employee commendation form to the website as well as hard copies in the lobby at HQ and POB. (Recommendation #89)
- Revisit the current industry standard of the department receiving and investigating allegations of misconduct – an important mechanism for the department to hold its staff and itself accountable to the communities it serves. (Recommendation #90)
- Consider implementing an electronic system (such as Lefta Systems, Axon Standard or IAPRO / Blue Team) as a risk management tracking tool for complaints, internal affairs investigations, pursuits, use of force, commendations, forced entries, on-duty traffic collisions, missed court appearance. (Recommendation #91)

Use of Force

The necessary and appropriate use of force in carrying out police officer duties up to and including the taking of a human life is among the most complex, difficult, and critiqued actions of law enforcement. Now more than ever, the application of force is examined and judged. With the ease with which people are using cellphones and social media to record police in the performance of their duties, including their use of force, it is essential and critical that the office have and follow a comprehensive, up-to-date policy on the use of force.

Due to the elevated level of scrutiny and litigation, a comprehensive tracking, review and correction/training process is a necessary requirement. Highly publicized use of force incidents has resulted in a push for reforms on use of force in policing as well as reporting requirements to track use of force incidents and injuries to officers and community members. Per LGMSPD Policy § 300.5.2, “Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Division Policy.”

USE OF FORCE POLICIES

Recently, use of force incidents has captured the attention of communities across the nation. Police interactions that drive the public’s concerns include fatal shooting, severe physical force and/or choke holds that cause unconsciousness or even death, although these types of incidents are not typical police uses of force.

LGMSPD has several policies pertaining to the use of force, such as:

- Policy § 300 Use of Force
 - Sub-section 300.3.1 De-escalation
 - Sub-section 300.5 Use of Force Reporting
- Policy § 301 Handcuffing and Restraints
- Policy § 302 Control Devices and Techniques



- Policy § 303 Conducted Energy Device
- Policy § 304 Officer-Involved Shootings and Deaths
- Policy § 305 Firearms

Contemporary police organizations are continually reviewing their use of force policies to balance the importance of protecting human life and the apprehension of suspects. Policies should include training on the use of force; dealing with those with disabilities or in mental health crisis; limitations on and prohibitive uses of force; documentation, reporting, investigation and review; and discipline and accountability.

The California Attorney General provided a list of core principles addressing force issues. The principles include:

- Proportionality and de-escalation
- Prohibiting the Use of Retaliatory Force
- Limits on Choke or Neck Holds, and Head Strikes
- Limits on Use of Force on Handcuffed or Restrained People
- Clear Policies on Specific Weapons, Including Firearms and Less-Lethal Weapons
- Systems for Handling Encounters with People with Disabilities or in Mental Health Crisis
- Providing Necessary Medical Assistance
- Documenting and Reviewing Uses of Force

LGMSPD includes these core principles in the department policies, a further demonstrating the commitment to being a contemporary police organization.

USE OF FORCE REVIEW

Providing relevant training for the use of force as well as de-escalation and crisis intervention training is critical for the department. The purpose of comprehensive training is to ensure officers are using proper and reasonable applications of force in the performance of their duties. With respect to the use of deadly force, no other responsibility of the Town or department has more importance. As Sir Robert Peel said,

To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any occasion for achieving a police objective.

LGMSPD Policy § 300.1.1 offers definitions for terms related to use of force applications and incidents. Policy § 300.3 states, “Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).”



LGMSPD Policy § 300.7 – Supervisor Responsibility – specifically describes the review and reporting of use of force incidents. The review includes ensuring compliance with policy and training consistent with current state law. Additionally, Policy § 300.7.1 – Shift Supervisor Responsibility states, “The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy.”

The use of force policy outlines the employees’ responsibilities for reporting and documenting use of force. We learned the department uses a criminal case report for documenting use of force incidents. The report includes the incident information, use of force information, force used by officers, suspect actions, injuries, and electronic device equipment information and details. The sergeant may include a synopsis of the incident including interviews with witnesses and body-worn camera video in their review memorandum. Each use of force incident is reviewed by the Operations Captain, Support Services Captain, and the Chief of Police. The information is submitted to the Chief’s Executive Assistant, who puts it into a Supervisory Use of Force Review file. At each level of review, a determination is made if the use of force is within policy or not and makes any recommendations. If there is great bodily injury or possible out of policy use of force, the memorandum by the reviewing supervisor will recommend a department-initiated investigation. Those investigations are contracted to third party investigative firms to conduct a formal Internal Affairs investigation.

While the use of a criminal case report should accurately document an incident, a separate tracking system can provide better information for analysis. The use of force incidents are currently tracked on an excel spreadsheet after review of the criminal case reports. While we support the importance of a tracking system, the department may wish to consider the use of Lexipol’s LEFTA’s program (as recommended earlier for other areas in the department). As a current Lexipol subscriber, this program can become easily available and incorporated. The system will enhance data tracking and the ability to create management reports in the future. A tracking system will also assist in the timely and efficient annual use of force analysis prescribed by policy. Meliora PSC recommends that LGMSPD examine the use of the LEFTA system or similar product for use of force and other tracking in the department as mentioned in this report. Additionally, the same program can be used for internal affairs case management and tracking and as an early intervention program.

LGMSPD Policy § 300.10 – Use of Force Analysis – “At least annually, the Patrol Captain should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include: (a) The identification of any trends in the use of force by members. (b) Training needs recommendations. (c) Equipment needs recommendations. (d) Policy revision recommendations.”

There is no formal board review of use of force incidents nor a policy to request such a review. The Chief of Police may request the Use of Force Review Board to further investigate the circumstances surrounding any use of force incident. The department review may result in



training, equipment updates, policy, and procedure updates and an internal affairs investigation, if warranted. Meliora PSC recommends the establishment of a review board policy as there is a need to review the use of force incidents for the reasons outlined above and identify any trends, risk management and liability mitigation, and overall training needs. Lexipol has a policy that outlines when the board is convened and review of incidents.

USE OF FORCE DATA AND STATISTICS

LGMSPD tracks uses of force and Table 58 below details use of force incidents over the past four years. During that timeframe, there was no use of force involving carotid restraint, discharge of a firearm, or force causing great bodily injury. The fact that none of the encounters resulted in great bodily injury or death is a testament to LGMSPD police officers and the quality training and supervision they receive. It should be noted that some force incidents have multiple force options used. For example, in 2022, there were seven force incidents with 18 force options applied. Practically speaking, this may have been two officers applying physical restraint at the same incident, which would then result in two uses of force.

TABLE 58: Use of Force, 2020 – 2023

Type of Force	2020	2021	2022	2023	TOTAL
Physical Restraint	3	1	3	5	12
Restraint Device	2	2	4	1	9
Kinetic Electronic Device	1	0	0	1	2
TOTAL	6/14	3/7	7/18	7/13	23/25

Source: Los Gatos-Monte Sereno Police Department.

USE OF FORCE RECOMMENDATIONS

- Examine the use of the LEFTA system or similar product for use of force and other risk management tracking. (Recommendation #92)
- Establish a use of force review board to identify any trends, risk management and liability mitigation, and overall training needs. (Recommendation #93)

Training

Training is another critical aspect of policing in the 21st century. Current events have raised society’s awareness of how important remaining up-to-date on best practices, training, and equipment is for modern police organizations. Additionally, employees are an agency’s greatest asset. Organizations that continually train and incorporate best practices are demonstrating a commitment to maintaining a high level of service. Members of the LGMSPD are expected to fully participate in training. Training allows employees to grow and gain a better understanding of their field of expertise. Employees who are professionally trained are better able to make



sound decisions that are in the best interest of the Town, department, and community they serve.

LGMSPD seeks to provide a training program that will provide professional growth and continued development of its personnel. This is accomplished through advanced and in-service training, along with seeking formal education. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. LGMSPD Policy § 203 – Training – states, “it is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel.” The policy further states, “Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).”

POST is the regulatory agency that establishes and maintains the minimum selection and training standards for California law enforcement. Participating agencies agree to abide by the standards established by POST. More than 600 agencies participate in the POST program and are eligible to receive the commission's services and benefits. Services and benefits include job-related assessment tools, research into improved officer selection standards, the development of new training courses, reimbursement for training, and other services.

The policy does not designate who selects or how a “Training Manager” is selected but does state, “A Training Plan will be developed and maintained by the Training Coordinator. It is the responsibility of the Training Coordinator to maintain, review, and update the Training Plan on an ongoing basis.” As mentioned earlier, the Senior Administrative Analyst performs the role of Training Coordinator, referred to as the Training Manager.

The policy indicates the plan will address the following areas:

- Legislative Changes and Case Law
- Advanced Officer Training
- Specific County Protocol Revisions
- State Mandated Training
- Critical Issues Training
- Desired Training

TRAINING PLAN

LGMSPD’s Training Plan is incorporated into their training matrix. The plan summarizes the policy, philosophy, and training areas. The Training Plan then identifies mandatory, essential, and desirable training for each rank, position and specialty assignments. Mandatory training is training required by law or policy. Essential training is characterized as that which is designated by the department as necessary for the professional development of an employee in his/her



specified rank and/or task assignment. Desirable training is defined as training that an individual desires for their career path.

Listing all positions and the respective mandated, essential, and desirable training for each category assists the Training Coordinator in keeping up-to-date on who complies and who needs additional training.

Contemporary public safety leaders recognize the importance of providing staff training resources to address the ever-changing challenges in policing and society. As such, taking the initiative to maintain an up-to-date Training Plan that takes into consideration the evolution of policing means the Training Plan is not set in stone. Rather, it adapts to and includes relevant training to prepare all members to better serve their community. Meliora PSC recommends the Training Plan be updated annually as per policy. Additionally, Meliora PSC recommends a training calendar be added, with a timeline, scheduling, and anticipated upcoming training for the year following. This allows the department the ability to responsibly plan for staffing and budgetary implications. The calendar allows for departments to backfill staffing and budget preparation in a responsible manner.

LGMSPD Policy § 203.4 – Training Plan – states, “It is the responsibility of the Personnel and Training Analyst to maintain, review, and update the Training Plan on an annual basis.” During the site visit, we learned the plan was not reviewed for 2024. LGMSPD Policy § 203.5 references the Personnel and Training Unit will conduct an annual training needs assessment of the department. The Training Coordinator met with the Support Services Captain and Administrative Sergeant to determine the training needs for the following year. Meliora PSC recommends that an annual training needs assessment survey be developed and sent to the staff, and its results incorporated as part of determining future training. Today’s police professionals are more adept and desirous of providing input into aspects impacting their ability to perform their duties. As such, seeking input from organizational members not only provides a more robust training needs assessment, but also enhances the opportunity to ensure the training is received and incorporated into service delivery and professional acumen.

Meliora PSC encourages the Training Coordinator to add the Chief and Captains’ AB 1234-mandated training regarding the Fair Political Practices Commission ethics training (Form 700) to the training matrix.

The training matrix includes racial and cultural diversity training to be completed every 5 years; as all sworn personnel receive 16 hours of cultural diversity and 15 hours of people with disability training in the POST Basic Academy Course.

We learned that the LGMSPD does not use a program/software that electronically tracks employee training records. While they have access to TMS software, it is an older product, not user friendly, and consequently not utilized. LGMSPD is encouraged to use a contemporary product as a more professional and efficient way to manage and track data. Absent an



electronic employee training records system, it is time-consuming, inefficient, and cumbersome for staff to manually check individual employee training records and ensure training was attended and recorded; gaps in training could lead to liability exposure. LGMSPD is aware training records need to be streamlined. Since LGMSPD already uses Lexipol, Meliora PSC recommends they examine a Lexipol product called LEFTA. Meliora PSC has recommended LEFTA for other tracking uses in this assessment. This will ensure all training requests and records (to include denied training and reasons) are captured by the Personnel and Training Coordinator as well as actively audit to ensure all training is being completed and documented. Meliora PSC recommends that the LEFTA system be used to track all training requested and received, including the DTB's currently managed by the Administrative Sergeant.

The department has a training calendar to help keep track and ensure POST 24-hour continued professional training (CPT), mandated training, perishable skills, and other highly recommended training. Training is posted on TV screens in both buildings as well as emails to scheduled students. The training calendar is an effective way to ensure training occurs and is up-to-date. This is a critical risk management tool for a contemporary police agency and Meliora PSC commends LGMSPD for its use.

Training Policy § 203.7 Daily Training Bulletins (DTBs) states, "Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant or Personnel and Training Analyst." The policy also states, "Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy." During our site visit, it was the Administrative Sergeant, not the squad supervisors, monitoring progress. Meliora PSC recommends that either the policy be amended or that the squad supervisors take a more active role in ensuring compliance by their staff. Part of a supervisor's main responsibilities is to ensure their team is up-to-date on training as they are evaluated based on following existing department policies and training. Meliora PSC also suggests that the completed DTBs be documented and forwarded to the Training Unit to be included in the respective employee's training file as was mentioned in the Patrol Division portion of the report.

TRAINING RECORDS / POST

A review of LGMSPD's 2023 Training Plan states that eight hours of First Aid training are received by department personnel every two years, which is consistent with the POST requirement. Staff indicated all police officers are up-to-date on First Aid/CPR training. Although First Aid/CPR/AED is listed as a POST mandate, it would be good practice for LGMSPD to include professional staff in this type of training. With a half-million cardiac arrests each year, CPR/AED training increases the likelihood of saving someone's life: whether on-duty or off-duty.

Over the past few years, more training for California police personnel has been legislatively mandated. These courses include de-escalation, use of force, and crisis intervention training. In



In addition to mandated training, police personnel in California are required to attend 24 hours of continued professional training (CPT). We requested a training compliance report, which indicated all personnel are in compliance with the 24 hours of CPT except for one sworn employee who was out of compliance. After further inquiry, LGMSPD staff advised that the employee was out on extended leave and has been unable to attend the required training. LGMSPD documented this information in the employee's training file and this is something that POST takes into consideration relative to compliance.

POLICE ACADEMY

All new, entry level police officers hired by LGMSPD must successfully complete a California POST-certified police training academy. LGMSPD has an officer position, referred to as "Trainee," which is a position earmarked for officer hires who have not yet attended and completed an academy. Meliora PSC commends LGMSPD for creating this position as it provides another opportunity to recruit and hire sworn officers. By including this position, the department can either hire a trainee to attend the police academy or hire and retain them until an academy start date is available, and/or hire a self-sponsored student already attending the academy.

Trainees are those candidates with no prior sworn police experience who are hired by a police organization and paid to attend police training at a state-approved police academy. To enhance the trainee's success, several police agencies have implemented a pre-academy to provide instruction regarding the academy training environment, scholastic requirements, and physical training to increase the opportunities for success. A pre-academy is usually a two or three-week course where current personnel train in report writing, physical training, weapons awareness and basic usage, department policy and academy protocols. LGMSPD does not have such a process but may assign the trainees to an administration area such as Records prior to starting the academy. However, each trainee has weekly communication with the FTO sergeant. Meliora PSC recommends the department partner with a local agency that may have a pre-academy program or assign the mentor to provide preliminary training in physical fitness, firearms orientation, and report and memorandum writing.

The academy standard format of the Regular Basic Course is delivered in one-part instructional sequence and the California POST Academy certification minimum is 664 hours. LGMSPD uses three academies in the area so a recruit can enter an academy soon after hiring. LGMSPD uses the Alameda County Sheriff, South Bay at San Mateo, and South Bay of San Jose academies. Each academy consists of 928 hours. Upon successful completion of the academy, the new officer enters the LGMSPD's Field Training Program (FTP), discussed in the Patrol section of this report.

Much of LGMSPD's recruitment focuses on lateral officers that are often hired from other agencies. A lateral police officer is a fully commissioned and certified peace officer with at least 24 months service from another law enforcement agency. Typically, lateral officers do not need



to attend the academy as they have already attended and graduated from one. Upon successful completion of the hiring process, lateral officers enter the FTP.

SERGEANT / SUPERVISOR TRAINING

Supervisors play a key role in risk mitigation and are in the best position to ensure a productive and ethical workplace. Promotion to first-line supervisor is a key step in policing. The newly promoted supervisor should be oriented to the position through a training program involving the Captain, a lieutenant (if applicable), and tenured supervisors to model leadership and the importance of staff development.

LGMSPD informally conducts new supervisory training for sergeants; however, it does not provide this type of training to the professional staff supervisor. LGMSPD partners new sergeants with tenured sergeants so that they can be trained daily duties and responsibilities. Most new sergeants rely on their peers as reference points if the new sergeant requires assistance with a new or unfamiliar task.

Many agencies are now employing an in-depth formal training program for newly promoted supervisors. Like Field Training Program (FTP), the Police Supervisor Training (PST) program is designed to develop first-time supervisors who will model the organization's vision and values. The program provides the opportunity for a new supervisor to succeed and become a valued asset of the department, ensuring the organization's supervisory expectations will be met through proper orientation to the position. In April 2024, LGMSPD implemented a Supervisor Field Training Outline. The program includes the following 11 sections:

- Rules and Regulations
- Town Administrative Regulations
- Lexipol and Department Policies
- Role of Supervisor
- Location and Operation of Equipment
- Scheduling
- Department Forms
- Report Review Procedures
- Briefings
- Department Organization
- Other Training Covered

The department is commended for implementing a formal supervisory training program for sergeants and corporals. Meliora PSC recommends professional staff supervisors also be included in this training, and that existing supervisors throughout the department receive the training to ensure consistency amongst first-line supervisors.



Any new supervisors receive quarterly reviews during their one-year probationary period. LGMSPD is to be commended for ensuring supervisors receive training with documented performance reviews.

Newly promoted sergeants are required to complete a POST-certified supervisory course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position per POST Commission Regulation § 1005. A review of the POST LGMSPD compliance report for July 8, 2022, does not show any supervisors who need to attend a supervisor course. Additionally, all sergeants are required to maintain all law enforcement certifications that the officers receive.

Sergeants who complete personnel investigations must have a solid understanding of the Town and department policies as well as the California Police Officer Bill of Rights (POBR). Sergeants must also have experience in investigations and have demonstrated good case management skills. It is also critical that sergeants investigating complaints stay current in relevant training and seminars that develop their skills to become subject matter experts. These courses can include POBR, California Public Records Act requests, Force Science Institute, labor and employment law and arbitration, as well as stay current on case law as it involves topics such as employment law, force application, and de-escalation. We learned that sergeants do not attend training of this nature. Meliora PSC strongly recommends including critical risk management classes and supervision courses as part of both the professional staff and sworn supervisor Training Plan.

The Sherman Block Supervisory Leadership Institute (SBSLI also known as SLI) is a program developed by the POST. It strives to stimulate personal growth, leadership and ethical decision making for front-line supervisors. Per POST regulations, sworn sergeants and professional staff supervisors can attend SLI. Two of the seven LGMSPD sworn supervisors have attended SLI. Meliora PSC recommends supervisors, both sworn and professional staff, be sent to the California POST Supervisor Leadership Institute (SLI) training within two years of assuming the position and consider sending those who have not yet attended.

RANGE / WEAPON TRAINING

The rangemaster and range team is a collateral duty held by a patrol sergeant. The range staff is comprised of the sergeant, another sergeant, and an officer who are POST-certified firearm instructors.

LGMSPD has an MOU for the use of the three range facilities utilized for handgun and rifle training that meet POST standards:

- Santa Clara County Parks
 - This is a use permit for law enforcement agency (LEA) use with no associated fees for use. Requires a letter from department to SCC Parks for fee waiver as a LEA.



- Santa Clara County Sheriff's Office
 - MOU agreement for pay as used per day by range pad.
- Santa Clara Police Department
 - Range is temporarily closed for reconstruction

LESS LETHAL TRAINING

LGMSPD Policy § 302 – Control Devices and Techniques provides guidelines for department personnel regarding the use of control devices. The policy includes guidelines for the carry and use of the baton, Oleoresin Capsicum (OC), and tear gas as well as user, rangemaster and field supervisor responsibilities.

Policy § 302.9 also provides guidelines for use of Kinetic Energy Projectiles, such as tactical deployment and operation, and considerations in the use of them. The use of the 40MM Less Lethal Launcher device used is included in this policy. Only officers who have received 40MM Launcher training and yearly re-certification are authorized to check out and/or deploy the launcher. Meliora PSC recommends amending the policy to specifically focus on aiming and firing the 40MM Launcher along with subject factors to avoid.

TRAINING RECOMMENDATIONS

- Update the Training Plan annually as per policy. (Recommendation #94)
- Add a training calendar with a timeline, scheduling, and anticipated upcoming training for the year following. (Recommendation #95)
- Develop an annual training needs assessment survey and send to staff so the results can be incorporated as part of determining future training. (Recommendation #96)
- Add the Chief and Captains' AB 1234-mandated training regarding the Fair Political Practices Commission ethics training (Form 700) to the training matrix. (Recommendation #97)
- Consider implementing the Lexipol product, LEFTA, for electronic tracking and management of training. (Recommendation #98)
- Amend the policy or ensure the squad supervisors take a more active role in DTB compliance by their personnel. (Recommendation #99)
- Partner with a local agency that may have a Pre-Academy to help prepare Academy Trainees. (Recommendation #100)
- Include professional staff supervisors and existing supervisors to attend the Supervisor Field Training program. (Recommendation #101)
- Include critical risk management classes and supervision courses to the Training Plan for professional staff and sworn supervisors. (Recommendation #102)
- Assign supervisors, both sworn and professional staff, to attend the California POST Supervisor Leadership Institute (SLI) training within two years of assuming the position and consider sending those who have not yet attended. (Recommendation #103)



- Amend the Policy § 302.9 to specifically focus on aiming and firing the 40MM Launcher along with subject factors to avoid. (Recommendation #104)

Equipment Management

The LGMSPD has an employee equipment list for each individual employee. The list is broken down into different equipment categories: administration items such as ID card, weapons, Sam Browne belt and associated accoutrements, other equipment such as radios and vests, keys, miscellaneous items such as CPR mask, and field training items such as the FTP manual and Town map. Currently tracked in Excel, once LGMSPD fully transitions to the use of Lefta Systems they will be able to electronically manage and track all equipment assigned to personnel to ensure all records are captured.

FIRST AID KITS AND ANTI-BALLISTIC VESTS

In the 21st Century Policing report, Pillar 6: Officer Wellness and Safety emphasizes that every law enforcement person be provided with an anti-ballistic vest and individual tactical first aid kit. We learned all LGMSPD sworn officers are provided an anti-ballistic vest. Each vehicle is equipped with an IFAK (individual first aid kit), NARCAN, and AED. IFAKs are to be checked at the start of each watch and anything missing is to be requested on an online request portal. The Traffic Sergeant maintains the first aid kits. Meliora PSC commends LGMSPD for outfitting all officers, community services officers, and parking control officers with an anti-ballistic vest. While having IFAK in patrol cars is important, Meliora PSC recommends each staff member be provided with an IFAK. Personnel typically pay greater attention to detail with any equipment issued to them.

In addition to anti-ballistic vests, LGMSPD provides American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment. Policy § 500.5 states, "Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member."

Pillar 6: Officer Wellness and Safety also states that law enforcement organizations should have a mandated wear policy for body armor (anti-ballistic vests) and seatbelts and provide training on the importance of both. LGMSPD is to be commended for having both policies (Policy § 1012 – Body Armor and § 1010 – Seat Belts) in effect.

WEAPONS

We inquired as to how the LGMSPD logs and tracks firearms, rifles, 40 mm launchers, shotguns, and tasers purchased by the police department and assigned to personnel. LGMSPD staff



advised that the rangemaster is responsible for tracking the items that fall under their purview. Firearms are tracked in RIMS. Tasers, taser cartridges, and batteries are tracked in the Axon program. The rangemaster also uses a program called Firearms Manager to track all firearms that an officer qualifies with for the use of on and off duty. The same program is used for tracking qualifications with firearms.

We learned the LGMSPD has an up-to-date list of guns purchased, registered, and owned by the department. The rangemaster enters all firearms in the California Law Enforcement Telecommunications System (CLETS) for the institutional registration. Should LGMSPD pursue the LEFTA system, it will additionally allow for weapons and equipment tracking and will be a useful tool in the near future for several areas of tracking.

Meliora PSC recommends the LGMSPD continue to track and manage department-owned guns and use the DOJ list to reconcile firearms inventory. Additionally, they should also check the internal list for any guns that have been returned or have been listed on a current or prior destruction list, so that those firearms can be updated via CLETS as “destroyed” and removed from the DOJ list. This action should be documented on a memo to file to maintain a tracking mechanism. Lastly, if there are any firearms that may be unaccounted for, a police report should be written to document such and that information entered in CLETS.

EQUIPMENT RECOMMENDATIONS

- Provide each staff member with an individual first aid kit. (Recommendation #105)
- Continue to track and manage department-owned guns and use the DOJ list to reconcile firearms inventory. (Recommendation #106)

Community Outreach

Sir Robert Peel is credited for being the father of modern policing. Moreover, he established nine Principles about Policing⁴ and it is the seventh principle that states:

The police are the public and the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

Peel’s tenant is accomplished through daily experiences created by department staff with members of the public. Limiting these experiences to calls for service or providing help creates circumstances where sometimes the public may not be at their best. Importantly, contemporary police agencies realize that public service is based on other interactions that are meaningful for both the public and police personnel.

⁴ Josephson, M. (2009). *Becoming an Exemplary Peace Officer, A Guide to Ethical Decision Making*. Josephson Institute.



Police agencies are committed to addressing crime *and* enhancing quality of life for all community members and visitors. All department employees are expected to strive to establish close ties with all segments of the population. This is also in keeping with the 21st Century Policing Report's first pillar, *Building Trust and Legitimacy*⁵.

Community outreach within LGMSPD plays a vital role in fostering positive relationships, promoting public safety, and addressing the unique needs of the community through proactive engagement, education, prevention, and support services.

A Community Outreach Coordinator manages community outreach for the department. The duties of this position are to schedule events and meetings, attend meetings, keep databases accurate, review downtown commercial plans for security issues, schedule officers to attend events and meetings, and provide information at events. The Community Outreach Coordinator also manages many of the department's volunteer programs.

Additionally, the Community Outreach Coordinator manages false alarm billing, is a backup for payroll, hears parking citation appeals, and registers police vehicles with the DMV. Meliora PSC recommends traffic-related duties be transferred to the Traffic Sergeant as they are more appropriate to that assignments. The Community Outreach Coordinator and duties should remain in Support Services and report to the Administrative Sergeant.

The Town of Los Gatos contracts with Dixon Resources Unlimited to assess and implement the downtown parking program, which includes handling parking permits. Public Works is in the process of overseeing the contract to include permitting. LGMSPD will continue to handle parking enforcement and citation appeals.

ALARM CALLS

Alarm calls for service have a high frequency of false alarms. As such, it is common practice for municipalities to implement an alarm ordinance that balances response to a possible in-progress crime with the potential for human error from time-to-time resulting in a false alarm and considering the potential burden on resources when the alarm is repeatedly false.

A review of the data report indicates alarms were the highest community-initiated call for service over the three-year trend. There were 3,253 alarm calls or 17% of community-initiated calls for service. The low ratio of actual crimes detected by an alarm to false alarms indicates a high number of false alarms – approximately 98%. Furthermore, technological advancements have included on-site cameras allowing the resident or business owner to call to report an actual intrusion and suspected crime in progress.

⁵ President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.



Meliora PSC learned Los Gatos' Municipal Code § 15.50.010 describes the regulation, permitting and false alarm fees associated. The Los Gatos Town Council adopted an ordinance requiring all commercial alarm systems to be registered with the Town of Los Gatos. All Los Gatos business owners were required to register their business alarm systems with the Town of Los Gatos. The annual alarm system registration fee is \$95. If the LGMSPD responds to an alarm (false or not) from an unregistered business, the business owner will be assessed the \$95 annual registration fee and an additional \$95 fine. All businesses must renew their alarm permit annually in January. The first two false activations in six months are not charged for the police response; however, additional activations/responses can be billed \$170 per false alarm. If there are five false alarms within a calendar year, the business could be placed on "no response" status in addition to the previous fines.

The Community Outreach Coordinator oversees the false alarm program. In 2023, there were 800 false alarms and notices were sent. Subsequently, the business remits a check to the LGMSPD who then takes the payments to Finance. The practice of handling billing is better managed by the Town's Finance Department. Meliora PSC recommends an online payment portal managed by Town Finance be established that provides payment options for the alarm owner. As mentioned in the Records Division, acceptance of cash (and checks) places an undue burden and exposure to LGMSPD and staff. In the meantime, LGMSPD should establish a system whereby alarm billing letters are copied to Finance and payments sent to Finance.

In reviewing the program and call data, it is not clear why only commercial alarms are part of the ordinance. Most alarms are residential which account for a significant number of false alarms. Meliora PSC recommends the ordinance be amended to include residential alarm systems to register annually and be part of the false alarm protocol. With alarm calls being the highest call for service each of the past three years, this could provide more time for attention to other department objectives.

Many agencies with Lexipol utilize the policy on Community Relations; however, we noted this policy is not part of the LGMSPD policy manual. Meliora PSC recommends the Community Relations policy be reviewed and edited to reflect the policy and practice of LGMSPD. It should include the assignment of community outreach programs to position(s) within the agency.

COMMUNITY PROGRAMS

Public partnerships and programs with the police department demonstrate the importance of building and maintaining trust with community members. Various community programs are an opportunity to engage with residents, businesses and visitors. In Los Gatos, these programs include the following:

- Neighborhood Watch
- Business Watch



- National Night Out
- Community Police Academy
- Town Hall meetings
- College Interns
- Coffee with a Cop
- Monte Sereno Picnic
- Fiesta de Artes
- Annual tree lighting
- Taste of Los Gatos
- Superhero with JCC

Volunteer Programs

- Volunteers in Policing
- Police Explorers
- Police Chaplains
- Community Emergency Response Teams (CERT)
- Victim Services Unit (refer to Investigations section for details)
- Disaster Aid Response Team (DART)
- Reserve Officers

NEIGHBORHOOD WATCH

A Neighborhood Watch program is considered a group of community members living in the same area who want to make their neighborhood safer by working together and in conjunction with their local police department. The gist of Neighborhood Watch is to reduce crime and improve the quality of life in the community.

Getting involved enhances the quality of life throughout the neighborhood by making it a safer place to live. Neighbors looking out for one another and reporting suspicious activities to police promote crime prevention and the timely apprehension of criminals. The LGMSPD has 30 Block Captains involved in the Neighborhood Watch Program. The Neighborhood Watch groups meet on an as needed basis.

NATIONAL NIGHT OUT

LGMSPD continues to enhance community engagement in the Town. NNO is an annual community-building campaign that occurs throughout the United States to grow police-community partnerships and enhance neighborhood safety. NNO occurs the first Tuesday in August across the country; LGMSPD advertises the event on social media to continue to raise awareness and invite members of the community to join. During the event, the department shares informational resources on Neighborhood Watch, disaster preparedness, and other public safety topics. They also have officers present to sit and listen to community members to



gain a better understanding of issues and topics important to those who live, work and visit Los Gatos.

COMMUNITY POLICE ACADEMY

LGMSPD offers a Community (Citizen's) Police Academy (CPA) once a year. It is an opportunity for local community members to engage in an informative eight-week program designed to provide a transparent look into policing, the legal process, and surrounding support services. The curriculum is presented by LGMSPD and augmented by other resources that frequently partner with LGMSPD. The goal of the Community Police Academy is to create open communication between community members and department staff to develop a better understanding of the police department's role within the community and foster a collaborative relationship.

Topics for LGMSPD's Community Police Academy typically include:

- Meet with Chief of Police And Town Manager and learn Department history
- Building Tour
- Laws of arrest, search and seizure, interview techniques, investigative stops
- Patrol Operations
- Detective Investigations
- Traffic and DUI Investigations
- Policing and De-escalation Tactics
- Hands On Scenarios
- Volunteer programs including CERT, Explorers, and Volunteers in Policing
- Department assignments and responsibilities including SWAT and Drone program
- Officer Wellness
- Defensive Tactics
- Deputy DA on justice process and mental health investigations

Some departments recruit CPA graduates as volunteers to assist in various areas of the police department. For example, the detective section, particularly those community members with a banking, customer service, or law enforcement background. Volunteers have been invaluable in preliminary identity theft investigations, calling crime victims on behalf of detectives to provide case numbers and the identity of the handling detective. Another task is calling families of missing persons or runaway juveniles to check on their status. LGMSPD created a Victim Services Unit for volunteers to assist detectives several years ago. While interest and commitment have decreased, there is a lead coordinator who is overseen by the Investigations Sergeant to respond to a case or conduct follow up. (Refer to the Investigations Section of the report for further details).



VOLUNTEERS IN POLICING

The Volunteers In Policing (VIP) program was developed by the department in December of 1994. It is comprised of approximately four members who are familiar with the Town of Los Gatos and City of Monte Sereno. These trained volunteers are used to enhance crime prevention awareness and community services.

Each volunteer works approximately 5-10 hours a week, during the day. They self-schedule a month in advance. Three are assigned to the Patrol Residential Vacation program. Those volunteers check on homes where residents are on vacation and complete a vacation check request with the department. One VIP is assigned to assist with the New Resident Outreach program, putting together welcome packets for new community members. In the six-month period of January through June 2023, VIP members logged 1,753 hours.

POLICE EXPLORERS

A community program aimed at connecting with the youth in the community is the Police Explorer program. Like the Volunteer program, Explorers are volunteers and they are between 14 and 21 years of age. Explorers are recruited from the community, local high schools, and through word of mouth. The Explorer program teaches mentorship, leadership, and the ability to learn about emergency and public service. This is an excellent opportunity and has been an effective tool in many departments for nurturing and developing future police officers and professional staff employees.

The LGMSPD Explorer program offers young adults awareness of the criminal justice system through training, practical experiences, competition and other activities. Police Explorers work special events, participate in local community outreach events, and conduct law enforcement training. They attend monthly meetings and participate in ride-a-longs with officers.

To be admitted to the program, interested young participants must maintain at least a "C" average in school, be of good standing in the community, and have no felony convictions. All Explorers must pass an interview and background investigation and complete an Explorer training program where they will be taught discipline and principles of policing.

There are currently seven LGMSPD Explorers who work an average of four hours per month. The Explorer program is supervised by two corporals with the Community Services Coordinator as staff liaison. When not on-duty, all personnel (advisors) involved with the program receive compensation for their time spent at meetings, events, and competitions.

Explorers attend monthly explorer meetings every third Wednesday of the month in the evening at the LGMSPD where they receive additional training from the advisors. Every year, the department strives to send Explorers to a three-week-long Explorer academy where the attendees learn more about teamwork, leadership, and law enforcement.



The Explorer policy manual was reviewed and updated in April of 2023. Exploring Learning for Life and other Police Explorer programs are good resources to contact for examples of current Explorer program manuals. The manual includes guidelines to reflect appropriate management and oversight of the program.

Similar to some cities, LGMSPD's general fund does not fund the Explorer program. Program expenses are funded in the department from other areas and approved by the Support Services Captain. Meliora PSC recommends creating a line item in the budget for the Explorer program.

Meliora PSC has cautioned agencies regarding these programs due to the unfortunate number of programs receiving wide publicity in the media due to misconduct between police employees and Explorer youth. Allegations in a large California agency brought this issue to light in the past. That agency identified deficiencies in training for assigned officers regarding how to interact with minors, making it difficult to hold them accountable if a problem arose. It also published an updated program manual outlining guidelines and restrictions aimed at eliminating the chances of misconduct in the future.

LGMSPD is to be commended for its commitment to community youth, but it is imperative that random checks of Explorer activities occur and that the program be included in the department audits and inspections. The LGMSPD staff who are involved in the Explorer Post are passionate about spending time with the Explorers and enthusiastic about working with them to help them possibly in the future become members of the policing community.

COMMUNITY SERVICE OFFICER/COLLEGE INTERNS

LGMSPD has brought in students attending college as interns to assist with administrative work. Candidates for the program are obtained by referrals and based on their desire to have a career in policing. Currently, the department has three paid part-time interns working 20 hours a week. Two are assigned to Patrol and one is assigned to Administration and Records. Historically, this program has been a successful career pipeline for future LGMSPD full-time staff.

POLICE CHAPLAINS

Police chaplains respond to counsel, assist, and support victims and others touched by critical incidents and crises, including death notifications, suicide, homicides, hostage situations, kidnapping, and other traumatic events. Police chaplains are specially trained to handle crisis situations and provide follow-up counseling, group debriefings, and individual intervention. Chaplains are trained to minister to people of all faiths and are affiliated with local faith-based organizations in Town.



All chaplaincy services are provided at no cost to individuals, families or departments because of the generous contributions of officers and community members. There are currently two chaplains in the program.

COMMUNITY EMERGENCY RESPONSE TEAMS

The Community Emergency Response Team (CERT) program educates volunteers about disaster preparedness for the hazards that may occur where they live.

CERT is one of the most visible Town emergency preparedness programs, sponsored by the Federal Emergency Management Agency (FEMA). A 21-hour course, conducted three to four times a year, offers training in disaster preparation response and recovery skills. During disasters, police and fire department personnel may be unavailable to respond to all emergency events. CERT members may be called upon to serve in their neighborhoods, as well as areas outside of their immediate neighborhoods.

LGMSPD and CERT have identified CERT neighborhoods and is establishing Neighborhood Incident Command Posts to assist CERT members with emergency response efforts during a disaster. There are approximately 10 incident command posts for CERT and 169 trained members. There have been two CERT activations in the past five years.

Currently, the Support Services Captain with the assistance of the Community Outreach Coordinator, oversee the CERT program. Due to the added workload and personnel management involved in on-going required training and the high profile nature when an activation occurs, the CERT program would benefit from a manager rather than the Captain overseeing the program, such as the Support Services Manager mentioned in the proposed Organizational Chart (Chart 5).

DISASTER AID RESPONSE TEAM

The Los Gatos-Monte Sereno Disaster Aid Response Team (DART) was founded in 1982 and is a 501(c)(3) organization of citizen volunteers. As part of the department's Bureau of Support Services, these volunteers utilize their training to assist in various emergency and service responses to the Town of Los Gatos and City of Monte Sereno. DART supports community events and provides callout support for the Los Gatos-Monte Sereno Police Department for traffic control, lost person searches, evidence searches, and emergency situations which may include other communities and agencies. Based on the deployment of DART being related to field activities, Meliora PSC recommends the DART be assigned to the Administrative Sergeant.

Members are trained in first aid and handling medical emergencies, search techniques, emergency radio communication, traffic control, drones, technical rope rescue, and a variety of other skills. There are many opportunities for members to learn new skills or improve existing skills to include operating ATVs, UTVs and Drones.



VOLUNTEER PROGRAM

Volunteers are an important part of any organization and are proven to be an asset to law enforcement agencies. LGMSPD has several volunteer programs that demonstrate its commitment to the communities they serve.

The International Association of Chiefs of Police (IACP) encourages Volunteers in Policing Service (VIPS) programs throughout the nation stating,

The VIPS Program provides support and resources for agencies interested in developing or enhancing a volunteer program and for citizens who wish to volunteer their time and skills with a community law enforcement agency. The program's ultimate goal is to enhance the capacity of state, local, campus, tribal, and territorial law enforcement to utilize volunteers. The VIPS staff shares information and resources with law enforcement agencies that want to expand their programs, increase the use of volunteers in existing programs, help citizens learn about and become involved in VIPS program.”⁶

As a registered member of the IACP VIPS, a police department would have access to several resources and training for their volunteers. LGMSPD is a registered member and is complimented for maximizing resource opportunities through the IACP.

LSMSPD volunteers are tracked in a Town Excel spreadsheet. While hours of most volunteers are captured, it seems uneven as there is limited data on VIP hours from the second half of 2023. While some events are budgeted, there is no tracking system for costs that is monitored by the Community Outreach Coordinator, rather by the Finance Senior Analyst. Meliora PSC recommends that the department track community outreach events with volunteer hours and event costs.

RECRUITMENT AND APPLICATION PROCESS

Several of these programs are on the Town's and department's websites with links for applications. Additionally, CERT members attend many community events where they actively recruit new members.

Prospective volunteers complete an application and personal history questionnaire. The applications and questionnaire are reviewed by the Community Outreach Coordinator. The Community Outreach Coordinator and a staff member will conduct an interview with the applicant. The applicant is fingerprinted, and a general criminal history check is completed. A recommendation is sent to the Support Services Captain for review. A final interview is done by the Support Services Captain or the Chief of Police.

⁶ <https://www.theiacp.org/projects/volunteers-in-police-service-vips>



TRAINING

Volunteer training is limited to their onboarding training. This is primarily conducted by the Community Outreach Coordinator. There is no regular scheduled training for all volunteers, rather to specific groups such as Explorers, CERT, and Chaplains. We believe that this is partially due to the workload of the Community Outreach Coordinator, and the duties not related to that position. As previously mentioned, we recommend that the non-community outreach duties be transferred to the Traffic or Administrative Sergeant or Finance for funds received managed as accounts receiving.

COMMUNITY OUTREACH RECOMMENDATIONS

- Transfer traffic-related duties such as parking permits and hearings be transferred to the Traffic Sergeant, and have the Community Outreach Coordinator report to the Administrative Sergeant. (Recommendation #107)
- Create a system so alarm billing letters are copied to Finance and transfer alarm billing responsibilities Town Finance – accounts receiving. (Recommendation #108)
- Amend the Town’s Alarm Ordinance to include residential alarm systems to register annually and be part of the false alarm protocol. (Recommendation #109)
- Add a Community Relations Policy to reflect the policy and practice of LGMSPD. (Recommendation #110)
- Consider creating a line item in the budget for the Explorer program. (Recommendation #111)
- Assign DART to the Administrative Sergeant. (Recommendation #112)
- Track community outreach events with volunteer hours and event costs. (Recommendation #113)

Finance

LGMSPD does not have a formal Fiscal Services Unit, this responsibility rests with the Chief, Captains, and Senior Administrative Analyst being responsible for managing all budget, financial administration, and reporting grant and contract administration.

The Town of Los Gatos operates with a “status quo” budgeting method. This method of budgeting means the department has the same funding from the prior fiscal year. Any additional funding requires justification and Town Council approval. The Town adopts an annual budget.

The Senior Analyst is responsible for the budget, accounts payable and receivable, payroll, contracts and grant administration, RFP’s, monthly internal financial reporting, and is the fiscal liaison with the LGMSPD Foundation.



OVERTIME

Overtime management is another fundamental responsibility of supervisors. When we inquired about overtime management reports, staff indicated there are overtime reports for the department. Monthly reports are sent by the Senior Administrative Analyst to the Chief and two Captains. Each report contains the hours, cost, and cost center used for the overtime expenditure. We learned that overtime is a means to ensure Patrol and Dispatch are properly staffed.

These reports, like most of the fiscal reports, must be prepared by the Senior Administrative Analyst assigned to budget. The current system does not create regular or custom reports, which requires additional time to create of Microsoft Excel spreadsheets. Meliora PSC recommends the implementation of a contemporary, functional fiscal system to create the necessary reports to produce efficiencies not currently possible with the current system.

Overtime is important for both the fiscal impact of overtime and the impact overtime scheduling practices have on employee well-being, retention, and recruitment. For instance, not tracking overtime hours worked weekly and/or monthly by officers could create a concern should an officer be working too much overtime at the risk of not getting enough rest or time off between shifts. Importantly, sound budgetary practices such as forecasting and planning are necessary components to ensure fiscal responsibility.

TABLE 59: General Fund Personnel Services Overtime Expenditures, FY 2019-23

Overtime/Salary Savings	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024
Budget for Overtime	406,123	353,134	372,017	508,983	478,431
Actual Expenditures	632,316	824,405	1,016,328	1,241,851	826,191
Difference Remaining	(226,193)	(471,271)	(644,310)	(732,868)	(347,760)

SOURCE: LGMSPD Police Department Budget reports. FY 2023/24 as of 3/26/2024

Overtime is a line item in the department budget. An annual request is made during budget discussions, but the Town evaluation and approval process usually approves an amount less than requested and asks for overages to be absorbed.

FISCAL IMPACT

Reduction in personnel, shifts in tasks, primary duties, and ancillary duties only tell part of the overtime usage story. Personnel that are absent due to time off due to sick leave, FMLA, worker’s compensation and disability, military leave, vacation, and training have an impact on the need to use mandated overtime to achieve minimum staffing levels.

High use of overtime is not an unusual or financially unwise practice for agencies that have modest budgets and/or persistent vacancies. The number of staff vacancies and amount of



salary savings are generally predictable from year to year. If an over-expenditure of the overtime budget is less than the salary savings, the budget can be balanced or even improved. It can be less expensive to use intermittent overtime to cover intermittent absences (vacation, sick leave, comp time, and training) than to increase the number of full-time employees (FTEs) to maintain a constant level of staffing across the entire work schedule.

BUDGET PLANNING

The Senior Analyst's budget responsibilities are :

- Annual budget preparation (in collaboration with Support Services Captain)
 - FTE worksheet
 - Line-item worksheets:
 - Revenues & Expenditures
 - Performance Measures
 - Narratives
 - Capital Improvement Plan Narratives
- Overall budget reconciliation
- Mid-Year budget review
- Coordinate with Finance for annual audits
- Fees and Fines Schedule coordination and related updates
- Process and track revenues that comes into the Department
- Maintain Police Dept. Equipment Replacement list
- Project Budget tracking (e.g. CIP projects, if any are in process)

The Los Gatos Town Council adopts an annual operating and capital budget and an annual update of the five-year Capital Improvement Plan (CIP) for the Town. There is no budget manual. Soon after the mid-year budget review, the next fiscal year's budget process begins. The budget process is extensive and involves a significant amount of time for the Senior Analyst and Support Services Captain. While supervisors and other managers are asked to provide information on key projects, they are not continually trained or involved in the budget process. Meliora PSC recommends that supervisors and managers be involved more in this process from both an operational and succession planning perspective as a means to provide ongoing professional development.

The Senior Analyst generates monthly budgetary reports on overtime, revenue and expenditures, and other fiscal reports, primarily for command staff review. These reports list the account title, annual budgeted amount, year-to-date expense, balance, and percentage of funds remaining. We learned that these are created manually as the finance system cannot produce them.



PAYROLL

The Senior Analyst manages the payroll function for the department. Payroll is on a 28-day cycle, with 14 day pay periods. We learned payroll is reported on Microsoft Excel spreadsheets and requires extensive fact checking and editing (average time is 8 hours/payroll period) by the Senior Analyst at the end of each pay period. There are several reviews required for proper coding for time and leave that can only be done by the Senior Analyst. Once the checks have been completed, the timesheets are sent to the Town Finance Department for processing. The current budget process is outdated and extremely inefficient. The extensive time required could be better used handling other important functions for the agency.

While there has been discussion of a new system, Meliora PSC recommends that the Town immediately identify and implement a new finance system with contemporary payroll and budgetary reporting components. This system can create significant efficiencies with most of the department's financial responsibilities as well as improve efficiencies within the Town's Finance Department.

ACCOUNTS PAYABLE

Invoices are paid by the Senior Analyst via e-mail. For example, a bill is attached to a single email by the Senior Analyst. It requires approval by the Support Services Captain, and then several other approvals until signed by the Town Manager. Should there be a need for clarification and other requests, this process could take several days or weeks to complete. Invoices cannot be paid directly through an Automated Clearing House (ACH) electronic transaction as the Town policy does not allow that procedure. This process lacks efficiency and requires manual entries at multiple levels. Meliora PSC recommends the Town modify its approval process to become more efficient and compliant with industry procedures.

CONTRACTS AND GRANTS

LGMSPD currently has 56 vendor contracts and agreements. Additionally, the analyst manages six grants for equipment, wellness, tobacco operations, opioid abatement and education, and software.

The Senior Analyst manages both with Microsoft Excel spreadsheets and calendars. Each agreement requires a routing sheet that is manually completed with a minimum of six routing approvals needed to be approved and signed. The routing sheet often requires attachments to justify the agreement or any amendment to the agreement, such as a renewal. Meliora PSC recommends that the new finance system include software for managing agreements that can populate or create forms to minimize data entry and redundancy.



FINANCE RECOMMENDATIONS

- Implement a contemporary, functional fiscal system to create overtime reports to produce efficiencies not currently possible with the current system. (Recommendation #114)
- Ensure supervisors and managers are more involved in this budget planning process as a means to provide ongoing professional development and succession planning. (Recommendation #115)
- Immediately identify and implement a new finance system for the Town that includes a contemporary payroll and budgetary reporting components. (Recommendation #116)
- Modify the Town’s approval process to become more efficient and compliant with industry procedures. (Recommendation #117)
- Ensure the new finance system includes software for managing agreements that can populate or create forms to minimize data entry and redundancy. (Recommendation #118)

Policy Management

Considering the ever-changing challenges and legislative mandates in policing, maintaining a comprehensive and up-to-date policy manual is critical, yet difficult. Policies set the operational expectations and guidelines for the effective and efficient management of a police organization. As a result of the rapid rate of changes in the law based on court decisions, legislation, and current events, many agencies have sought Lexipol, an external source to provide policies that are consistent with best practices. The organization maintains the ability to modify policies to meet their specific operational needs and objectives. In addition to providing up-to-date policies, there is an app for every department member as well as the ability to include the training module to ensure policies are routinely being trained on and documented.

LGMSPD Policy Manual is 761 pages, not including attachments, and addresses most areas of the department. Throughout the report, references to policies and opportunities for additional policies or updated language have been recommended.

LGMSPD Policy § 103 – Policy Manual – section 103.3 indicates, “The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws.” Section 103.6 states, “The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.” If the department does not change the basics of the policy, Lexipol adds a layer of legal protection as Lexipol attorneys constantly review evolving laws, court decisions, and provide draft policy revisions for the department to review and adopt as appropriate. The recommended revisions are typically distributed a few times a year. However, the agency is responsible for staying abreast of the updates and conducting a review to determine



applicability to the agency. The police department retains control of and responsibility for policy language.

The process for updating existing policies or adding new policies (such as when mandated) is managed through the Lexipol software system. Currently the administration and management of Lexipol is done by the Administrative Sergeant in the Support Services Bureau.

In reviewing LGMSPD Policy § 1019 – Personnel Complaints, we noted the current policy is not consistent with the Town policy for police complaints adopted in 2020. However, the department policy was published September, 1, 2023 as part of the online policy manual. Meliora PSC recommends this policy be updated as soon as possible, and all others examined to ensure they have been updated and are in accord with the department’s current procedures.

The Chief of Police has assigned the Administrative Sergeant the task of the policy manual to review and provide areas of recommendations and/or updates needed; this is a work in progress with updates frequently being released. If applicable, department subject matter experts are consulted about new policy language. Suggested changes and updates are sent to the Support Service Captain and Chief of Police for approval.

Lexipol has a management and training platform. Lexipol states that their online Knowledge Management System (KMS), “provides electronic policy acknowledgement tracking, automatic archiving of policy versions and efficient distribution of policies and training to staff.” The KMS system increases the efficiency and timeliness of policy update reviews and subsequent acceptance or editing of new policy language. It can be conducted in a meeting environment with all key stakeholders, such as supervisors (both sworn and professional staff), having read the requisite policies in advance. The team can review the agency’s policy updates online and present them on screen in the department’s briefing/training room. Attendees can comment and discuss the language to ensure subject-matter-experts and supervisors have ample voice before a decision is made about the policy language. The edits can be made in real-time and saved for distribution to agency members. We found that review meetings improve input, inclusion, timeliness, and shared responsibility in policy compliance.

An area of opportunity for the LGMSPD is their process for employees reviewing, acknowledging, and updating policies. During the site visit, we noted that LGMSPD’s Lexipol services are not being fully used. An example in the Training section of this report is that Daily Training Bulletins (DTBs) are currently only being used for full-time sworn officers and reserve officers. As mentioned in the Training portion of the report, staff training requests, approvals, denials, and course completion are not tracked on an efficient software platform. Neither briefing training nor new policy update training is tracked for attendees or subject content. Meliora PSC recommends that LGMSPD increase their service contract with Lexipol to have them perform policy management, DTB and policy update issuance to department members as well as monitoring and compliance management of department personnel’s completion and review of policy and DTB’s. With the increased service component, Lexipol will also send



administration re-occurring compliance reports so that proper action can be taken if personnel are not in compliance. LGMSPD does have the Lexipol app for department-owned mobile phones, desktops, and laptops so staff can access the policy manual, including remotely from the field. The ease of electronic access to the policy is an important part of maintaining policy understanding and compliance.

Currently, if the Administrative Sergeant is prompted by Lexipol that an employee is out of compliance with either the policy review or DTB's, the Administrative Sergeant will notify the employee to complete the training or policy review.

Meliora PSC inquired as to employee review of the latest policy version as well as the DTB acknowledgement; LGMSPD provided a report that indicated six department members are not compliant: four full-time, one part-time, and one reserve officer. Meliora PSC recommends the supervisors periodically work with the Administrative Sergeant to ensure all employees are compliant with policy review and acknowledgement.

DIVISION / SECTION / UNIT MANUALS

A manual is a reference tool developed to assist personnel in performing the duties of an assigned position. Manuals also help to confirm efforts are not being duplicated within an organization as well as clearly define the expected roles and responsibilities.

Due to the multitude of responsibilities managed within the LGMSPD it is important that personnel who rotate through assignments have a way of learning and understanding their duties and responsibilities.

We learned that LGMSPD staff are already in the process of creating unit and position manuals. Again, this demonstrates the collective awareness of staff, professionalism, and commitment to following best practices. Throughout the report, we have made recommendations for unit/position manuals where needed. Meliora PSC recommends the LGMSPD develop manuals for each area of the department.

POLICY MANAGEMENT RECOMMENDATIONS

- Update the Policy § 1019 – Personnel Complaints as soon as possible, and review and update all other policies to ensure they are consistent with department practice and current procedures. (Recommendation #119)
- Consider increasing the service contract with Lexipol to include policy management, DTB and policy update issuance to department members as well as monitoring and compliance management of department personnel's completion and review of policy and DTB's. (Recommendation #120)



- Ensure supervisors collaborate periodically with the Administrative Sergeant to ensure all employees are compliant with policy review and acknowledgement. (Recommendation 121)
- Develop manuals for each area of the department. (Recommendation #122)

Fleet

The police department's fleet is managed by the current traffic sergeant as an ancillary duty. This position is tasked with working with Town Hall counterparts to plan for vehicle replacement, maintenance, and outfitting.

The current LGMSPD fleet consists of 51 vehicles and 3 bicycles. The following is the assignment of those vehicles:

- Police Administration – 6 vehicles, all either sedans or SUVs
- Police Detectives – 6 vehicles including three trucks, 2 vans, and 1 Hybrid Police Interceptor vehicle.
- Police Patrol – 17 vehicles including 6 Ford Hybrid SUV Interceptors, 6 Ford SUV Interceptors, 4 pursuit-rated Chevy Tahoe's, and 1 Chevy Tahoe designated as a SWAT vehicle but assigned to patrol.
- Parking Control – 2 vehicles including a 3-wheeled enforcement vehicle and an EV
- Community Service – 2 hybrid vehicles
- School Resource – 1 electric golf cart
- Patrol Events – 3 Specialized electric bicycles
- Motorcycles – 1 electric motorcycle (Zero), 2 BMW patrol motorcycles, 1 Honda patrol motorcycle, 2 Yamaha Dirt Bikes, 1 Yamaha ATV, and an assigned Chevy Suburban to the ATV.
- Trailers – 2 Digital Message Board trailers, 2 16' Barrier trailers, 1 utility trailer, 2 radar speed trailers, 2 box trailers.

Although not every vehicle assigned to the fleet has a daily purpose, the overall inventory has grown over time to fit the operational needs of the agency. The department also reported some success in holding onto some vehicles after their scheduled retirement as a potential backup fleet vehicle when mainline vehicles go out of service for repairs or maintenance.

We did not physically inspect every vehicle while on-site but the vehicles we did observe were all well cared for and appeared to be in very good condition. The department advised that it treats its fleet as a flagship symbol of the Town and expects the individual employees to take good care of the cars and ensure they are washed and presentable at all times.



VEHICLE REPLACEMENT

We also discussed some of the management challenges associated with the fleet. Specifically, being able to replace vehicles on a consistent schedule due to industry supply chain issues, getting vehicles outfitted with quality work in a timely manner, and finally, getting repairs and maintenance handled in a timely manner.

In our assessment Meliora PSC believes LGMSPD is managing its fleet according to industry best practices and the department is fortunate to have such an influential voice in obtaining vehicles that best fit their needs. The problems noted with the fleet process are all related to the automotive industry and police vehicle outfitters (vendors). COVID changed this dynamic for police departments throughout the country. Major vehicle manufacturers experienced supply chain issues that delayed and backed up deliveries. Individual dealers also experience labor and supply chain issues thus delaying the repair and maintenance needs and vendors experience labor and supply chain issues impacting the timeliness of equipping vehicles and frustration over poor quality work. Most police departments similar in size to Los Gatos are unable to perform all the necessary maintenance and outfitting work in-house. Using outside vendors has proven to be a far superior practice. Unfortunately, the challenges in the vehicle industry need to be solved within the business environment to improve product delivery to municipal agencies. Supply chain issues have improved in recent years and we understand that vendors are still struggling to perform as needed. LGMSPD is aware of these issues, has experienced these issues, and is actively managing their way through the challenges.

It will be important for LGMSPD and Parks and Public Works to continue in collaboration for outfitting and procurement of police vehicles to ensure the correct type of vehicle and equipment is purchased to meet the demands of the changing police environment, roles, responsibilities and technology. Although many cities and towns are eager to address environmental needs through vehicle fleet purchases, the use of electric police vehicles in a 24/7, 365-day application are still evolving and should be explored with great attention to detail and lessons learned from other agencies and industry partners.

FLEET POLICIES

LGMSPD's Policy § 701 – Vehicle Policy – covers maintaining department vehicles along with establishing a system of accountability to ensure department vehicles are used appropriately. LGMSPD utilizes comprehensive Lexipol policies related to fleet management.

COLLISIONS/DAMAGE

LGMSPD staff reported the following fleet collision numbers for the past several years. All vehicle collision/damage events were handled in accordance with policy by the assigned handling supervisor.



- 2021 = 2
- 2022 = 1
- 2023 = 5
- 2024 – 1 as of July

VEHICLE REPLACEMENT

As noted above LGMSPD has several makes and models in their fleet. LGMSPD fleet cycle vehicle replacement of 4 years/80,000 miles, which exceeds California standard of 5 years or 100,000 miles.⁷

Meliora PSC recommends LGMSPD implement a “pool” car for the employees to utilize when attending offsite meetings or trainings. Currently, if a car is available an employee is allowed to use the vehicle; however, often there is not a vehicle available therefore the employee will use their personal vehicle and be reimbursed for mileage. Utilizing a pool car for employees will not only foster a sense of fairness but gives the employee a level of assurance that in the case of an unforeseen accident while on duty occurs that their personal vehicle is not involved. Having a pool car available also assists the Town with risk management in that employees do not use their personal cars; Town vehicles are maintained and insured.

FLEET RECOMMENDATION

- Provide a pool car for employees that attend off-site meetings and training courses. (Recommendation #123)

Facilities

LGMSPD plays a crucial role in ensuring the safety and security of the Los Gatos and Monte Sereno communities. However, to effectively carry out their duties, it is imperative that they have adequate facilities that meet the operational needs of modern policing. LGMSPD has two different facilities for police services.

Police headquarters (HQ) for LGMSPD is located at 110 East Main Street in the Town of Los Gatos. It was built in 1965 with the other Civic Center buildings in the complex. HQ is 5,585 square feet and contains the Chief’s office and most of the Support Services Bureau comprised of Records, Dispatch, Finance, Community Outreach, and IT sections. In 2004, the Santa Clara County Grand Jury was conducting audits of property and evidence facilities at agencies within the county. The Grand Jury criticized the P&E room for inadequate ventilation.

The Police Operations Bureau (POB) is located at 15900 Los Gatos Boulevard in Los Gatos. The POB was formerly occupied by Verizon, is 12,260 square feet and was purchased in 2009. The

⁷ <https://www.dgs.ca.gov/Resources/SAM/TOC/4100/4126>



POB houses the Operations Bureau, which includes Patrol, Detectives, Property and Evidence, Traffic, and the Administrative Sergeant. The Training Coordinator, part of the Support Services Bureau, is also located at the POB. There is a briefing room for Patrol and Detectives that also serves as the Town's Emergency Operations Center. However, the room does not have access to proper technology and lacks parking should a major event occur. Additionally, access control to the POB could be an issue.

The current LGMSPD facilities are approximately two miles from each other. However, due to periodic heavy traffic from the nearby high school and businesses, it could take over 20 minutes to go from one building to the other. In addition, heavy traffic on Highway 17 also impacts travel time.

Each of these facilities suffer from several deficiencies that hinder the ability to support the department's operations effectively. These deficiencies include but are not limited to:

- Inadequate Space
 - The department outgrew the HQ building and it cannot accommodate the current and future staffing, equipment, and other essential needs of the organization. This was the reason for the purchase of the POB building.
 - The POB has insufficient parking space for the entire department and has no interview rooms.
- Outdated Infrastructure
 - The infrastructure of the HQ building is outdated and in need of modernization to support the integration of technology and security. An example of this was during a recent power outage and subsequent surge, LGMSPD lost the generator power supply (faulty transfer switch) at the Civic Center. This was critical because the generator failed to supply power dispatch and the phone systems when they lost grid power, causing 911 lines to be transferred to Santa Clara County Communication. Dispatch operated on handheld radios and with no CAD RMS system for a few hours until power was restored. This is also related to aging infrastructure and the need for Dispatch and other LGMSPD software systems to be stand alone on their own primary and secondary power sources.
 - The POB facility also has a generator back up that operates well, and the power grid at that location rarely loses power in comparison to the HQ site location.
 - The POB has a false ceiling which could allow for the escape of arrestees being interviewed.
- Limited Amenities
 - HQ is small and without significant modernization
 - HQ is not an ADA complaint building.
 - There are no interview rooms or holding cells at either facility.
- Security Concerns
 - The security infrastructure of the facilities does not meet modern standards posing risks to employees. HQ has an old security camera system that is not monitored and is captured on a DVR.



- There is no secure parking at HQ.
- The POB has a more modern security system that is monitored by Dispatch, and a Ring camera is also monitored at the front door so dispatchers can advise staff inside the POB that there is activity at the front door.
- There is limited secure parking at the POB.
- Communication
 - The two buildings separate most administrative and support functions from most of the staff. As a result, internal communication within the organization is significantly hampered as staff cannot efficiently exchange information, provide training and guidance as needed.
 - IT and other support is delayed.

LGMSPD should consider the following when acquiring a new facility:

- Improved Security Measures
 - Implement robust security measures including surveillance cameras, access control systems, and secure holding areas to enhance the safety of officers, detainees, and visitors.
- Accessibility
 - Ensure the facility is ADA-compliant to accommodate individuals with disabilities and promote inclusivity with the community.
- Community Engagement Spaces
 - Designate areas within the facility for community engagement activities such as public meetings, neighborhood watch programs, and community policing academies to foster positive relationships between LGMSPD and the community.
- Sustainable Design
 - Incorporate sustainable design principles such as energy-efficient lighting, renewable energy sources, and water conservation measures to minimize the environmental impact of the facility and reduce long-term operational costs.

COST AND FUNDING SOURCES

Meliora PSC recommends that a space needs analysis, followed by a detailed cost estimation be conducted to determine the financial requirements for acquiring a single facility. Funding sources may include government grants, public-private partnerships, bond initiatives, and community fundraising efforts.

By addressing the deficiencies outlined in this report and implementing the recommended improvements, the LGMSPD can enhance operational efficiency, promote officer safety and well-being, and strengthen community relations.



FACILITIES RECOMMENDATION

- Conduct a space needs analysis, followed by detailed cost estimation to determine the financial requirements for a single facility. (Recommendation #124)

Technology

Consistent with all police agencies, the department utilizes a wide array of information technologies. Aside from personnel, these technologies are essential to the organization and crucial to all department functions. High profile examples include the 9-1-1 telephone system, the computer-aided dispatch system, records management system, and the radio system. If any of these systems were to fail it could severely impact and/or cripple access to emergency fire, medical, and police services. Also, vitally important are the case management systems in use by detectives, property and evidence, traffic, and administration.

LGMSPD has an IT Administrator (ITA) who manages the department's technology and information systems. The ITA's duties include installing, configuring, and maintaining hardware and software, managing network servers, and ensuring all systems are up to date and operating properly. That also includes managing all electronic LGMSPD equipment such as body worn cameras, fleet, wireless phones, radios, etc. Additionally, the ITA administers several Santa Clara County and Department of Justice (DOJ) sites that require user administration.

The department has a disaster recovery plan which will assist in the recovery and/or operation of various levels of the current systems and technologies. There is a daily backup of information into a server and remotely. The strategy reduces the risk of data loss and ensures the agency can recover from any type of disaster, even if access is lost to the premises. The Town also has a cyber response plan in the event of a cyberattack on any of the technology systems.

The ITA is located at HQ and has no office at the POB. When the ITA is needed for equipment at the POB, they must gather what they believe they need and drive to the POB. In some cases, there are not enough pool vehicles at HQ, so the ITA drives their personal car. As previously mentioned in the Fleet portion of the report, we suggest pool cars be made more readily available to limit any risk liability issues by staff using their own car.

LGMSPD Policy § 321 – Information Technology Use – establishes guidelines for the proper use of department information technology resources, including computers, electronic devices, mobile devices, hardware, software and systems.

LGMSPD uses a ticket system to receive technology assistance requests. There is no policy or procedure for this system. The ITA estimates that 75% of service requests come from emails by LGMSPD staff while the rest use the ticket system. Meliora PSC recommends that a request system be put in place with policy and procedures to better respond and track IT issues.



A list of technologies in use includes, but is not limited to:

- Body Worn Cameras (Axon)
- Mobile Data Computers in car (MDC's)
- Automated License Plate Readers (Flock)
- Biometrics (Livescan-Cogent)
- Apple wireless phones
- DELL laptops
- Motorola radios

Agencies often overlook the importance of tracking and maintaining technological hardware, software, and systems. Tracking will aid in a well-structured and strategic PD IT budget that aligns with department goals and needs that are developed with a comprehensive approach with the Town's IT initiatives. Keeping these systems up-to-date is crucial to their use. These systems enhance efficiency only when properly updated. We noted that the ITA keeps an up-to-date list of all police department technology with their respective contract expiration dates.

The ITA researches new technologies and advances in current systems and has piloted several equipment and software tools to gather staff input. This includes MDC's in cars or laptops based on officer size and car features. Ensuring end users are involved in future technology recommendations is a sound practice and assists when implementation occurs.

TECHNOLOGY RECOMMENDATION

- Implement an IT request system with policy and procedures to better respond and track IT issues. (Recommendation #125)

Unmanned Aerial System Team

An unmanned aerial system (UAS), also known as drones, can help officers by providing invaluable intelligence about how and where to deploy. The use of drones allows officers to clear scenes more quickly, which is especially important given the limited resources of most departments. An article in Police 1⁸ discusses the 11 ways in which police departments are using UAS stating, *"Drones have had a major impact in the areas of traffic crash reconstruction, reconnaissance before tactical deployments, SWAT overwatch, hostage situations, forensic investigations, patrol-deployed operations, searches for lost persons, tethered operations, traffic pattern evaluation and first response."*

There are more than 1,400 police/sheriff's departments in the United States operating small UAS, commonly referred to as drones. Most public safety agencies deploy drones for the

⁸<https://www.police1.com/police-products/police-drones/articles/11-ways-police-departments-are-using-drones-V8RZTGOKMjTbWj9Z/>



purpose of assisting with in-progress public safety concerns, active criminal investigations, missing persons, disaster events as well as search and rescue incidents. LGMSPD has had a Drone Team for over a year.

LGMSPD Policy § 608 – Unmanned Aerial System (UAS) – establishes guidelines for the use of a small unmanned aerial system and for the storage, retrieval, and dissemination of images and data captured by the UAS. Policy § 608.2 indicates the mission is to protect life and property of community members and first responders in full compliance with applicable laws and regulations, including but not limited to, applicable state and federal laws and Federal Aviation Administration (FAA) regulations. The policy appropriately balances privacy with public safety and transparency. Meliora PSC recommends LGMSPD remove any reference to a COA (Certificate of Authorization) in its current policy since they do not have, nor need a COA as they are not within the limits of an airport.

Meliora PSC reviewed the program with the current coordinator and learned that they are ensuring that their practices conform to current laws, regulations, and best practices. LGMSPD drone operators are FAA Part 107 certified. The Part 107 certification ensures the pilot's knowledge and skills are in compliance with the FAA guidelines. When operating the drone, the pilot must ensure that the cameras are focused on mission-relevant areas.

There are two types of LGMSPD operations:

- Pre-planned missions (IE: parades) where a request is made to the UAS Detective in charge.
- On-duty active mission – UAS may be deployed during active and emergency incidents as outlined in their policy – requested by watch commander.

Currently, LGMSPD has two UAS for external use that were acquired in 2022 and 2023. One of the external use UAS does have thermal capacity to allow for nighttime use that improves the ability to operate during darkness in cases such as missing persons or those suspected of committing a crime. Staff indicated they are in the process of updating the second external use UAS with the same enhanced technology. There are two smaller UAS to perform indoor operations. An example of this type of operation would be for a residential burglary alarm response and subsequent interior house check. Indoor operations would be performed under the same standard as on-duty active missions. However, when flown indoors, UAS are not governed by FAA regulations. Indoor use of UAS can reduce harm to community members as well as LGMSPD staff as they can indicate the status of an interior and/or potential threat or hazard. LGMSPD is commended for acquiring UAS technology to improve the response capabilities and safety level for the community and department staff. Meliora PSC encourages LGMSPD to continue updating the one current field-use UAS with thermal capacity.

Meliora PSC was advised that all drones are being maintained per manufacturers recommendations.



STAFFING

The LGMSPD UAS team operates as a collateral duty assignment. The team is comprised of a detective who oversees the program and four officers. Operations require at least two members: one for the UAS remote operator and another pilot as the visual observer. There is an opportunity to also include professional staff as certified UAS operators. Meliora PSC recommends adding professional staff members to the UAS team. The use of UAS programs in policing is increasing as they enhance safety and efficiency for public safety. Broadening staff exposure also enhances their professional development to current trends and technology.

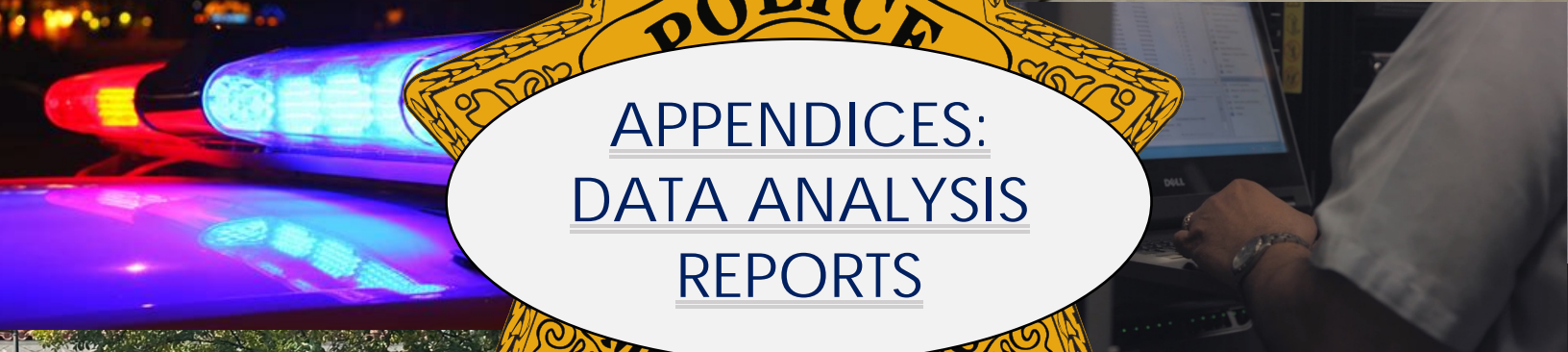
TRAINING

Operating a UAS is a perishable skill. As such, on-going training is required to maintain competency. LGMSPD staff indicated the team trains bi-monthly. The FAA has a “currency requirement” that must be maintained. “Currency” means the acceptance of the privileges of a class or type rating on an FAA pilot certificate, based on the recent experience of the certificate holder. Currency requirement, in this case, means the FAA requires that within the preceding 90 days, a pilot (operator) must have conducted at least three takeoffs and landings in the same category, class, and type of aircraft they intend to operate. Each Part 107 operator must also complete FAA currency training every 24 months. Meliora PSC recommends LGMSPD increase UAS team training to at least eight hours once a month. This would ensure that in cases where a team member may miss bi-monthly training, they risk being out of FAA compliance. By training monthly, operators maintain their perishable skills and ensure compliance with federal regulations.

As policing continues to evolve with technology and resources, such as UAS, contemporary police agencies recognize the value in using UAS to enhance service delivery. With the growing use and availability of UAS, required training, and oversight of the program, Meliora PSC recommends a line item be added to the budget for the UAS program.

UNMANNED AERIAL SYSTEM TEAM RECOMMENDATIONS

- Remove any reference to a Certificate of Authorization in Policy § 609, Unmanned Aerial System. (Recommendation #126)
- Update the one current field-use UAS with thermal capacity. (Recommendation #127)
- Add professional staff members to the UAS team. (Recommendation #128)
- Increase UAS team training to eight hours once a month. (Recommendation #129)
- Add a line item in the budget for the UAS program. (Recommendation #130)



APPENDICES:
DATA ANALYSIS
REPORTS





Table 1: Community-Initiated and Field-Initiated Category Records, by Year 228

Table 2: Community-Initiated Recorded Events, by Category, by Year with Percentage Change 229

Table 3: Field-Initiated Recorded Events, by Category, by Year with Percentage Change..... 230

Table 4: Events, by Event Month and Initiator, by Year..... 235

Table 5: Recorded Events, by Season and Initiator, by Year 235

Table 6: Recorded Events, by Day of Week and Initiator, by Year..... 236

Table 7: Number of Community-Initiated Recorded Events, by Category, by Season, by Year..... 237

Table 8: Number of Field-Initiated Recorded Events by Category, by Season, by Year 238

Table 9: Number of Community-Initiated Recorded Events, by Category, by Day of Week, by Year 239

Table 10: Number of Field-Initiated Recorded Events, by Category, by Day of Week, by Year..... 240

Table 11: Average Unique Assigned Units, by Year 241

Table 12: Average Unique Assigned Units, by Call Source, and Year - With Averages..... 241

Table 13: Total Records by Hour for Call Sources, by Year..... 245

Table 14: Total Event Duration..... 248

Table 15: Community-Initiated CAD Unit Total Event Duration (Transformed), by Hour, by Year 252

Table 16: Field-Initiated Total Event Duration (Transformed), by Hour, by Year 253

Table 17: Community-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year 255

Table 18: Field-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year 256

Table 19: Community-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages..... 257

Table 20: Field-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages 258

Table 21: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority..... 259

Table 22: Field-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority 260

Table 23: Unit Total Event Duration (Transformed), by Record Source, by Category, by Year – with Averages..... 261

Table 24: Total Number of Records Used in the Analysis 264

Table 25: Response Time Record Status and Average Minute, by Day of Week, by Year..... 266

Table 26: Response Time Record Status and Average Minute, by Month, by Year..... 268

Table 27: Response Time Record Status and Average Minute, by Season, by Year 270

Table 28: Response Time Record Status and Average Minute, by Assigned Hour, by Year 272

Table 29: Response Time Record Status and Average Minute, by Record Category, by Year..... 274

Table 30: Response Time Record Status and Average Minute, by Record Priority, by Year 276

Table 31: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour 280

Table 32: Patrol Scheduled Events, by Record Category, by Year 282



Chart 1: Record Category Summary for Community-Initiated (2021-2022)..... 231

Chart 2: Record Category Summary for Community-Initiated (2023) 232

Chart 3: Record Category Summary for Field-Initiated (2021-2022) 233

Chart 4: Record Category Summary for Officer-Initiated (2023)..... 234

Chart 5: Community-Initiated Average Assigned Units, by Record Category, and Year - With Average..... 243

Chart 6: Field-Initiated Average Assigned Units, by Record Category and Year - With Averages..... 244

Chart 7: Community-Initiated Records by Hour, by Year 246

Chart 8: Field-Initiated Records by Hour, by Year - with Averages..... 247

Chart 9: Total Event Duration Original and Transformed by Hour 249

Chart 10: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023..... 250

Chart 11: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023, including Patrol Sergeants..... 251

Chart 12: Field-Initiated CAD Unit Total Event Duration (Transformed), by Hour, by Year..... 254

Chart 13: Community-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year 255

Chart 14: Field-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year 256

Chart 15: Community-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages..... 257

Chart 16: Field-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages 258

Chart 17: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority..... 259

Chart 18: Field-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority 260

Chart 19: Community-Initiated Unit Total Event Duration (Transformed), by Year – with Averages..... 262

Chart 20: Field-Initiated Unit Total Event Duration (Transformed), by Year – with Averages 263

Chart 21: Response Time Record Status and Average Minute, by Day of Week, by Year..... 265

Chart 22: Response Time Record Status and Average Minute, by Month, by Year..... 267

Chart 23: Response Time Record Status and Average Minute, by Season, by Year 269

Chart 24: Response Time Record Status and Average Minute, by Assigned Hour, by Year 271

Chart 25: Response Time Record Status and Average Minute, by Record Category, by Year..... 273

Chart 26: Response Time Record Status and Average Minute, by Record Priority, by Year 275

Chart 27: Community-Initiated and Field-Initiated Traffic Records, by Year..... 277

Chart 28: Community-Initiated Traffic Records, by Hour, by Year 278

Chart 29: Field-Initiated Traffic Records, by Hour, by Year 279

Chart 30: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour 281



DATA CLEANING AND PROCESSING STEPS

Meliora PSC analyzed computer-aided dispatch (CAD) data for the **Los Gatos Police Department (LGMSPD)** from January 1, 2021, through December 31, 2023. Information was gathered from the **Los Gatos Police Dispatch Center**.

The following steps are used to prepare the data for analysis.

- The data was reshaped by “flattening” the dataset to one row per record with 88,658 unique records associated with 1-to-79 record changes and 1-to-35-unique unit identifiers.
- A column was created to calculate the number of unique “units” assigned to a given record, which is appended to the record. This column is labeled “Unique Officer Count.” A variable is created by counting the number of people assigned to a given record. This number calculates the maximum time personnel could have been assigned based on the record.
- As part of the data cleaning process, **LGMSPD** and non-**LGMSPD** records were filtered based on identifiers for the location of the record and unit designators. For this report, we focus on records identified where the primary unit associated with the record is associated with “Los Gatos” and the city. Below is the distribution of records based on the City and Primary Unit identifier. When filtering on these records, there are 79,278 records. Additional analysis includes a subsection specific to Monte Sereno, provided as a supplemental analysis located at the end of the data report.

Location of Record City	Los Gatos Primary Unit			
	No	Yes	(blank)	Total
Blank	36	509	20	565
Adjacent City	20	1,443	26	1,489
No	6	71	1	78
Santa Clara County Sheriffs	5	37		42
Unknown		1		1
Yes	3,437	79,278	3,768	86,483
Total	3,504	81,339	3,815	88,658

Patrol Team and Beat	Community-Initiated Contact	Field-Initiated Contact	(blank)	Total
Patrol Team 1 Beat 1	1,893	2,020	1	3,914
Patrol Team 1 Beat 2	1,892	1,876		3,768
Patrol Team 1 Beat 3	1,684	1,988		3,672
Patrol Team 1 Beat Rover	375	888		1,263
Patrol Team 2 Beat 1	1,313	3,826		5,139
Patrol Team 2 Beat 2	1,235	3,780		5,015
Patrol Team 2 Beat 3	1,088	3,963		5,051
Patrol Team 2 Beat Rover	79	384		463
Patrol Team 3 Beat 1	1,853	2,372		4,225
Patrol Team 3 Beat 2	1,879	2,444		4,323
Patrol Team 3 Beat 3	1,606	2,378		3,984
Patrol Team 3 Beat Rover	269	761		1,030
Patrol Team 4 Beat 1	1,368	3,902		5,270
Patrol Team 4 Beat 2	1,472	4,301		5,773
Patrol Team 4 Beat 3	1,401	4,128		5,529
Patrol Team 4 Beat Rover	191	1,398		1,589
Total	19,598	40,409	1	60,008



- For records by hours, those measures use the event information.
- Using the record status stages, Received ----> Dispatched; Dispatched ----> En Route; En Route ----> On Scene; On Scene ----> Closed, a calculation was performed creating the numerical minutes between each record status. An inevitable challenge when using CAD data is the presence of outliers, which can skew the data. The following steps were taken to prepare more precise estimates for response times and the total service.
 - Created ----> Dispatched: Retained time measures of zero; Dispatched ----> Arrived: Removed records with a negative (-) value; Arrived ----> Closed: Removed records with a response time of zero. While the removal of zero times assists in producing better estimates, there are those on the maximum end that require addressing.
 - As part of the operations assessment, MPSC routinely calculates when a call is received and dispatched. In our discussions with the department, we identified that the procedure for reactivating a call introduces discrepancies in the data set. This presents a challenge in accurately determining the average dispatch time. To address this issue, we applied a data refinement process. We established a threshold using the median dispatch time of 6.058 minutes and an adjusted standard deviation, represented by the interquartile range (IQR) of 9.649 minutes. We excluded any dispatch times that significantly deviated from the norm by setting a cutoff point at 15.707 minutes (median plus 1.64 times the IQR). This method, a widely accepted practice in statistical analysis for identifying outliers, ensures that our dispatch time calculations are robust and representative of the typical call response scenario. In other words, imagine if you were timing your morning jog. Most days, it takes around 6 minutes, but one day, it took 15 minutes because you stopped to talk with a neighbor. That 15-minute jog isn't a good measure of your usual time, so you would leave it out when calculating your average jogging time. That is essentially what we did with our data. We set a limit (~16 minutes) and removed any dispatch times that were significantly longer than most. This helps us understand the normal dispatch times without the unusually long ones skewing the calculations.
- Addressing these outliers on the higher end requires addressing the presence of severe and mild outliers. An easy way to think about this process is locating records that lie farthest from the average. The severe outliers are those exceptionally different from the average. Mild outliers deviate from the average but to a lesser extent than severe outliers. Given the practical reality of police responses and interactions where the response times exceed the average by considerable margins, we retain the mild outliers in the data, which increases the estimates. The mild outliers constitute up to 4.60% of the recorded times. The percentage of severe outliers ranges between 3.17% to 5.67%, with created to dispatch having an unusual number of severe outliers trimming, 9,805 records or about 15%. **Using the upper bounds of the upper fence (the cutoff points for the data) helps produce better estimates for response times. Because the two most essential records status stages have minimal severe outliers, these estimates consider the optimal statistical approach to managing outliers (removing the severe outliers) and practical considerations (retaining the mild outliers).**

It is important to note that the CAD data is one source of information used to focus on patrol activities. By design, CAD captures all activities occurring in the field. The data analysis report will focus on the CAD data from patrol-centric units, which will be used to assess patrol workload, deployment, and response times in the operational assessment.



WORKLOAD

Table 1 represents the intersection of the call source and records associated with patrol, showing 60,007 calls.

Table 1: Community-Initiated and Field-Initiated Category Records, by Year

Source of Record	2021	2022	2023	Total
Community-Initiated Contact	6,184	6,797	6,617	19,598
Field-Initiated Contact	10,350	12,951	17,108	40,409
Total	16,534	19,748	23,725	60,007



Table 2: Community-Initiated Recorded Events, by Category, by Year with Percentage Change

Call Category	Records			Percent Change	
	2021	2022	2023	2022	2023
Admin	79	81	80	2.53	-1.23
Agency Assist	89	105	91	17.98	-13.33
Alarm	1,069	1,150	1,034	7.58	-10.09
Animal	64	95	44	48.44	-53.68
Check Area	23	41	34	78.26	-17.07
Citizen Contact	351	433	574	23.36	32.56
Crime-Person	183	174	214	-4.92	22.99
Crime-Property	835	1,007	949	20.60	-5.76
Crime-Public	170	165	167	-2.94	1.21
Deceased Person	7	13	19	85.71	46.15
Disturbance	1,023	937	971	-8.41	3.63
Extra Patrol	112	206	152	83.93	-26.21
Fire	17	20	29	17.65	45.00
Medical	15	5	5	-66.67	0.00
Medical/Agency Assist	102	119	93	16.67	-21.85
Miscellaneous	26	37	29	42.31	-21.62
Miscellaneous Investigation	2	2	6	0.00	200.00
Missing Person	145	153	111	5.52	-27.45
Parking	60	98	52	63.33	-46.94
Pedestrian Contact	73	100	89	36.99	-11.00
Property	112	107	96	-4.46	-10.28
Special Assignment	4	6	2	50.00	-66.67
Suicide/Suicidal Person	15	25	26	66.67	4.00
Suspicious Activity	822	796	749	-3.16	-5.90
Traffic	91	110	147	20.88	33.64
Traffic Accident	125	142	202	13.60	42.25
Traffic Enforcement	3	2	1	-33.33	-50.00
Warrant	32	25	25	-21.88	0.00
Welfare Check	535	643	626	20.19	-2.64
Total	6184	6797	6617	9.91	-2.65

The table depicts percentage changes using color coding showing decreases in blue shading and increases in red. Darker shading is associated with the significance of the change.



Table 3: Field-Initiated Recorded Events, by Category, by Year with Percentage Change

Record Category	Records			Percent Change	
	2021	2022	2023	2022	2023
Admin	169	281	331	66.27	17.79
Agency Assist	10	6	11	-40.00	83.33
Alarm	6	4	1	-33.33	-75.00
Animal	1	6	1	500.00	-83.33
Check Area	1	1		0.00	-100.00
Citizen Contact	8	7	6	-12.50	-14.29
Crime-Person	1		5	-100.00	
Crime-Property	15	29	23	93.33	-20.69
Crime-Public	2	2	2	0.00	0.00
Disturbance	5	7	7	40.00	0.00
Extra Patrol	6,403	9,159	12,816	43.04	39.93
Fire		1			
Medical	3	3	2	0.00	-33.33
Medical/Agency Assist	1	2		100.00	-100.00
Miscellaneous		3	3		0.00
Miscellaneous Investigation	1		1	-100.00	
Parking	125	132	114	5.60	-13.64
Pedestrian Contact	223	378	415	69.51	9.79
Property	2	6	4	200.00	-33.33
School Patrol		3	11		266.67
Special Assignment	19	23	21	21.05	-8.70
Suspicious Activity	225	360	321	60.00	-10.83
Traffic	17	25	19	47.06	-24.00
Traffic Accident	6	13	15	116.67	15.38
Traffic Enforcement	3,104	2,483	2,960	-20.01	19.21
Warrant		3	5		66.67
Welfare Check	3	14	13	366.67	-7.14
Total	10,350	12,951	17,108	25.13	32.10

The table depicts percentage changes using color coding showing decreases in blue shading and increases in red. Darker shading is associated with the significance of the change.



Chart 1: Record Category Summary for Community-Initiated (2021-2022)

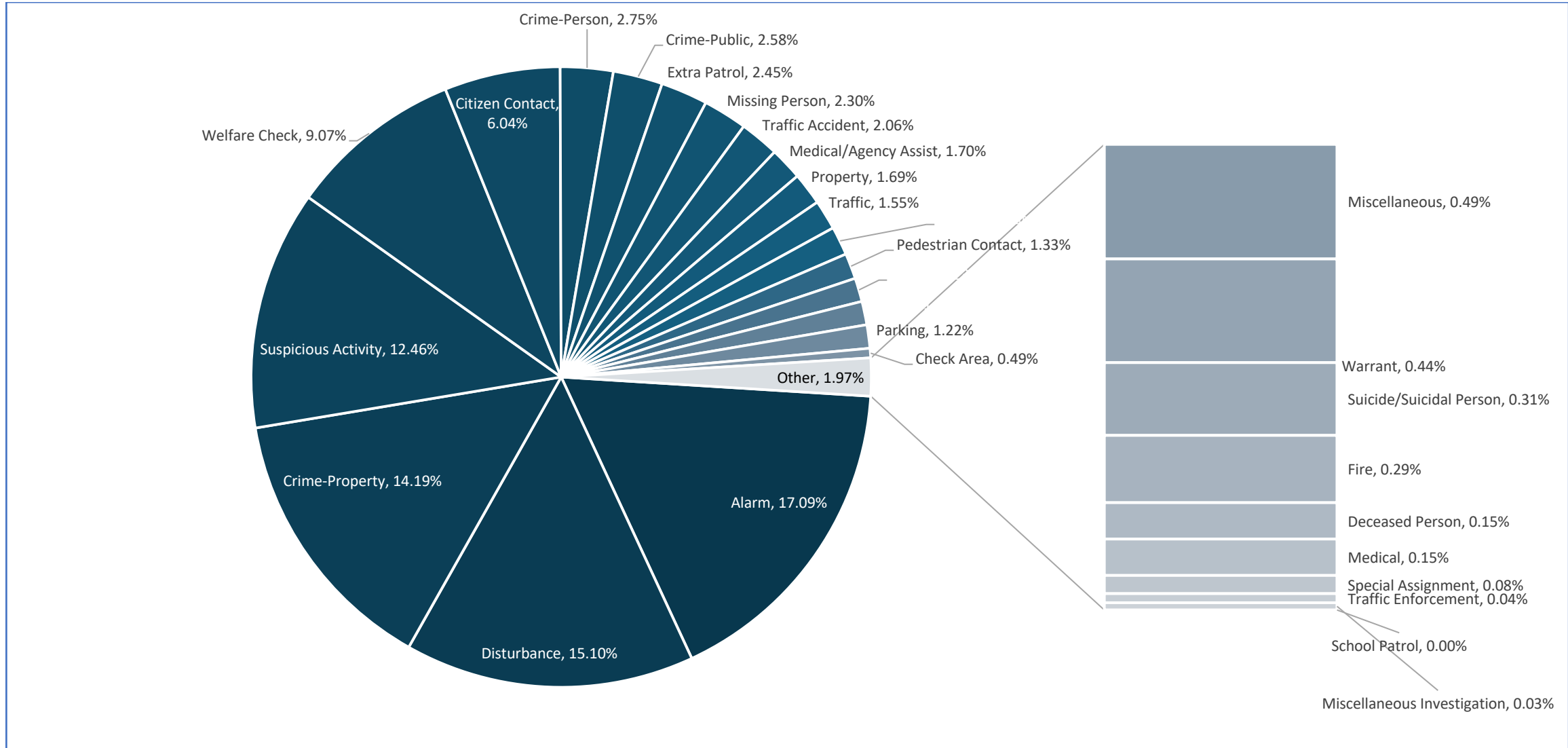




Chart 2: Record Category Summary for Community-Initiated (2023)

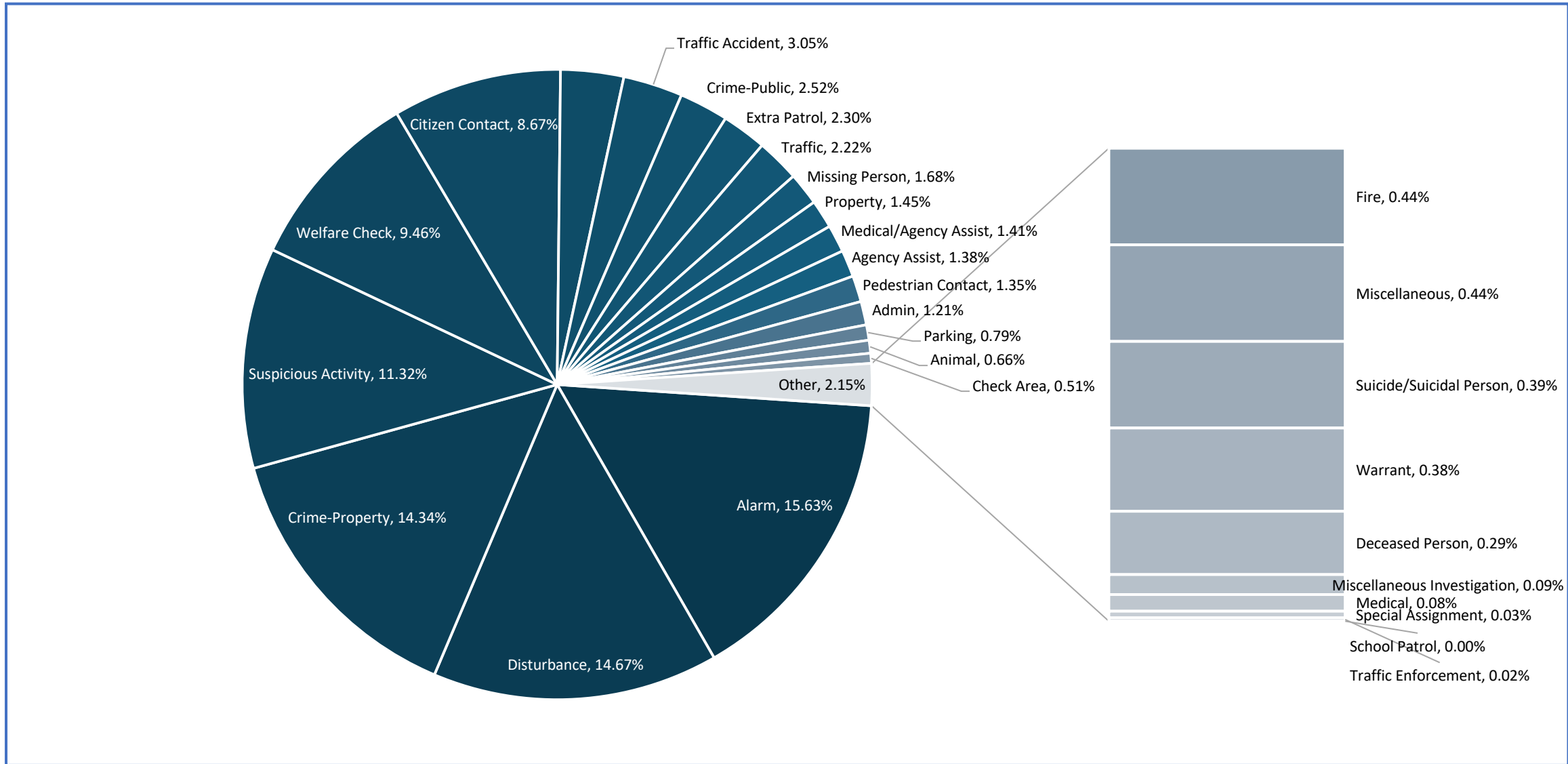
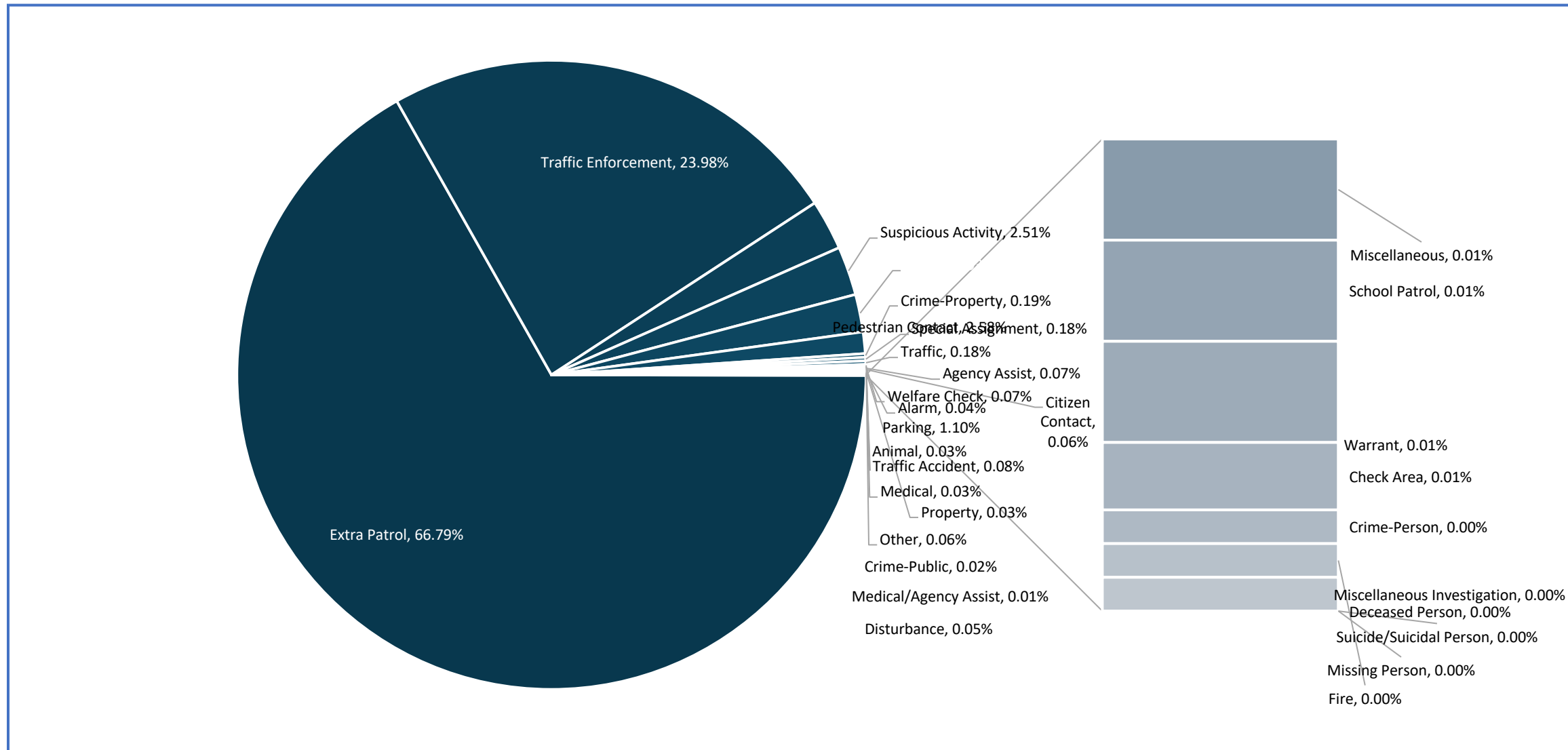




Chart 3: Record Category Summary for Field-Initiated (2021-2022)



Note: As there are many record categories with minimal percentages, the breakout chart makes it easier to understand the relative distribution of the records.



Chart 4: Record Category Summary for Officer-Initiated (2023)

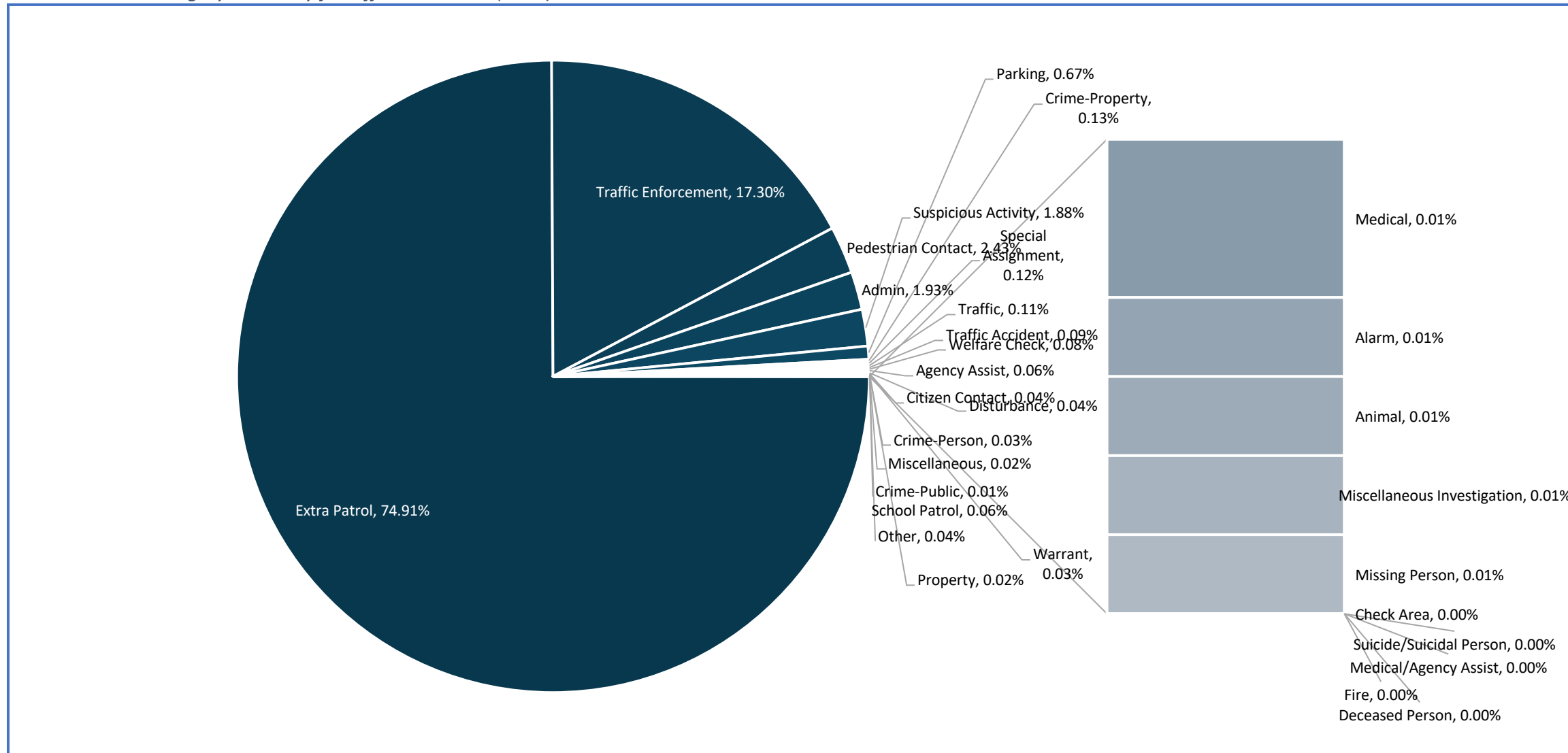




Table 4: Events, by Event Month and Initiator, by Year

Month	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
January	472	513	525	1,510	976	1,097	1,460	3,533	5,043
February	454	548	421	1,423	828	969	1,451	3,248	4,671
March	480	570	500	1,550	850	1,050	1,816	3,716	5,266
April	509	536	519	1,564	877	1,049	1,293	3,219	4,783
May	551	618	519	1,688	775	1,094	1,389	3,258	4,946
June	564	601	631	1,796	675	922	1,391	2,988	4,784
July	557	633	670	1,860	732	1,048	1,306	3,086	4,946
August	528	615	660	1,803	931	1,109	1,491	3,531	5,334
September	519	539	566	1,624	1,011	1,022	1,181	3,214	4,838
October	556	545	584	1,685	999	1,329	1,425	3,753	5,438
November	488	501	519	1,508	835	1,240	1,451	3,526	5,034
December	506	578	503	1,587	861	1,022	1,454	3,337	4,924
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

Table 5: Recorded Events, by Season and Initiator, by Year

Season	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Fall	1,603	1,699	1,810	5,112	2,941	3,460	4,097	10,498	15,610
Spring	1,443	1,654	1,440	4,537	2,555	3,068	4,560	10,183	14,720
Summer	1,672	1,852	1,820	5,344	2,182	3,064	4,086	9,332	14,676
Winter	1,466	1,592	1,547	4,605	2,672	3,359	4,365	10,396	15,001
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

NOTE: Autumn includes August, September, and October; Spring is characterized by February, March, and April; Summer comprises May, June, and July; Winter includes January, November, and December.



Table 6: Recorded Events, by Day of Week and Initiator, by Year

Day of Week	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Sunday	815	869	852	2,536	1,410	1,592	2,434	5,436	7,972
Monday	841	957	901	2,699	1,537	1,923	2,265	5,725	8,424
Tuesday	781	956	942	2,679	1,467	1,741	2,389	5,597	8,276
Wednesday	804	1,045	927	2,776	1,298	1,688	2,200	5,186	7,962
Thursday	903	957	1,045	2,905	1,400	1,761	2,195	5,356	8,261
Friday	1,085	1,045	994	3,124	1,609	2,141	2,872	6,622	9,746
Saturday	955	968	956	2,879	1,629	2,105	2,753	6,487	9,366
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007



Table 7: Number of Community-Initiated Recorded Events, by Category, by Season, by Year

Record Category	Fall				Spring				Summer				Winter				LGMSPD Total
	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	
Admin	20	21	25	66	16	15	20	51	18	21	14	53	25	24	21	70	240
Agency Assist	27	25	25	77	16	22	20	58	25	36	15	76	21	22	31	74	285
Alarm	244	269	237	750	251	279	243	773	314	282	307	903	260	320	247	827	3,253
Animal	22	24	11	57	15	26	5	46	16	31	18	65	11	14	10	35	203
Check Area	8	10	8	26	5	11	5	21	5	10	6	21	5	10	15	30	98
Citizen Contact	86	133	181	400	86	121	115	322	100	100	130	330	79	79	148	306	1,358
Crime-Person	40	55	49	144	50	43	59	152	52	37	61	150	41	39	45	125	571
Crime-Property	206	254	267	727	208	236	207	651	183	276	245	704	238	241	230	709	2,791
Crime-Public	51	48	44	143	38	42	37	117	47	43	46	136	34	32	40	106	502
Deceased Person	4	3	3	10	1	2	4	7	2	3	7	12		5	5	10	39
Disturbance	302	260	311	873	217	204	183	604	302	277	276	855	202	196	201	599	2,931
Extra Patrol	23	48	45	116	19	64	34	117	33	59	45	137	37	35	28	100	470
Fire	5	8	8	21	6	3	4	13	6	4	11	21		5	6	11	66
Medical	6		2	8	3	4	2	9	2	1		3	4		1	5	25
Medical/Agency Assist	21	21	23	65	19	32	27	78	29	31	28	88	33	35	15	83	314
Miscellaneous	4	7	8	19	8	10	7	25	8	14	10	32	6	6	4	16	92
Miscellaneous Investigation	1			1			2	2	1		3	4		2	1	3	10
Missing Person	34	27	24	85	32	42	12	86	61	64	38	163	18	20	37	75	409
Parking	19	12	16	47	14	34	7	55	12	21	16	49	15	31	13	59	210
Pedestrian Contact	18	19	23	60	20	27	19	66	13	34	27	74	22	20	20	62	262
Property	23	24	29	76	36	24	24	84	23	34	18	75	30	25	25	80	315
Special Assignment	1	2		3	2	1	1	4		3	1	4	1			1	12
Suicide/Suicidal Person	6	10	8	24	1	2	5	8	4	9	6	19	4	4	7	15	66
Suspicious Activity	212	195	196	603	193	191	176	560	213	221	203	637	204	189	174	567	2,367
Traffic	32	28	36	96	21	31	23	75	20	36	59	115	18	15	29	62	348
Traffic Accident	41	40	53	134	23	32	47	102	28	34	45	107	33	36	57	126	469
Traffic Enforcement					1			1	2	1		3		1	1	2	6
Warrant	7	9	2	18	14	7	10	31	5	6	9	20	6	3	4	13	82
Welfare Check	140	147	176	463	128	149	142	419	148	164	176	488	119	183	132	434	1,804
Total	1,603	1,699	1,810	5,112	1,443	1,654	1,440	4,537	1,672	1,852	1,820	5,344	1,466	1,592	1,547	4,605	19,598



Table 8: Number of Field-Initiated Recorded Events by Category, by Season, by Year

Record Category	Fall				Spring				Summer				Winter				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	Total
Admin	41	51	99	191	37	68	71	176	38	73	79	190	53	89	82	224	781
Agency Assist	3	1		4	3	2	5	10	1	1	1	3	3	2	5	10	27
Alarm	3		1	4	2	1		3		1		1	1	2		3	11
Animal		3	1	4		2		2		1		1	1			1	8
Check Area	1			1		1		1									2
Citizen Contact	3	4	2	9	1		1	2	3	3	2	8	1		1	2	21
Crime-Person			3	3			1	1					1		1	2	6
Crime-Property	4	6	2	12	6	7	5	18	1	12	9	22	4	4	7	15	67
Crime-Public		1		1	2	1	1	4			1	1					6
Disturbance	3	2	2	7	1	1	2	4		3	2	5	1	1	1	3	19
Extra Patrol	1,764	2,699	2,841	7,304	1,655	1,936	3,659	7,250	1,260	2,079	3,101	6,440	1,724	2,445	3,215	7,384	28,378
Fire										1		1					1
Medical		1	1	2					1	1	1	3	2	1		3	8
Medical/Agency Assist	1	1		2										1		1	3
Miscellaneous		1	1	2			1	1		1	1	2		1		1	6
Miscellaneous Investigation													1		1	2	2
Missing Person															1	1	1
Parking	22	36	21	79	74	32	25	131	2	18	24	44	27	46	44	117	371
Pedestrian Contact	71	93	134	298	48	99	77	224	49	93	106	248	55	93	98	246	1,016
Property			1	1	1	1	1	3	1	4	2	7		1		1	12
School Patrol							11	11						3		3	14
Special Assignment	7	13	8	28	3	1	7	11	4	2	5	11	5	7	1	13	63
Suspicious Activity	68	77	81	226	37	104	69	210	37	87	68	192	83	92	103	278	906
Traffic	4	6	6	16	3	5	4	12	4	6	4	14	6	8	5	19	61
Traffic Accident	2	5	4	11	2	1	1	4		3	3	6	2	4	7	13	34
Traffic Enforcement	943	459	886	2,288	680	801	612	2,093	779	669	675	2,123	702	554	787	2,043	8,547
Warrant						1	3	4		2		2			2	2	8
Welfare Check	1	1	3	5		4	4	8	2	4	2	8		5	4	9	30
Total	2,941	3,460	4,097	10,498	2,555	3,068	4,560	10,183	2,182	3,064	4,086	9,332	2,672	3,359	4,365	10,396	40,409



Table 9: Number of Community-Initiated Recorded Events, by Category, by Day of Week, by Year

Record Category	Sunday				Monday				Tuesday				Wednesday				Thursday				Friday				Saturday				LGMSPD Total	
	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total		
Admin	8	5	9	22	10	15	11	36	13	16	20	49	15	11	5	31	9	7	9	25	17	13	14	44	7	14	12	33	240	
Agency Assist	11	9	10	30	10	17	20	47	7	19	14	40	13	15	8	36	15	14	8	37	20	17	16	53	13	14	15	42	285	
Alarm	139	163	141	443	140	145	133	418	138	157	167	462	137	182	152	471	156	164	166	486	164	148	130	442	195	191	145	531	3,253	
Animal	11	13	9	33	6	12	6	24	9	18	3	30	3	10	4	17	9	14	8	31	14	9	8	31	12	19	6	37	203	
Check Area	5	4	7	16	1	7	2	10	6	5	8	19	5	6	7	18	4	4	6	14	1	8	2	11	1	7	2	10	98	
Citizen Contact	44	55	58	157	51	67	79	197	47	76	90	213	45	63	94	202	68	63	96	227	56	75	92	223	40	34	65	139	1,358	
Crime-Person	25	23	21	69	20	27	23	70	21	22	21	64	29	25	31	85	30	26	47	103	34	30	37	101	24	21	34	79	571	
Crime-Property	96	130	103	329	137	140	142	419	100	122	128	350	132	201	132	465	120	134	155	409	155	149	150	454	95	131	139	365	2,791	
Crime-Public	32	28	26	86	20	21	14	55	20	25	23	68	14	20	28	62	30	26	18	74	28	24	29	81	26	21	29	76	502	
Deceased Person	2		3	5	2	2	4	8	1	1	1	3		2	5	7	1	1	1	3		5	4	9	1	2	1	4	39	
Disturbance	140	121	129	390	110	127	121	358	111	109	106	326	124	100	114	338	127	98	112	337	192	182	173	547	219	200	216	635	2,931	
Extra Patrol	14	29	18	61	18	20	17	55	23	27	24	74	11	40	18	69	15	32	25	72	17	26	22	65	14	32	28	74	470	
Fire	5	2	4	11	2	5	5	12		5	4	9	3	2	5	10	3	4	4	11	3	1	5	9	1	1	2	4	66	
Medical	2	1	1	4	2			2	1	2	1	4	1			1		1	2	5	1	1	7	4			1	5	25	
Medical/Agency Assist	13	14	9	36	14	17	16	47	13	21	8	42	14	16	18	48	8	14	13	35	23	21	14	58	17	16	15	48	314	
Miscellaneous	4	3	2	9	1	9	1	11	5	7	7	19	4	6	6	16	2	3	5	10	7	9	5	21	3		3	6	92	
Miscellaneous Investigation	1			1		1	2	3			2	2			1	1									1	1	1	3	10	
Missing Person	24	29	13	66	17	18	12	47	19	28	20	67	17	21	15	53	19	24	22	65	26	16	15	57	23	17	14	54	409	
Parking	12	11	10	33	10	17	9	36	4	13	3	20	9	12	6	27	4	8	8	20	13	20	6	39	8	17	10	35	210	
Pedestrian Contact	14	11	16	41	11	12	13	36	12	17	19	48	6	18	9	33	7	16	12	35	16	10	13	39	7	16	7	30	262	
Property	23	17	13	53	15	23	17	55	10	21	17	48	11	10	13	34	22	13	13	48	21	15	13	49	10	8	10	28	315	
Special Assignment					1	2		3			1	1	2	1	1	4		3		3	1			1					12	
Suicide/Suicidal Person	3	3	2	8	2	5	4	11	1	1	3	5	1	5	3	9	1	6	4	11	5	5	5	15	2		5	7	66	
Suspicious Activity	97	97	102	296	121	115	98	334	116	103	113	332	108	135	106	349	113	131	151	395	148	113	93	354	119	102	86	307	2,367	
Traffic	9	15	14	38	18	16	18	52	11	19	22	52	18	18	23	59	13	18	33	64	8	15	22	45	14	9	15	38	348	
Traffic Accident	12	11	27	50	11	17	24	52	13	12	32	57	20	29	34	83	18	29	33	80	30	33	35	98	21	11	17	49	469	
Traffic Enforcement					1			1			1	1	1			1			1			1		1			1		6	
Warrant		2	1	3	11	6	8	25	8	4	4	16	2	2	3	7	5	8	2	15	4	1	4	9	2	2	3	7	82	
Welfare Check	69	73	104	246	79	94	102	275	72	106	80	258	59	95	86	240	103	96	93	292	77	98	86	261	76	81	75	232	1,804	
Total	815	869	852	2,536	841	957	901	2,699	781	956	942	2,679	804	1,045	927	2,776	903	957	1,045	2,905	1,085	1,045	994	3,124	955	968	956	2,879	19,598	



Table 10: Number of Field-Initiated Recorded Events, by Category, by Day of Week, by Year

Record Category	Sunday				Monday				Tuesday				Wednesday				Thursday				Friday				Saturday				LGMSPD Total	
	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total		
Admin	19	49	57	125	20	37	44	101	27	37	50	114	30	41	37	108	24	38	38	100	31	37	52	120	18	42	53	113	781	
Agency Assist	2			2	1	3	4	8	4		3	7		2	2		2			2		2	1	3	1	1	1	3	27	
Alarm		2		2	1			1					1			1	2		1	3	1	2		3	1			1	11	
Animal	1	1		2		2		2			1	1						1		1			1	1		1		1	8	
Check Area						1		1																	1			1	2	
Citizen Contact	1	1		2		1	1	2	1	2		3	1	1	1	3	3			3	1	1	1	3	1	1	3	5	21	
Crime-Person	1			1			1	1				3	3			1	1												6	
Crime-Property	1	7	4	12	2	2	4	8	2	2		4	3	7	3	13	3	5	7	15	4	1	4	9		5	1	6	67	
Crime-Public		2	1	3					1			1									1		1	2				6		
Disturbance	1	1	1	3	1	1		2					1	2	3				2	2	2	2	1	5	1	2	1	4	19	
Extra Patrol	915	1,152	1,849	3,916	1,008	1,383	1,767	4,158	883	1,186	1,864	3,933	778	1,136	1,672	3,586	852	1,288	1,590	3,730	959	1,563	2,118	4,640	1,008	1,451	1,956	4,415	28,378	
Fire																		1		1								1	1	
Medical	1	1		2	1			1			1	1							1	1		2		2	1			1	8	
Medical/Agency Assist																					1	1		2		1		1	3	
Miscellaneous			1	1										1	1							1	1	2		2		2	6	
Miscellaneous Investigation	1			1							1	1																2	2	
Missing Person																										1	1	1	1	
Parking	7	20	19	46	25	19	21	65	9	17	8	34	22	26	12	60	10	13	9	32	27	12	24	63	25	25	21	71	371	
Pedestrian Contact	28	61	76	165	35	44	43	122	34	48	40	122	27	51	49	127	25	56	54	135	36	55	82	173	38	63	71	172	1,016	
Property		4		4					1	1	1	3	1		2	3				1	1		1		1				12	
School Patrol						3	2	5				1	1			3	3				1	1			1	1		3	3	14
Special Assignment	1	2	1	4	3		1	4	4	14	5	23	2	4	2	8	1	3	2	6	2		5	7	6		5	11	63	
Suspicious Activity	35	42	57	134	28	52	33	113	23	54	38	115	35	50	41	126	29	40	43	112	39	50	48	137	36	72	61	169	906	
Traffic	1	3	3	7	1	3	2	6	5	4	3	12	2	4	5	11	4	3	3	10	1	4	3	8	3	4		7	61	
Traffic Accident			3	3	1	1	3	5	2	4	2	8			3	7	2	2	1	5	2	2	1	5	1	1	1	3	34	
Traffic Enforcement	394	241	359	994	410	369	336	1,115	471	369	368	1,208	395	362	362	1,119	445	308	437	1,190	501	402	527	1,430	488	432	571	1,491	8,547	
Warrant			2	2														3	1	4							2	2	8	
Welfare Check	1	3	1	5		2	3	5		3		3	1	2	1	4			4	4	1	2	2	5		2	2	4	30	
Total	1,410	1,592	2,434	5,436	1,537	1,923	2,265	5,725	1,467	1,741	2,389	5,597	1,298	1,688	2,200	5,186	1,400	1,761	2,195	5,356	1,609	2,141	2,872	6,622	1,629	2,105	2,753	6,487	40,409	



ASSIGNED UNITS

There were 60,007 events recorded associated with community-initiated and field-initiated records. Recall that some records are missing the unit information. The tables below describe the distribution of those records with the average number of unique units assigned to each record. Importantly, the agency CAD data includes information on the record's Unit ID, the Primary Officer ID, and the additional units assigned to each record. However, given that a LGMSPD patrol unit can be assigned at multiple places in the record (i.e., assigned, primary unit, or assigned as a responding unit), these analyses are better understood as a measure of LGMSPD personnel, and not exclusively LGMSPD patrol.

Table 11: Average Unique Assigned Units, by Year

Number of Unique Units	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
One Unit	2,564	2,985	2,781	8,330	9,515	11,716	15,701	36,932	45,262
Two Units	2,334	2,465	2,368	7,167	655	978	1,124	2,757	9,924
Three Units	907	938	945	2,790	130	211	204	545	3,335
Four or More Units	379	409	523	1,311	50	46	79	175	1,486
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007

Table 12: Average Unique Assigned Units, by Call Source, and Year - With Averages

Record Category	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Average
Admin	1.46	1.56	1.59	1.53	1.15	1.09	1.14	1.12	1.22
Agency Assist	2.00	2.03	2.00	2.01	1.30	1.33	1.64	1.44	1.96
Alarm	2.05	1.95	2.00	2.00	1.83	2.00	2.00	1.91	2.00
Animal	1.16	1.28	1.36	1.26	2.00	1.50	1.00	1.50	1.27
Check Area	2.04	1.34	1.35	1.51	1.00	1.00		1.00	1.50
Citizen Contact	1.16	1.22	1.19	1.19	1.00	1.43	1.17	1.19	1.19
Crime-Person	2.06	1.86	2.07	2.00	4.00		2.40	2.67	2.01
Crime-Property	1.55	1.76	1.80	1.71	1.93	1.90	2.09	1.97	1.72
Crime-Public	1.60	1.75	1.70	1.68	4.00	1.50	1.50	2.33	1.69
Deceased Person	2.14	2.38	2.21	2.26					2.26



Disturbance	2.11	2.15	2.22	2.16	1.80	2.14	2.29	2.11	2.16
Extra Patrol	1.39	1.23	1.28	1.29	1.02	1.02	1.01	1.01	1.02
Fire	2.88	2.85	2.90	2.88		1.00		1.00	2.85
Medical	2.73	2.00	1.80	2.40	2.00	2.33	2.00	2.13	2.33
Medical/Agency Assist	2.12	2.13	2.23	2.15	2.00	1.00		1.33	2.15
Miscellaneous	1.31	1.41	1.34	1.36		1.67	1.33	1.50	1.37
Miscellaneous Investigation	1.00	2.00	2.00	1.80	1.00		1.00	1.00	1.67
Missing Person	1.52	1.56	1.46	1.52			1.00	1.00	1.52
Parking	1.22	1.18	1.25	1.21	1.07	1.03	1.04	1.05	1.11
Pedestrian Contact	1.47	1.68	1.55	1.58	1.70	1.74	1.94	1.81	1.77
Property	1.23	1.07	1.36	1.22	1.00	1.00	1.00	1.00	1.21
School Patrol						1.00	1.00	1.00	1.00
Special Assignment	2.00	3.83	1.00	2.75	2.42	1.39	2.14	1.95	2.08
Suicide/Suicidal Person	3.13	3.04	3.19	3.12					3.12
Suspicious Activity	2.12	2.07	2.18	2.12	1.83	2.02	1.91	1.93	2.07
Traffic	1.43	1.38	1.66	1.51	1.29	1.44	1.26	1.34	1.49
Traffic Accident	2.58	2.12	2.71	2.49	2.33	2.23	2.60	2.41	2.49
Traffic Enforcement	1.67	1.50	1.00	1.50	1.17	1.25	1.28	1.23	1.23
Warrant	1.34	1.28	1.12	1.26		3.00	2.20	2.50	1.37
Welfare Check	2.16	2.02	2.12	2.10	1.67	1.57	1.85	1.70	2.09
Average	1.88	1.84	1.92	1.88	1.11	1.12	1.10	1.11	1.36

Note: When we calculate the average number of assigned personnel, we look at how many personnel works on a particular day or period and how often multiple personnel are assigned to work with the same record. Think of it like this: if two personnel are assigned to work with one record during an hour-long visit, that's considered one assignment. So, even though there are technically two personnel involved, our average calculation would still be '1' because each personnel are assigned to only one record. As the average number of assigned personnel increases, it means that, often, we see situations where multiple personnel are assigned to work with the same record. This could be due to various factors, such as increased complexity of data management, staffing needs, or changes in workflow. So, when we see an average above '1', it's not necessarily because more personnel are working overall, but rather that multiple personnel are assigned to work together with the same record. This can have implications for how an agency plans and manages resources.



Chart 5: Community-Initiated Average Assigned Units, by Record Category, and Year - With Average

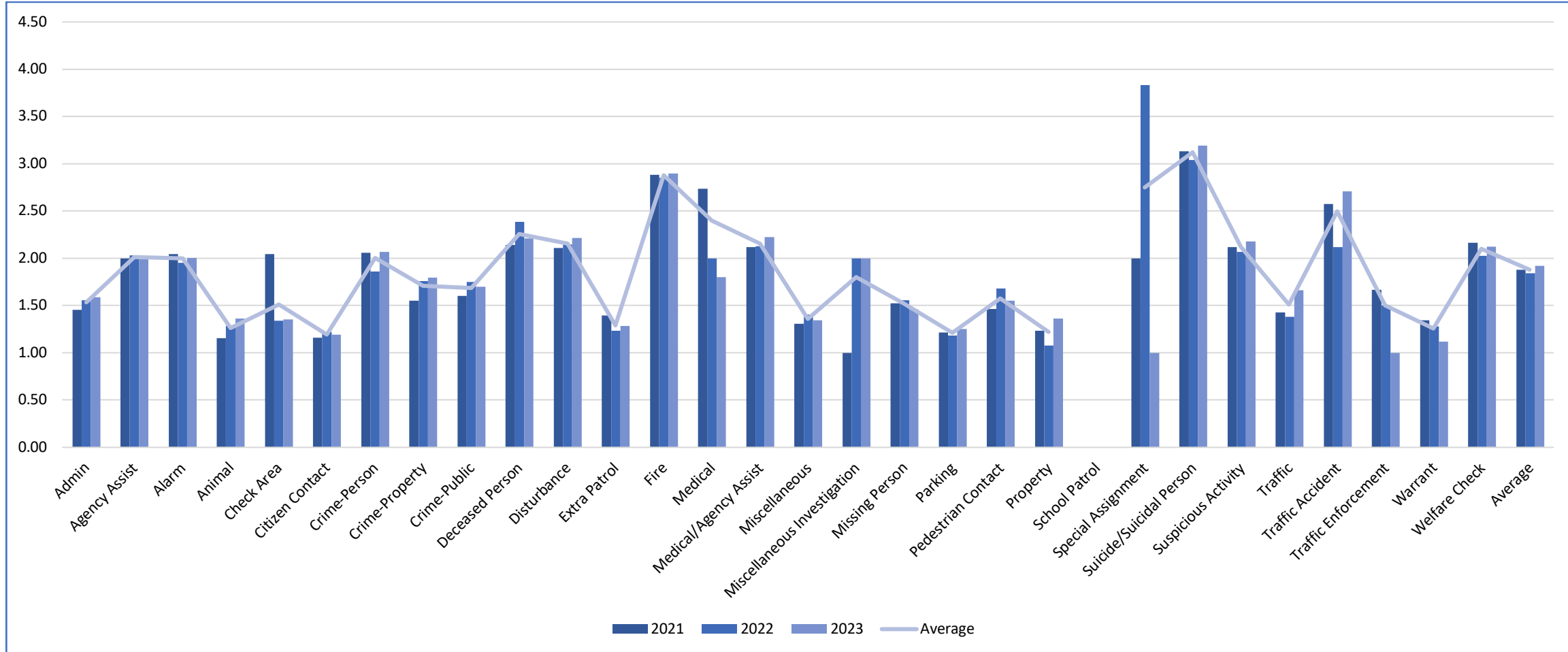




Chart 6: Field-Initiated Average Assigned Units, by Record Category and Year - With Averages

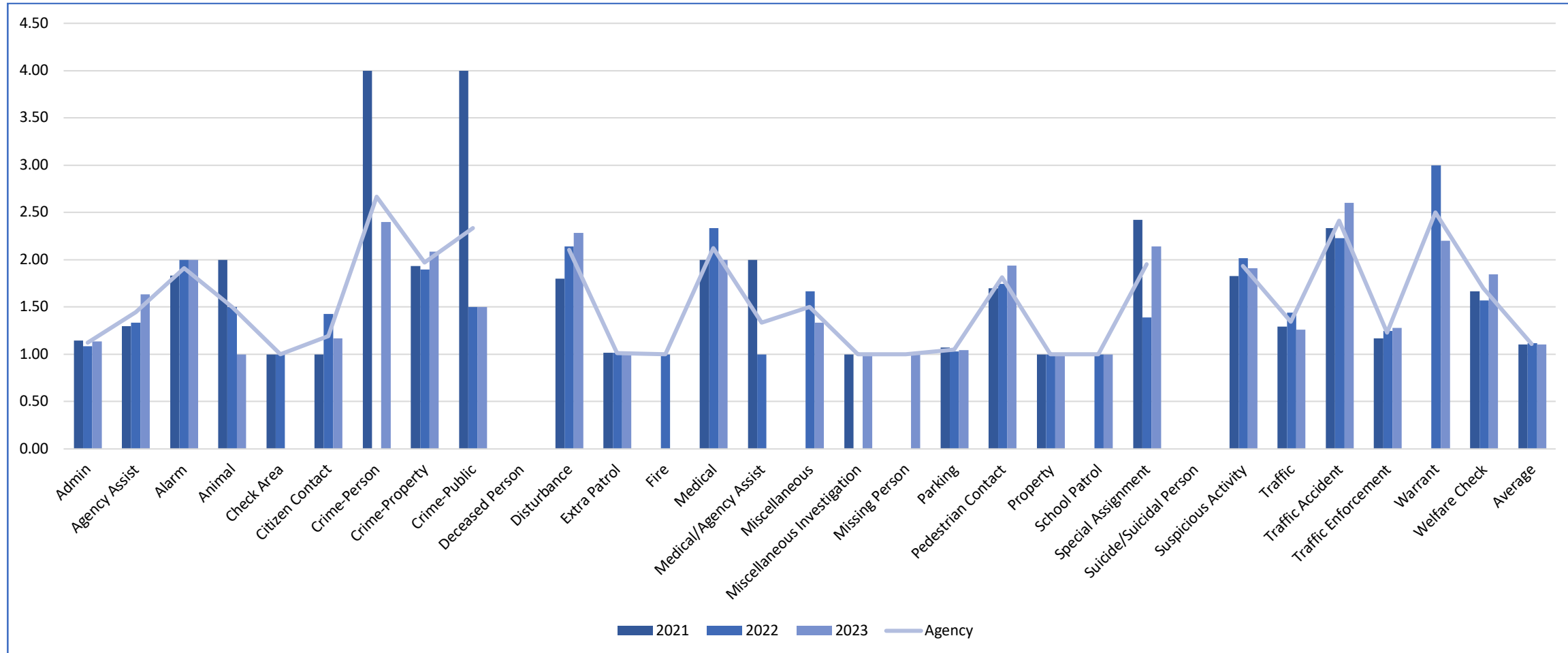




Table 13: Total Records by Hour for Call Sources, by Year

Hour	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
00	177	214	184	575	689	895	1,317	2,901	3,476
01	142	154	149	445	498	834	1,269	2,601	3,046
02	105	137	114	356	474	680	1,316	2,470	2,826
03	100	105	106	311	613	830	1,307	2,750	3,061
04	84	83	88	255	488	655	1,170	2,313	2,568
05	102	125	93	320	295	441	698	1,434	1,754
06	95	146	107	348	32	53	35	120	468
07	194	200	180	574	111	167	136	414	988
08	279	295	292	866	350	583	514	1,447	2,313
09	303	320	306	929	403	628	713	1,744	2,673
10	320	345	339	1,004	464	618	684	1,766	2,770
11	317	384	338	1,039	442	526	568	1,536	2,575
12	319	392	349	1,060	398	490	517	1,405	2,465
13	339	375	375	1,089	368	424	571	1,363	2,452
14	323	354	367	1,044	399	456	494	1,349	2,393
15	350	366	351	1,067	371	439	563	1,373	2,440
16	346	398	394	1,138	331	384	485	1,200	2,338
17	336	386	365	1,087	288	332	364	984	2,071
18	288	308	338	934	77	77	71	225	1,159
19	313	360	351	1,024	248	249	330	827	1,851
20	373	366	384	1,123	640	634	732	2,006	3,129
21	343	378	416	1,137	824	849	973	2,646	3,783
22	373	315	371	1,059	820	846	1,050	2,716	3,775
23	263	291	260	814	727	861	1,231	2,819	3,633
Total	6,184	6,797	6,617	19,598	10,350	12,951	17,108	40,409	60,007



Chart 7: Community-Initiated Records by Hour, by Year

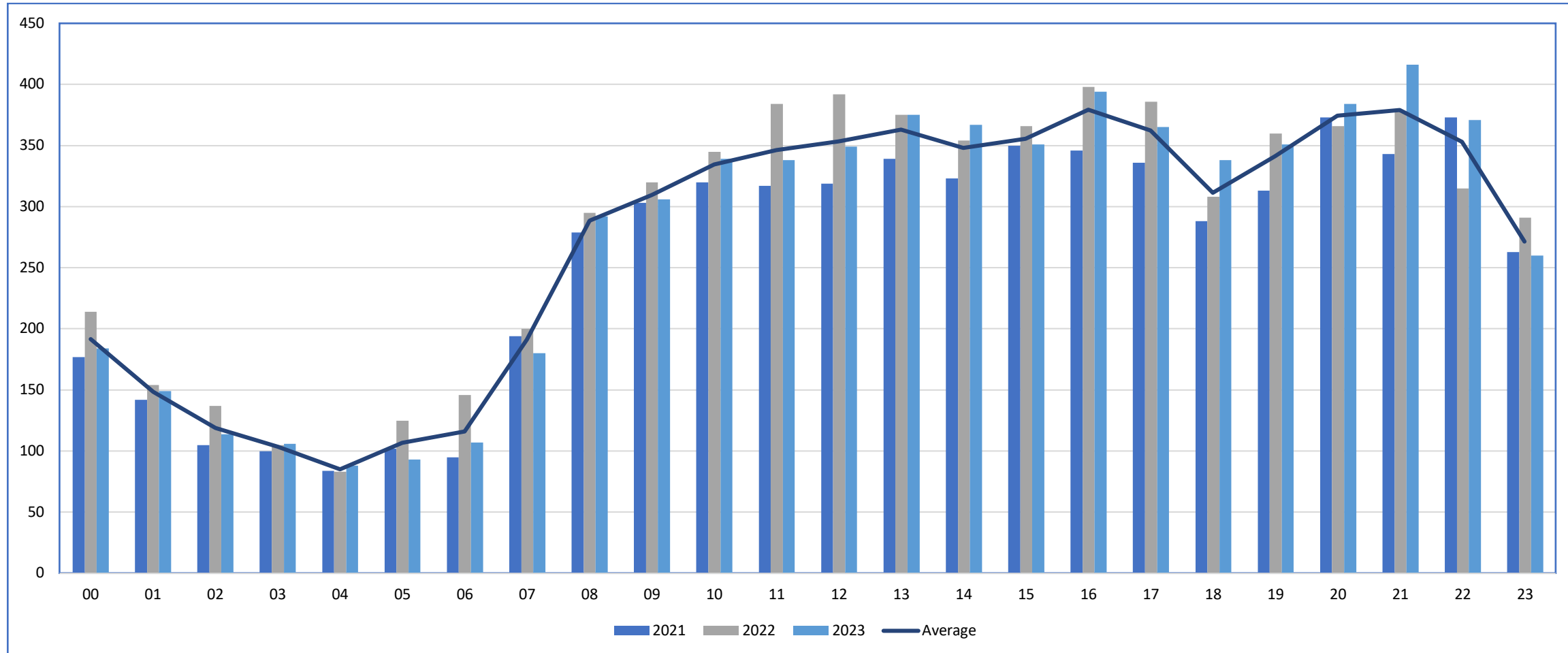
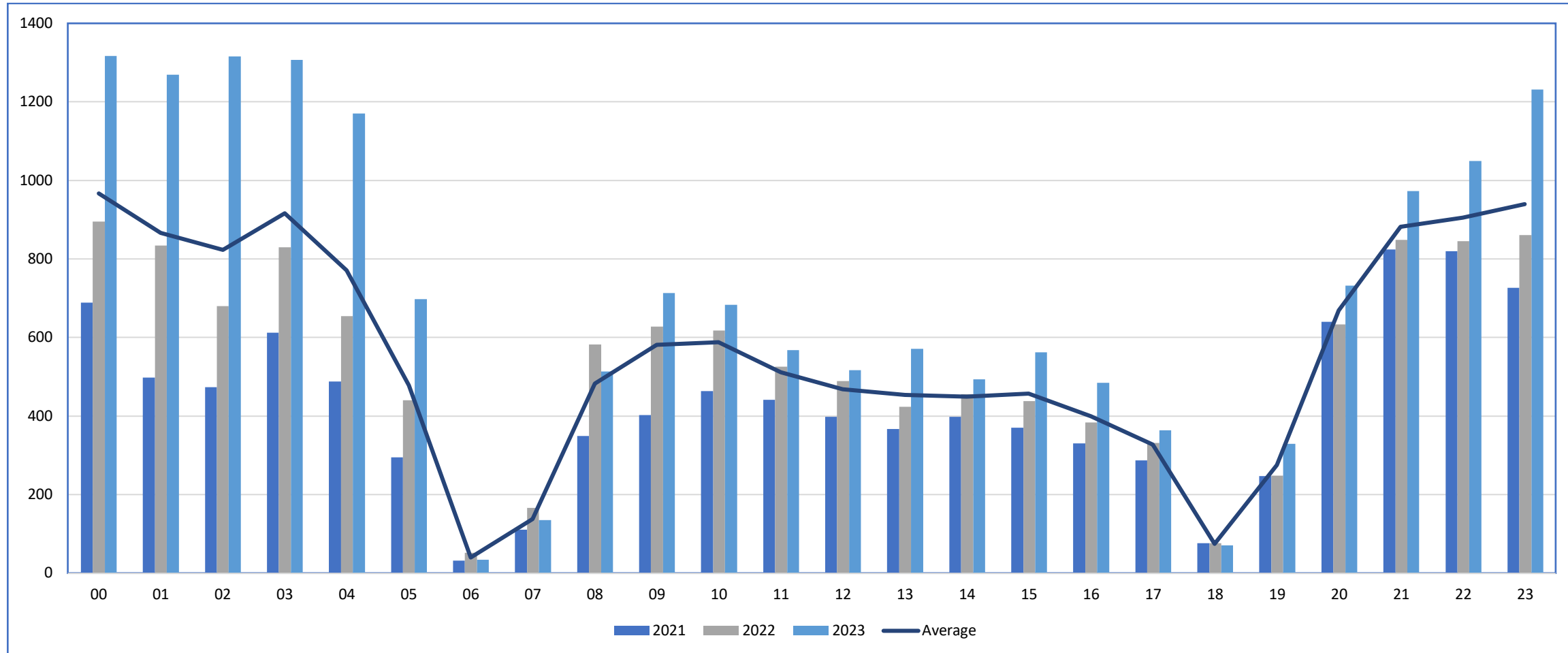




Chart 8: Field-Initiated Records by Hour, by Year - with Averages





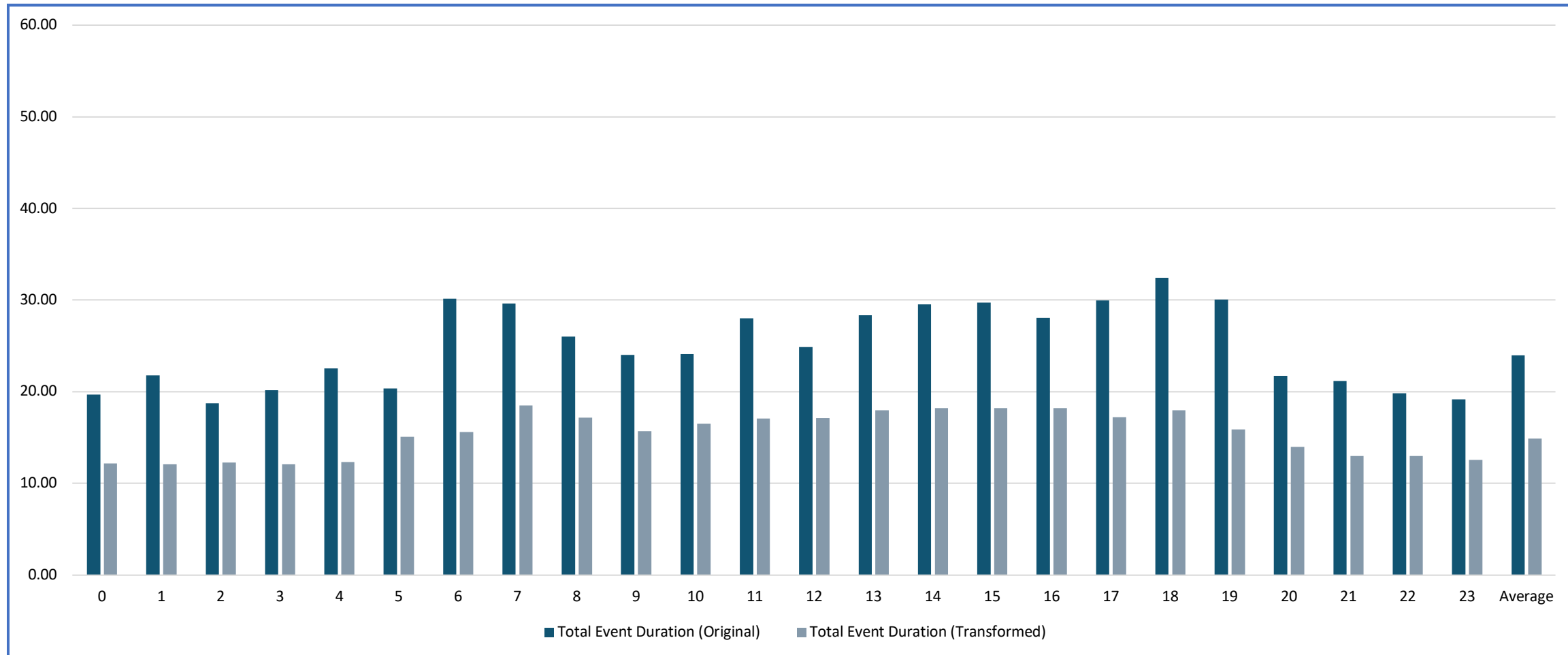
Workload by Hour. The Workload by Hour analysis provides insight into the police department’s staffing needs, particularly regarding patrol operations. The total service time per hour should not exceed 60 minutes, as this would indicate that an event is likely to spill over into the next hour, potentially exacerbating resource constraints. This analysis includes all records with patrol unit identification, ensuring a comprehensive understanding of workload demands. By examining the workload by hour, we can identify peak demand periods and allocate resources accordingly. This information is essential for informing staffing decisions and ensuring that the department is adequately prepared to respond to calls for service.

Table 14: Total Event Duration

Event Duration Category	Community-Initiated Contact	Field-Initiated Contact	Total
Less than 1 minute	1,711	1,600	3,311
1-5 minutes	3,683	15,237	18,920
6-10 minutes	2,837	9,070	11,907
11-15 minutes	1,910	4,087	5,997
16-20 minutes	1,474	2,284	3,758
21-25 minutes	1,124	1,484	2,608
26-30 minutes	925	1,085	2,010
31-40 minutes	1,310	1,556	2,866
41-50 minutes	890	1,010	1,900
51-60 minutes	626	715	1,341
More than 61 minutes	3,108	2,281	5,389
Total	19,598	40,409	60,007



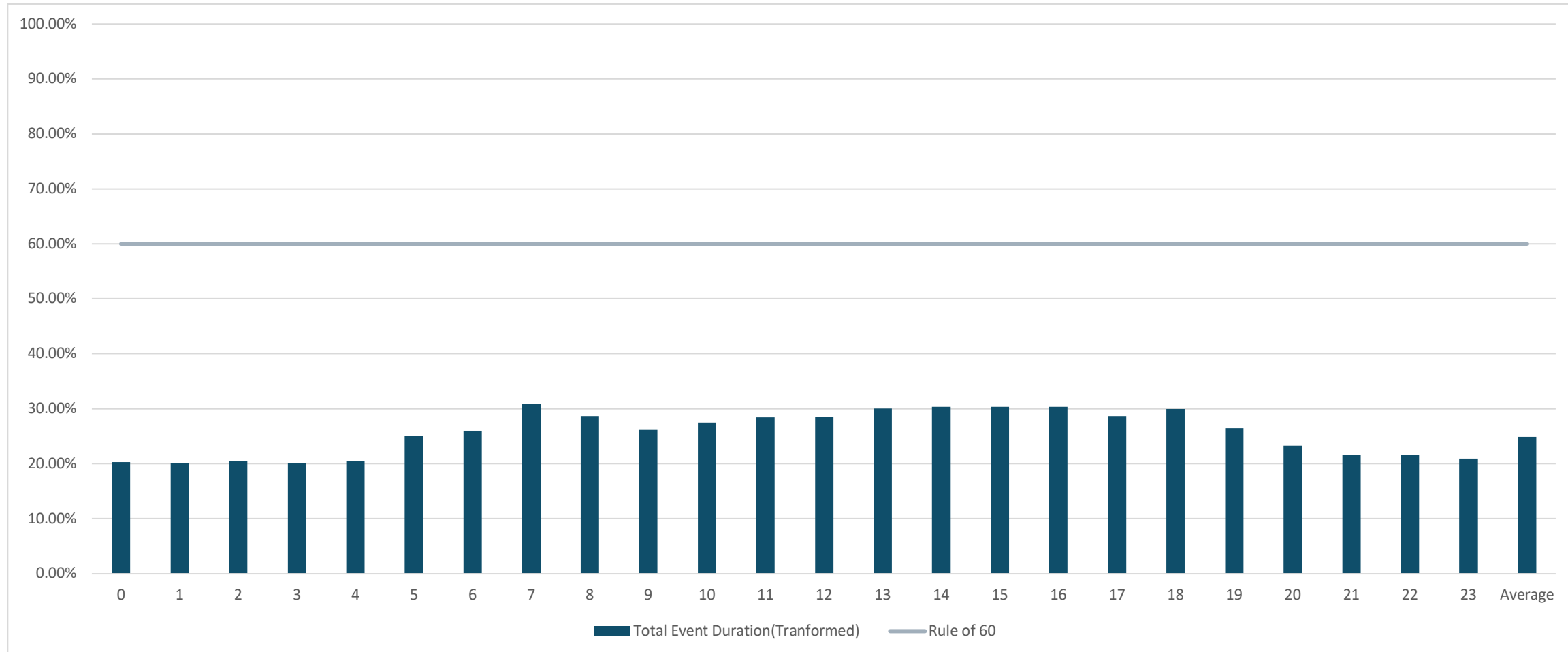
Chart 9: Total Event Duration Original and Transformed by Hour



Note: During our analysis, we encountered some unusual values in the data that needed to be addressed. These values, known as outliers, deviated significantly from the norm, with some significantly longer. We decided to keep mild outliers (4.60% of recorded times) because they reflect real-world situations where responses take longer than usual. On the other hand, we removed severe outliers (3.17% to 5.67%) because they were extremely unusual and didn't accurately represent typical police responses. To ensure our analysis was accurate and reliable, we used a statistical approach to manage these outliers. This involved setting boundaries for what was considered an unusual value and removing any values that fell outside those boundaries. By handling the outliers in this way, we were able to produce more accurate estimates of police response times and occupied time and gain a better understanding of how police respond to different situations. The graph shows how the duration of time changes using both the original event duration (blue bars) and the transformation results to address the data irregularities (grey bars). The transformed data is lower than the original event duration. However, it's a better estimate because it addresses those outliers.



Chart 10: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023



NOTE: When analyzing police response times, it's essential to consider the total event duration and the number of personnel involved in the response. Our understanding of LGMSPD CAD data is the Total Event Duration measures the time from when an incident is recorded to when it's closed for all officers assigned to the record. As such, the Rule of 60 analysis uses this measure for the workload assessment portion of the data report.



Chart 11: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023, including Patrol Sergeants

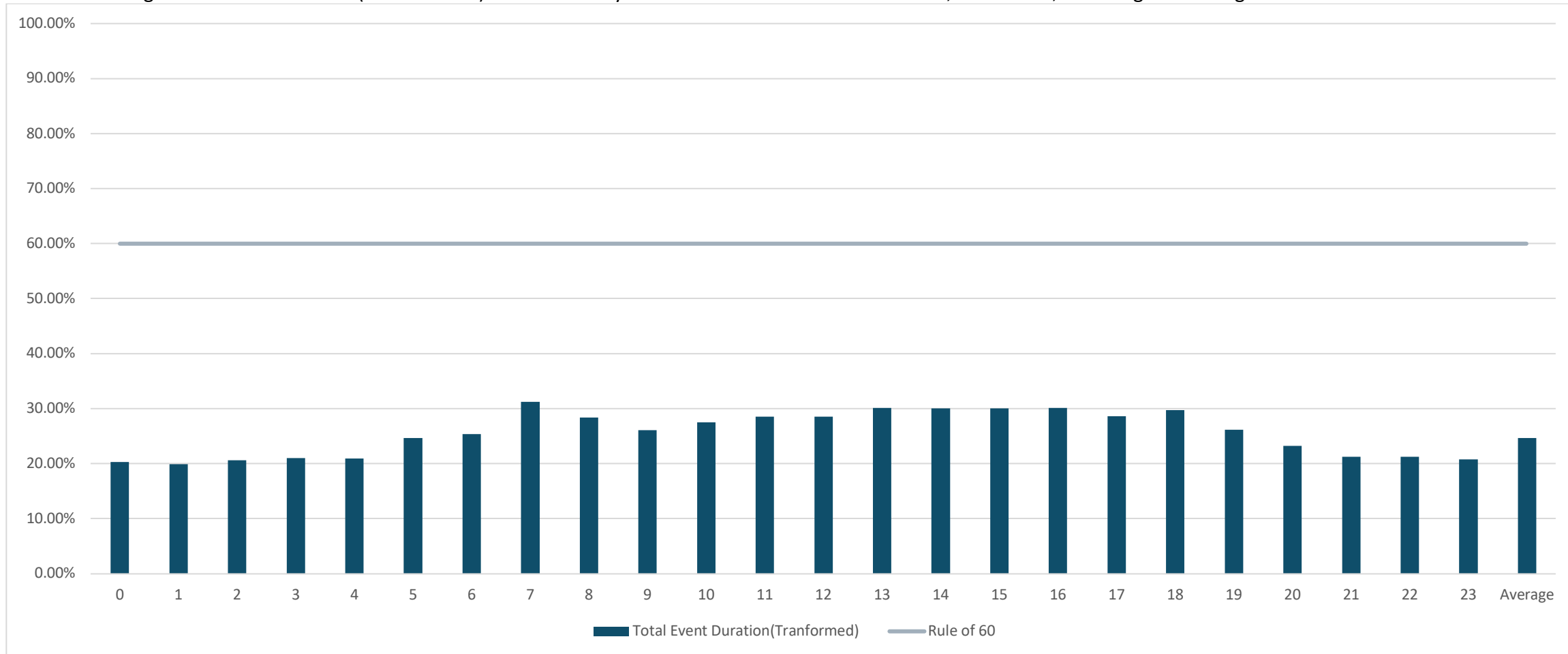




Table 15: Community-Initiated CAD Unit Total Event Duration (Transformed), by Hour, by Year

Hour	Total Event Duration (Transformed)			Average
	2021	2022	2023	
00	19.74	20.20	18.27	19.43
01	19.47	19.62	16.06	18.36
02	22.15	19.71	18.48	20.07
03	16.68	17.58	19.43	17.97
04	15.01	17.55	17.26	16.62
05	16.45	15.31	15.88	15.86
06	16.49	15.88	17.49	16.51
07	16.79	19.11	17.32	17.77
08	20.75	18.53	19.82	19.66
09	21.72	21.05	20.50	21.08
10	22.62	21.47	24.49	22.86
11	23.08	23.63	23.08	23.29
12	21.95	18.41	24.56	21.48
13	22.84	23.49	23.78	23.39
14	21.76	22.06	21.75	21.86
15	24.21	21.25	23.51	22.94
16	23.23	19.51	21.99	21.48
17	19.30	20.22	22.04	20.56
18	18.21	21.17	19.44	19.56
19	18.45	19.86	19.53	19.30
20	21.20	20.10	18.36	19.84
21	17.19	16.76	17.58	17.19
22	17.78	18.95	16.31	17.60
23	20.24	17.11	18.81	18.68
Total	20.39	19.93	20.42	20.24



Table 16: Field-Initiated Total Event Duration (Transformed), by Hour, by Year

Hour	Total Event Duration (Transformed)			Average
	2021	2022	2023	
00	11.85	10.96	10.49	10.97
01	13.34	11.03	10.40	11.19
02	13.30	11.32	10.54	11.31
03	12.31	10.46	11.80	11.49
04	12.94	10.57	12.10	11.83
05	14.13	11.56	18.18	14.92
06	11.79	15.69	10.88	13.23
07	21.96	18.24	18.54	19.35
08	15.14	13.17	19.91	15.95
09	13.22	13.14	13.56	13.33
10	11.93	12.28	15.44	13.40
11	13.21	12.50	14.99	13.62
12	13.45	13.31	16.06	14.34
13	13.11	12.57	16.74	14.42
14	15.73	14.23	17.60	15.89
15	15.03	15.60	14.98	15.19
16	15.00	15.67	16.07	15.65
17	13.31	13.31	15.76	14.19
18	9.76	12.78	15.29	12.54
19	11.75	13.58	11.76	12.30
20	12.10	11.15	10.62	11.27
21	13.14	11.02	10.36	11.46
22	11.92	11.03	11.40	11.44
23	13.80	10.33	9.86	11.05
Total	13.22	12.06	12.88	12.70



Chart 12: Field-Initiated CAD Unit Total Event Duration (Transformed), by Hour, by Year

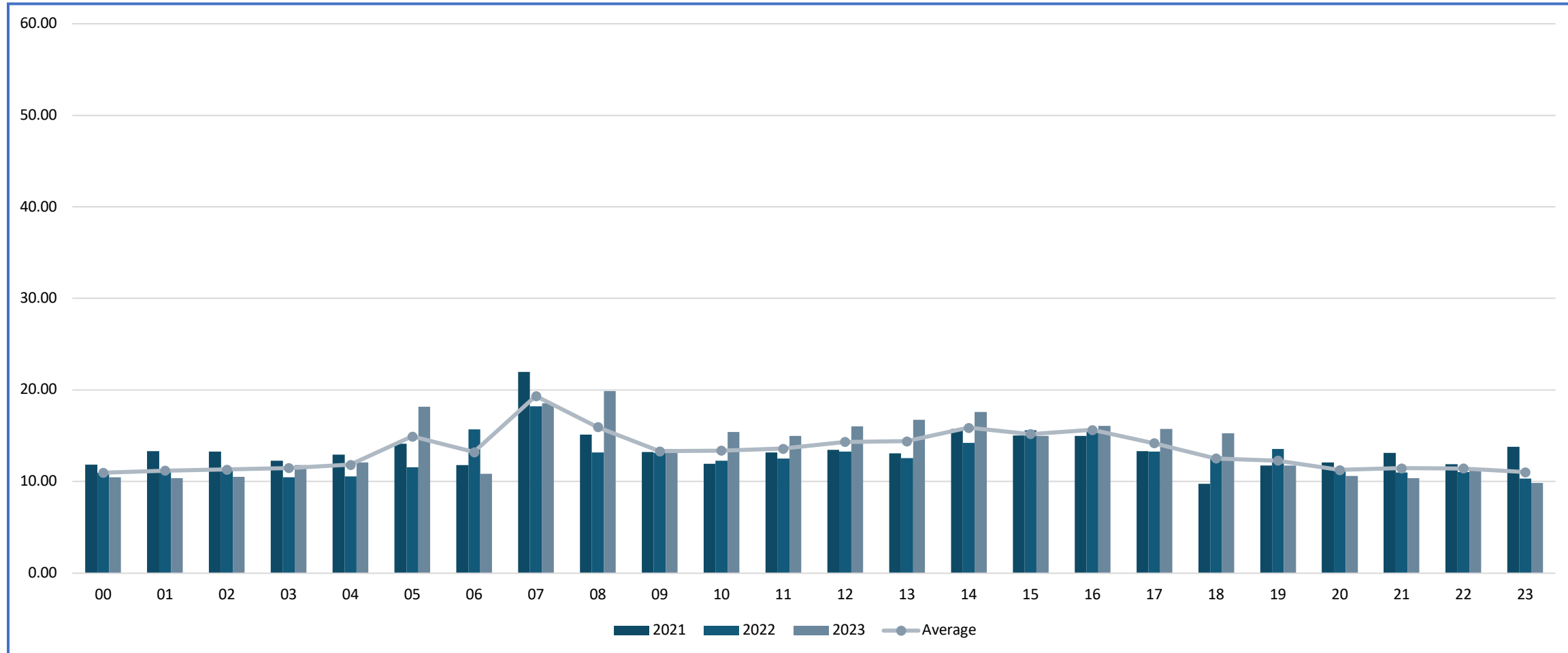




Table 17: Community-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year

Day of Week	Total Event Duration (Transformed)			Average
	2021	2022	2023	
Sunday	19.74	18.68	19.77	19.39
Monday	21.55	21.17	21.01	21.23
Tuesday	20.43	20.67	21.60	20.93
Wednesday	20.85	20.11	20.26	20.37
Thursday	20.96	19.26	19.38	19.84
Friday	20.55	20.84	21.16	20.84
Saturday	18.80	18.49	19.77	19.02
Total	20.39	19.93	20.42	20.24

Chart 13: Community-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year

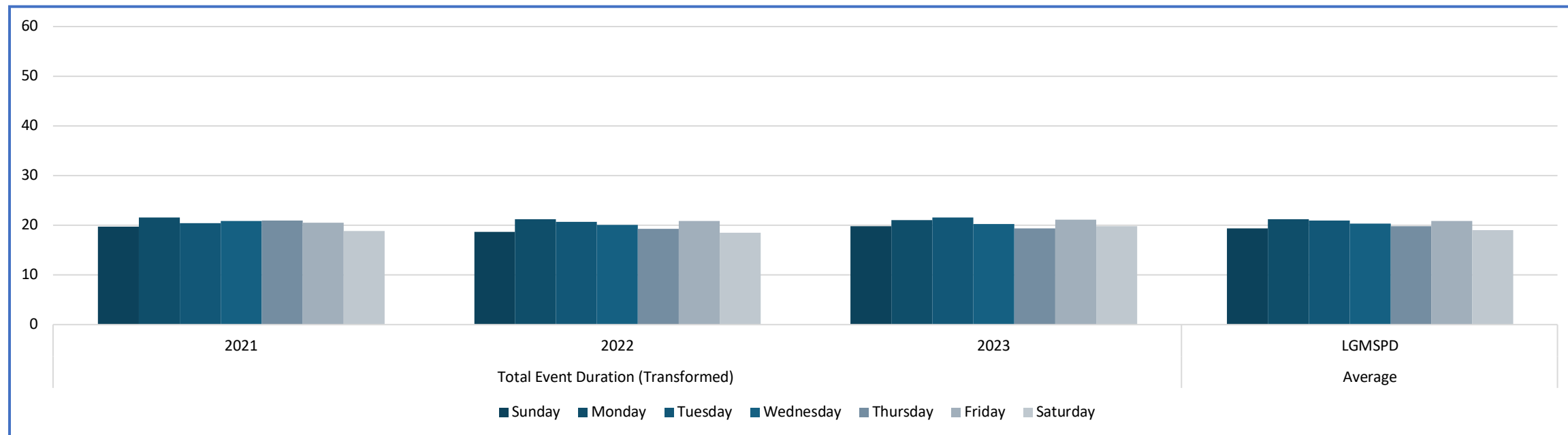




Table 18: Field-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year

Day of Week	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
Sunday	12.27	13.42	12.61	12.77
Monday	13.42	11.34	13.01	12.55
Tuesday	14.52	13.34	13.73	13.82
Wednesday	14.64	12.55	13.15	13.33
Thursday	13.16	11.79	13.38	12.80
Friday	12.87	10.86	11.80	11.76
Saturday	12.00	11.68	12.70	12.17
Average	13.22	12.06	12.88	12.70

Chart 14: Field-Initiated Primary Unit Total Event Duration (Transformed), by Day of Week, by Year

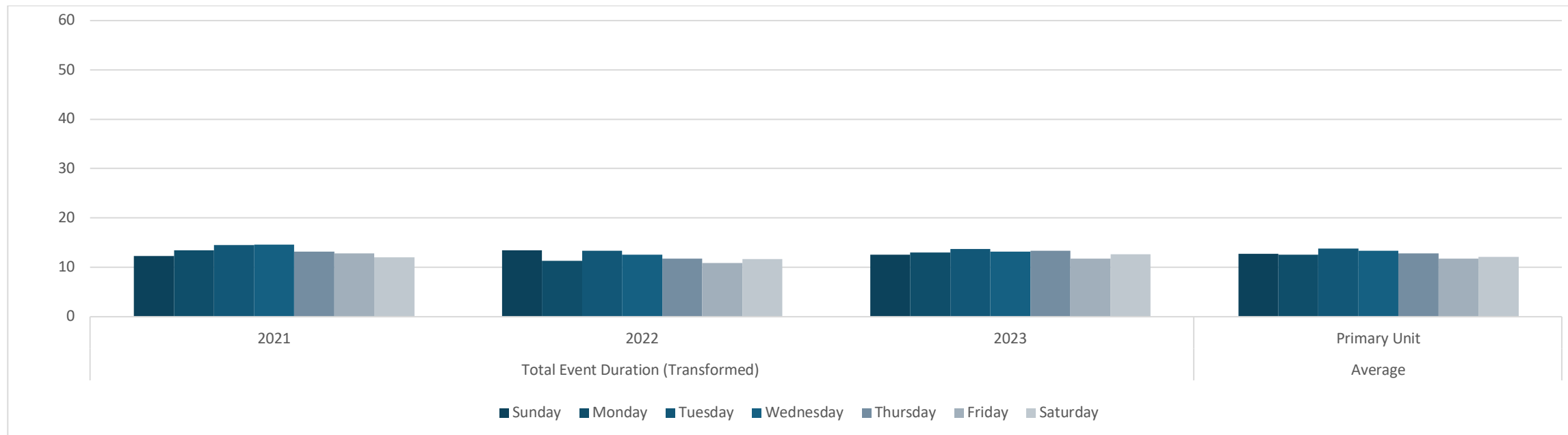




Table 19: Community-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages

Season	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
Fall	19.46	20.02	20.25	19.93
Spring	22.38	19.37	21.21	20.93
Summer	19.52	20.29	19.28	19.71
Winter	20.37	19.97	21.24	20.52
Total	20.39	19.93	20.42	20.24

Chart 15: Community-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages

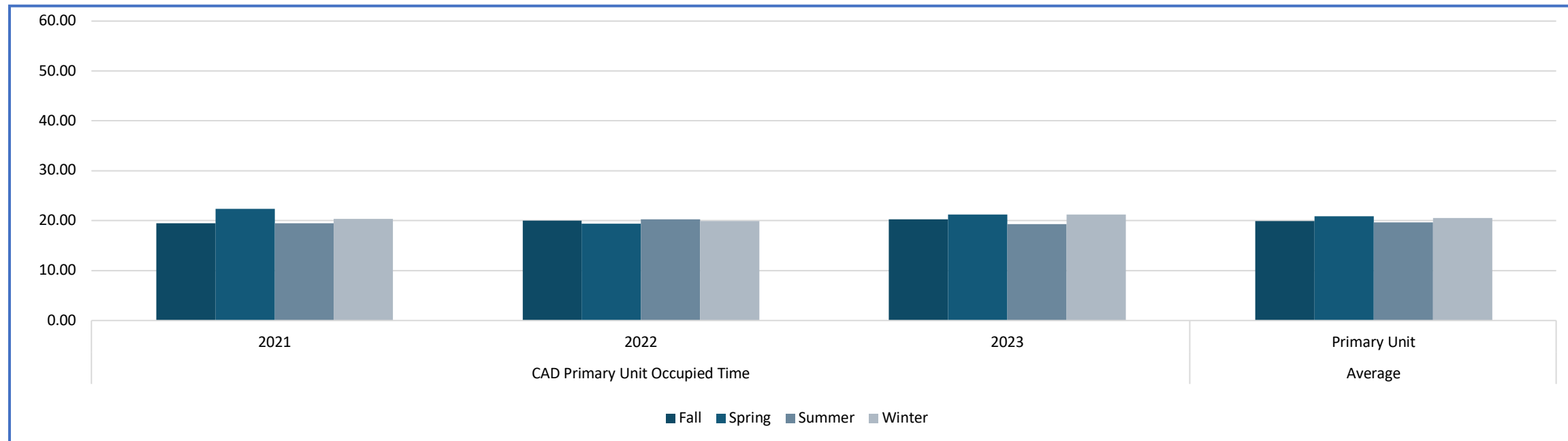




Table 20: Field-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages

Season	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
Fall	12.60	11.35	13.23	12.43
Spring	12.79	12.20	11.69	12.14
Summer	13.44	13.13	13.81	13.49
Winter	14.17	11.67	12.90	12.83
Total	13.22	12.06	12.88	12.70

Chart 16: Field-Initiated Primary Unit Total Event Duration (Transformed), by Season, by Year – with Averages

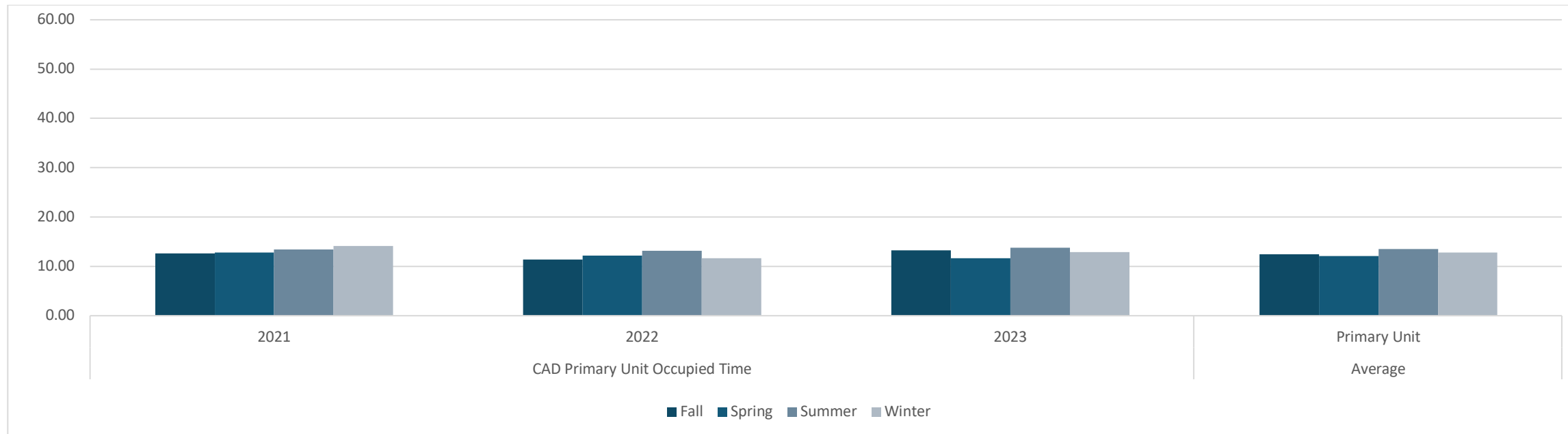




Table 21: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority

Priority	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
1	39.97	40.10	38.51	39.45
2	17.88	17.07	18.32	17.75
3	22.40	21.91	21.70	21.98
Total	20.39	19.93	20.42	20.24

Chart 17: Community-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority

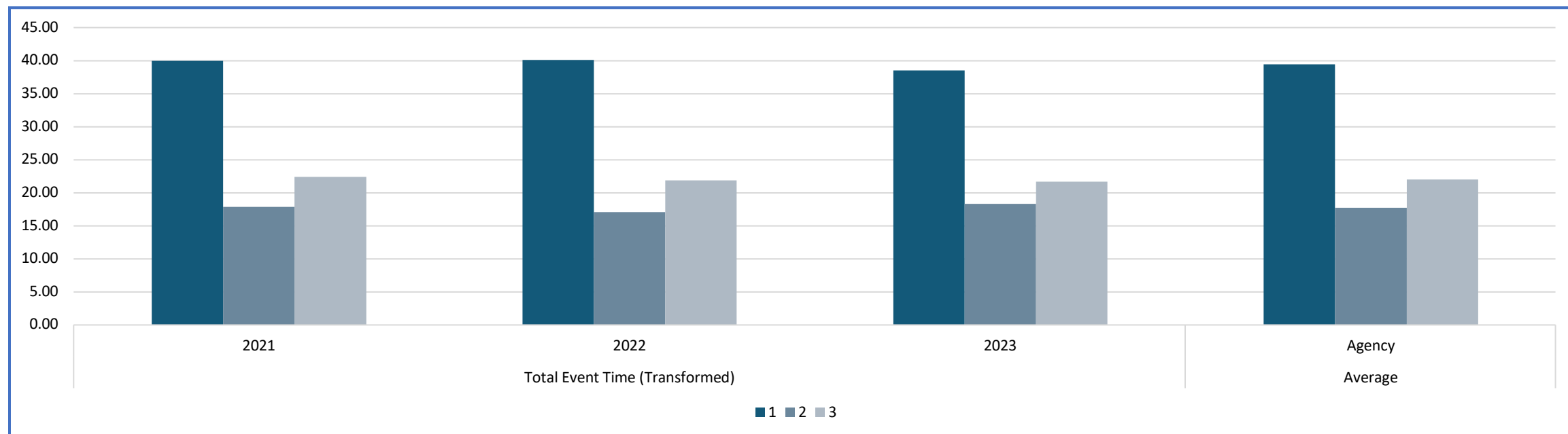




Table 22: Field-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority

Priority	Total Event Duration (Transformed)			Total Event Duration (Transformed)
	2021	2022	2023	Average
1		33.50		33.50
2	13.98	11.13	10.82	11.05
3	13.21	12.13	13.41	12.91
Total	13.22	12.06	12.88	12.70

Chart 18: Field-Initiated Primary Unit Total Event Duration (Transformed), by Hour, by Year, by Priority

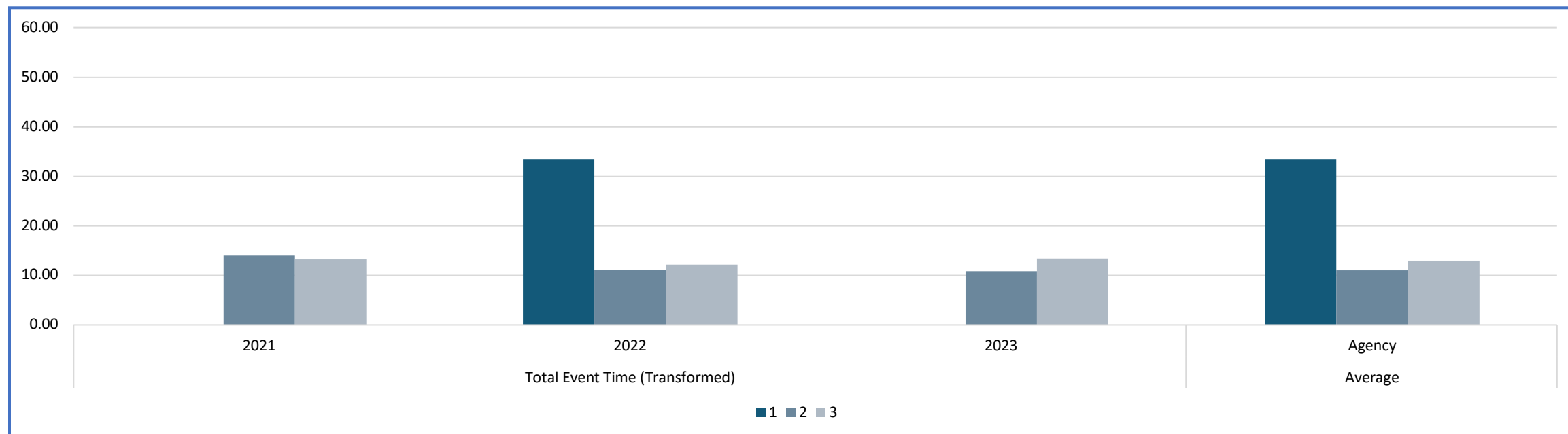


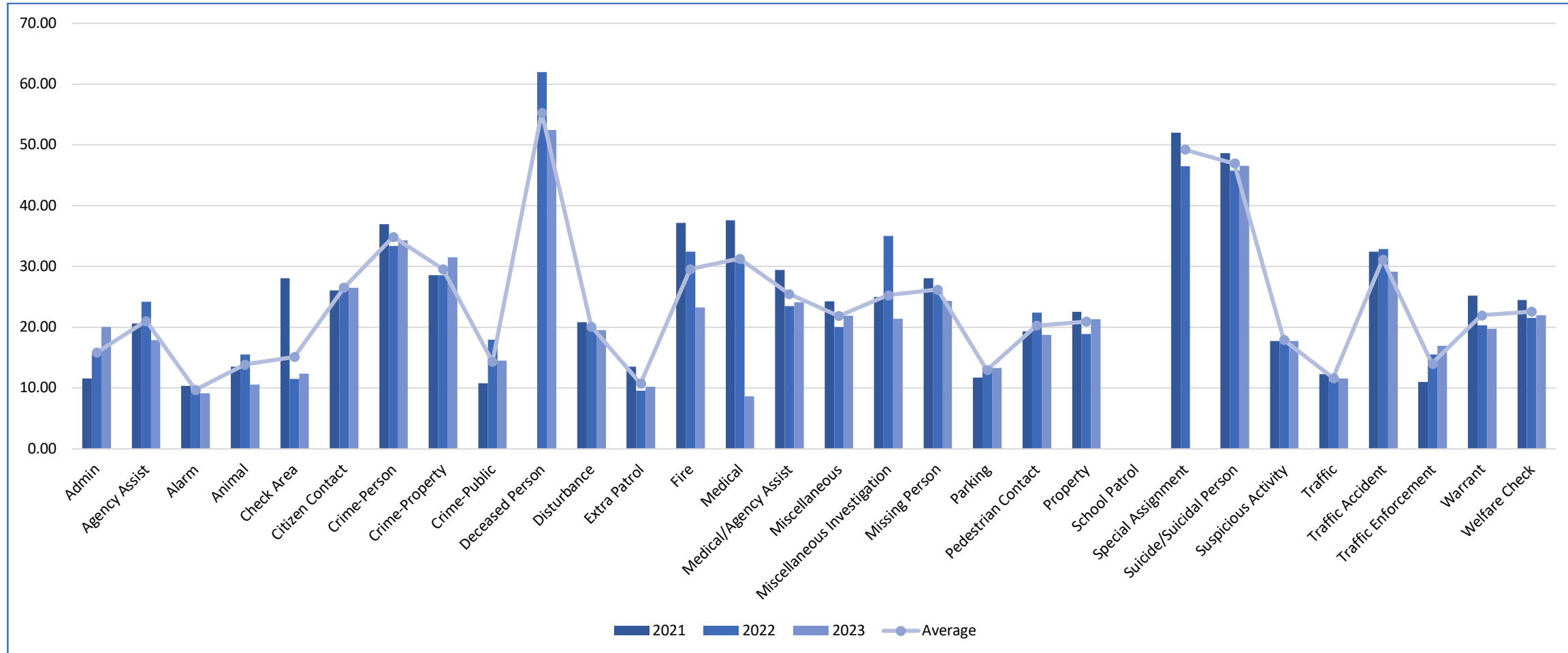


Table 23: Unit Total Event Duration (Transformed), by Record Source, by Category, by Year – with Averages

Record Category	Community-Initiated Contact				Field-Initiated Contact				LGMSPD Average
	2021	2022	2023	Average	2021	2022	2023	Average	
Admin	11.62	15.71	20.01	15.84	23.69	23.72	28.19	25.58	23.33
Agency Assist	20.65	24.22	17.93	21.03	24.50	10.83	15.56	16.76	20.65
Alarm	10.35	9.63	9.13	9.71	14.33	7.00	6.00	11.30	9.71
Animal	13.51	15.53	10.58	13.86	10.00	24.00	1.00	18.71	14.06
Check Area	28.07	11.55	12.36	15.13	12.00	2.00		7.00	14.90
Citizen Contact	26.06	26.96	26.49	26.53	12.29	9.50	11.50	11.16	26.28
Crime-Person	36.95	33.41	34.32	34.86			17.00	17.00	34.72
Crime-Property	28.60	28.57	31.55	29.57	33.88	34.29	18.25	28.88	29.56
Crime-Public	10.77	17.96	14.55	14.33	27.00	5.50	35.00	21.60	14.41
Deceased Person		62.00	52.43	55.30					55.30
Disturbance	20.85	19.90	19.54	20.11	13.50	18.00	26.00	19.88	20.10
Extra Patrol	13.52	9.57	10.23	10.76	12.69	11.66	12.72	12.36	12.34
Fire	37.15	32.42	23.24	29.57		14.00		14.00	29.23
Medical	37.64	30.75	8.67	31.28	21.00	16.00	14.50	17.71	27.48
Medical/Agency Assist	29.41	23.49	24.11	25.49	38.00	6.50		17.00	25.38
Miscellaneous	24.26	20.04	21.92	21.86		17.50	23.50	20.50	21.78
Miscellaneous Investigation	25.00	35.00	21.40	25.25	2.00		6.00	4.00	21.00
Missing Person	28.10	25.71	24.33	26.18			21.00	21.00	26.17
Parking	11.76	13.54	13.28	12.95	7.21	10.22	8.31	8.63	10.08
Pedestrian Contact	19.31	22.40	18.73	20.28	11.30	12.44	13.02	12.42	13.91
Property	22.56	18.88	21.34	20.92	8.50	10.75	9.25	9.70	20.49
School Patrol						20.00	10.33	13.56	13.56
Special Assignment	52.00	46.50		49.25	32.29	49.47	45.22	44.35	44.91
Suicide/Suicidal Person	48.67	45.78	46.54	46.94					46.94
Suspicious Activity	17.79	18.16	17.74	17.90	12.98	11.21	9.88	11.18	15.88
Traffic	12.28	11.14	11.56	11.65	23.20	16.18	10.94	16.38	12.47
Traffic Accident	32.43	32.84	29.15	31.15	3.00	28.25	27.70	24.38	30.70
Traffic Enforcement	11.00	15.50	17.00	14.00	14.05	11.88	12.20	12.77	12.77
Warrant	25.22	20.33	19.75	21.97		32.00	41.50	38.33	23.23
Welfare Check	24.46	21.55	21.98	22.56	2.00	15.29	21.00	16.46	22.45
Total	20.39	19.93	20.42	20.24	13.22	12.06	12.88	12.70	14.92



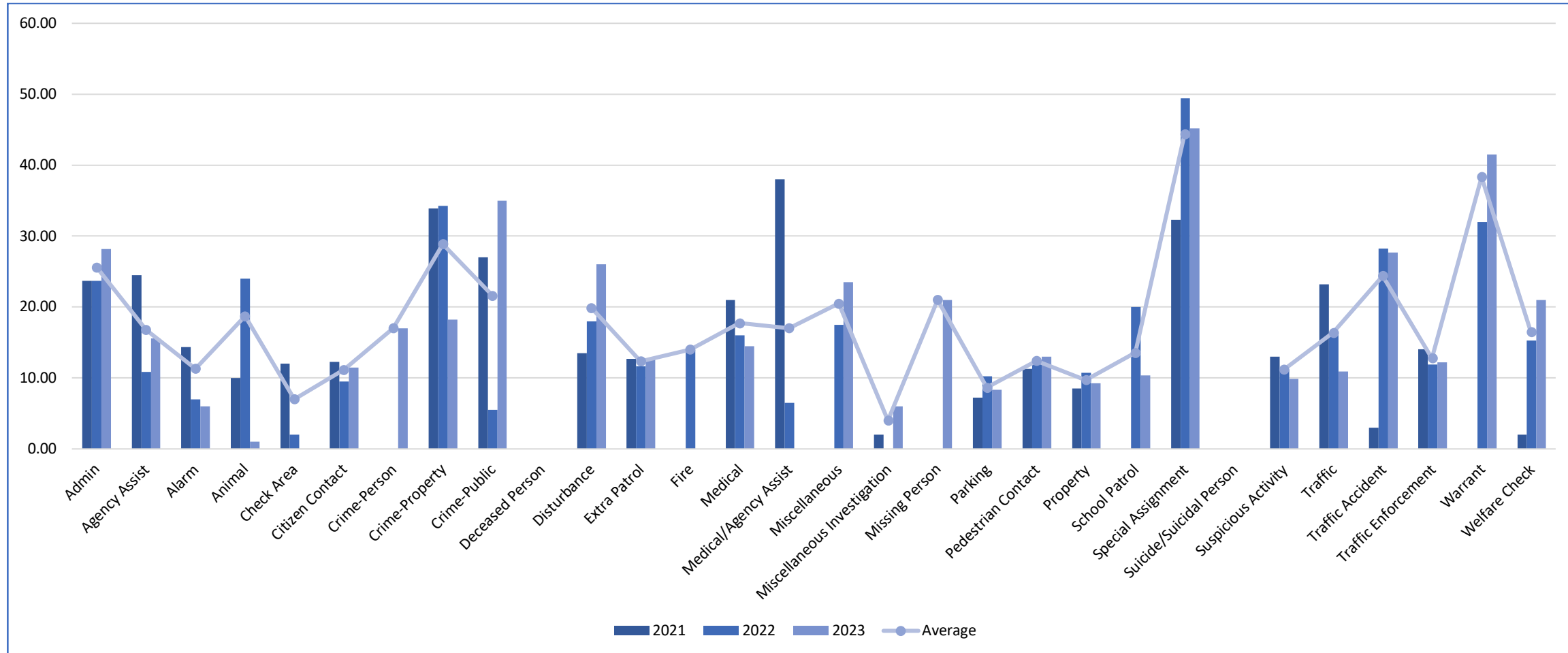
Chart 19: Community-Initiated Unit Total Event Duration (Transformed), by Year – with Averages



NOTE: Changes in community-initiated calls for service in certain call categories can have significant operational differences. For instance, an increase in suicide/suicidal person calls for service due to the extensive call time can impact availability for other calls for service.



Chart 20: Field-Initiated Unit Total Event Duration (Transformed), by Year – with Averages





PRIMARY UNIT RESPONSE TIMES AND ON-SCENE TIME

Response Times reflect the agency’s time (from receipt of a call for service to arrival). To respond to the community’s request for assistance, we focus the Response Time portion of the data analysis on community-initiated calls for service and units identified as patrol.

The CAD export lacks information, preventing the calculation of this field. Of the 67,000 records within the patrol designation, 60,004 contain information on when the record was received, while only 21,489 contain information on the time of dispatch. Additionally, the field “RecdTime” does not contain the date of receipt. The time from received to dispatched is calculated using only those records containing information.

These segments reflect the time between a call being dispatched to a unit, the status of en route, and the duration between the record status of en route and when arriving at the location. In concert, these represent dispatch time and response time – measures for how promptly the department responds to a request for service. As the prior section details Total Service Time, as measured from all record stages, and as such, how much time an officer is allocated to a record, our last measurement for this section includes on-scene time. This operational measurement captures the variation between arrival and when the officer is cleared from the event. This measurement is particularly important when examining how changes in policy or practice influence the time an officer is engaged with the community based on the call type.

- DISPATCH TIME = CAD CFS data entered/Created to call dispatched
- TRAVEL TIME = Officer indicating En Route until point officer indicates Arrived/On Scene
- RESPONSE TIME = CAD CFS data Entered/Created until first unit Arrived/On Scene
- ON SCENE TIME = CAD CFS first unit Arrived/On Scene to Call Closed

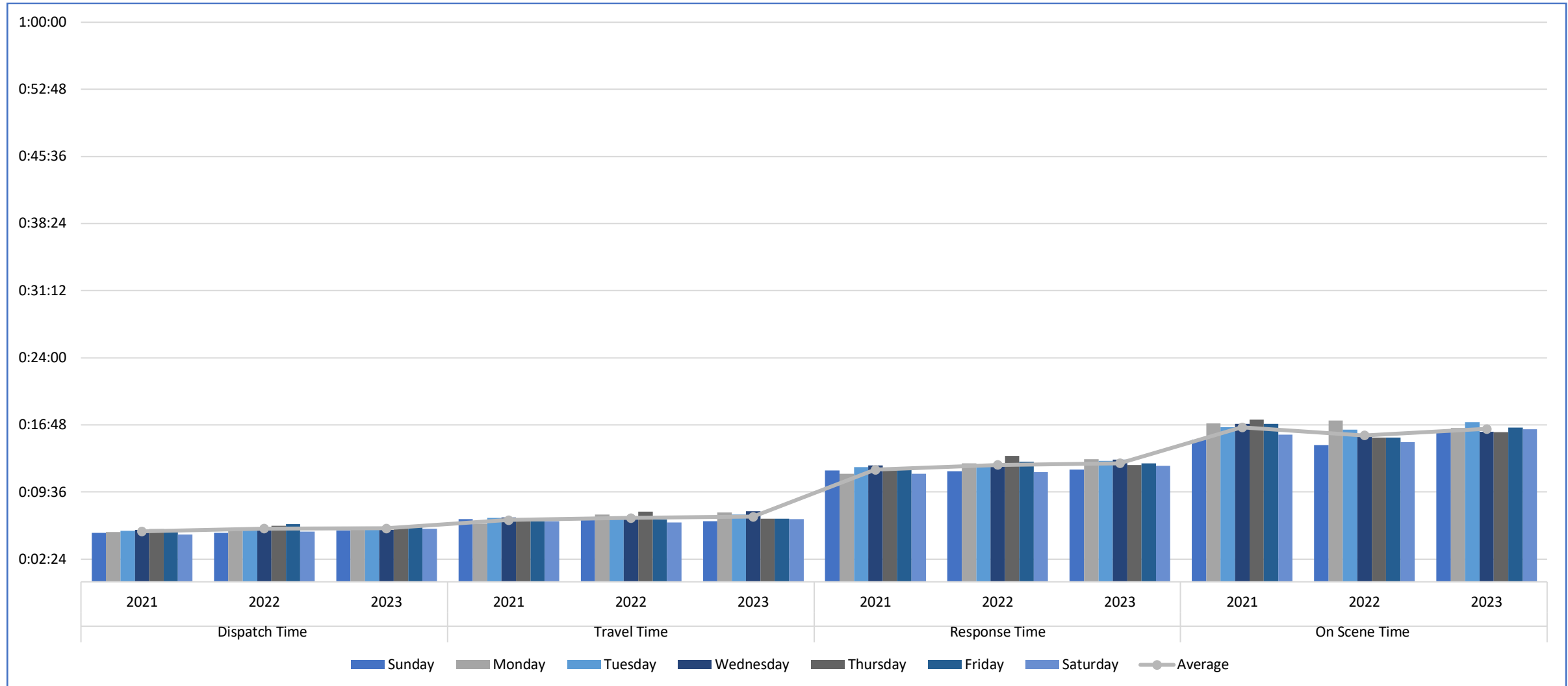
Each of these states removes times more than the upper bounds, as discussed earlier in the report. One of the challenges encountered with LGMSPD CAD data concerns mapping the primary unit allocated time. This challenge exists when the primary unit is assigned multiple times to the record. For instance, record 2101010073 is associated with unit 3P32 two times. We calculated the maximum value associated with the response time record states to address this challenge. For example, the maximum OS-to-clear time is 20.11 minutes, and the maximum dispatch-to-clear time is 2.36 minutes.

Table 24: Total Number of Records Used in the Analysis

Record	2021	2022	2023	Total
Maximum Time Associated with Primary Unit Dispatch to En Route Status (Transformed)	2,159	3,829	3,955	9,943
Maximum Time Associated with Primary Unit En Route to on scene Status (Transformed)	2,123	3,755	3,957	9,835
Maximum Time Associated with Primary Unit Arrived to Clear Status (Transformed)	3,768	5,636	5,518	14,922



Chart 21: Response Time Record Status and Average Minute, by Day of Week, by Year



NOTE: The charts and tables that follow show dispatch Time as incomplete as it does not include the time the call was created in CAD and the time it was dispatched to the officer.



Table 25: Response Time Record Status and Average Minute, by Day of Week, by Year

Day of Week	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Sunday	0:05:14	0:05:15	0:05:32	0:06:43	0:06:37	0:06:30	0:11:57	0:11:52	0:12:02	0:15:14	0:14:40	0:16:08
Monday	0:05:21	0:05:31	0:05:44	0:06:15	0:07:12	0:07:26	0:11:36	0:12:42	0:13:10	0:16:59	0:17:19	0:16:30
Tuesday	0:05:27	0:05:39	0:05:46	0:06:51	0:06:49	0:07:12	0:12:19	0:12:27	0:12:58	0:16:35	0:16:20	0:17:06
Wednesday	0:05:34	0:05:48	0:05:33	0:06:54	0:06:45	0:07:34	0:12:27	0:12:33	0:13:07	0:16:56	0:15:33	0:16:07
Thursday	0:05:38	0:05:59	0:05:47	0:06:39	0:07:31	0:06:45	0:12:16	0:13:30	0:12:33	0:17:22	0:15:29	0:16:04
Friday	0:05:34	0:06:12	0:05:56	0:06:31	0:06:41	0:06:47	0:12:04	0:12:53	0:12:43	0:16:57	0:15:28	0:16:32
Saturday	0:05:04	0:05:24	0:05:43	0:06:31	0:06:23	0:06:44	0:11:35	0:11:46	0:12:27	0:15:47	0:14:59	0:16:23
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



Chart 22: Response Time Record Status and Average Minute, by Month, by Year

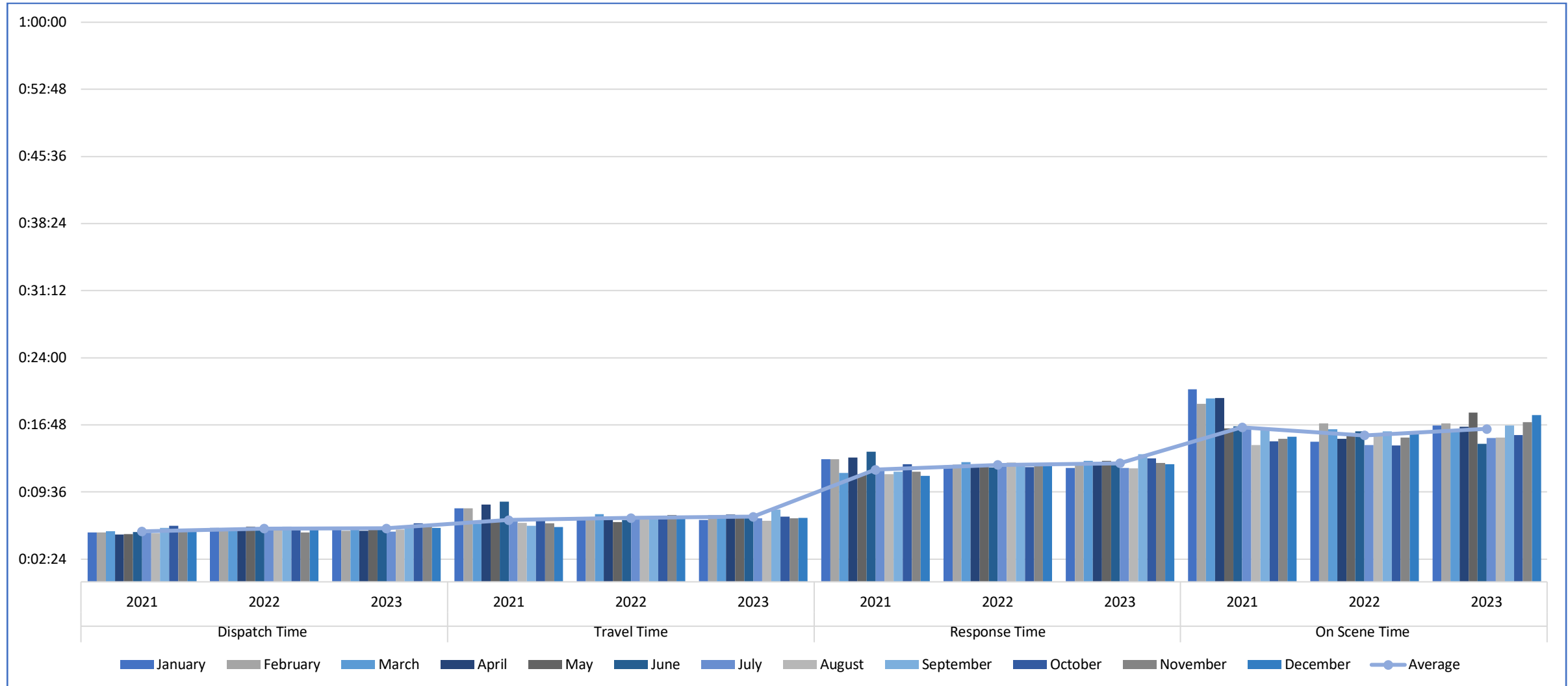




Table 26: Response Time Record Status and Average Minute, by Month, by Year

Month	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
January	0:05:17	0:05:48	0:05:34	0:07:53	0:06:41	0:06:39	0:13:10	0:12:29	0:12:13	0:20:39	0:15:02	0:16:46
February	0:05:16	0:05:43	0:05:30	0:07:52	0:06:51	0:07:11	0:13:09	0:12:35	0:12:41	0:19:04	0:16:58	0:17:00
March	0:05:25	0:05:36	0:05:50	0:06:14	0:07:15	0:07:09	0:11:40	0:12:50	0:12:59	0:19:40	0:16:22	0:16:08
April	0:05:04	0:05:44	0:05:27	0:08:16	0:06:46	0:07:13	0:13:20	0:12:29	0:12:40	0:19:42	0:15:20	0:16:39
May	0:05:07	0:05:55	0:05:48	0:06:26	0:06:25	0:07:11	0:11:32	0:12:20	0:12:59	0:16:28	0:15:57	0:18:09
June	0:05:19	0:05:38	0:05:40	0:08:37	0:06:37	0:06:53	0:13:56	0:12:16	0:12:33	0:16:39	0:16:07	0:14:48
July	0:05:19	0:05:42	0:05:24	0:06:40	0:06:51	0:06:49	0:11:59	0:12:34	0:12:13	0:16:33	0:14:39	0:15:26
August	0:05:12	0:05:48	0:05:37	0:06:20	0:06:58	0:06:33	0:11:32	0:12:46	0:12:11	0:14:39	0:15:53	0:15:28
September	0:05:48	0:05:55	0:05:58	0:06:00	0:06:40	0:07:44	0:11:48	0:12:35	0:13:42	0:16:23	0:16:09	0:16:46
October	0:06:01	0:05:35	0:06:16	0:06:34	0:06:43	0:06:59	0:12:36	0:12:17	0:13:15	0:15:05	0:14:37	0:15:45
November	0:05:33	0:05:18	0:05:56	0:06:16	0:07:11	0:06:48	0:11:48	0:12:29	0:12:44	0:15:19	0:15:29	0:17:08
December	0:05:30	0:05:36	0:05:46	0:05:51	0:07:06	0:06:52	0:11:21	0:12:42	0:12:38	0:15:33	0:15:49	0:17:52
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



Chart 23: Response Time Record Status and Average Minute, by Season, by Year

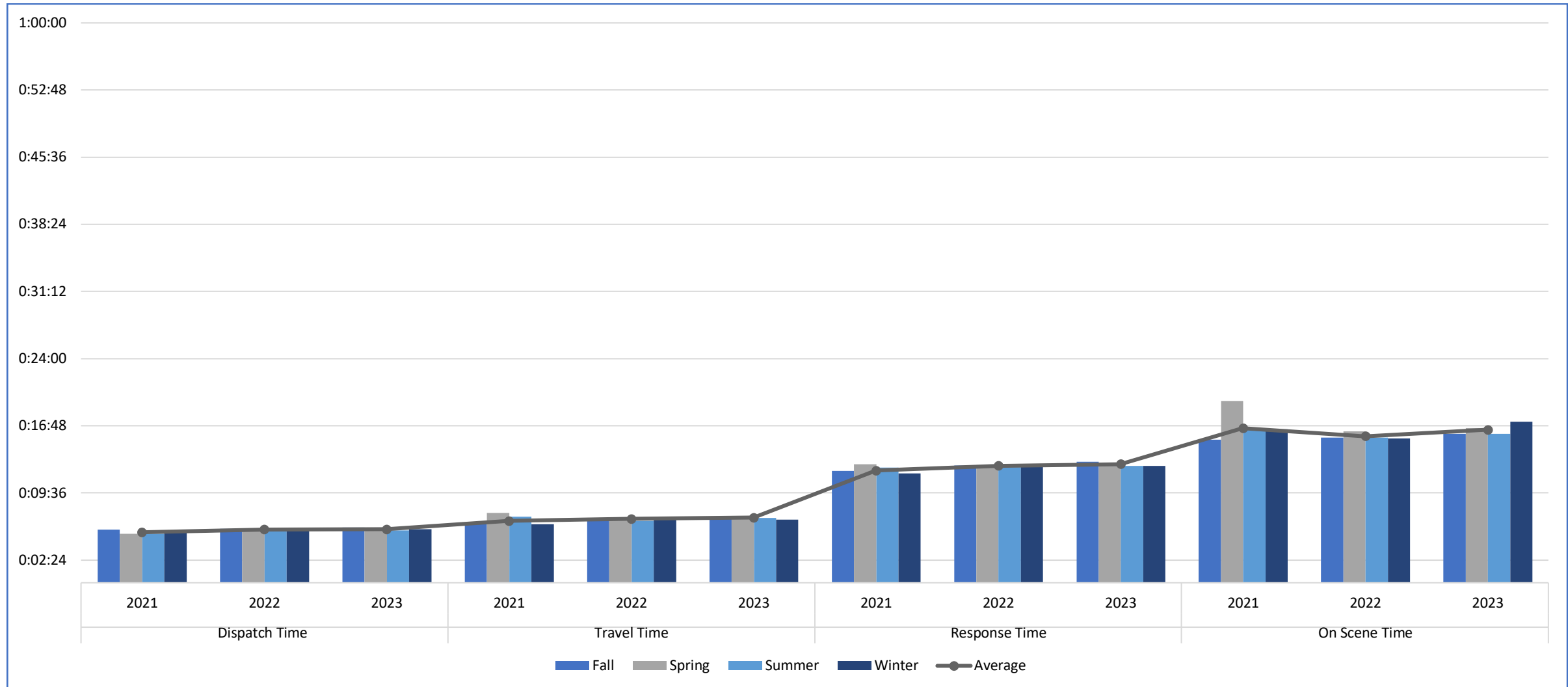




Table 27: Response Time Record Status and Average Minute, by Season, by Year

Season	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Fall	0:05:41	0:05:46	0:05:56	0:06:19	0:06:47	0:07:03	0:12:00	0:12:33	0:12:58	0:15:21	0:15:34	0:15:57
Spring	0:05:15	0:05:41	0:05:36	0:07:28	0:06:57	0:07:11	0:12:43	0:12:38	0:12:47	0:19:29	0:16:14	0:16:34
Summer	0:05:15	0:05:45	0:05:36	0:07:05	0:06:39	0:06:56	0:12:20	0:12:24	0:12:33	0:16:33	0:15:34	0:15:58
Winter	0:05:27	0:05:35	0:05:45	0:06:17	0:07:00	0:06:46	0:11:43	0:12:35	0:12:31	0:16:26	0:15:27	0:17:15
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



Chart 24: Response Time Record Status and Average Minute, by Assigned Hour, by Year

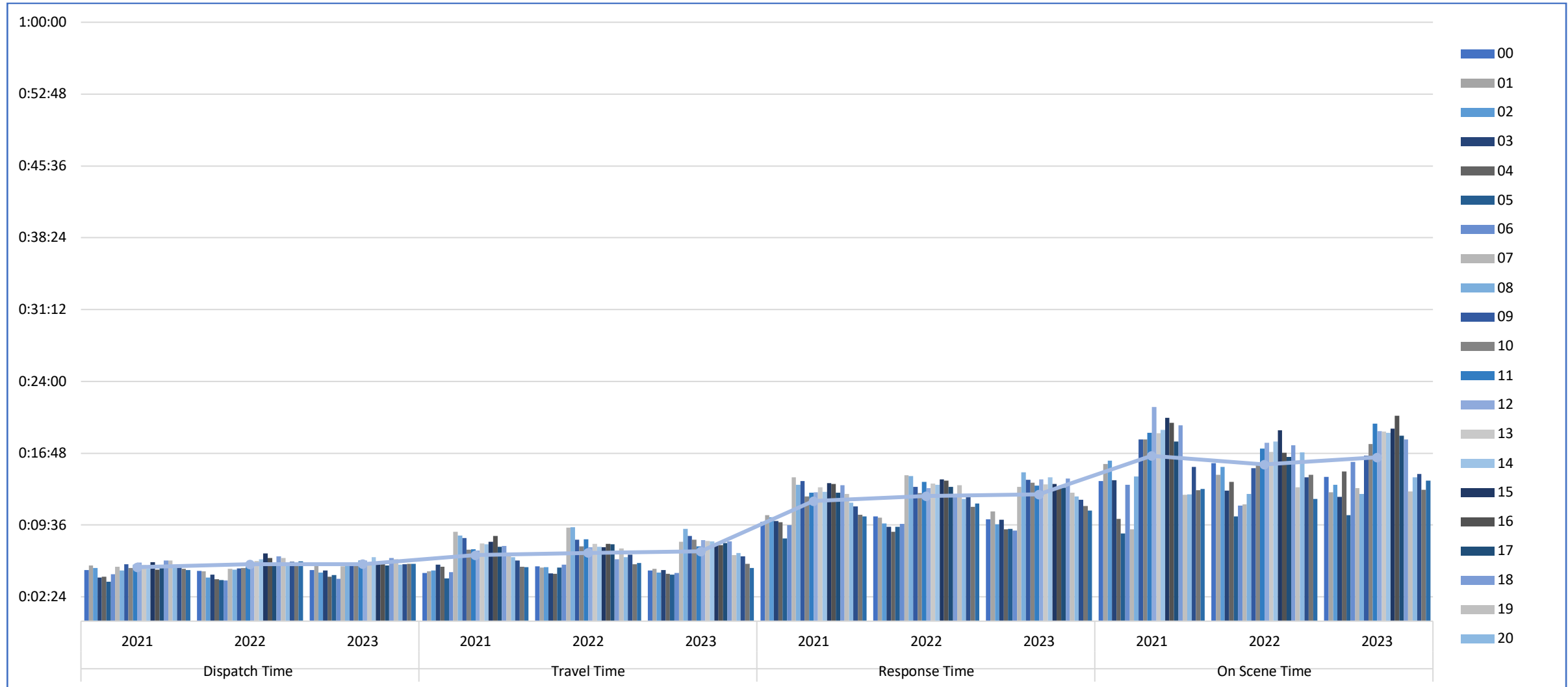




Table 28: Response Time Record Status and Average Minute, by Assigned Hour, by Year

Hour	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
00	0:05:07	0:05:02	0:05:06	0:04:50	0:05:29	0:05:06	0:09:56	0:10:31	0:10:12	0:14:02	0:15:50	0:14:28
01	0:05:36	0:05:01	0:05:47	0:05:00	0:05:22	0:05:14	0:10:36	0:10:23	0:11:01	0:15:45	0:14:39	0:12:56
02	0:05:21	0:04:22	0:04:52	0:05:04	0:05:26	0:04:52	0:10:25	0:09:48	0:09:43	0:16:05	0:15:27	0:13:40
03	0:04:22	0:04:40	0:05:04	0:05:40	0:04:48	0:05:07	0:10:02	0:09:28	0:10:11	0:14:08	0:13:05	0:12:27
04	0:04:27	0:04:13	0:04:28	0:05:28	0:04:44	0:04:45	0:09:55	0:08:57	0:09:14	0:10:15	0:13:58	0:15:01
05	0:03:58	0:04:06	0:04:37	0:04:18	0:05:22	0:04:39	0:08:16	0:09:28	0:09:16	0:08:48	0:10:29	0:10:38
06	0:04:43	0:04:05	0:04:14	0:04:54	0:05:40	0:04:51	0:09:36	0:09:45	0:09:05	0:13:41	0:11:35	0:15:56
07	0:05:27	0:05:14	0:05:29	0:08:59	0:09:23	0:07:58	0:14:26	0:14:37	0:13:28	0:09:12	0:11:43	0:13:20
08	0:05:06	0:05:09	0:05:42	0:08:35	0:09:24	0:09:14	0:13:41	0:14:33	0:14:56	0:14:30	0:12:45	0:12:45
09	0:05:42	0:05:18	0:05:37	0:08:19	0:08:11	0:08:33	0:14:01	0:13:28	0:14:10	0:18:12	0:15:19	0:16:34
10	0:05:19	0:05:20	0:05:42	0:07:09	0:07:30	0:08:11	0:12:29	0:12:50	0:13:52	0:18:12	0:15:37	0:17:44
11	0:05:40	0:05:43	0:06:05	0:07:12	0:08:14	0:07:30	0:12:52	0:13:57	0:13:35	0:18:52	0:17:16	0:19:46
12	0:05:52	0:05:54	0:06:04	0:07:04	0:07:26	0:08:08	0:12:56	0:13:19	0:14:12	0:21:28	0:17:51	0:19:02
13	0:05:37	0:06:02	0:05:41	0:07:46	0:07:45	0:08:01	0:13:24	0:13:47	0:13:42	0:18:50	0:16:59	0:18:59
14	0:05:16	0:06:11	0:06:24	0:07:41	0:07:28	0:08:01	0:12:57	0:13:39	0:14:25	0:19:10	0:18:01	0:18:51
15	0:05:54	0:06:48	0:05:58	0:07:57	0:07:24	0:07:47	0:13:51	0:14:12	0:13:45	0:20:23	0:19:08	0:19:18
16	0:05:10	0:06:19	0:05:51	0:08:34	0:07:45	0:07:38	0:13:44	0:14:05	0:13:29	0:19:52	0:16:53	0:20:34
17	0:05:24	0:05:45	0:05:35	0:07:28	0:07:42	0:07:49	0:12:52	0:13:27	0:13:24	0:17:59	0:16:26	0:18:35
18	0:06:05	0:06:29	0:06:19	0:07:33	0:06:12	0:07:59	0:13:38	0:12:42	0:14:18	0:19:37	0:17:38	0:18:11
19	0:06:04	0:06:19	0:06:13	0:06:42	0:07:17	0:06:39	0:12:46	0:13:37	0:12:52	0:12:41	0:13:25	0:12:59
20	0:05:26	0:05:50	0:05:39	0:06:26	0:06:25	0:06:50	0:11:52	0:12:15	0:12:29	0:12:42	0:16:55	0:14:25
21	0:05:25	0:05:58	0:05:42	0:06:05	0:06:39	0:06:29	0:11:30	0:12:37	0:12:11	0:15:28	0:14:25	0:14:46
22	0:05:15	0:05:45	0:05:46	0:05:26	0:05:43	0:05:46	0:10:41	0:11:28	0:11:32	0:13:07	0:14:40	0:13:10
23	0:05:06	0:05:59	0:05:45	0:05:24	0:05:49	0:05:21	0:10:30	0:11:48	0:11:06	0:13:15	0:12:16	0:14:06
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



Chart 25: Response Time Record Status and Average Minute, by Record Category, by Year

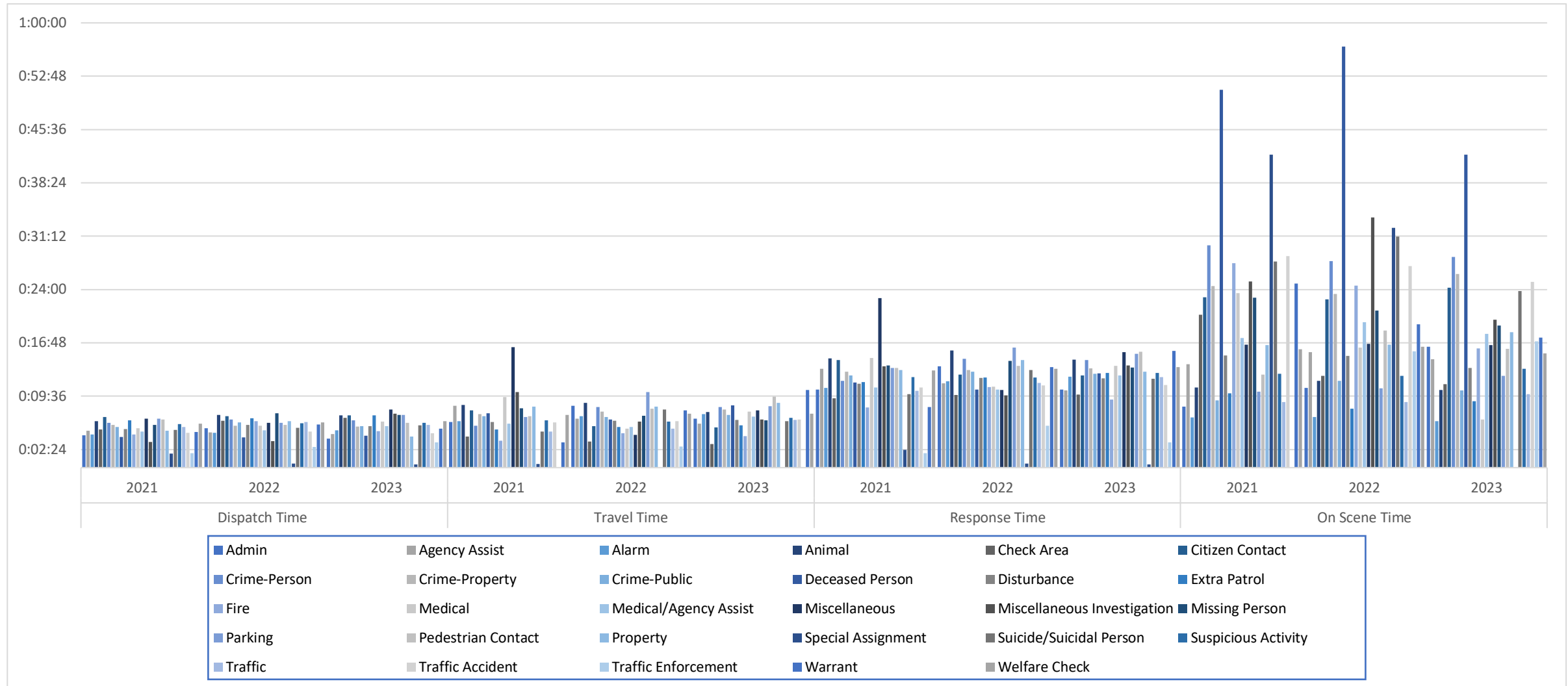




Table 29: Response Time Record Status and Average Minute, by Record Category, by Year

Record Category	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Admin	0:04:20	0:05:18	0:03:54	0:06:10	0:08:21	0:06:37	0:10:30	0:13:39	0:10:31	0:08:14	0:10:45	0:16:17
Agency Assist	0:04:58	0:04:46	0:04:31	0:08:20	0:06:35	0:05:55	0:13:19	0:11:21	0:10:26	0:13:57	0:15:34	0:14:39
Alarm	0:04:29	0:04:43	0:05:03	0:06:15	0:06:57	0:07:12	0:10:44	0:11:40	0:12:15	0:06:46	0:06:50	0:06:17
Animal	0:06:17	0:07:05	0:07:05	0:08:29	0:08:44	0:07:31	0:14:45	0:15:49	0:14:35	0:10:48	0:11:43	0:10:27
Check Area	0:05:10	0:06:19	0:06:43	0:04:10	0:03:30	0:03:10	0:09:21	0:09:50	0:09:53	0:20:37	0:12:24	0:11:16
Citizen Contact	0:06:50	0:06:56	0:07:02	0:07:42	0:05:37	0:05:24	0:14:32	0:12:33	0:12:26	0:23:00	0:22:43	0:24:18
Crime-Person	0:06:04	0:06:30	0:06:22	0:05:39	0:08:09	0:08:10	0:11:43	0:14:40	0:14:31	0:30:00	0:27:51	0:28:25
Crime-Property	0:05:46	0:05:38	0:05:31	0:07:12	0:07:33	0:07:52	0:12:58	0:13:11	0:13:23	0:24:30	0:23:26	0:26:09
Crime-Public	0:05:29	0:06:06	0:05:35	0:06:56	0:06:49	0:07:06	0:12:26	0:12:55	0:12:41	0:09:03	0:11:42	0:10:24
Deceased Person	0:04:06	0:04:05	0:04:19	0:07:21	0:06:28	0:08:25	0:11:27	0:10:33	0:12:43	0:51:00	0:56:49	0:42:15
Disturbance	0:05:11	0:05:45	0:05:36	0:06:08	0:06:21	0:06:27	0:11:19	0:12:05	0:12:03	0:15:07	0:15:04	0:13:26
Extra Patrol	0:06:24	0:06:41	0:07:03	0:05:08	0:05:28	0:05:43	0:11:32	0:12:10	0:12:46	0:10:03	0:07:57	0:08:57
Fire	0:04:29	0:06:15	0:04:56	0:03:38	0:04:39	0:04:14	0:08:07	0:10:53	0:09:10	0:27:35	0:24:34	0:16:07
Medical	0:05:17	0:05:39	0:06:13	0:09:30	0:05:16	0:07:32	0:14:48	0:10:54	0:13:45	0:23:34	0:16:10	0:06:30
Medical/Agency Assist	0:04:52	0:05:02	0:05:35	0:05:55	0:05:29	0:06:51	0:10:47	0:10:31	0:12:27	0:17:29	0:19:36	0:18:03
Miscellaneous	0:06:36	0:06:03	0:07:49	0:16:15	0:04:26	0:07:44	0:22:51	0:10:30	0:15:33	0:16:36	0:16:42	0:16:33
Miscellaneous Investigation	0:03:29	0:03:33	0:07:18	0:10:11	0:06:13	0:06:31	0:13:40	0:09:46	0:13:49	0:25:06	0:33:44	0:19:57
Missing Person	0:05:46	0:07:21	0:07:06	0:08:02	0:07:01	0:06:23	0:13:48	0:14:22	0:13:29	0:22:56	0:21:10	0:19:10
Parking	0:06:37	0:06:02	0:07:05	0:06:50	0:10:11	0:08:17	0:13:27	0:16:13	0:15:21	0:10:15	0:10:42	0:12:22
Pedestrian Contact	0:06:30	0:05:45	0:06:04	0:06:57	0:07:57	0:09:36	0:13:28	0:13:43	0:15:40	0:12:33	0:18:29	0:16:01
Property	0:04:57	0:06:16	0:04:12	0:08:12	0:08:14	0:08:43	0:13:10	0:14:30	0:12:55	0:16:31	0:16:36	0:18:16
Special Assignment	0:01:53	0:00:31	0:00:26	0:00:30	0:00:00		0:02:23	0:00:31	0:00:26	0:42:14	0:32:21	
Suicide/Suicidal Person	0:05:04	0:05:21	0:05:43	0:04:51	0:07:49	0:06:17	0:09:55	0:13:10	0:11:59	0:27:48	0:31:11	0:23:48
Suspicious Activity	0:05:51	0:05:58	0:06:03	0:06:23	0:06:12	0:06:44	0:12:14	0:12:11	0:12:47	0:12:39	0:12:23	0:13:21
Traffic	0:05:30	0:06:09	0:05:46	0:04:52	0:05:17	0:06:26	0:10:21	0:11:26	0:12:12	0:08:50	0:08:51	0:09:54
Traffic Accident	0:04:41	0:04:51	0:04:40	0:06:07	0:06:15	0:06:28	0:10:48	0:11:06	0:11:08	0:28:31	0:27:10	0:25:03
Traffic Enforcement	0:01:56	0:02:47	0:03:25		0:02:52		0:01:56	0:05:39	0:03:25		0:15:40	0:17:01
Warrant	0:04:47	0:05:48	0:05:14	0:03:23	0:07:44	0:10:30	0:08:10	0:13:32	0:15:44	0:24:49	0:19:20	0:17:34
Welfare Check	0:05:57	0:06:05	0:06:16	0:07:08	0:07:16	0:07:17	0:13:05	0:13:21	0:13:33	0:15:59	0:16:17	0:15:24
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



Chart 26: Response Time Record Status and Average Minute, by Record Priority, by Year

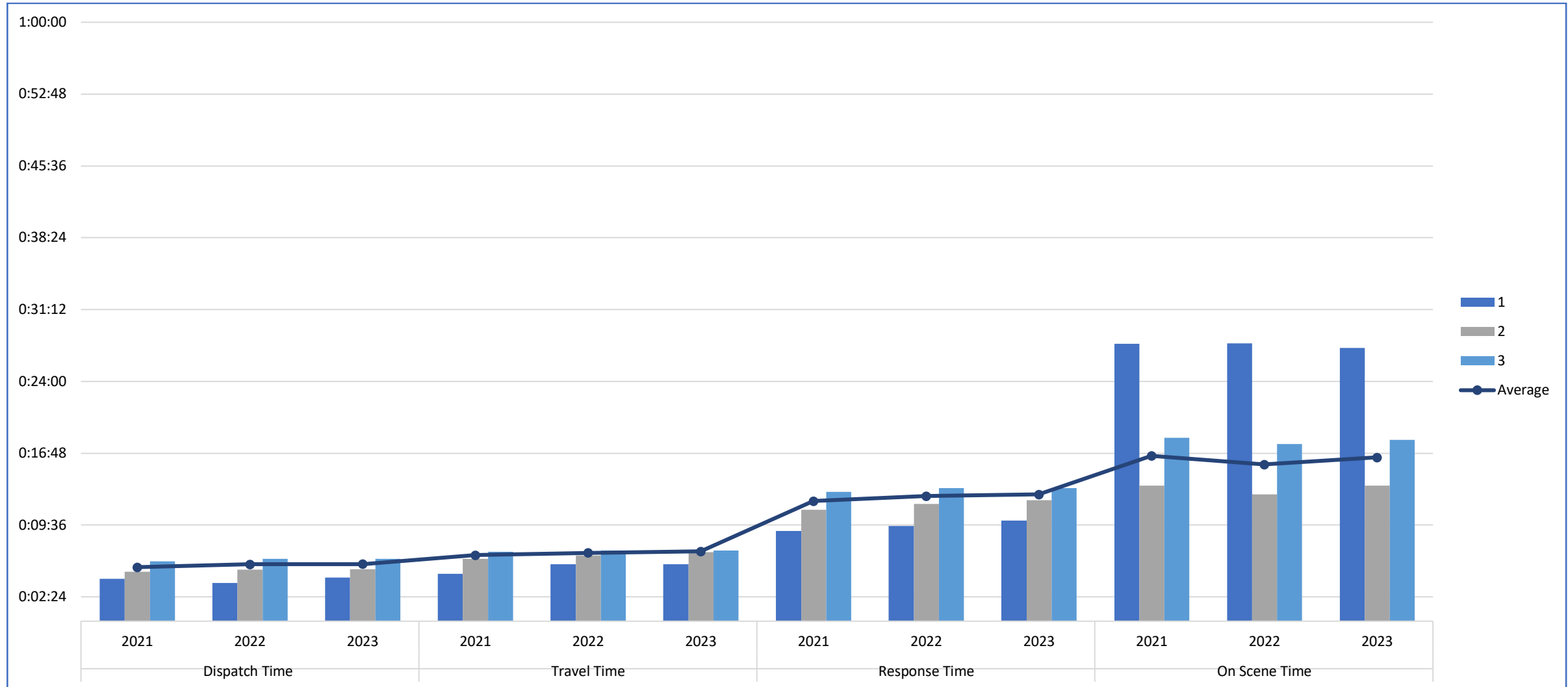




Table 30: Response Time Record Status and Average Minute, by Record Priority, by Year

Priority	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
1	0:04:15	0:03:50	0:04:23	0:04:46	0:05:43	0:05:42	0:09:01	0:09:33	0:10:04	0:27:48	0:27:50	0:27:22
2	0:04:56	0:05:10	0:05:13	0:06:15	0:06:34	0:06:55	0:11:11	0:11:45	0:12:08	0:13:36	0:12:43	0:13:34
3	0:06:00	0:06:15	0:06:15	0:06:58	0:07:05	0:07:04	0:12:58	0:13:20	0:13:19	0:18:22	0:17:44	0:18:11
Average	0:05:24	0:05:42	0:05:43	0:06:37	0:06:50	0:06:59	0:12:01	0:12:32	0:12:42	0:16:34	0:15:42	0:16:24



TRAFFIC ACCIDENTS

Chart 27: Community-Initiated and Field-Initiated Traffic Records, by Year

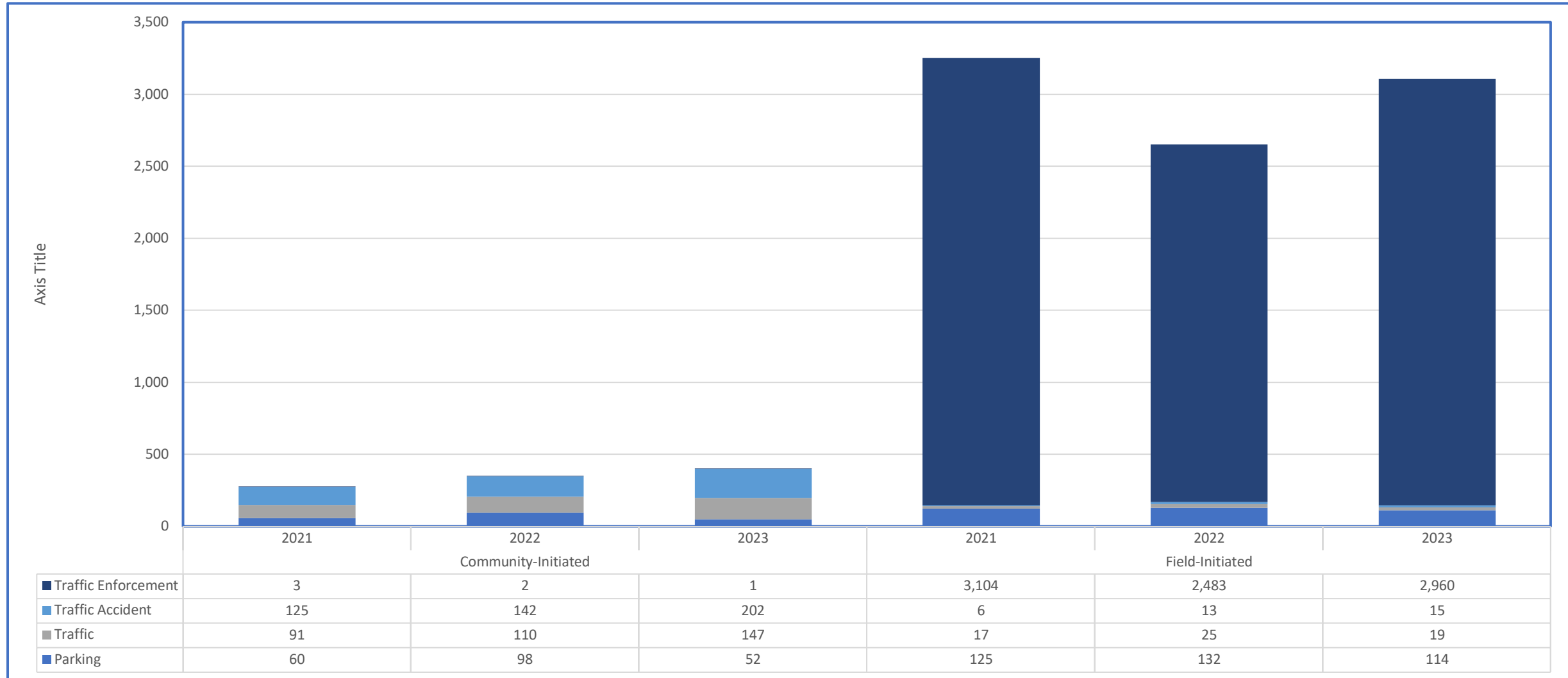




Chart 28: Community-Initiated Traffic Records, by Hour, by Year

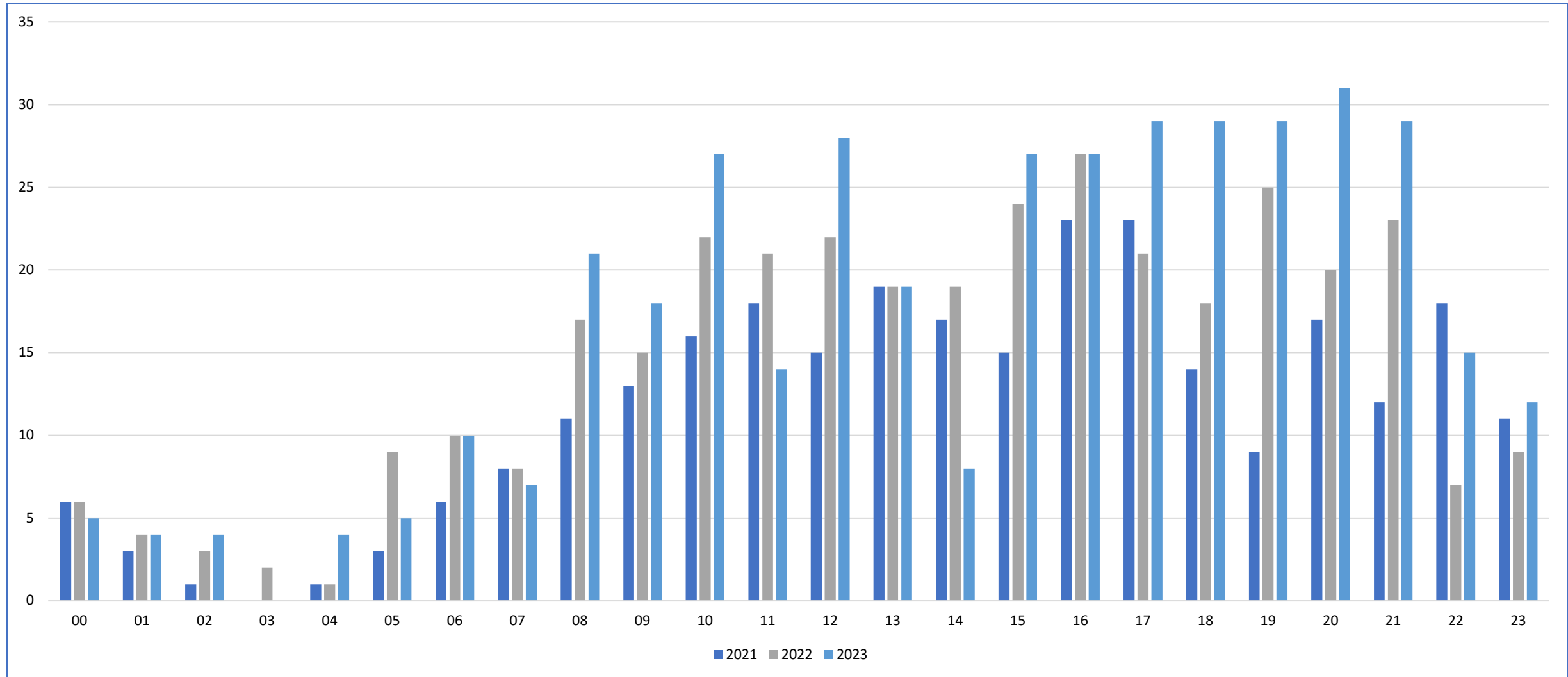




Chart 29: Field-Initiated Traffic Records, by Hour, by Year

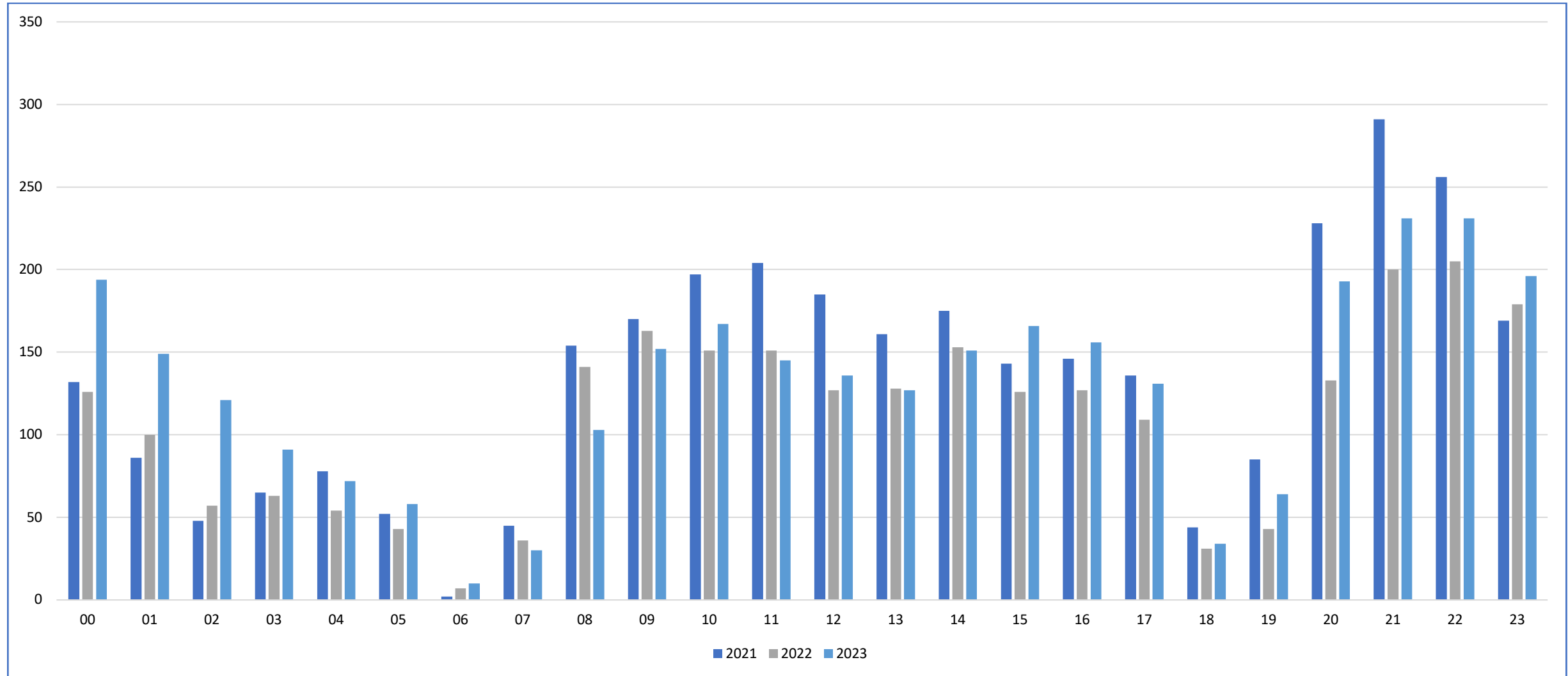


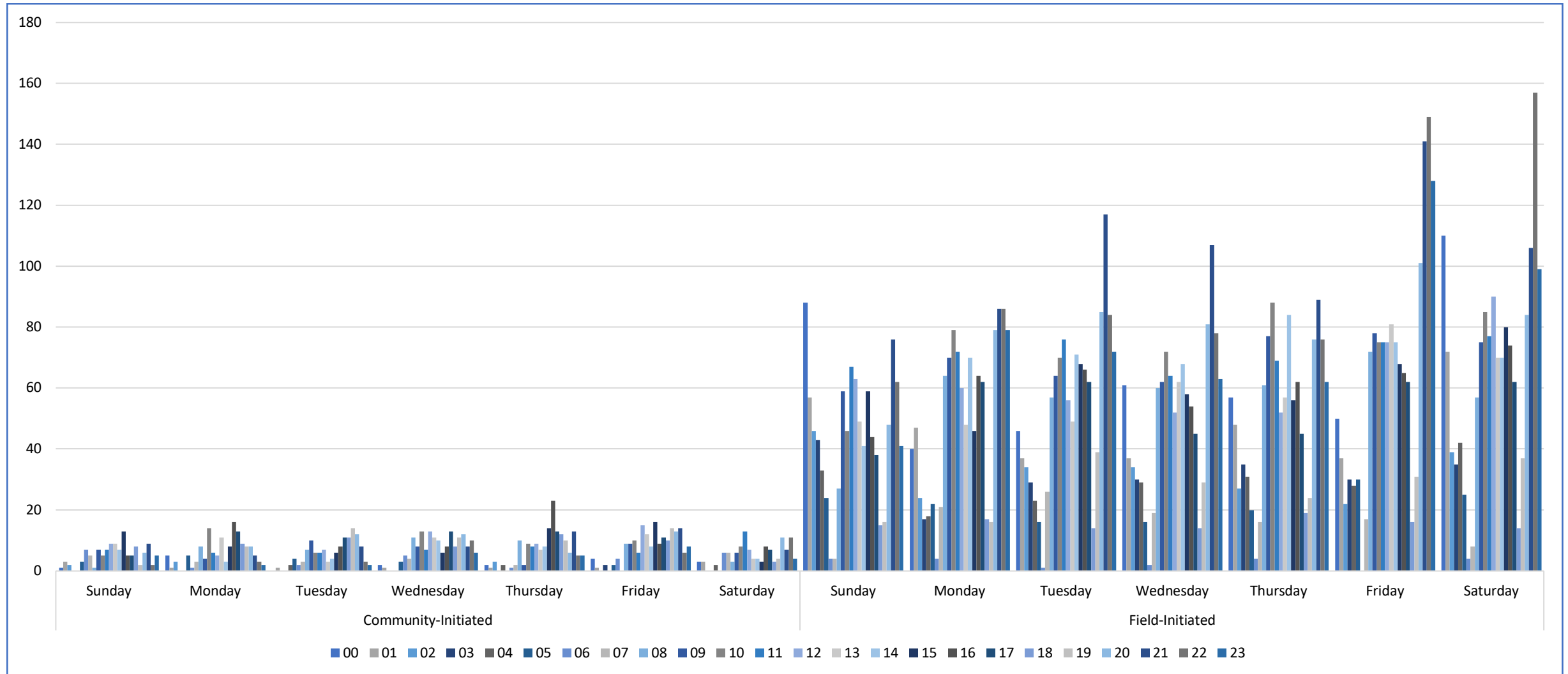


Table 31: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour

Hour	Community-Initiated Contact								Field-Initiated Contact							LGMSPD	
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total	Total
00	1	5		2	2	4	3	17	88	40	46	61	57	50	110	452	469
01	3	1	1	1	1	1	3	11	57	47	37	37	48	37	72	335	346
02	2	3			3			8	46	24	34	34	27	22	39	226	234
03						2		2	43	17	29	30	35	30	35	219	221
04			2		2		2	6	33	18	23	29	31	28	42	204	210
05	3	5	4	3		2		17	24	22	16	16	20	30	25	153	170
06	7	1	2	5	1	4	6	26	4	4	1	2	4		4	19	45
07	5	3	3	4	2		6	23	4	21	26	19	16	17	8	111	134
08	1	8	7	11	10	9	3	49	27	64	57	60	61	72	57	398	447
09	7	4	10	8	2	9	6	46	59	70	64	62	77	78	75	485	531
10	5	14	6	13	9	10	8	65	46	79	70	72	88	75	85	515	580
11	7	6	6	7	8	6	13	53	67	72	76	64	69	75	77	500	553
12	9	5	7	13	9	15	7	65	63	60	56	52	52	75	90	448	513
13	9	11	3	11	7	12	4	57	49	48	49	62	57	81	70	416	473
14	7	3	4	10	8	8	4	44	41	70	71	68	84	75	70	479	523
15	13	8	6	6	14	16	3	66	59	46	68	58	56	68	80	435	501
16	5	16	8	8	23	9	8	77	44	64	66	54	62	65	74	429	506
17	5	13	11	13	13	11	7	73	38	62	62	45	45	62	62	376	449
18	8	9	11	8	12	10	3	61	15	17	14	14	19	16	14	109	170
19	2	8	14	11	10	14	4	63	16	16	39	29	24	31	37	192	255
20	6	8	12	12	6	13	11	68	48	79	85	81	76	101	84	554	622
21	9	5	8	8	13	14	7	64	76	86	117	107	89	141	106	722	786
22	2	3	3	10	5	6	11	40	62	86	84	78	76	149	157	692	732
23	5	2	2	6	5	8	4	32	41	79	72	63	62	128	99	544	576
Total	121	141	130	170	165	183	123	1,033	1,050	1,191	1,262	1,197	1,235	1,506	1,572	9,013	10,046



Chart 30: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour





EXTRA PATROL EVENTS

The department tracks extra patrol using the following codes: 1090: Monte Sereno Patrol; Foot: Foot Patrol; Patck: Patrol Check; Patrq: Patrol Request; VC: Vacation Check.

Record Type	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Monte Sereno Patrol						298	1,322	1,620	1,620
Foot Patrol					88	78	36	202	202
Patrol Check	70	159	123	352	6,314	8,778	11,457	26,549	26,901
Patrol Request	42	47	29	118					118
Vacation Check					1	5	1	7	7
Total	112	206	152	470	6,403	9,159	12,816	28,378	28,848

Table 32: Patrol Scheduled Events, by Record Category, by Year

Day of Week	Community-Initiated Contact				Field-Initiated Contact				LGMSPD
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Sunday	14	29	18	61	915	1,152	1,849	3,916	3,977
Monday	18	20	17	55	1,008	1,383	1,767	4,158	4,213
Tuesday	23	27	24	74	883	1,186	1,864	3,933	4,007
Wednesday	11	40	18	69	778	1,136	1,672	3,586	3,655
Thursday	15	32	25	72	852	1,288	1,590	3,730	3,802
Friday	17	26	22	65	959	1,563	2,118	4,640	4,705
Saturday	14	32	28	74	1,008	1,451	1,956	4,415	4,489
Total	112	206	152	470	6,403	9,159	12,816	28,378	28,848



Appendix 1: Designation Codes

Unit ID	Call Sign
1	N/A
3A1	Admin Chief
3A2	Admin Captain
3A3	Admin Captain
3A4	Admin (Lieutenant)
3AS	Admin Sergeant
3D103	Detective
3D51	Detective
3D71	Detective
3D75	Detective
3D80	Detective
3D85	Detective
3D87	Detective
3D91	Detective
3D92	Detective
3D96	Detective
3DS	Detective
3E1	Explorer Volunteer
3E2	Explorer Volunteer
3E3	Explorer Volunteer
3E4	Explorer Volunteer
3F62	CSO Intern
3F63	CSO Intern
3F64	CSO Intern
3F65	CSO Intern
3F66	CSO Intern
3K1	Volunteer In Policing
3K43	Volunteer In Policing
3K96	Volunteer In Policing

3M1	Motor Officer
3M1	Motor Officer
3M2	Motor Officer
3P11	Patrol Team 1 Beat 1
3P11	Patrol Team 1 Beat 1
3P12	Patrol Team 1 Beat 2
3P12	Patrol Team 1 Beat 2
3P13	Patrol Team 1 Beat 3
3P13	Patrol Team 1 Beat 3
3P21	Patrol Team 2 Beat 1
3P22	Patrol Team 2 Beat 2
3P22	Patrol Team 2 Beat 2
3P23	Patrol Team 2 Beat 3
3P23	Patrol Team 2 Beat 3
3P31	Patrol Team 3 Beat 1
3P32	Patrol Team 3 Beat 2
3P32	Patrol Team 3 Beat 2
3P33	Patrol Team 3 Beat 3
3P33	Patrol Team 3 Beat 3
3P41	Patrol Team 4 Beat 1
3P41	Patrol Team 4 Beat 1
3P42	Patrol Team 4 Beat 2
3P43	Patrol Team 4 Beat 3
3P43	Patrol Team 4 Beat 3
3R10	Reserve Officer
3R12	Reserve Officer
3R13	Reserve Officer
3R25	Reserve Officer
3S10	Patrol Supervisor Team 1
3S10	Patrol Supervisor Team 1



3S20	Patrol Supervisor Team 2
3S30	Patrol Supervisor Team 3
3S30	Patrol Supervisor Team 3
3S40	Patrol Supervisor Team 4
3TS	Traffic Sergeant
3V701	Disaster Aid Response Team Volunteer
3V705	Disaster Aid Response Team Volunteer
3V706	Disaster Aid Response Team Volunteer
3V724	Disaster Aid Response Team Volunteer
3X15	Patrol Team 1 Beat Rover
3X15	Patrol Team 1 Beat Rover
3X16	Patrol Team 1 Beat Rover
3X25	Patrol Team 2 Beat Rover
3X26	Patrol Team 2 Beat Rover
3X27	Patrol Team 2 Beat Rover
3X35	Patrol Team 3 Beat Rover
3X35	Patrol Team 3 Beat Rover
3X36	Patrol Team 3 Beat Rover
3X45	Patrol Team 4 Beat Rover
3X46	Patrol Team 4 Beat Rover
3Y73	Parking Control Officer
3Y74	Parking Control Officer
3Y75	Parking Control Officer
3Y7BRI	N/A
3Z100	Sworn Officer Badge # (School Resource Officer)
3Z100	Sworn Officer Badge # (School Resource Officer)
3Z101	Sworn Officer Badge #
3Z102	Sworn Officer Badge #
3Z103	Sworn Officer Badge #
3Z104	Sworn Officer Badge #
3Z105	Sworn Officer Badge #

3Z106	Sworn Officer Badge #
3Z108	Sworn Officer Badge #
3Z109	Sworn Officer Badge #
3Z113	Sworn Officer Badge #
3Z114	Sworn Officer Badge #
3Z36	Sworn Officer Badge #
3Z40	Sworn Officer Badge #
3Z42	Sworn Officer Badge #
3Z45	Sworn Officer Badge #
3Z51	Sworn Officer Badge #
3Z56	Sworn Officer Badge #
3Z59	Sworn Officer Badge #
3Z62	Sworn Officer Badge #
3Z66	Sworn Officer Badge #
3Z67	Sworn Officer Badge #
3Z68	Sworn Officer Badge #
3Z69	Sworn Officer Badge #
3Z71	Sworn Officer Badge #
3Z74	Sworn Officer Badge #
3Z75	Sworn Officer Badge #
3Z79	Sworn Officer Badge #
3Z80	Sworn Officer Badge #
3Z82	Sworn Officer Badge #
3Z85	Sworn Officer Badge #
3Z87	Sworn Officer Badge #
3Z91	Sworn Officer Badge #
3Z92	Sworn Officer Badge #
3Z94	Sworn Officer Badge #
3Z96	Sworn Officer Badge #
3Z97	Sworn Officer Badge #
3Z98	Sworn Officer Badge #



3Z99	Sworn Officer Badge #
57Y1	Parks Service Officer
57Y2	Parks Service Officer
CHP	CA Highway Patrol
CPD	Campbell Police
CPD160	Campbell Police Officer
DISP	Dispatch
DISP1	Dispatcher Console #1
DISP2	Dispatcher Console #2
DISP3	Dispatcher Console #3

DISP4	Dispatcher Console #4
DISP5	Dispatcher Console #5
DISP6	Dispatcher Console #6
DISP66	Dispatcher ID #66
DISP7	Dispatcher Console #7
DISP9	Dispatcher Console #9
II	Unknown
LGDISP	Los Gatos Dispatch
SCCFD	Santa Clara County Fire Department
SCCSO	Santa Clara County Sheriff's Office



Appendix 2: Call Type, Priority, Activity, and Record Category

Code	Description	Priority	Inactive	Record Category
911	OPEN OR ABANDONED	3	No	Admin
CANCEL	Cancel	3	No	Admin
CSO	CITE SIGN OFF	3	No	Admin
DUP	Duplicate	3	Yes	Admin
EQUIP	Equipment Issue - CAD, Phone, Vehicle, etc.	3	No	Admin
FU	FOLLOW UP	3	No	Admin
MEDIA	Daily Media Bulletin	3	Yes	Admin
PACKET	PACKET DELIVERY	3	No	Admin
TEST	TEST CALL	3	No	Admin
953	GAS/SMOKE INVESTIGATION	1	No	Agency Assist
ASTFD	ASSIST FIRE	2	No	Agency Assist
FINFO	FIRE INFO	3	No	Agency Assist
OAO	OUTSIDE AGENCY ASSIST	2	No	Agency Assist
PPW	PARKS AND PUBLIC WORKS	3	No	Agency Assist
1033C	COMMERCIAL ALARM	2	No	Alarm
1033H	HOLDUP ALARM	2	No	Alarm
1033P	PANIC ALARM	2	No	Alarm
1033R	RESIDENTIAL ALARM	2	No	Alarm
1033T	TRACKER ALARM	2	No	Alarm
1091	ANIMAL CALL	3	No	Animal
BOL	BE ON THE LOOKOUT	3	No	Check Area
1062	CITIZEN CONTACT	3	No	Citizen Contact
1070	PROWLER	1	No	Crime-Person
166.4	COURT ORDER VIOLATION	3	No	Crime-Person
20001	HIT AND RUN WITH INJURIES	1	No	Crime-Person
207	ABDUCTION/KIDNAPPING	2	No	Crime-Person
211	ROBBERY	2	No	Crime-Person
215	CARJACKING	2	No	Crime-Person
242	BATTERY	2	No	Crime-Person
245	ASSAULT WITH A DEADLY WEAPON	2	No	Crime-Person
246	DRIVEBY SHOOTING	2	No	Crime-Person
261	RAPE	2	No	Crime-Person
273	CHILD ABUSE	2	No	Crime-Person
273.5	DOMESTIC VIOLENCE	2	No	Crime-Person
314	INDECENT EXPOSURE	2	No	Crime-Person
368	ELDER ABUSE	2	No	Crime-Person
417	BRANDISHING A WEAPON	1	No	Crime-Person
422	CRIMINAL THREATS	2	No	Crime-Person
653M	HARASSING PHONE CALLS	3	No	Crime-Person
APS	APS REFERRAL	3	No	Crime-Person
CPS	CPS Referral	3	No	Crime-Person

SHOOTER	ACTIVE SHOOTER	1	No	Crime-Person
10851	STOLEN VEHICLE	2	No	Crime-Property
10851R	STOLEN VEHICLE RECOVERY	3	No	Crime-Property
10852	VEHICLE TAMPERING	2	No	Crime-Property
20002	HIT AND RUN, NO INJURIES	3	No	Crime-Property
459	BURGLARY	3	No	Crime-Property
459A	Auto Burglary	2	No	Crime-Property
470	FRAUD	3	No	Crime-Property
484	PETTY THEFT	3	No	Crime-Property
487	GRAND THEFT	3	No	Crime-Property
503	Embezzlement	3	No	Crime-Property
530.5	IDENTITY THEFT	3	No	Crime-Property
537	DEFRAUD INNKEEPER	3	No	Crime-Property
594	VANDALISM	3	No	Crime-Property
602	TRESPASS	2	No	Crime-Property
EMBEZZLE	EMBEZZLEMENT	3	Yes	Crime-Property
FLOCK	Flock Activation - Vehicle Hit	2	No	Crime-Property
FRAUD	FRAUDULENT ACTIVITY	3	No	Crime-Property
23103	RECKLESS VEHICLE	2	No	Crime-Public
23152	SUSPECTED DUI DRIVER	2	No	Crime-Public
647F	DRUNK IN PUBLIC	2	No	Crime-Public
MC	MUNI CODE VIOLATION	3	No	Crime-Public
1054	POSSIBLE DEAD BODY	1	No	Deceased Person
1055	DEAD BODY	2	No	Deceased Person
415	DISTURBANCE	2	No	Disturbance
415FW	FIREWORKS COMPLAINT	3	No	Disturbance
415J	Juvenile Disturbance	3	No	Disturbance
415M	Loud Music	3	No	Disturbance
415N	Noise Disturbance	3	No	Disturbance
CIVIL	CIVIL DISPUTE	2	No	Disturbance
1090	MONTE SERENO PATROL	3	No	Extra Patrol
FOOT	FOOT PATROL	3	No	Extra Patrol
PATCK	PATROL CHECK	3	No	Extra Patrol
PATRQ	PATROL REQUEST	3	No	Extra Patrol
VACCK	VACATION CHECK	3	No	Extra Patrol
1080	EXPLOSION	1	No	Fire
904	FIRE	1	No	Fire
C10	BOMB THREAT	1	No	Investigation
1045	INJURED PERSON	2	No	Medical
1053	PERSON DOWN	2	No	Medical
MEDAID	MEDICAL AID	2	No	Medical/Agency Assist
1058	GARBAGE COMPLAINT	3	No	Miscellaneous



PINFO	POLICE INFO	3	No	Miscellaneous
1069	WIRES DOWN	2	No	Miscellaneous Investigation
1065	MISSING PERSON	3	No	Missing Person
1065RT	RETURNED MISSING PERSON	3	No	Missing Person
FPERS	FOUND PERSON	3	No	Missing Person
1124	ABANDONED VEHICLE	3	No	Parking
PARKER	PARKING VIOLATION	3	No	Parking
CITAST	CITIZEN ASSIST	3	No	Pedestrian Contact
CSB	CIVIL STAND BY	3	No	Pedestrian Contact
FD	FLAGDOWN	3	No	Pedestrian Contact
MA	MOTORIST ASSIST	3	No	Pedestrian Contact
SS	SUBJECT STOP	2	No	Pedestrian Contact
FPROP	FOUND PROPERTY	3	No	Property
LPROP	LOST PROPERTY	3	No	Property
SAFEKEEP	Safekeeping/Destruction	3	No	Property
SRO	School Resource Officer Duties	3	No	School Patrol
CTPE	CUSTODY/TRANSPORT/PRISONER/EXTRADITION	3	No	Special Assignment
EOC	EMERGENCY OP CENTER	3	No	Special Assignment
REPO	REPOSSESSION	3	No	Special Assignment
SPEC	SPECIAL DETAIL	3	No	Special Assignment
UAS	DRONE FLIGHT		Yes	Special Assignment
1056	SUICIDE	1	No	Suicide/Suicidal Person
1056A	SUICIDE ATTEMPT	1	No	Suicide/Suicidal Person
1056T	SUICIDAL THREAT	1	No	Suicide/Suicidal Person
1034	OPEN DOOR	3	No	Suspicious
1035	OPEN WINDOW	3	No	Suspicious
1066P	SUSPICIOUS PACKAGE	2	No	Suspicious

1066W	SUSP PERSON WITH WEAPON	1	No	Suspicious
1154	SUSPICIOUS VEHICLE	2	No	Suspicious
HS	HEALTH AND SAFETY	2	No	Suspicious
PC	PENAL CODE VIOLATION - GENERAL	3	No	Suspicious
SUSCIRC	SUSPICIOUS CIRCUMSTANCE	2	No	Suspicious
1066	SUSPICIOUS PERSON	2	No	Suspicious
UNKCIRC	UNKNOWN CIRCUMSTANCES	2	No	Suspicious Activity
1057	SHOTS HEARD	2	No	Suspicious Activity
1184	TRAFFIC CONTROL / CROSSING GUARD	3	No	Traffic
PPT	PRIVATE PROPERTY TOW	3	No	Traffic
SIGNAL	SIGNAL MALFUNCTION	3	No	Traffic
VC	VEHICLE CODE VIOLATION	3	No	Traffic
VTOW	VEHICLE TOW (EX: 22651 OR 1124)	3	No	Traffic
1125	TRAFFIC HAZARD	3	No	Traffic
1180	VEHICLE ACCIDENT, SERIOUS INJURY	1	No	Traffic Accident
1181	VEHICLE ACCIDENT, MINOR INJURIES	2	No	Traffic Accident
1182	VEHICLE ACCIDENT WITH NO INJURIES	3	No	Traffic Accident
1183	VEHICLE ACCIDENT, UNKNOWN INJURIES	1	No	Traffic Accident
1093	DIRECTED TRAFFIC ENFORCEMENT LG	3	No	Traffic Enforcement
1094	MONTE SERENO TRAFFIC ENFORCEMENT	3	No	Traffic Enforcement
TS	TRAFFIC STOP	2	No	Traffic Enforcement
SEARCH	PROBATION/PAROLE/SEARCH WARRANT	3	No	Warrant
WARRANT	WARRANT SELF SURRENDER	3	No	Warrant
1067	PERSON CALLING FOR HELP	1	No	Welfare Check
601	UNCONTROLLABLE YOUTH	2	No	Welfare Check
ATC	ATTEMPT TO CONTACT	3	No	Welfare Check
WELCK	WELFARE CHECK	3	No	Welfare Check



Appendix 3: City Inclusion

City	Include (Yes or No)
LOS GATO	Yes
LOSALTOS	Yes
LOGGATOS	Yes
Monte Se	Yes
MSERENO	Yes
LOGG	Unknown
SCC	Santa Clara County Sheriffs
8HFA	No
CUPERTIN	No
LALTHILL	No
LAS VEGA	No

MILPITAS	No
MORGANH	No
PALOALTO	No
SAN BRUN	No
SANTA CL	No
SCLARA	No
SUNNYVAL	No
CAMPBELL	Adjacent City
SAN JOSE	Adjacent City
SARATOGA	Adjacent City



Table 1: Community-Initiated and Field-Initiated Category Records, by Year 290

Table 2: Community-Initiated Recorded Events, by Category, by Year with Percentage Change 291

Table 3: Field-Initiated Recorded Events, by Category, by Year with Percentage Change..... 292

Table 4: Events, by Event Month and Initiator, by Year..... 293

Table 5: Recorded Events, by Season and Initiator, by Year 293

Table 6: Recorded Events, by Day of Week and Initiator, by Year..... 294

Table 7: Number of Community-Initiated Recorded Events, by Category, by Day of Week, by Year 295

Table 8: Number of Field-Initiated Recorded Events, by Category, by Day of Week, by Year 296

Table 9: Average Assigned Units, by Call Source, and Year - With Averages 297

Table 10: Total Records by Hour for Call Sources, by Year..... 298

Table 11: Total Event Duration..... 301

Table 12: Response Time Record Status and Average Minute, by Day of Week, by Year..... 306

Table 13: Response Time Record Status and Average Minute, by Month, by Year..... 308

Table 14: Response Time Record Status and Average Minute, by Season, by Year 310

Table 15: Response Time Record Status and Average Minute, by Deployed Hour, by Year 312

Table 16: Response Time Record Status and Average Minute, by Record Category, by Year..... 313

Table 17: Response Time Record Status and Average Minute, by Record Priority, by Year 315

Table 18: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour (2021-2023)..... 319

Table 19: Patrol Scheduled Events, by Record Type, by Year..... 321

Table 20: Patrol Scheduled Events, by Day of Week, by Year 321

Table 21: Patrol Scheduled Events, by # of Units Assigned Category, by Year..... 321

Table 22: Average Total Event Time for Patrol Scheduled Events, by Record Category, by Year 322

Chart 1: Community-Initiated Records by Hour, by Year 299

Chart 2: Field-Initiated Records by Hour, by Year - with Averages..... 300

Chart 3: Total Event Duration Original and Transformed by Hour 302

Chart 4: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023..... 303

Chart 5: Response Time Record Status and Average Minute, by Day of Week, by Year..... 305

Chart 6: Response Time Record Status and Average Minute, by Month, by Year..... 307

Chart 7: Response Time Record Status and Average Minute, by Season, by Year 309

Chart 8: Response Time Record Status and Average Minute, by Deployed Hour, by Year 311

Chart 9: Response Time Record Status and Average Minute, by Record Priority, by Year 314

Chart 10: Community-Initiated and Field-Initiated Traffic Records, by Year..... 316

Chart 11: Community-Initiated Traffic Records, by Hour, by Year 317

Chart 12: Field-Initiated Traffic Records, by Hour, by Year 318

Chart 13: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour 320



MONTE SERENO SUPPLEMENTAL REPORT

Meliora PSC analyzed computer-aided dispatch (CAD) data for the **Los Gatos-Monte Sereno Police Department (LGMSPD)** from January 1, 2021, through December 31, 2023. This is a supplemental report for City of Monte Sereno, which includes the city identifiers of Monte Se and MSERENO located in the CAD data file.

Table 33: Community-Initiated and Field-Initiated Category Records, by Year

Source of Record	2021	2022	2023	Total
Community-Initiated Contact	402	530	462	1,394
Field-Initiated Contact	126	369	1,266	1,761
Total	528	899	1,728	3,155



Table 34: Community-Initiated Recorded Events, by Category, by Year with Percentage Change

Call Category	Records			Percent Change	
	2021	2022	2023	2022	2023
Admin	4	11	5	175.00	-54.55
Agency Assist	4	8	7	100.00	-12.50
Alarm	112	174	155	55.36	-10.92
Animal	3	8	4	166.67	-50.00
Check Area	1	2		100.00	-100.00
Citizen Contact	20	29	26	45.00	-10.34
Crime-Person	10	10	8	0.00	-20.00
Crime-Property	45	52	38	15.56	-26.92
Crime-Public	10	21	17	110.00	-19.05
Deceased Person	1	2	3	100.00	50.00
Disturbance	57	59	61	3.51	3.39
Extra Patrol	14	10	8	-28.57	-20.00
Fire	1	3	2	200.00	-33.33
Medical	2			-100.00	
Medical/Agency Assist	3	4	4	33.33	0.00
Miscellaneous	1	3	2	200.00	-33.33
Missing Person	3	3	5	0.00	66.67
Parking	2	8	2	300.00	-75.00
Pedestrian Contact	4	5	6	25.00	20.00
Property	5	2	6	-60.00	200.00
Special Assignment		1			-100.00
Suicide/Suicidal Person	2	1	1	-50.00	0.00
Suspicious Activity	53	66	45	24.53	-31.82
Traffic	9	9	13	0.00	44.44
Traffic Accident	8	8	9	0.00	12.50
Traffic Enforcement					
Warrant					
Welfare Check	28	31	35	10.71	12.90
Total	402	530	462	31.84	-12.83

The table depicts percentage changes using a color-coding showing decreases in blue shading and increases in red. Darker shading is associated with the significance of the change.



Table 35: Field-Initiated Recorded Events, by Category, by Year with Percentage Change

Call Category	Records			Percent Change	
	2021	2022	2023	2022	2023
Admin	5	3	5	-40.00	66.67
Agency Assist			1		
Alarm					
Animal		1			-100.00
Check Area					
Citizen Contact			1		
Crime-Person			1		
Crime-Property			1		
Crime-Public					
Deceased Person					
Disturbance			1		
Extra Patrol	15	250	1,069	1,566.67	327.60
Fire					
Medical			1		
Medical/Agency Assist					
Miscellaneous					
Missing Person					
Parking	1	4		300.00	-100.00
Pedestrian Contact	3	4	6	33.33	50.00
Property					
Special Assignment					
Suicide/Suicidal Person					
Suspicious Activity	8	6	4	-25.00	-33.33
Traffic	1			-100.00	
Traffic Accident		1	2		100.00
Traffic Enforcement	93	100	171	7.53	71.00
Warrant			1		
Welfare Check			2		
Total	126	369	1,266	192.86	243.09

The table depicts percentage changes using a color-coding showing decreases in blue shading and increases in red. Darker shading is associated with the significance of the change.



Table 36: Events, by Event Month and Initiator, by Year

Month	Community-Initiated Contact				Field-Initiated Contact				Monte Sereno
	2021	2022	2023	Total	2021	2022	2023	Total	Total
January	25	32	35	92	15	11	107	133	225
February	34	41	31	106	8	4	114	126	232
March	32	41	56	129	7	33	108	148	277
April	24	48	36	108	7	13	82	102	210
May	44	42	39	125	7	23	113	143	268
June	33	47	50	130	13	11	105	129	259
July	42	51	45	138	10	4	113	127	265
August	24	39	35	98	10	16	127	153	251
September	31	51	35	117	11	13	93	117	234
October	36	53	37	126	13	85	90	188	314
November	40	38	37	115	14	94	122	230	345
December	37	47	26	110	11	62	92	165	275
Total	402	530	462	1,394	126	369	1,266	1,761	3,155

Table 37: Recorded Events, by Season and Initiator, by Year

Season	Community-Initiated Contact				Field-Initiated Contact				Monte Sereno
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Fall	91	143	107	341	34	114	310	458	799
Spring	90	130	123	343	22	50	304	376	719
Summer	119	140	134	393	30	38	331	399	792
Winter	102	117	98	317	40	167	321	528	845
Total	402	530	462	1,394	126	369	1,266	1,761	3,155

NOTE: Autumn includes August, September, and October; Spring is characterized by February, March, and April; Summer comprises May, June, and July; Winter includes January, November, and December.



Table 38: Recorded Events, by Day of Week and Initiator, by Year

Day of Week	Community-Initiated Contact				Field-Initiated Contact				MONTE SERENO
	2021	2022	2023	Total	2021	2022	2023	Total	Total
Sunday	47	71	65	183	15	36	170	221	404
Monday	66	71	55	192	20	49	165	234	426
Tuesday	48	68	69	185	30	64	191	285	470
Wednesday	61	78	60	199	19	53	179	251	450
Thursday	55	72	67	194	16	62	185	263	457
Friday	67	83	65	215	14	59	200	273	488
Saturday	58	87	81	226	12	46	176	234	460
Total	402	530	462	1,394	126	369	1,266	1,761	3,155



Table 39: Number of Community-Initiated Recorded Events, by Category, by Day of Week, by Year

Record Category	Sunday				Monday				Tuesday				Wednesday				Thursday				Friday				Saturday				Monte Sereno		
	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023
Admin		1	2	3		1	1	2	2	5	1	8	1			1	1	2	3		1		1		1	1	1	2		20	
Agency Assist		1		1	1	2	1	4	1	1	2	4			1	1		2		2	1	3	1	1	2	4			19		
Alarm	14	19	24	57	14	26	20	60	13	27	24	64	14	25	23	62	21	21	22	64	15	20	21	56	21	36	21	78	441		
Animal		4	1	5		2		2			1	1		1	1	2	2		2		1	1	1	3				15			
Check Area													1			1		1		1					1		1		3		
Citizen Contact	4	5		9	7	2	3	12	3	3	3	9	3	6	6	15	1	4	7	12	1	7	5	13	1	2	2	5	75		
Crime-Person	1	1	1	3	3	2	2	7		2	1	3	3	2	1	6	1	1	2	4	1	2		3	1		1	2	28		
Crime-Property	2	6	5	13	9	3	5	17	8	6	4	18	10	8	3	21	4	7	6	17	7	12	5	24	5	10	10	25	135		
Crime-Public	3	5	7	15	2	6	1	9		2	1	3	1	3	3	7	1	1	3	5	1	2		3	2	2	2	6	48		
Deceased Person	1			1			1	1													1	2	3		1		1		6		
Disturbance	7	10	7	24	3	6	8	17	2	1	7	10	6	10	5	21	8	6	6	20	15	8	7	30	16	18	21	55	177		
Extra Patrol	2	3		5	1		1	2	2	1	2	5	2	3		5	1	1	2	4	3		1	4	3	2	2	7	32		
Fire						1		1							1	1				1	2		3						6		
Medical					1			1															1	1					2		
Medical/Agency Assist					2		2	4										1	1	2	1	1		2		2	1	3	11		
Miscellaneous	1			1		2		2			1	1			1	1						1		1					6		
Missing Person	1	1		2					1	1	1	3	1			1		1	4	5									11		
Parking						3		3					1	2	1	4			1	1	1	2		3		1		1	12		
Pedestrian Contact	1	1		2	1		1	2		1	4	5	1			1		2		2	1		1	2		1		1	15		
Property			3	3			1	1	1	1	1	3			1	1		2		2			2	2		1		1	13		
Special Assignment														1		1													1		
Suicide/Suicidal Person									1			1					1	1		2			1	1					4		
Suspicious Activity	6	9	5	20	9	11	2	22	8	9	6	23	9	12	5	26	6	8	8	22	11	12	10	33	4	5	9	18	164		
Traffic	1	2	2	5	4	1	1	6	1	3	2	6	3		1	4			2	2		2	4			1	3	4	31		
Traffic Accident	1			1	1		1	2			3	3	2	3	1	6	1	2		3	2	2	3	7	1	1	1	3	25		
Traffic Enforcement																															
Warrant																															
Welfare Check	2	3	8	13	8	3	4	15	5	5	5	15	3	2	6	11	3	10	3	16	4	7	4	15	3	1	5	9	94		
Total	47	71	65	183	66	71	55	192	48	68	69	185	61	78	60	199	55	72	67	194	67	83	65	215	58	87	81	226	1,394		



Table 40: Number of Field-Initiated Recorded Events, by Category, by Day of Week, by Year

Record Category	Sunday				Monday				Tuesday				Wednesday				Thursday				Friday				Saturday				MONTE SERENO		
	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	2021	2022	2023	Total	Total		
Admin		1		1	1			1	1			2	1			1			1	1			2	1			1	2		3	13
Agency Assist											1	1																		1	
Animal																										1			1	1	
Citizen Contact														1	1															1	
Crime-Person												1	1																	1	
Crime-Property																			1	1										1	
Disturbance																1	1													1	
Extra Patrol		26	139	165		21	148	169	7	46	171	224	4	34	163	201		51	152	203	2	44	157	203	2	28	139	169		1,334	
Medical												1	1																	1	
Parking		2		2							1	1		1	1										1				1	5	
Pedestrian Contact	1		1	2					1			1	1	2	3				1	1			2	2		2	2	4		13	
Suspicious Activity	2	1	1	4		1	1	2	3		1	4		2	2		1			1	2	1		3		1	1	2		18	
Traffic									1			1																		1	
Traffic Accident							1	1			1	1																1	1	3	
Traffic Enforcement	12	7	27	46	19	27	15	61	17	16	15	48	13	16	11	40	14	11	30	55	10	11	42	63	8	12	31	51		364	
Warrant																												1	1	1	
Welfare Check			1	1																							1	1		2	
Total	15	36	170	221	20	49	165	234	30	64	191	285	19	53	179	251	16	62	185	263	14	59	200	273	12	46	176	234	1,761		



ASSIGNED UNITS

There were 3,155 events recorded associated with community-initiated and field-initiated records. Recall that there are records missing the unit information. The below tables describe the distribution of those records with the average number of *unique* units assigned to the record.

Table 41: Average Assigned Units, by Call Source, and Year - With Averages

Record Category	Community-Initiated Contact				Field-Initiated Contact				MONTE SERENO
	2021	2022	2023	Total	2021	2022	2023	Total	Average
Admin	2.00	1.91	1.80	1.90	1.20	1.00	1.00	1.08	1.58
Agency Assist	2.00	1.88	2.00	1.95			1.00	1.00	1.90
Alarm	2.01	1.99	2.11	2.04					2.04
Animal	1.67	1.38	1.25	1.40		1.00		1.00	1.38
Check Area	2.00	1.50		1.67					1.67
Citizen Contact	1.35	1.10	1.23	1.21			1.00	1.00	1.21
Crime-Person	1.50	2.70	2.75	2.29			2.00	2.00	2.28
Crime-Property	1.42	2.13	1.97	1.85			2.00	2.00	1.85
Crime-Public	1.30	1.14	1.24	1.21					1.21
Deceased Person	2.00	2.50	1.67	2.00					2.00
Disturbance	2.09	2.17	2.16	2.14			2.00	2.00	2.14
Extra Patrol	1.21	1.10	1.38	1.22	1.00	1.04	1.01	1.01	1.02
Fire	7.00	2.67	2.50	3.33					3.33
Medical	2.00			2.00			2.00	2.00	2.00
Medical/Agency Assist	2.00	1.25	2.50	1.91					1.91
Miscellaneous	3.00	1.00	1.00	1.33					1.33
Missing Person	1.67	3.33	1.20	1.91					1.91
Parking	1.00	1.00	1.00	1.00	1.00	1.25		1.20	1.06
Pedestrian Contact	1.25	1.20	2.00	1.53	1.33	1.25	1.50	1.38	1.46
Property	1.20	1.00	1.33	1.23					1.23
Special Assignment		1.00		1.00					1.00
Suicide/Suicidal Person	5.00	4.00	5.00	4.75					4.75
Suspicious Activity	2.13	1.91	2.02	2.01	1.50	1.83	1.75	1.67	1.98
Traffic	1.33	2.00	2.08	1.84	2.00			2.00	1.84
Traffic Accident	2.75	2.50	3.00	2.76		3.00	2.00	2.33	2.71
Traffic Enforcement					1.15	1.14	1.15	1.15	1.15
Warrant							2.00	2.00	2.00
Welfare Check	2.25	1.97	2.00	2.06			2.00	2.00	2.06
Total	1.90	1.90	1.99	1.93	1.17	1.09	1.04	1.06	1.44



Table 42: Total Records by Hour for Call Sources, by Year

Hour	Community-Initiated Contact				Field-Initiated Contact				MONTE SERENO
	2021	2022	2023	Total	2021	2022	2023	Total	Total
00	4	18	6	28	2	19	56	77	105
01	7	10	4	21	1	15	55	71	92
02	5	10	8	23	2	29	57	88	111
03	5	5	8	18	3	14	97	114	132
04	5	7	7	19	2	34	139	175	194
05	3	8	6	17	4	32	118	154	171
06	5	3	6	14		4	2	6	20
07	15	24	21	60	4	5	6	15	75
08	21	28	19	68	11	18	42	71	139
09	27	38	19	84	8	13	61	82	166
10	21	30	26	77	7	22	70	99	176
11	21	32	24	77	2	15	53	70	147
12	22	23	29	74	4	13	59	76	150
13	28	16	27	71	3	12	50	65	136
14	19	29	26	74	12	18	64	94	168
15	27	34	33	94	8	14	74	96	190
16	18	27	28	73	6	14	61	81	154
17	19	27	18	64	8	12	49	69	133
18	17	28	19	64	1		8	9	73
19	21	22	24	67	7	3	12	22	89
20	27	34	21	82	9	5	22	36	118
21	23	28	36	87	5	16	32	53	140
22	29	28	29	86	10	16	34	60	146
23	13	21	18	52	7	26	45	78	130
Total	402	530	462	1,394	126	369	1,266	1,761	3,155



Chart 31: Community-Initiated Records by Hour, by Year

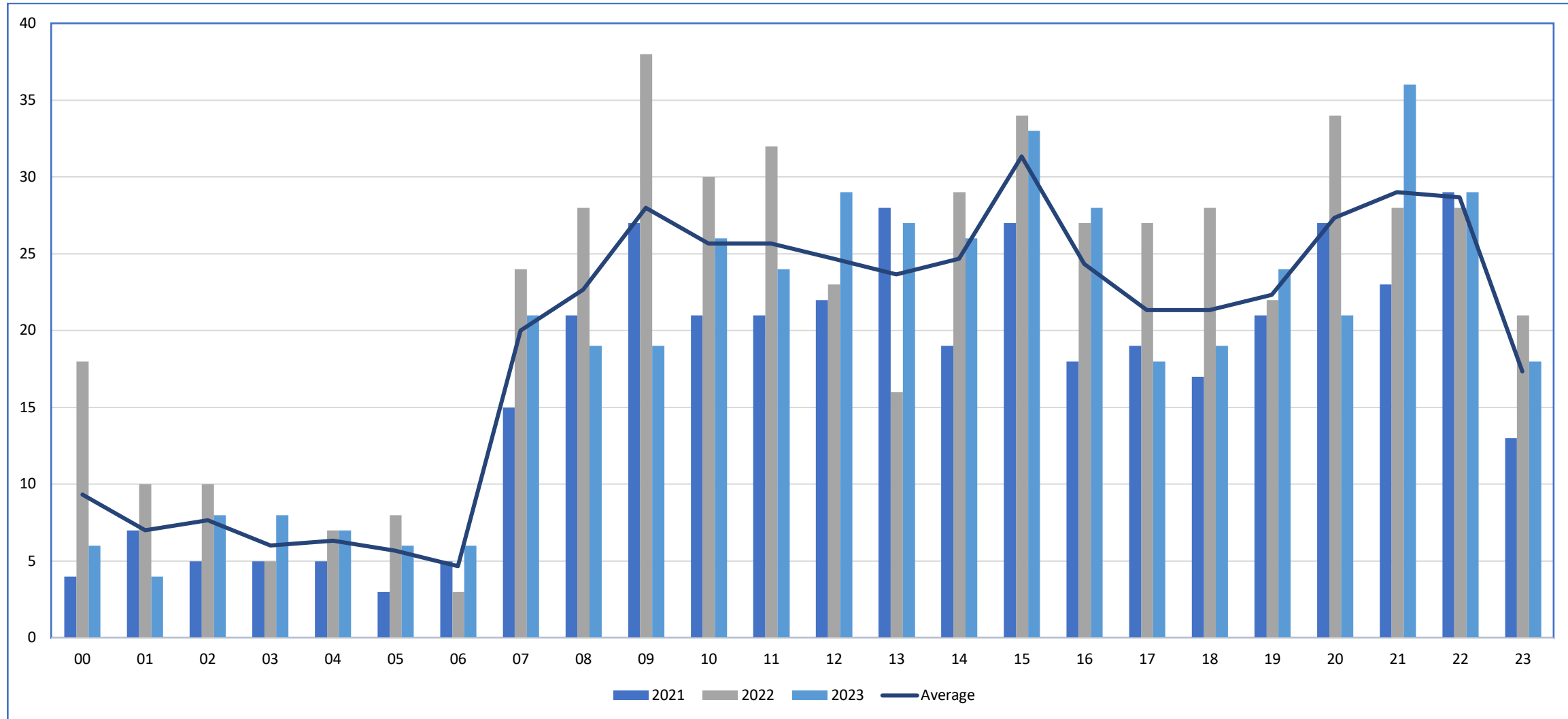
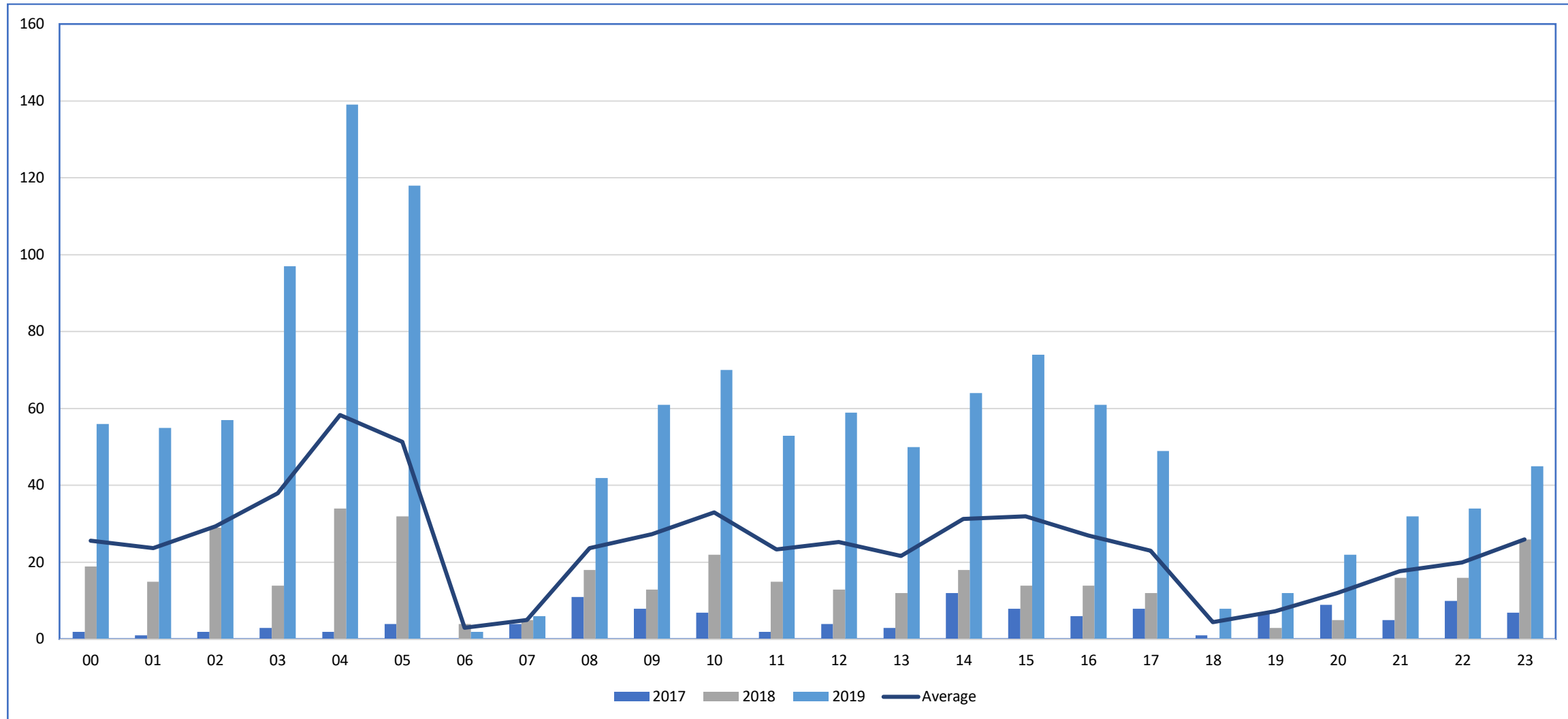




Chart 32: Field-Initiated Records by Hour, by Year - with Averages





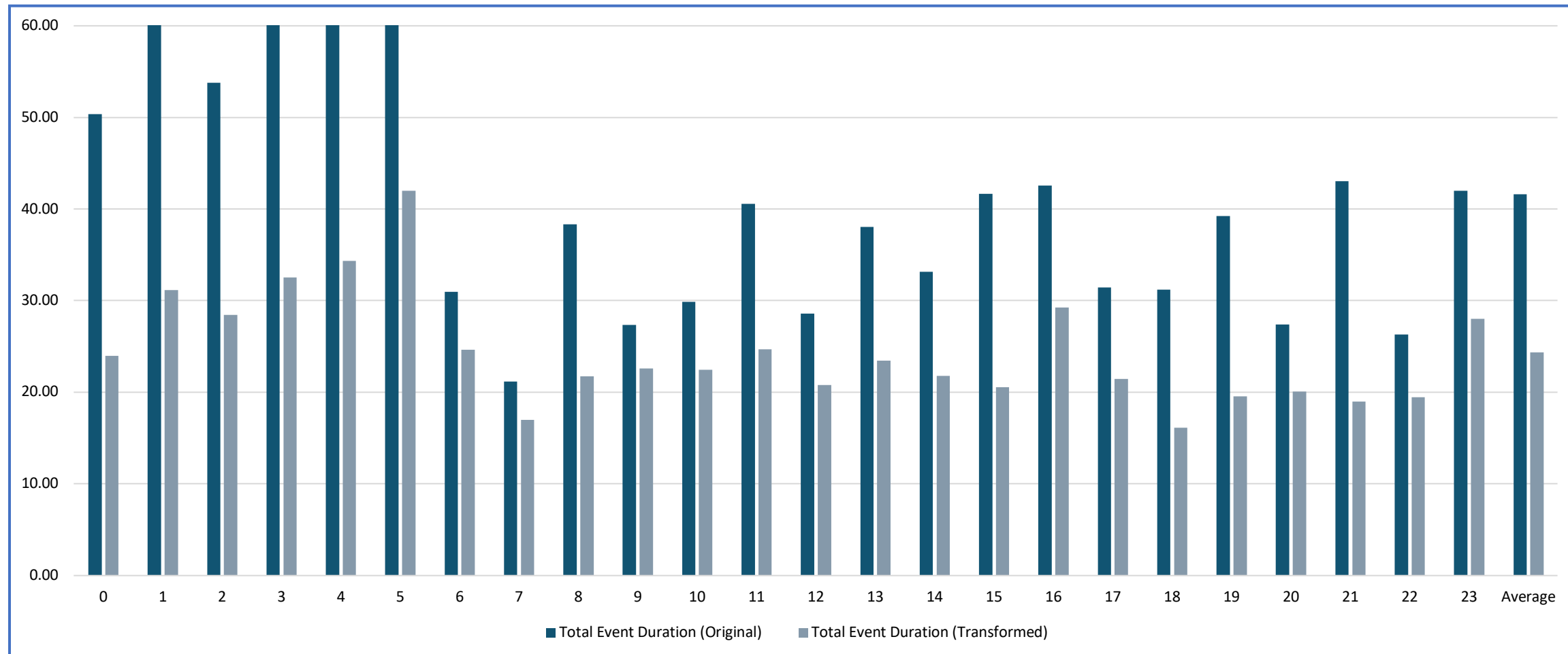
Workload by Hour. The Workload by Hour analysis provides insight into the police department’s staffing needs, particularly regarding patrol operations. The total service time per hour should not exceed 60 minutes, as this would indicate that an event is likely to spill over into the next hour, potentially exacerbating resource constraints. This analysis includes all records with patrol unit identification, ensuring a comprehensive understanding of workload demands. By examining the workload by hour, we can identify peak demand periods and allocate resources accordingly. This information is essential for informing staffing decisions and ensuring that the department is adequately prepared to respond to calls for service.

Table 43: Total Event Duration

Event Duration Category	Community-Initiated Contact	Field-Initiated Contact	Total
Less than 1 minute	151	82	233
1-5 minutes	229	189	418
6-10 minutes	266	183	449
11-15 minutes	150	130	280
16-20 minutes	104	86	190
21-25 minutes	78	85	163
26-30 minutes	59	77	136
31-40 minutes	73	166	239
41-50 minutes	61	107	168
51-60 minutes	33	129	162
More than 61 minutes	190	527	717
Total	1,394	1,761	3,155



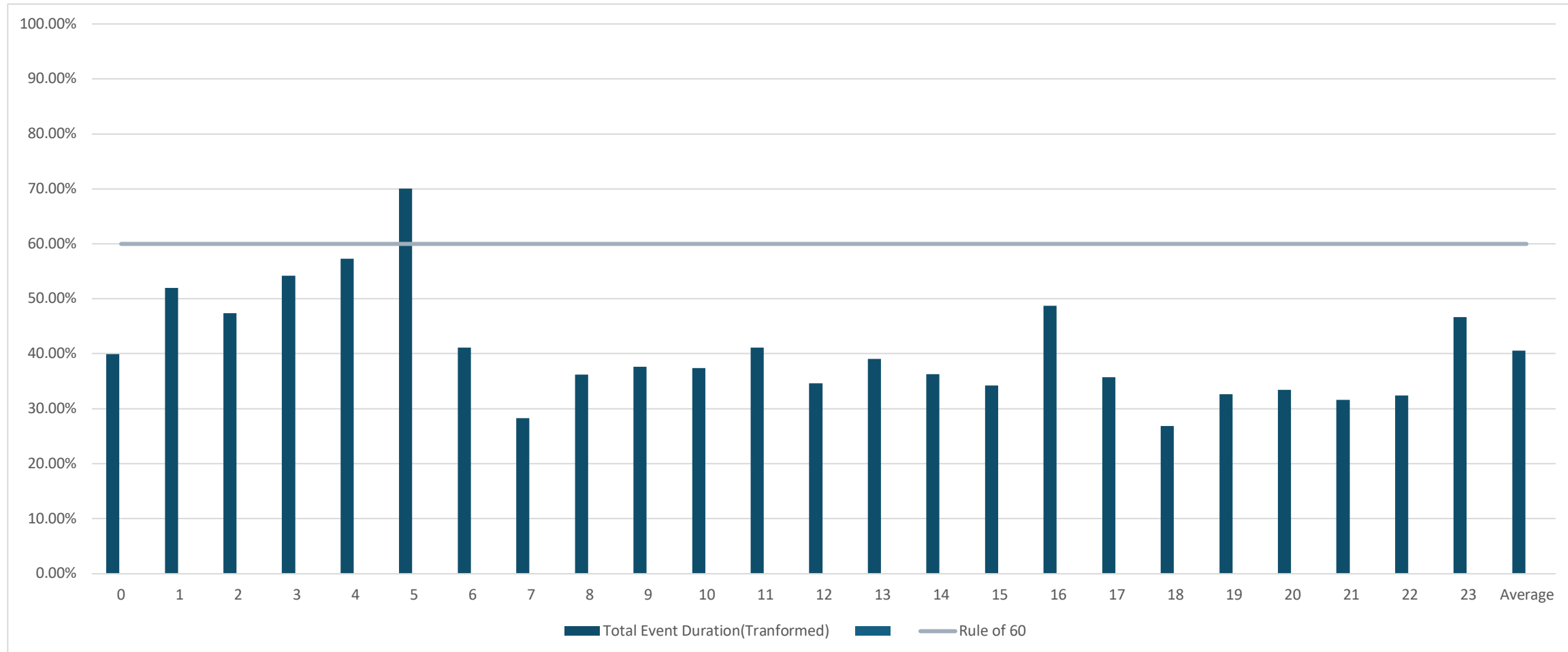
Chart 33: Total Event Duration Original and Transformed by Hour



Note: During our analysis, we encountered some unusual values in the data that needed to be addressed. These values, known as outliers, deviated significantly from the norm, with some significantly longer. We decided to keep mild outliers (4.60% of recorded times) because they reflect real-world situations where responses take longer than usual. On the other hand, we removed severe outliers (3.17% to 5.67%) because they were extremely unusual and didn't accurately represent typical police responses. To ensure our analysis was accurate and reliable, we used a statistical approach to manage these outliers. This involved setting boundaries for what was considered an unusual value and removing any values that fell outside those boundaries. By handling the outliers in this way, we were able to produce more accurate estimates of police response times and occupied time and gain a better understanding of how police respond to different situations. The graph shows how the duration of time changes using both the original event duration (blue bars) and the transformation results to address the data irregularities (grey bars). The transformed data is lower than the original event duration. However, it's a better estimate because it addresses those outliers.



Chart 34: Average Total Event Duration (Transformed) for Community-Initiated and Field-Initiated Records, 2021-2023



NOTE: When analyzing police response times, it's essential to consider the total event duration and the number of personnel involved in the response. Our understanding of LGMSPD CAD data is the Total Event Duration measures the time from when an incident is recorded to when it's closed for all officers assigned to the record. As such, the Rule of 60 analysis uses this measure for the workload assessment portion of the data report.



PRIMARY UNIT RESPONSE TIMES AND ON-SCENE TIME

Response Times reflect the agency's time (from receipt of a call for service to arrival). To respond to the community's request for assistance, we focus the Response Time portion of the data analysis on community-initiated calls for service and units identified as patrol.

The CAD export lacks information, preventing the calculation of this field. Of the 67,000 records within the patrol designation, 60,004 contain information on when the record was received, while only 21,489 contain information on the time of dispatch. Additionally, the field "RecdTime" does not contain the date of receipt. The time from received to dispatched is calculated using only those records containing information.

These segments reflect the time between a call being dispatched to a unit, the status of en route, and the duration between the record status of en route and when arriving at the location. In concert, these represent dispatch time and response time – measures for how promptly the department responds to a request for service. As the prior section details Total Service Time, as measured from all record stages, and as such, how much time an officer is allocated to a record, our last measurement for this section includes on-scene time. This operational measurement captures the variation between arrival and when the officer is cleared from the event. This measurement is particularly important when examining how changes in policy or practice influence the time an officer is engaged with the community based on the call type.

- DISPATCH TIME = CAD CFS data entered/Created to call dispatched
- TRAVEL TIME = Officer indicating En Route until point officer indicates Arrived/On Scene
- RESPONSE TIME = CAD CFS data Entered/Created until first unit Arrived/On Scene
- ON SCENE TIME = CAD CFS first unit Arrived/On Scene to Call Closed

Each of these states removes times more than the upper bounds, as discussed earlier in the report. One of the challenges encountered with LGMSPD CAD data concerns mapping the primary unit allocated time. This challenge exists when the primary unit is assigned multiple times to the record. For instance, record 2101010073 is associated with unit 3P32 two times. We calculated the maximum value associated with the response time record states to address this challenge. For example, the maximum OS-to-clear time is 20.11 minutes, and the maximum dispatch-to-clear time is 2.36 minutes.



Chart 35: Response Time Record Status and Average Minute, by Day of Week, by Year

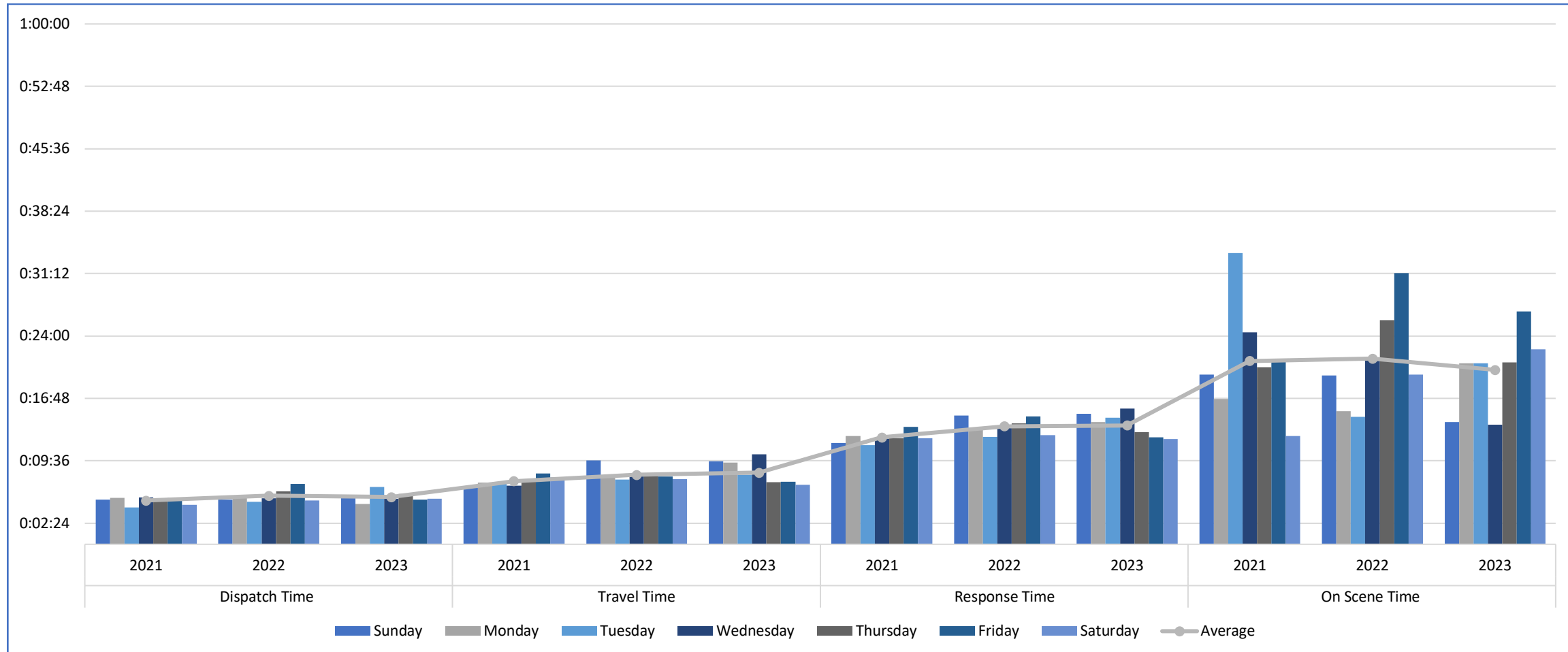




Table 44: Response Time Record Status and Average Minute, by Day of Week, by Year

Day of Week	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Sunday	0:05:10	0:05:11	0:05:26	0:06:29	0:09:41	0:09:36	0:11:40	0:14:51	0:15:02	0:19:35	0:19:29	0:14:04
Monday	0:05:23	0:05:29	0:04:40	0:07:05	0:07:49	0:09:24	0:12:28	0:13:18	0:14:04	0:16:47	0:15:21	0:20:53
Tuesday	0:04:16	0:04:55	0:06:37	0:07:09	0:07:27	0:08:01	0:11:25	0:12:22	0:14:37	0:33:35	0:14:42	0:20:53
Wednesday	0:05:23	0:05:18	0:05:16	0:06:47	0:08:09	0:10:24	0:12:10	0:13:27	0:15:40	0:24:26	0:21:19	0:13:46
Thursday	0:04:59	0:06:07	0:05:48	0:07:16	0:07:51	0:07:10	0:12:15	0:13:58	0:12:58	0:20:25	0:25:52	0:20:58
Friday	0:05:22	0:06:56	0:05:09	0:08:11	0:07:48	0:07:12	0:13:33	0:14:45	0:12:21	0:21:12	0:31:16	0:26:53
Saturday	0:04:32	0:05:05	0:05:14	0:07:42	0:07:32	0:06:53	0:12:14	0:12:37	0:12:07	0:12:28	0:19:35	0:22:31
Average	0:05:03	0:05:36	0:05:27	0:07:17	0:08:00	0:08:15	0:12:19	0:13:36	0:13:42	0:21:08	0:21:25	0:20:06



Chart 36: Response Time Record Status and Average Minute, by Month, by Year

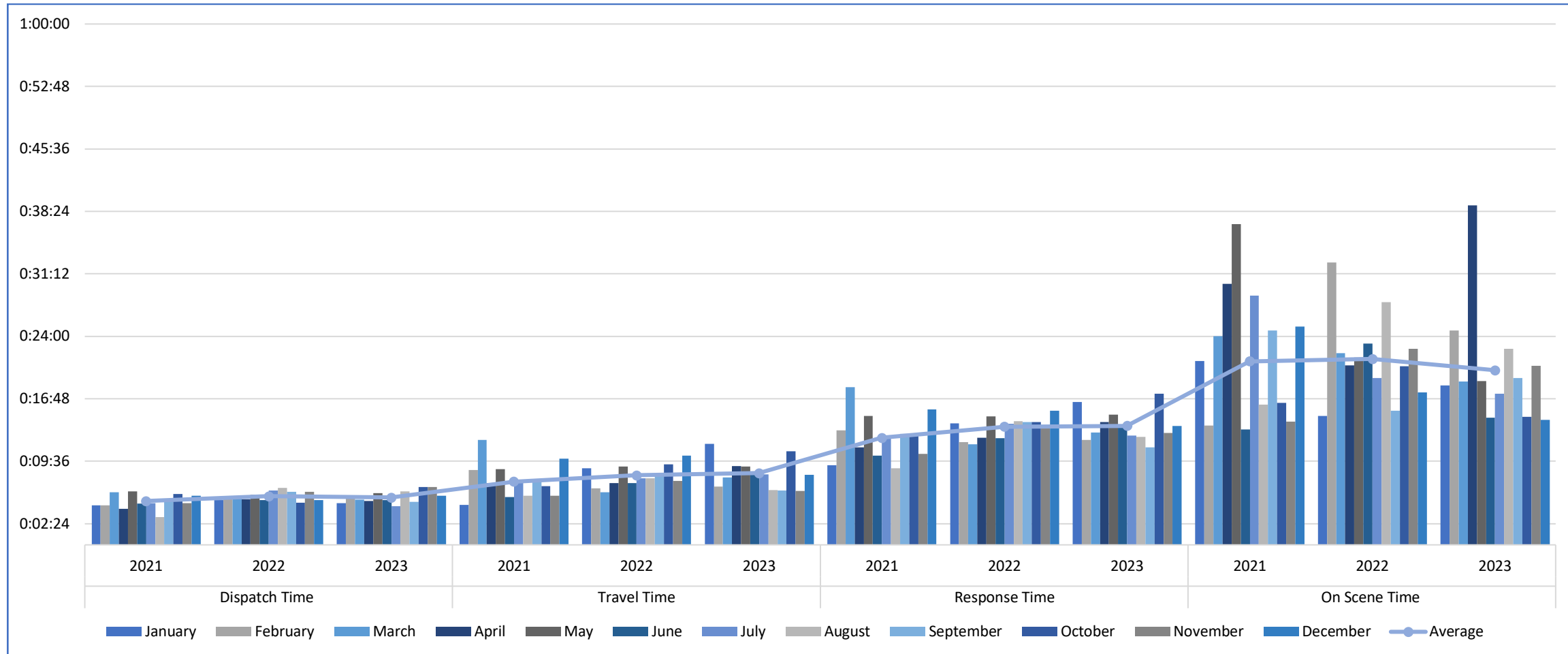




Table 45: Response Time Record Status and Average Minute, by Month, by Year

Month	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
January	0:04:34	0:05:09	0:04:48	0:04:37	0:08:50	0:11:39	0:09:11	0:13:59	0:16:28	0:21:10	0:14:50	0:18:22
February	0:04:33	0:05:18	0:05:23	0:08:37	0:06:32	0:06:43	0:13:10	0:11:50	0:12:06	0:13:46	0:32:33	0:24:43
March	0:06:04	0:05:31	0:05:12	0:12:06	0:06:04	0:07:45	0:18:11	0:11:34	0:12:57	0:24:04	0:22:04	0:18:48
April	0:04:09	0:05:14	0:05:03	0:07:06	0:07:06	0:09:06	0:11:15	0:12:21	0:14:09	0:30:03	0:20:40	0:39:06
May	0:06:09	0:05:46	0:05:58	0:08:42	0:09:02	0:09:02	0:14:51	0:14:48	0:15:00	0:36:56	0:21:34	0:18:52
June	0:04:46	0:05:11	0:05:11	0:05:29	0:07:08	0:08:25	0:10:16	0:12:18	0:13:36	0:13:19	0:23:11	0:14:39
July	0:04:49	0:06:16	0:04:29	0:07:31	0:07:41	0:08:06	0:12:19	0:13:57	0:12:35	0:28:44	0:19:12	0:17:26
August	0:03:11	0:06:35	0:06:09	0:05:38	0:07:40	0:06:18	0:08:50	0:14:15	0:12:27	0:16:09	0:27:58	0:22:36
September	0:05:18	0:06:07	0:04:56	0:07:29	0:08:02	0:06:16	0:12:47	0:14:09	0:11:12	0:24:40	0:15:26	0:19:13
October	0:05:52	0:04:52	0:06:40	0:06:47	0:09:15	0:10:45	0:12:39	0:14:07	0:17:26	0:16:21	0:20:35	0:14:45
November	0:04:48	0:06:07	0:06:39	0:05:40	0:07:21	0:06:14	0:10:27	0:13:27	0:12:52	0:14:13	0:22:35	0:20:38
December	0:05:41	0:05:09	0:05:39	0:09:56	0:10:18	0:08:03	0:15:36	0:15:27	0:13:43	0:25:09	0:17:34	0:14:24
Average	0:05:03	0:05:36	0:05:27	0:07:17	0:08:00	0:08:15	0:12:19	0:13:36	0:13:42	0:21:08	0:21:25	0:20:06



Chart 37: Response Time Record Status and Average Minute, by Season, by Year

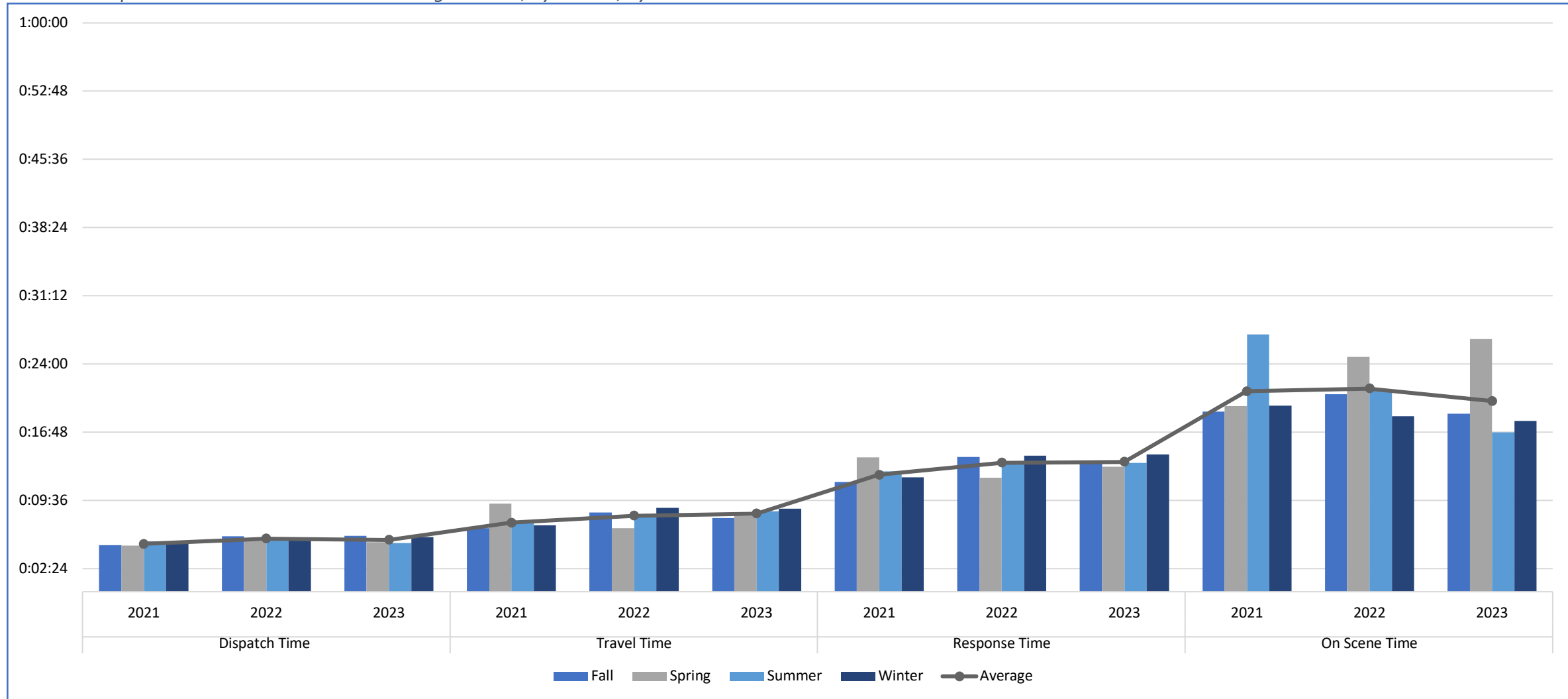




Table 46: Response Time Record Status and Average Minute, by Season, by Year

Season	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Fall	0:04:55	0:05:50	0:05:55	0:06:41	0:08:23	0:07:47	0:11:36	0:14:13	0:13:41	0:19:01	0:20:50	0:18:46
Spring	0:04:51	0:05:21	0:05:12	0:09:18	0:06:42	0:08:00	0:14:09	0:12:02	0:13:12	0:19:35	0:24:47	0:26:40
Summer	0:05:19	0:05:43	0:05:07	0:07:24	0:07:52	0:08:29	0:12:43	0:13:34	0:13:37	0:27:08	0:21:17	0:16:48
Winter	0:05:02	0:05:28	0:05:45	0:07:02	0:08:52	0:08:45	0:12:03	0:14:20	0:14:30	0:19:38	0:18:30	0:18:02
Average	0:05:03	0:05:36	0:05:27	0:07:17	0:08:00	0:08:15	0:12:19	0:13:36	0:13:42	0:21:08	0:21:25	0:20:06



Chart 38: Response Time Record Status and Average Minute, by Deployed Hour, by Year

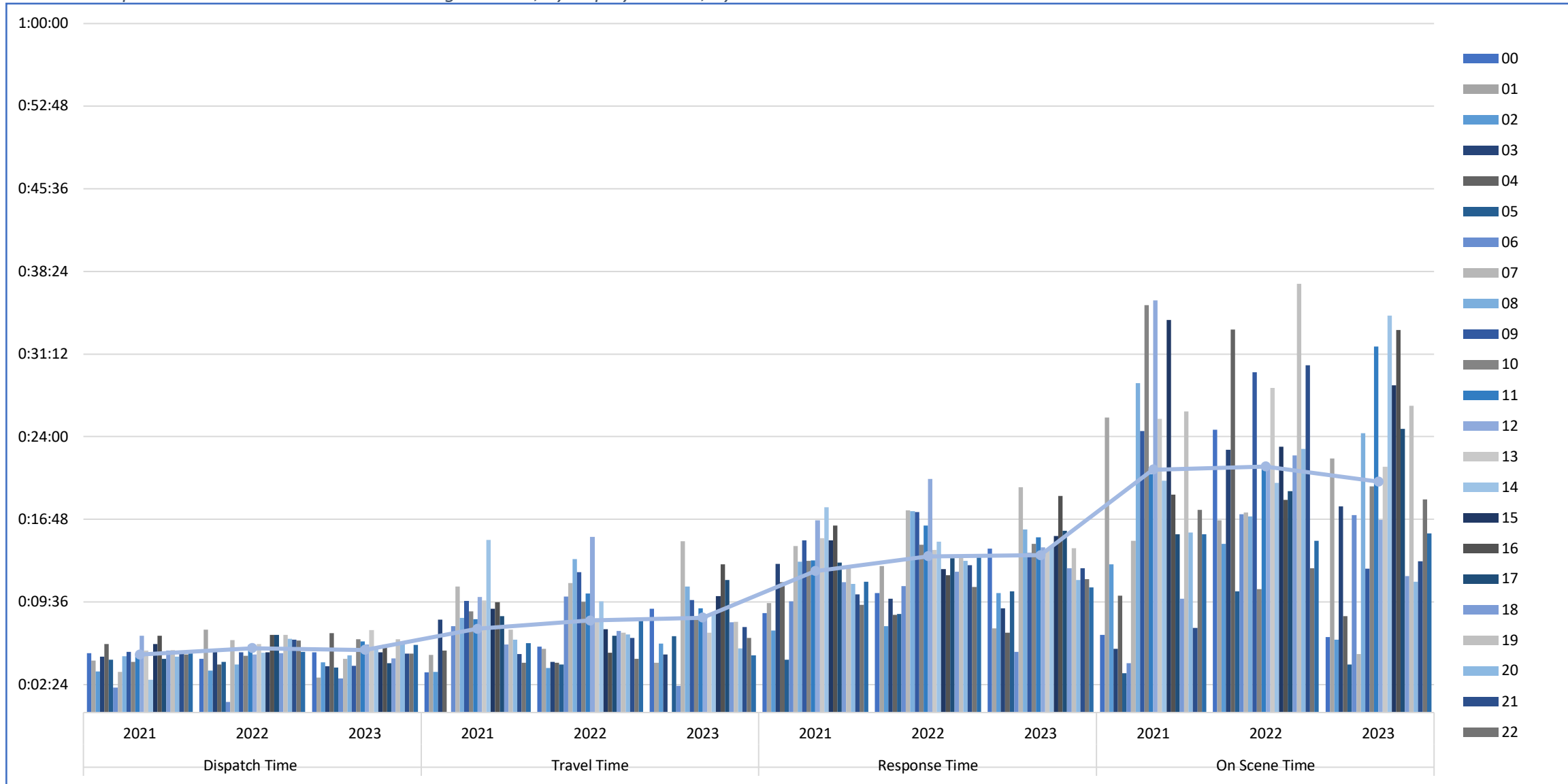




Table 47: Response Time Record Status and Average Minute, by Assigned Hour, by Year

Hour of Day	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
00	0:05:11	0:04:41	0:05:15	0:03:29	0:05:43	0:09:02	0:08:41	0:10:24	0:14:17	0:06:47	0:24:37	0:06:33
01	0:04:31	0:07:13	0:03:02	0:05:01	0:05:33	0:04:19	0:09:32	0:12:45	0:07:21	0:25:40	0:16:45	0:22:07
02	0:03:36	0:03:39	0:04:23	0:03:33	0:03:52	0:06:01	0:07:09	0:07:32	0:10:24	0:12:55	0:14:41	0:06:21
03	0:04:53	0:05:31	0:04:02	0:08:05	0:04:25	0:05:03	0:12:57	0:09:56	0:09:05	0:05:32	0:22:53	0:17:57
04	0:05:58	0:04:11	0:06:54	0:05:23	0:04:20	0:00:02	0:11:22	0:08:31	0:06:56	0:10:12	0:33:22	0:08:24
05	0:04:37	0:04:24	0:03:55		0:04:11	0:06:38	0:04:37	0:08:35	0:10:33	0:03:25	0:10:33	0:04:12
06	0:02:11	0:00:55	0:02:58	0:07:31	0:10:05	0:02:20	0:09:42	0:11:00	0:05:17	0:04:17	0:17:16	0:17:13
07	0:03:32	0:06:19	0:04:41	0:10:59	0:11:17	0:14:55	0:14:31	0:17:36	0:19:37	0:14:57	0:17:26	0:05:06
08	0:04:55	0:04:11	0:04:58	0:08:14	0:13:22	0:10:58	0:13:09	0:17:33	0:15:56	0:28:40	0:17:05	0:24:19
09	0:05:17	0:05:14	0:04:04	0:09:43	0:12:13	0:09:49	0:15:00	0:17:28	0:13:53	0:24:30	0:29:37	0:12:31
10	0:04:24	0:04:57	0:06:24	0:08:48	0:09:40	0:08:18	0:13:12	0:14:36	0:14:42	0:35:29	0:10:44	0:19:42
11	0:05:08	0:05:54	0:06:13	0:08:07	0:10:22	0:09:04	0:13:15	0:16:16	0:15:17	0:20:47	0:21:25	0:31:53
12	0:06:41	0:05:04	0:05:56	0:10:04	0:15:18	0:08:28	0:16:45	0:20:21	0:14:24	0:35:54	0:21:24	0:16:48
13	0:05:25	0:05:58	0:07:12	0:09:46	0:08:12	0:06:57	0:15:11	0:14:10	0:14:09	0:25:36	0:28:17	0:21:25
14	0:02:51	0:05:12	0:05:41	0:15:01	0:09:41	0:08:45	0:17:52	0:14:53	0:14:26	0:20:12	0:19:59	0:34:35
15	0:05:58	0:05:14	0:05:14	0:09:02	0:07:15	0:10:07	0:15:00	0:12:29	0:15:21	0:34:12	0:23:08	0:28:29
16	0:06:42	0:06:45	0:05:57	0:09:36	0:05:13	0:12:55	0:16:18	0:11:58	0:18:52	0:18:59	0:18:30	0:33:18
17	0:04:41	0:06:45	0:04:18	0:08:23	0:06:41	0:11:32	0:13:04	0:13:27	0:15:50	0:15:31	0:19:16	0:24:43
18	0:05:24	0:05:11	0:04:42	0:05:56	0:07:06	0:07:51	0:11:21	0:12:17	0:12:33	0:09:56	0:22:23	0:11:54
19	0:05:26	0:06:45	0:06:23	0:07:12	0:06:57	0:07:55	0:12:38	0:13:41	0:14:18	0:26:13	0:37:19	0:26:43
20	0:04:52	0:06:25	0:05:58	0:06:20	0:06:49	0:05:35	0:11:13	0:13:14	0:11:33	0:15:40	0:22:57	0:11:23
21	0:05:12	0:06:20	0:05:08	0:05:06	0:06:30	0:07:26	0:10:18	0:12:51	0:12:34	0:07:21	0:30:15	0:13:11
22	0:05:04	0:06:15	0:05:09	0:04:19	0:04:41	0:06:29	0:09:23	0:10:56	0:11:38	0:17:39	0:12:35	0:18:34
23	0:05:20	0:05:17	0:05:54	0:06:02	0:08:17	0:04:59	0:11:22	0:13:34	0:10:53	0:15:33	0:14:58	0:15:37
Average	0:05:03	0:05:36	0:05:27	0:07:17	0:08:00	0:08:15	0:12:19	0:13:36	0:13:42	0:21:08	0:21:25	0:20:06



Table 48: Response Time Record Status and Average Minute, by Record Category, by Year

Record Category	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Admin	0:01:33	0:06:35	0:02:30	0:09:48	0:11:08	0:07:28	0:11:21	0:17:43	0:09:57	0:08:03	0:08:01	0:33:23
Agency Assist	0:06:48	0:04:56	0:07:02	0:07:38	0:07:22	0:04:25	0:14:27	0:12:18	0:11:27	0:06:19	0:10:36	0:22:57
Alarm	0:03:53	0:04:50	0:05:02	0:06:47	0:08:11	0:08:22	0:10:40	0:13:00	0:13:24	0:08:03	0:08:34	0:07:41
Animal	0:02:47	0:06:19	0:09:28	0:18:41	0:07:35	0:05:09	0:21:27	0:13:54	0:14:37	0:04:00	0:11:03	0:09:23
Check Area	0:02:24	0:08:00			0:04:21		0:02:24	0:12:20	0:00:00		0:14:15	
Citizen Contact	0:06:18	0:06:15	0:05:00	0:02:39	0:05:17	0:11:24	0:08:57	0:11:33	0:16:23	0:30:52	0:32:45	0:32:35
Crime-Person	0:05:35	0:04:29	0:03:44	0:07:18	0:11:28	0:10:27	0:12:53	0:15:57	0:14:10	0:37:28	0:35:47	0:40:41
Crime-Property	0:06:18	0:04:34	0:06:22	0:09:06	0:07:47	0:08:37	0:15:24	0:12:22	0:14:58	0:33:51	0:45:05	0:36:33
Crime-Public	0:05:06	0:05:28	0:06:45	0:12:59	0:13:20	0:10:05	0:18:05	0:18:48	0:16:50	0:08:54	0:10:11	0:09:20
Deceased Person	0:03:26	0:04:53	0:02:20		0:03:20	0:13:11	0:03:26	0:08:12	0:15:31		1:45:56	0:58:24
Disturbance	0:05:27	0:06:24	0:06:07	0:06:26	0:07:08	0:07:26	0:11:53	0:13:32	0:13:33	0:23:24	0:28:30	0:26:05
Extra Patrol	0:04:56	0:08:20	0:06:49	0:05:07	0:08:52	0:08:12	0:10:04	0:17:12	0:15:01	0:05:26	0:05:15	0:14:32
Fire	0:01:47	0:03:36	0:02:38	0:08:19	0:03:14	0:04:47	0:10:06	0:06:49	0:07:25	0:43:47	0:12:43	0:06:40
Medical	0:06:32			0:03:04			0:09:36	0:00:00	0:00:00	0:44:52		
Medical/Agency Assist	0:04:23	0:05:03	0:04:38	0:03:23	0:04:28	0:06:47	0:07:46	0:09:32	0:11:25	0:29:00	0:14:27	0:38:47
Miscellaneous		0:00:56		0:16:17	0:03:00		0:16:17	0:03:56	0:00:00	0:49:23	0:22:11	0:38:38
Missing Person	0:14:44	0:06:26	0:08:33		0:12:30	0:08:09	0:14:44	0:18:56	0:16:42	0:37:45	1:49:41	0:23:49
Parking		0:11:12	0:10:48	0:01:51	0:19:37	0:15:23	0:01:51	0:30:49	0:26:11	0:08:50	0:02:17	0:14:15
Pedestrian Contact	0:07:12	0:08:37	0:07:05	0:07:00	0:05:06	0:08:53	0:14:13	0:13:43	0:15:58	0:24:32	0:20:25	0:38:49
Property	0:04:17	0:03:30	0:03:38	0:07:08	0:31:25	0:06:05	0:11:25	0:34:55	0:09:42	0:18:50	1:14:47	0:15:09
Special Assignment					0:00:00		0:00:00	0:00:00	0:00:00		0:51:21	
Suicide/Suicidal Person	0:09:23	0:05:31		0:03:53	0:04:09	0:04:18	0:13:16	0:09:40	0:04:18	1:46:43	1:51:22	3:07:39
Suspicious Activity	0:04:49	0:06:25	0:04:46	0:05:36	0:06:31	0:06:07	0:10:25	0:12:56	0:10:53	0:22:00	0:15:58	0:12:22
Traffic	0:07:36	0:06:03	0:03:46	0:06:05	0:11:39	0:06:56	0:13:40	0:17:42	0:10:42	0:01:57	0:18:12	0:10:45
Traffic Accident	0:04:03	0:05:23	0:03:19	0:06:13	0:06:00	0:10:50	0:10:16	0:11:24	0:14:08	0:39:13	1:08:29	0:50:45
Welfare Check	0:06:42	0:06:24	0:06:48	0:11:47	0:09:39	0:10:01	0:18:29	0:16:03	0:16:50	0:14:29	0:22:59	0:19:06
Average	0:05:03	0:05:36	0:05:27	0:07:17	0:08:00	0:08:15	0:12:19	0:13:36	0:13:42	0:21:08	0:21:25	0:20:06



Chart 39: Response Time Record Status and Average Minute, by Record Priority, by Year

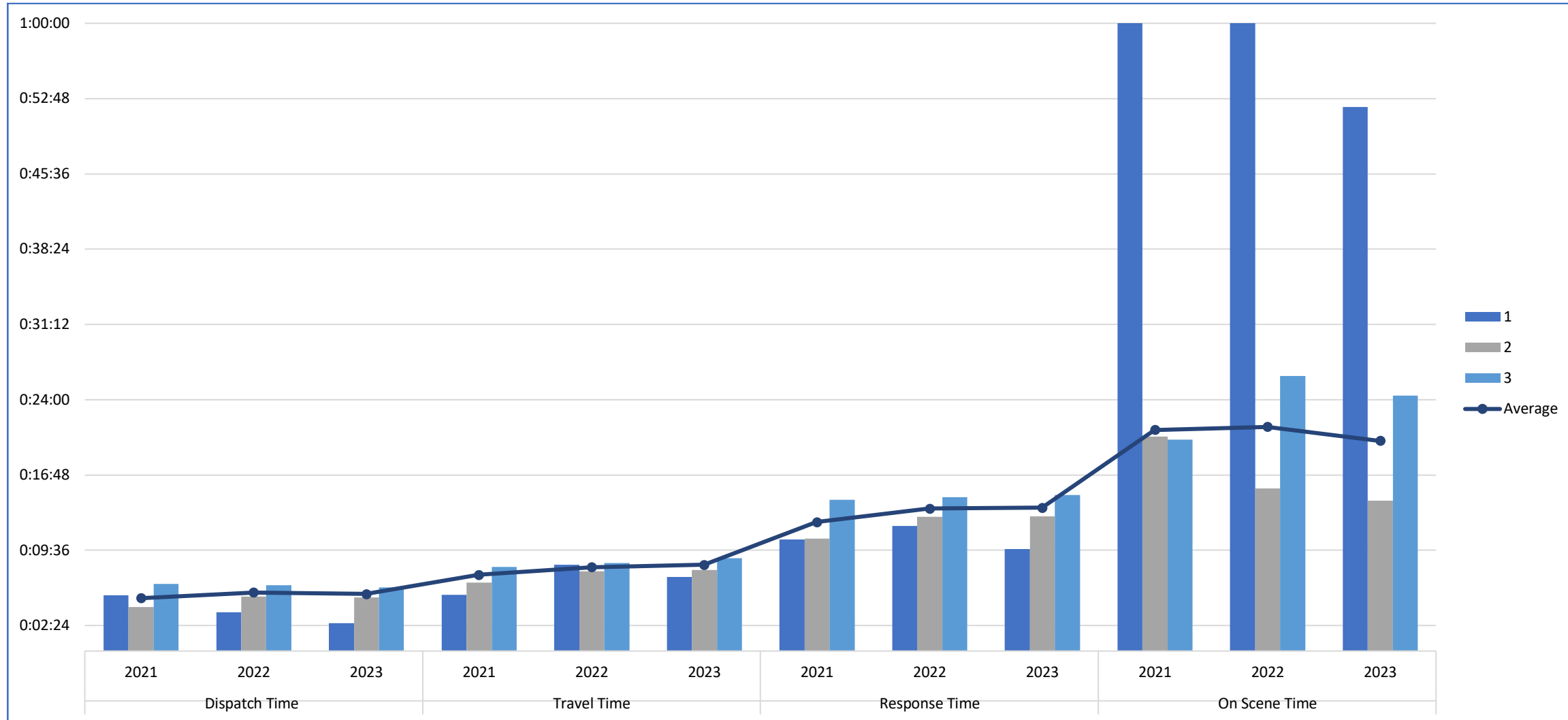




Table 49: Response Time Record Status and Average Minute, by Record Priority, by Year

Priority	Dispatch Time			Travel Time			Response Time			On Scene Time		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
1	0:05:19	0:03:42	0:02:40	0:05:21	0:08:15	0:07:05	0:10:40	0:11:57	0:09:45	1:11:19	1:02:22	0:51:59
2	0:04:11	0:05:12	0:05:07	0:06:33	0:07:39	0:07:45	0:10:44	0:12:51	0:12:53	0:20:30	0:15:33	0:14:22
3	0:06:25	0:06:18	0:06:04	0:08:03	0:08:25	0:08:51	0:14:28	0:14:44	0:14:56	0:20:12	0:26:18	0:24:24
Average	0:05:03	0:05:36	0:05:27	0:07:17	0:08:00	0:08:15	0:12:19	0:13:36	0:13:42	0:21:08	0:21:25	0:20:06



TRAFFIC ACCIDENTS

Chart 40: Community-Initiated and Field-Initiated Traffic Records, by Year

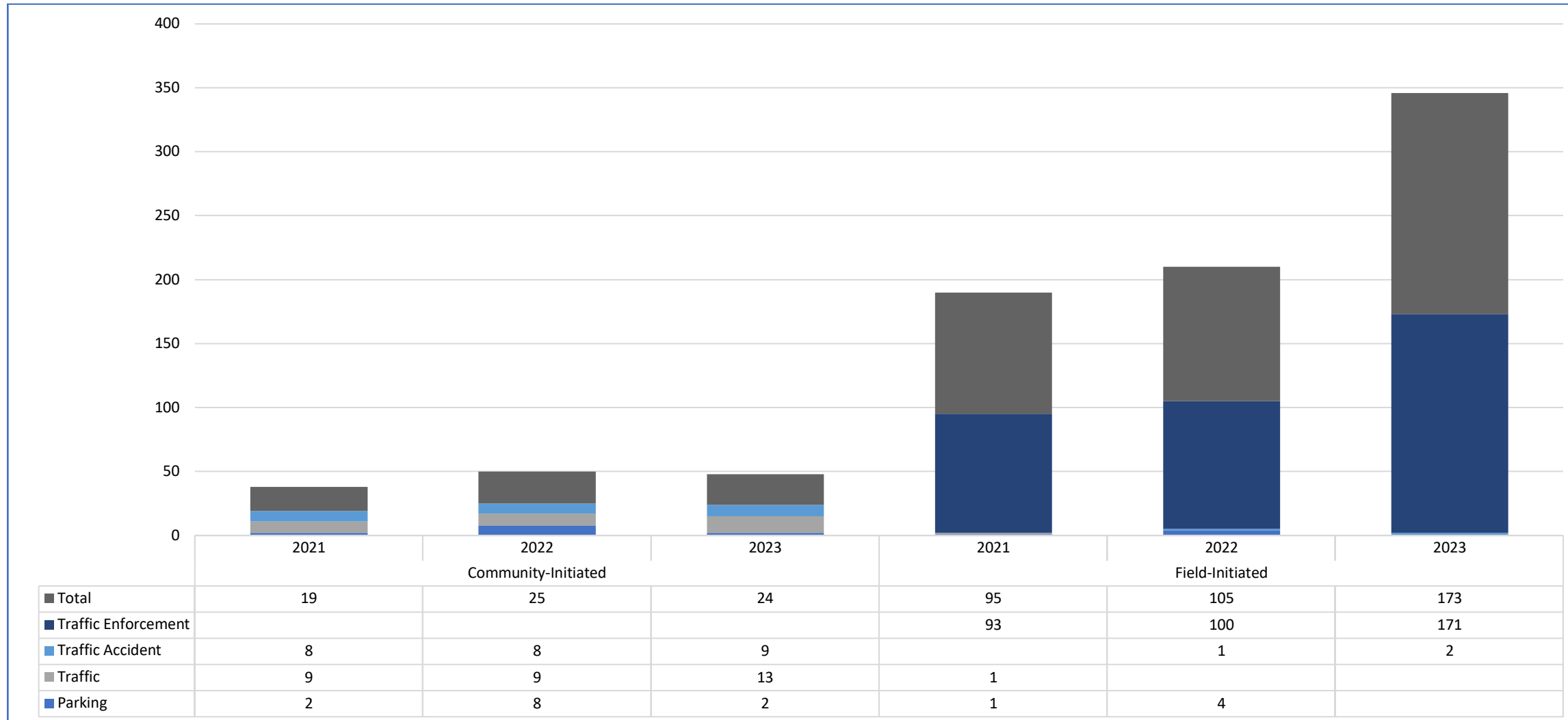




Chart 41: Community-Initiated Traffic Records, by Hour, by Year

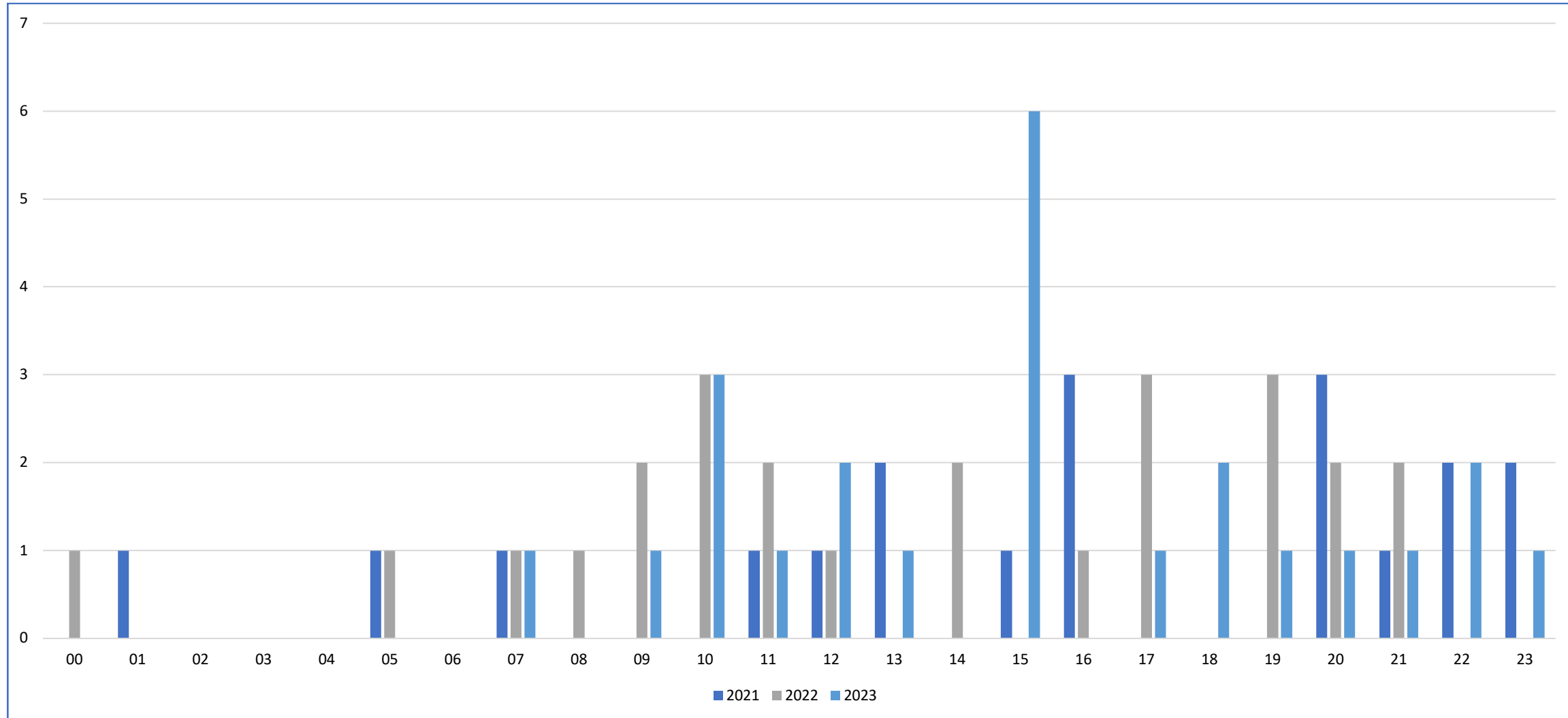




Chart 42: Field-Initiated Traffic Records, by Hour, by Year

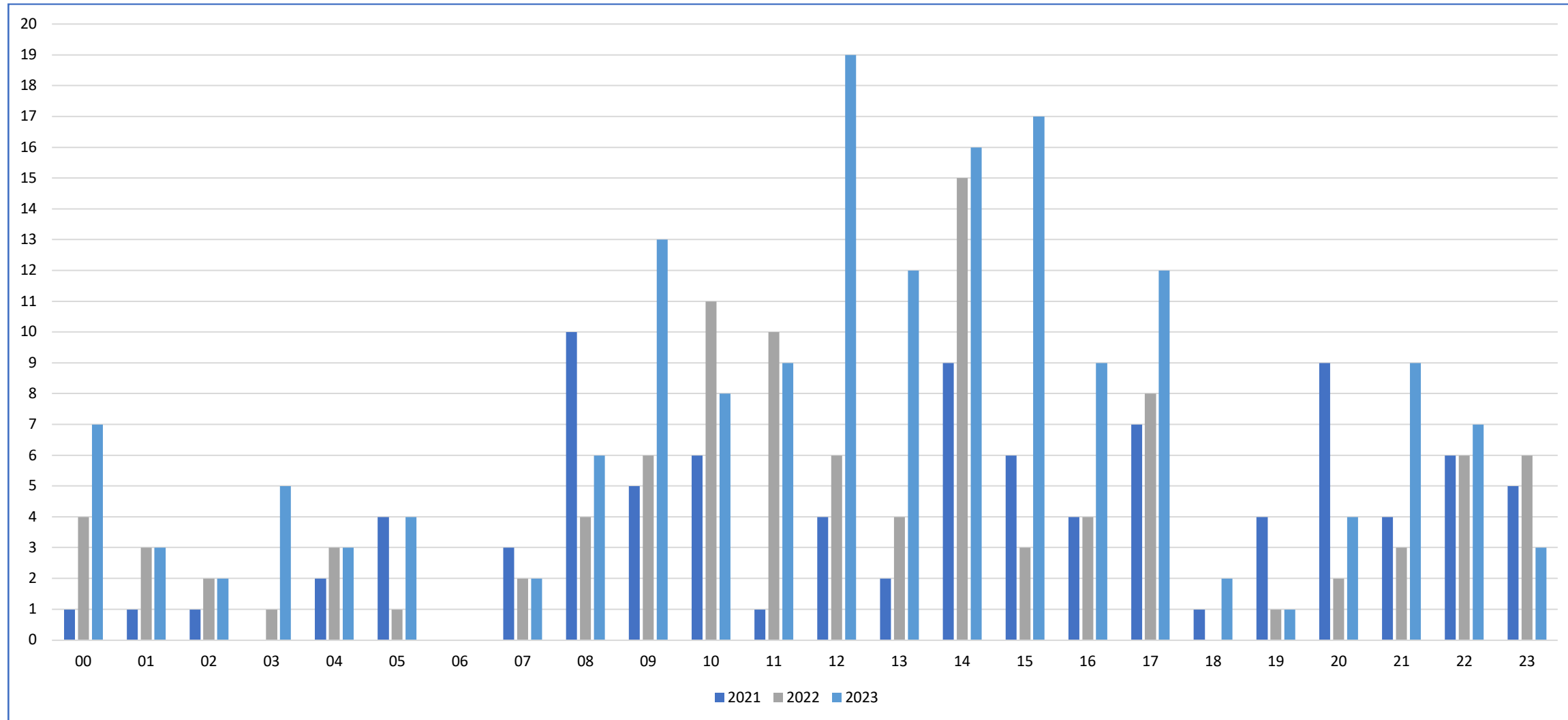


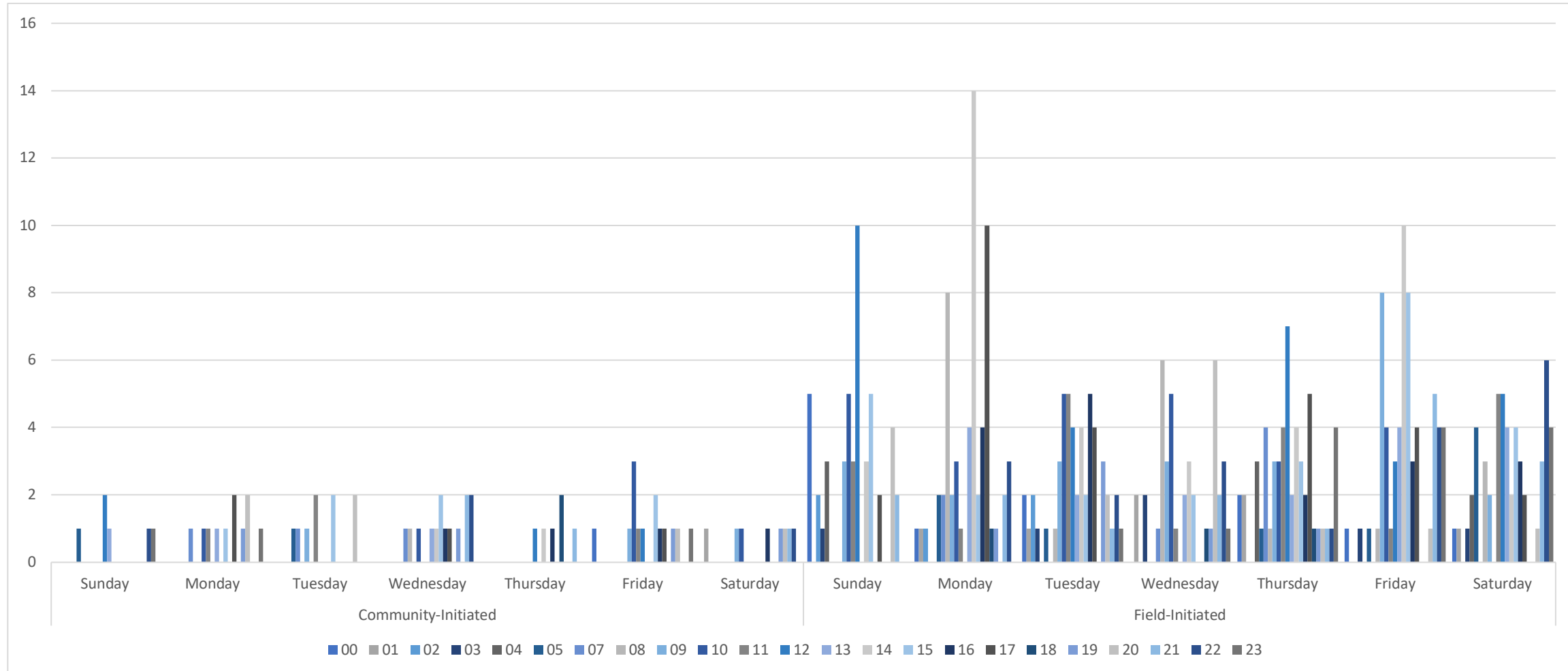


Table 50: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour (2021-2023)

Hour	Community-Initiated Contact								Field-Initiated Contact							Monte Sereno	
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total	Total
00						1		1	5	1	2		2	1	1	12	13
01							1	1		1	1	2	2		1	7	8
02									2	1	2					5	5
03									1		1	2		1	1	6	6
04									3				3		2	8	8
05	1		1					2		2	1		1	1	4	9	11
07		1	1	1				3		2		1	4			7	10
08				1				1		8	1	6	1	1	3	20	21
09			1			1	1	3	3	2	3	3	3	8	2	24	27
10		1		1		3	1	6	5	3	5	5	3	4		25	31
11		1	2			1		4	3	1	5	1	4	1	5	20	24
12	2				1	1		4	10		4		7	3	5	29	33
13	1	1		1				3		4	2	2	2	4	4	18	21
14				1	1			2	3	14	4	3	4	10	2	40	42
15		1	2	2		2		7	5	2	2	2	3	8	4	26	33
16				1	1	1	1	4		4	5		2	3	3	17	21
17		2		1		1		4	2	10	4		5	4	2	27	31
18					2			2		1		1	1			3	5
19		1		1		1	1	4		1	3	1	1			6	10
20		2	2			1	1	6	4		2	6	1	1	1	15	21
21				2	1		1	4	2	2	1	2	1	5	3	16	20
22	1			2			1	4		3	2	3	1	4	6	19	23
23	1	1				1		3			1	1	4	4	4	14	17
Total	6	11	9	14	6	14	8	68	48	62	51	41	55	63	53	373	441



Chart 43: Community-Initiated and Field-Initiated Accident Records, by Day of Week, by Hour





EXTRA PATROL EVENTS

The department tracks extra patrol using the following codes: 1090: Monte Sereno Patrol; Patck: Patrol Check; Patrq: Patrol Request.

Table 51: Patrol Scheduled Events, by Record Type, by Year

Record Type	Community-Initiated Contact				Field-Initiated Contact				Monte Sereno	
	2021	2022	2023	Total	2021	2022	2023	Total	Total	
Monte Sereno Patrol						218	1,045	1,263		1,263
Patrol Check	10	7	8	25	15	32	24	71		96
Patrol Request	4	3		7						7
Total	14	10	8	32	15	250	1,069	1,334		1,366

Table 52: Patrol Scheduled Events, by Day of Week, by Year

Day of Week	Community-Initiated Contact				Field-Initiated Contact				Monte Sereno	
	2021	2022	2023	Total	2021	2022	2023	Total	Total	
Sunday	2	3		5		26	139	165		170
Monday	1		1	2		21	148	169		171
Tuesday	2	1	2	5	7	46	171	224		229
Wednesday	2	3		5	4	34	163	201		206
Thursday	1	1	2	4		51	152	203		207
Friday	3		1	4	2	44	157	203		207
Saturday	3	2	2	7	2	28	139	169		176
Total	14	10	8	32	15	250	1,069	1,334		1,366

Table 53: Patrol Scheduled Events, by # of Units Assigned Category, by Year

Unit Assigned Category	Community-Initiated Contact				Field-Initiated Contact				Monte Sereno	
	2021	2022	2023	Total	2021	2022	2023	Total	Total	
One Unit	11	9	5	25	15	244	1,060	1,319		1,344
Two Units	3	1	3	7		5	9	14		21
Four or More Units						1		1		1
Grand Total	14	10	8	32	15	250	1,069	1,334		1,366



Table 54: Average Total Event Time for Patrol Scheduled Events, by Record Category, by Year

Unit Assigned Category	Community-Initiated Contact				Field-Initiated Contact				Monte Sereno
	2021	2022	2023	Total	2021	2022	2023	Total	Total
One Unit	5.80	5.25	8.00	6.00	14.64	31.12	37.58	36.07	35.36
Two Units	9.33	5.00	30.67	17.86		43.00	21.00	32.00	23.00
Grand Total	6.62	5.22	17.71	8.86	14.64	31.27	37.54	36.05	35.22