



REGULAR MEETING AGENDA

Date: 2/14/2023
Time: 6:00 p.m.
Locations: [Zoom.us/join](https://zoom.us/join) – ID# 860 1863 6903 and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Cal. Gov. Code §54953(e), and in light of the declared state of emergency, and maximize public safety while still maintaining transparency and public access, members of the public can listen to the meeting and participate using the following methods.

How to participate in the meeting

- Submit a written comment online up to 1-hour before the meeting start time:
city.council@menlopark.gov
Please include the agenda item number you are commenting on.
- Access the meeting real-time online at:
[Zoom.us/join](https://zoom.us/join) – Meeting ID 860 1863 6903
- Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 860 1863 6903
Press *9 to raise hand to speak
- Watch meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - City Council Chambers

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the city website menlopark.gov. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.gov/agendas).

According to City Council policy, all meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Regular Session

- A. Call To Order**
- B. Roll Call**
- C. Agenda Review**
- D. Report from Closed Session**
- E. Public Comment**

Under "Public Comment," the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under public comment for a limit of three minutes. You are not required to provide your name or City of residence, but it is helpful. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under public comment other than to provide general information.

F. Presentations and Proclamations

- F1. Proclamation: Black History Month
Not a California Environmental Quality Act (CEQA) project.
- F2. Presentation: Youth Poster Exhibition: "What Black History Means to Me" ([Attachment](#))
Not a CEQA project.

G. Consent Calendar

- G1. Accept the City Council meeting minutes for January 10 and 24, 2023 ([Attachment](#))
Not a CEQA project.
- G2. Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings ([Staff Report #23-025-CC](#))
Not a CEQA project.
- G3. Authorize the city manager to execute the first amendment to the funding agreement with the Bohannon Development Company and adopt a resolution authorizing the city manager to execute deeds and easements for the Chrysler Pump Station ([Staff Report #23-026-CC](#))
Not a CEQA project.
- G4. Adopt a resolution supporting the City's shuttle program for application for the San Mateo County Shuttle Program fiscal year 2023-24 and 2024-25 and authorize the city manager to enter into funding agreements ([Staff Report #23-027-CC](#))
Not a CEQA project.
- G5. Approve the Environmental Quality Commission's annual work plan ([Staff Report #23-034-CC](#))
Not a CEQA project.
- G6. Adopt a resolution approving the City Council Community Funding Subcommittee's

recommendations for 2022-23 community funding allocations ([Staff Report #23-033-CC](#))
Not a CEQA project

H. Public Hearing

- H1. Adopt a resolution to abandon two ten-foot wide public utility easements along the northeasterly side (rear) of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive; determine this action is categorically exempt under California Environmental Quality Act Guidelines Section 15305 Class 5 exemption for minor alterations in land use limitations ([Staff Report #23-028-CC](#)) ([Attachment](#))

I. Regular Business

- I1. Provide direction on the preferred bikeway design for Middle Avenue and adopt a resolution to install no parking zones on Middle Avenue; determine this action is statutorily exempt as defined by Public Resource Code Section 21080.25 ([Staff Report #23-032-CC](#))
- I2. Preliminary considerations for selecting an aquatics operator for the Burgess Pool and the future Menlo Park Community Campus aquatics center ([Staff Report #23-036-CC](#)) ([Attachment](#))
Not a CEQA project.
- I3. Direction on Finance and Audit Committee composition ([Staff Report #23-029-CC](#)) ([Attachment](#))
Not a CEQA project.

J. Informational Items

- J1. City Council agenda topics: February 28 – March 14, 2023 ([Staff Report #23-035-CC](#))
Not a CEQA project.
- J2. Proposed cultural and community events grant program ([Staff Report #23-030-CC](#))
Not a CEQA project.
- J3. Transmittal of city attorney billing ([Staff Report #23-031-CC](#))
Not a CEQA project.
- J4. Police department quarterly update – Q4 September 2022 – December 2022
([Staff Report #23-037-CC](#))
Not a CEQA project.

K. City Manager's Report

L. City Councilmember Reports

M. Adjournment

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during the City Council's consideration of the item.

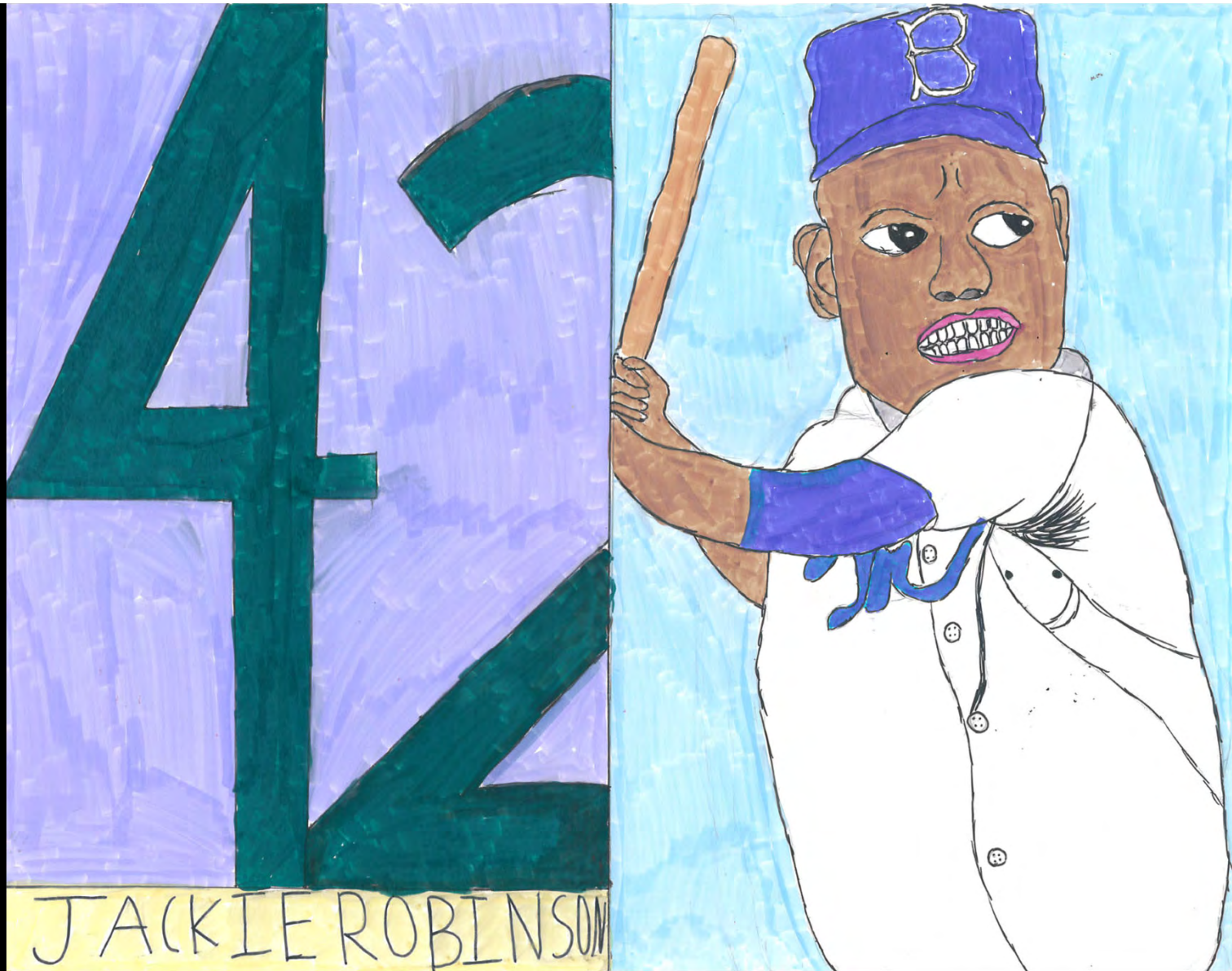
At every special meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or before, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.gov. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Cal. Gov. Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.gov/agendas and can receive email notification of agenda postings by subscribing at menlopark.gov/subscribe. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 2/9/2023)





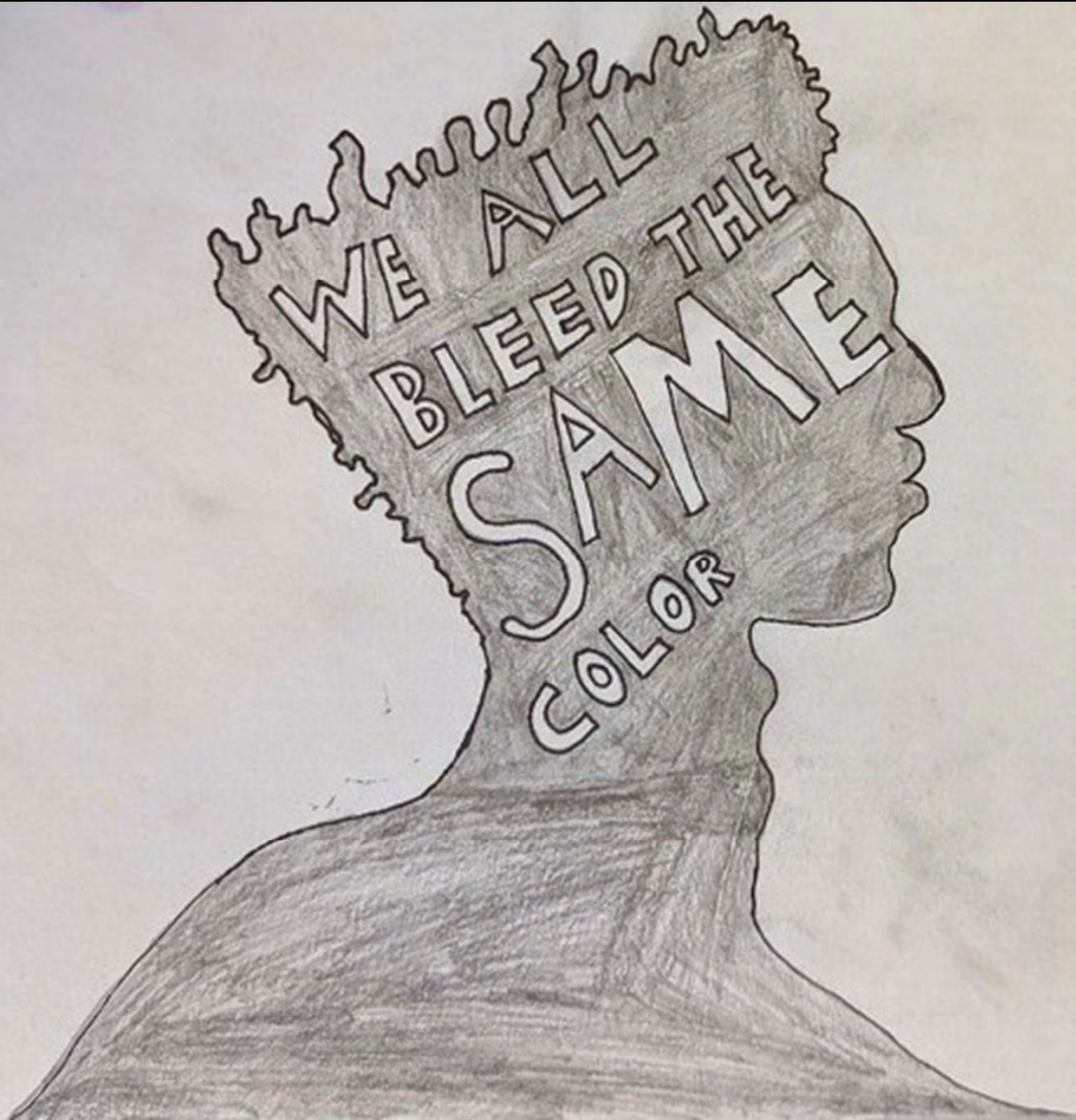
JACKIE ROBINSON

Abstract Ruby
Bridges





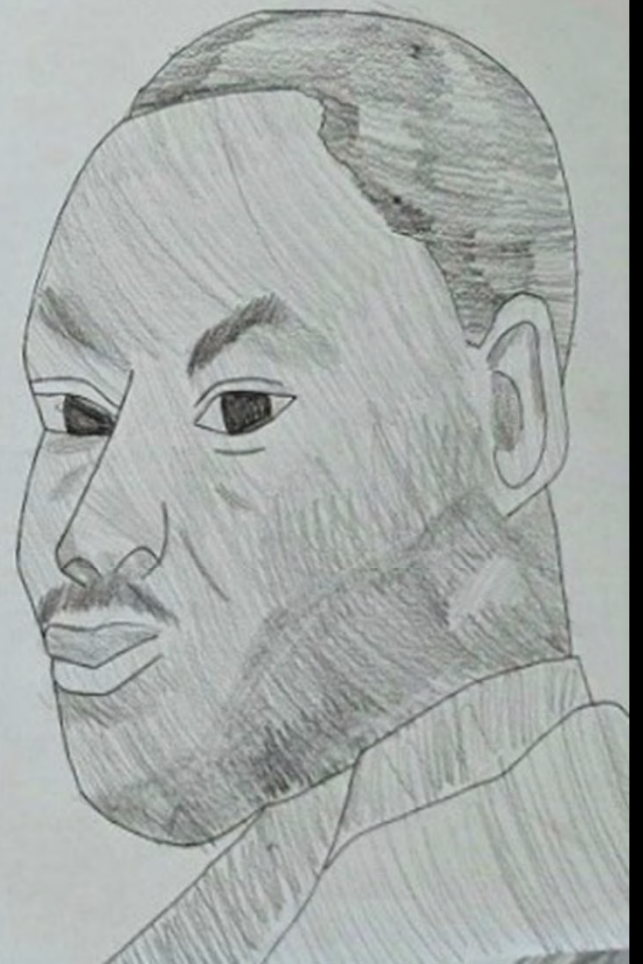




WE ALL
BLEED THE
SAME
COLOR



"Darkness cannot drive out darkness,
Only light can do that.
Hate cannot drive out hate,
Only LOVE can do that."
- Martin Luther King Jr



Black history month

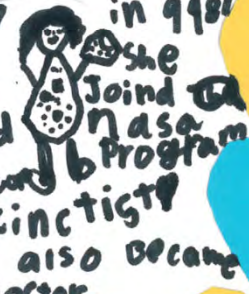
Harriet Tubman
She was born a slave
she said "I had
reasoned this out in
my mind there was
one or two things
I had a right to
of death if I could
have one then I
would have the other



Kamala Harris
Kamala was born
on October 20, 1964
in Oakland, California
when Kamala was 12
her got divorced. In 2010
Kamala was elected
attorney general of California



Mae Jemison was
the first African American
to go to space! Mae
was born on
Oct. 17, 1956 in 1987
she joined the
Nasa program
to become a scientist
She also became
a Doctor



all
and

Rades b

MICHELLE OBAMA

Full name: Michelle LaVaughn Robinson (Obama)

Michelle's dad Fraser, told her to study well and go to Princeton University. Michelle was a south side girl in Chicago, Illinois. She was born Jan 17, 1964. She had a brother, Craig. Michelle was a very focused student, and studied very well. She studied sociology in Princeton 1985. She got into Harvard. She and Mr. Obama got married in Chicago in a trinity church of Christ. They had 2 children, Malia & Sasha. On January 20, Mrs Obama became the first african-american



Your hands Michelle Obama

Michelle Obama is our first lady!

Don't wait for someone to come and tell you that you are special.

"Success isn't about how much money you make, it is the difference you make in people's life!"

 **FIRST LADY**
year 2009!!!

The world's the best thing to be... the first lady... Michelle Obama... "Rosbud" and...





mi

Be happy

The time
is always right
to do what is
right - Martin Luther King, JR.

We are the ones
we've been waiting for.
We are the change that we
seek - Barack Obama

Each person must
live their life as a model
for others - Rosa Parks



It is easier to
build strong children
than to repair broken
men - Frederick Douglass

BLACK *history* MONTH



KATHERINE
JOHNSON



MARTIN
LUTHER
KING



BLACK
LIVES
MATTER

I HAD
A
DREAM!

RACE
DOES
NOT MATTER

EQUAL

WE
HAVE
RIGHTS

Black History Month



BLACK LIVES Matter

Martin Luther King Jr was an American Baptist minister and activist one of the most prominent leaders in the civil rights movement from 1955 until his assassination in 1968

George Washington Carver was an American Agricultural scientist and inventor who promoted Alternative crops to cotton and methods to prevent Soil depletion. He was one of the most prominent Black scientists to the early 20th century.

Barack Hussein Obama II is an American retired politician who served as the 44th president of the United States from 2009 to 2017. A member of the Democratic Party Obama was the first African-American president of the United States

Rosa Louise McCauley Parks was an American activist in the civil rights movement best known for her pivotal role in the Montgomery bus boycott. The United States Congress has honored her as "the first lady of civil rights" and "the mother of the freedom movement".

Ruby Nell Bridges Hall is an American civil rights activist. She was the first African-American child to desegregate the all-white William Frantz Elementary School in Louisiana during New Orleans school desegregation crisis on November 14, 1960.

Martin
Luther
King
Jr.



George
Washington
Carver



Barack
Obama



Rosa
Parks

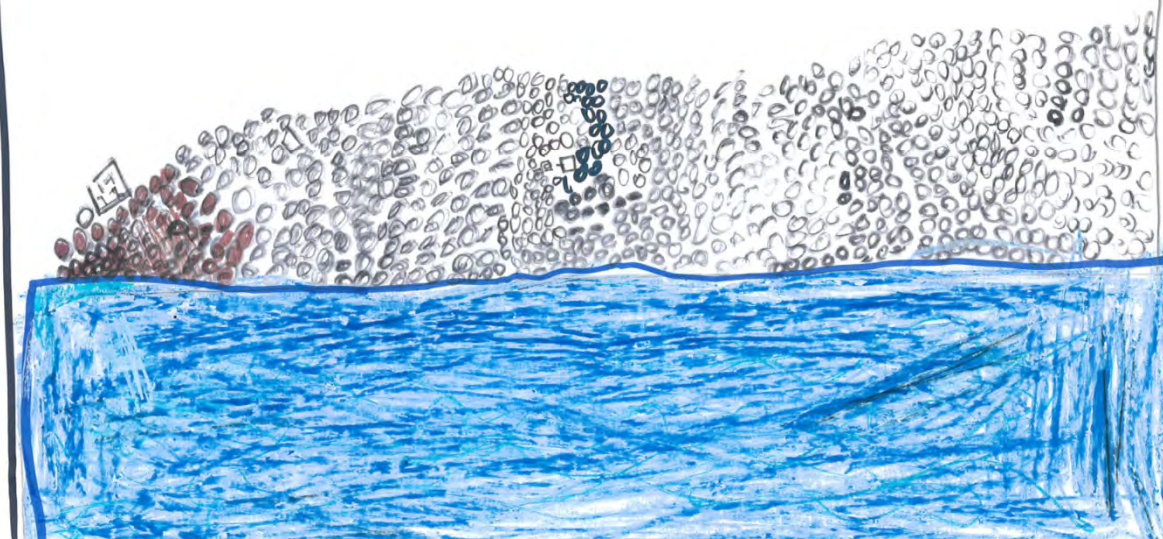
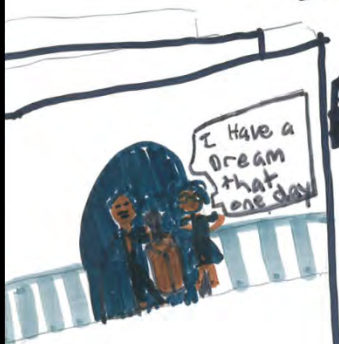


Ruby
Bridges



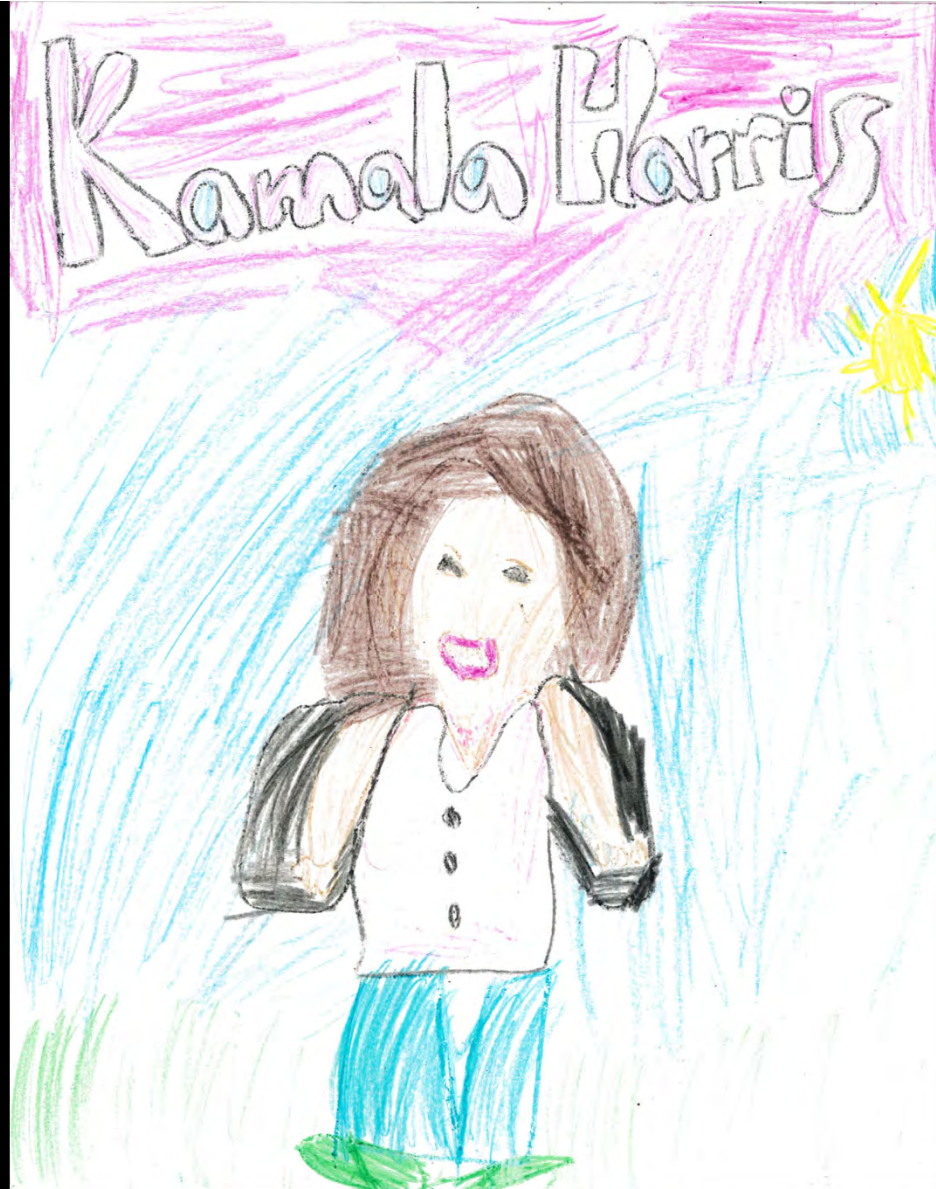
BLACK LIVES MATTER

I HAVE A DREAM



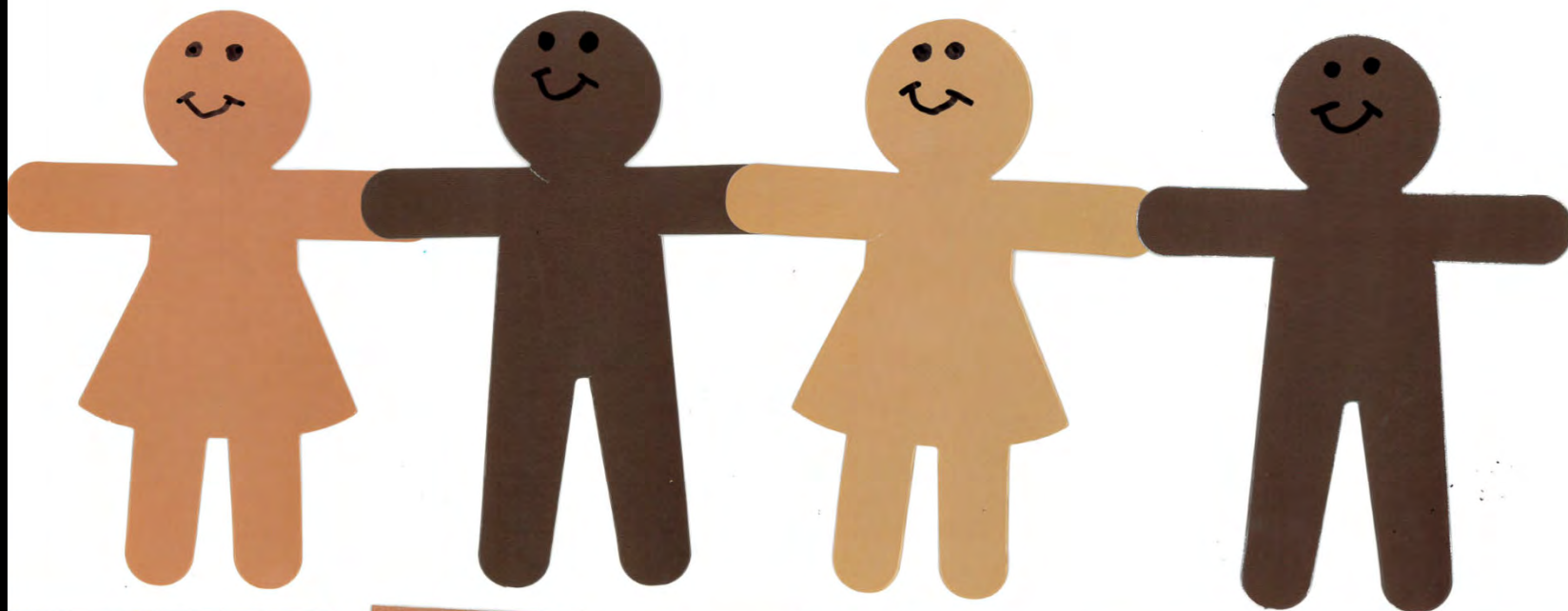
by [signature]

Kamala Harris





♥ Black lives matter ♥



Serena
Williams

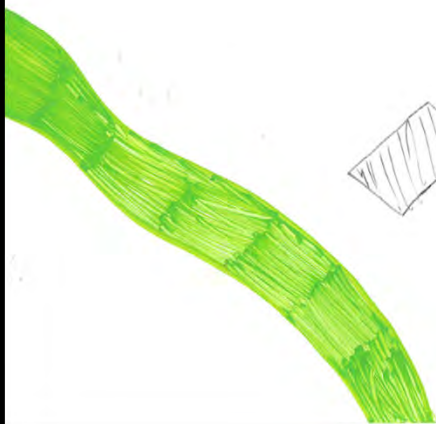
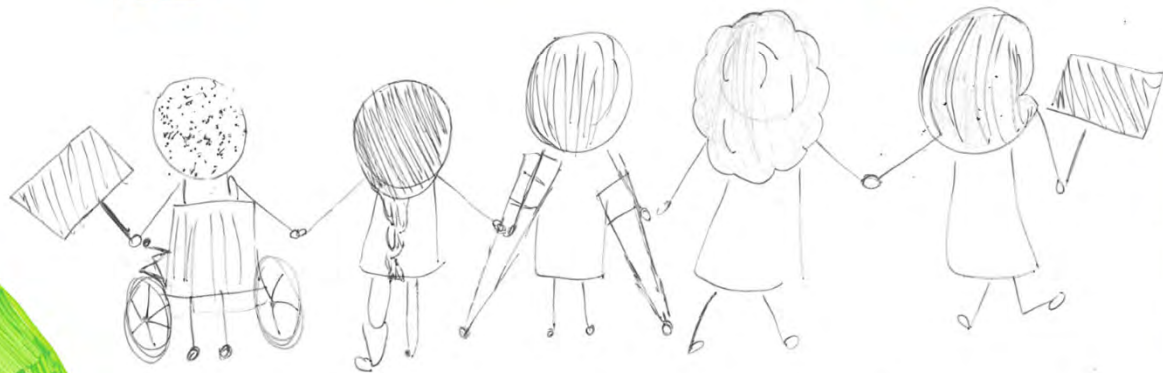
Martin Luther
King Jr.

Michelle
Obama

Frederick
Douglass



B L M



C

FREEDOM





EQUAL RIGHTS!



black
leaders

together

white
leaders

BLACK HISTORY MONTH

"I don't think
can win a
and not
Confidant"
-Momi Odeh

MONTH
I have a dream!
-MLK



can't
feel
to
-Kob
Jana

"You must not be
fearful about
what you are doing
right?"
-Rosa Parks



"You can't
see
Should
-Lakia
Jana

"I would give any drop
of blood in my veins to
free them"
-Harriet Tubman



"I think
in life
you should
work on your
until the
day you
die"
-Selena Williams

"We did not come
to fear the white man. We came
to share it."
Barack Obama



The People of Peace



Everyone = 

KATHRINE JOHNSON



Women have never had equal rights in life. Black women though are still treated like second class humans. Kathrine Johnson changed how people think about Black women's schooling and mathematics. Kathrine graduated high school at the age of 16. In 1953, Kathrine joined NASA's Guidance and Navigation Department. Her most difficult challenge was in 1969. NASA was launching the Apollo 13 mission and ran into a few difficulties.

Let me do it. You tell me when you want it and where you want, and I'll do it backwards and tell you when to take off.

-Kathrine Johnson

But using Kathrine's computer like brain, they were able to help them get back home. In 2015, she gets the Presidential Medal of Freedom.



Don't underestimate women



DAPHNE
KAYN



THE A
TIMES SL
W
A
VS
RIGHT
TO
DOWHAT
SRIGHT



BY: DYLAN VANDERLAAN

BLACK HISTORY MONTH

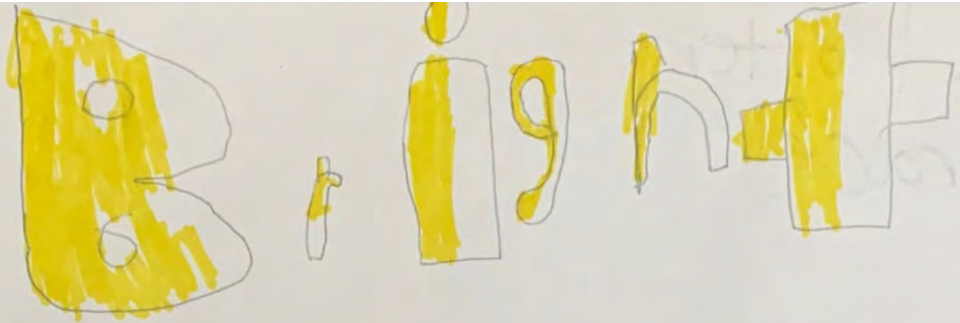
Fact: Black History Month began as a 1-week celebration.



Fact: ~ Black History Month themes change yearly.



fact: Black students protested for Black History Month.





BLACK
LIVES
MATTER

A hand-drawn sign on a white background with black borders on the left and right. The text 'BLACK LIVES MATTER' is written in three rows. The first row contains the word 'BLACK' in large, colorful, hand-drawn letters: 'B' is pink, 'L' is red, 'A' is orange, 'C' is yellow, and 'K' is green. The second row contains the word 'LIVES' in large, colorful, hand-drawn letters: 'L' is green, 'I' is teal, 'V' is blue, 'E' is blue, and 'S' is pink. The third row contains the word 'MATTER' in large, black, hand-drawn letters. The sign is decorated with numerous small, hand-drawn hearts in various colors including pink, red, orange, yellow, green, blue, and purple, scattered around the text.

Rosa Parks

Full name: Rosa Louise McCauley Parks

Rosa Parks is a civil rights activist. She grew up in Tuskegee, Alabama. She was born in 1917. Her parents were Leona and James McCauley. She had a younger brother named Sylvester. Her parents separated when she was young. They went to live on a farm in Pine Level.



It was December 1st 1955. Rosa made her famous stand (while sitting). She settled on her seat on the bus. A white man boarded and all the other seats were full. The bus driver told her to get up. She refused. He threatened to call the police. Rosa didn't have one and she was arrested.

Black people were stopping. They decided to stop riding the buses. That led to the Montgomery bus boycott.

Rosa Parks is Best known for the Montgomery Bus boycott!

- ### Extra facts!
- Before the Montgomery bus boycott, Rosa Parks was active in the NAACP.
 - After the Montgomery bus boycott, Rosa Parks continued to participate in activism such as the Selma-to-Montgomery marches.
 - Rosa Parks died in 2005 at age 92.
 - The U.S Congress honored Rosa Parks as "The first lady of civil rights".



BLACK HISTORY MONTH

February 2023



Martin Luther King JR



Ruby Bridges



Rosa Parks



the color of your skin doesn't



CELEBRATE Black History Month



LOVE
EQUALITY
PEACE
KINDNESS
FREEDOM
CITY



"I HAVE A DREAM!"

- MLK JR



Simone Biles

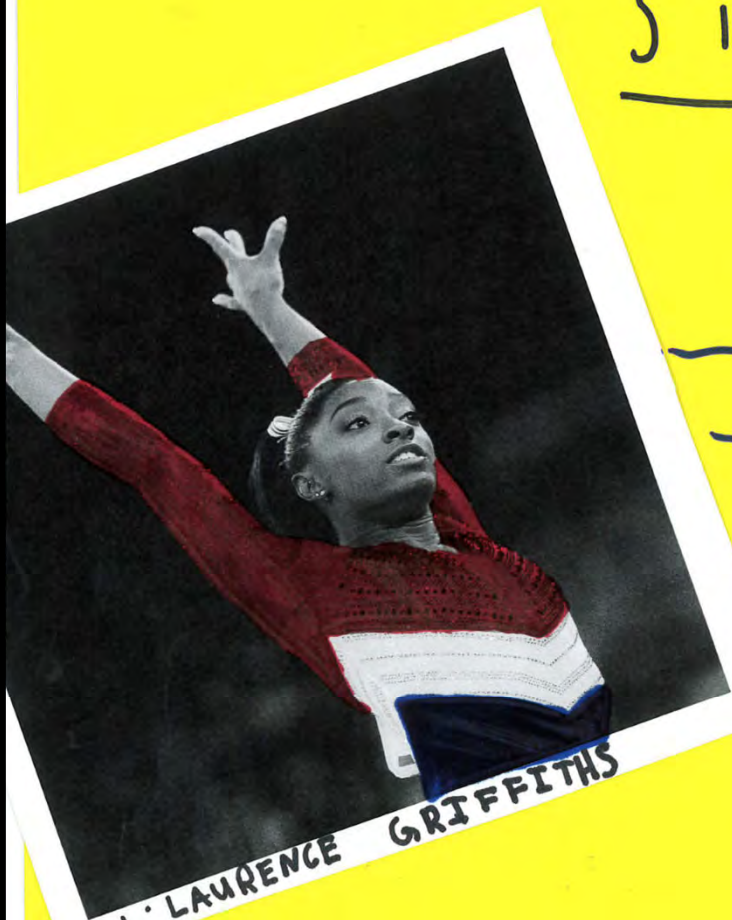


Photo by: LAURENCE GRIFFITHS

By Ingrid Z.



Simone Biles is afraid of insects
Once, she saw a bee in her classroom
Pat-
-on





Heroes of the Civil Rights Movement

People like Jackie Robinson, Rosa Parks, and Ruby Bridges helped make this world a better place.

1955

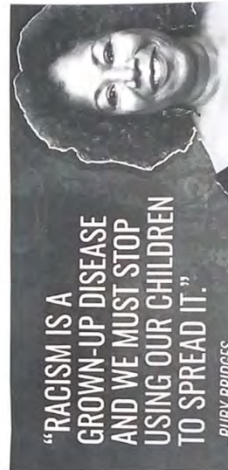
I'm not concerned with your liking or disliking me ... all I ask is that you respect me as a human being.

JACKIE ROBINSON



"RACISM IS A GROWN-UP DISEASE AND WE MUST STOP USING OUR CHILDREN TO SPREAD IT."

-RUBY BRIDGES



"People always say that I didn't give up my seat because I was tired, but that isn't true... No, the only tired I was, was tired of giving in."

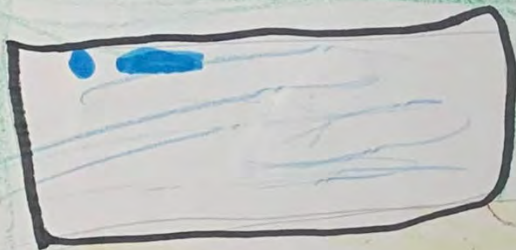
—Rosa Parks



Jake Olson

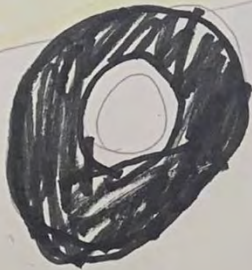


BE
FREE



2857

Be
Kind



Rosa Parks

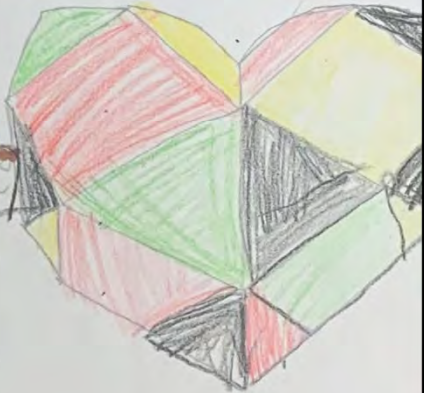
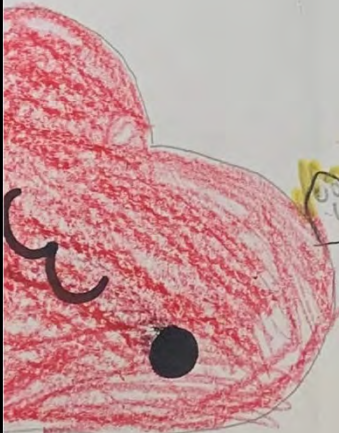
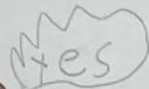
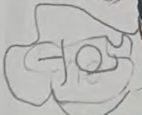
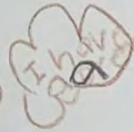
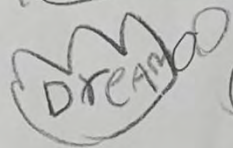
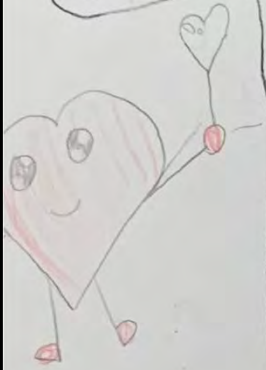


Be
hAPPY

I HAVE A DREAM.

that people
are nice
to each other.

Darkness
can not drive
out darkness
only light
do that



**BLACK LIVES
MATTER**

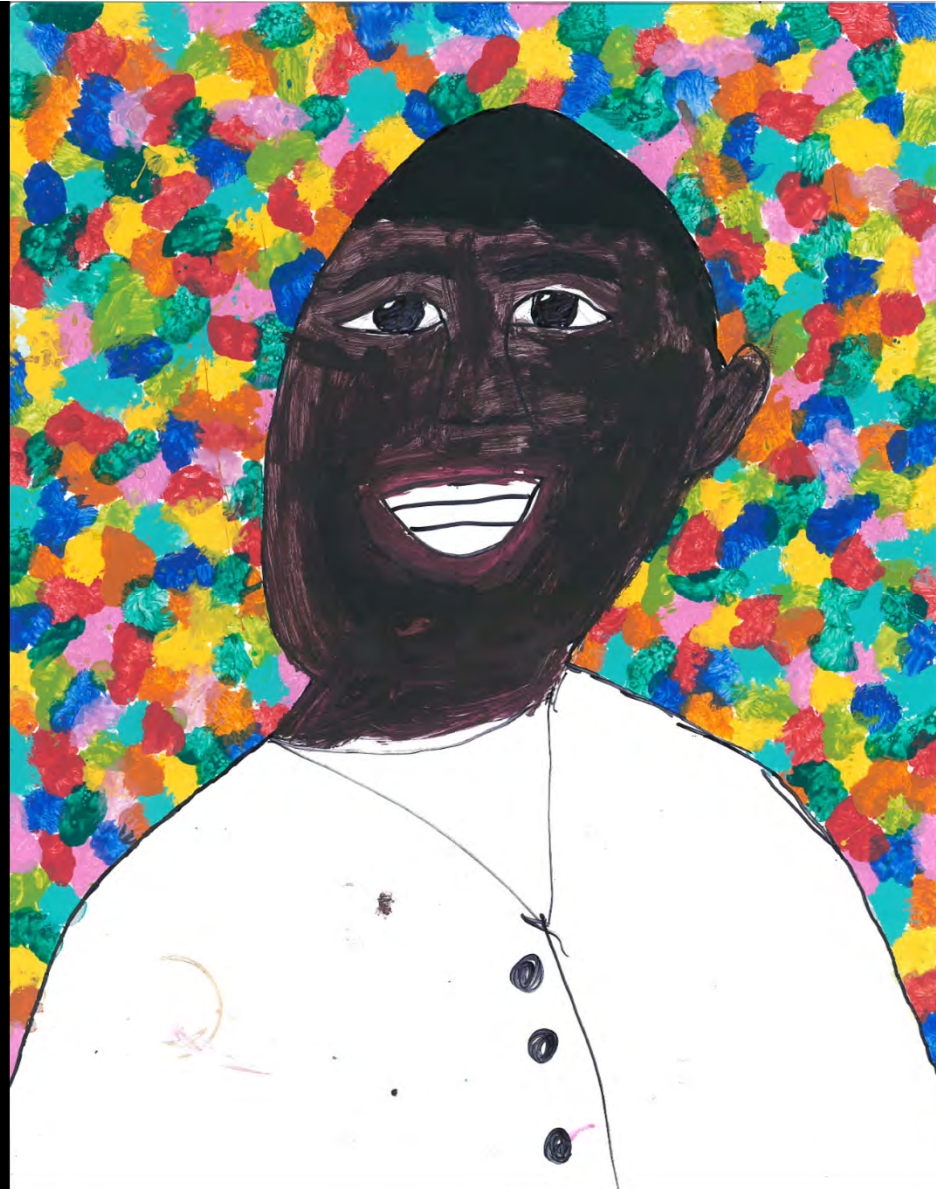


FREEDOM



Being nice to everyone.





Kindness

Funny

Caring

compassionate

cheerful

Trust

Beyond



bright

Sympathetic

Bravery

Black history month

Thoughtful

confidant

BLACK
HISTORY

MONTH



BLACK
HISTORY

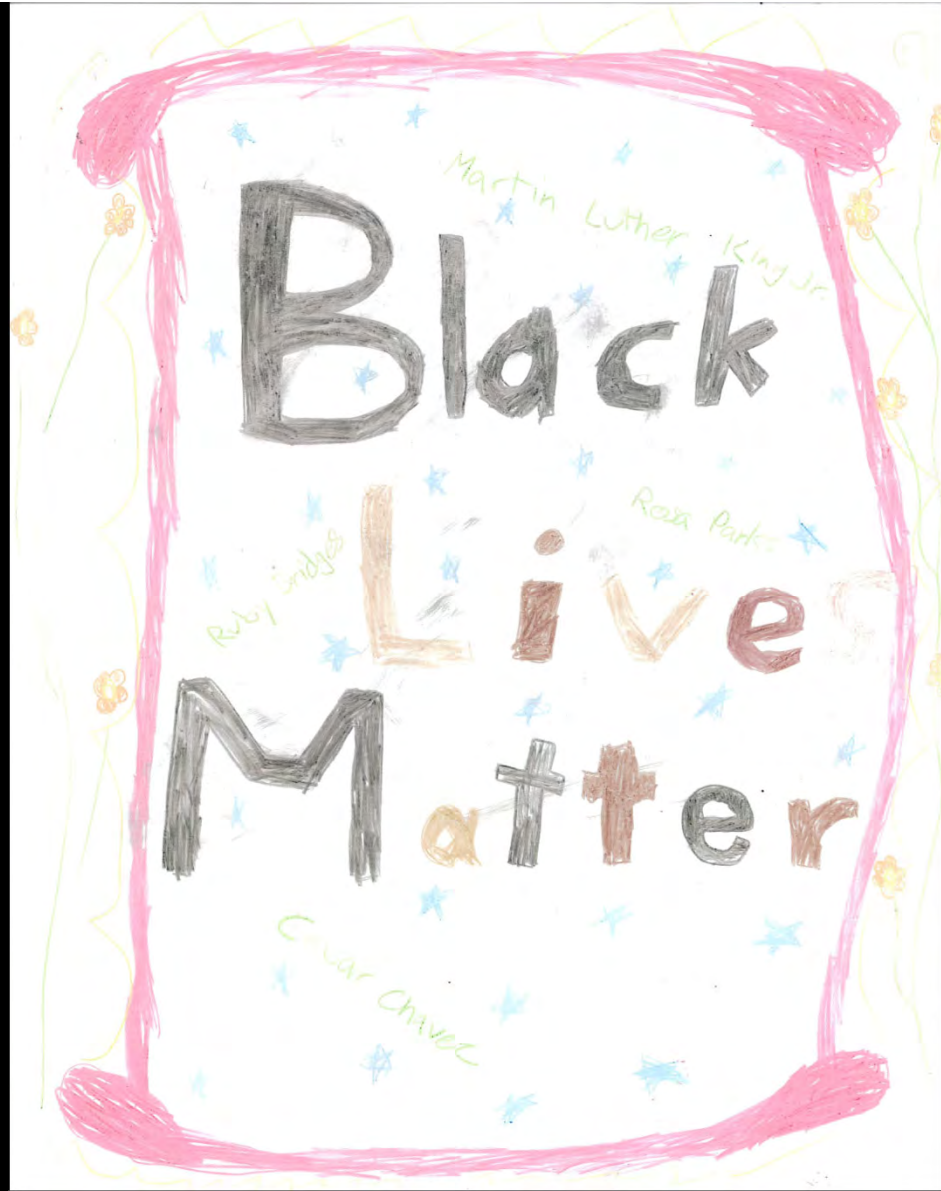
Martin
Luther
King
J.R.



MONTH

Lager





Black

Martin Luther King Jr.

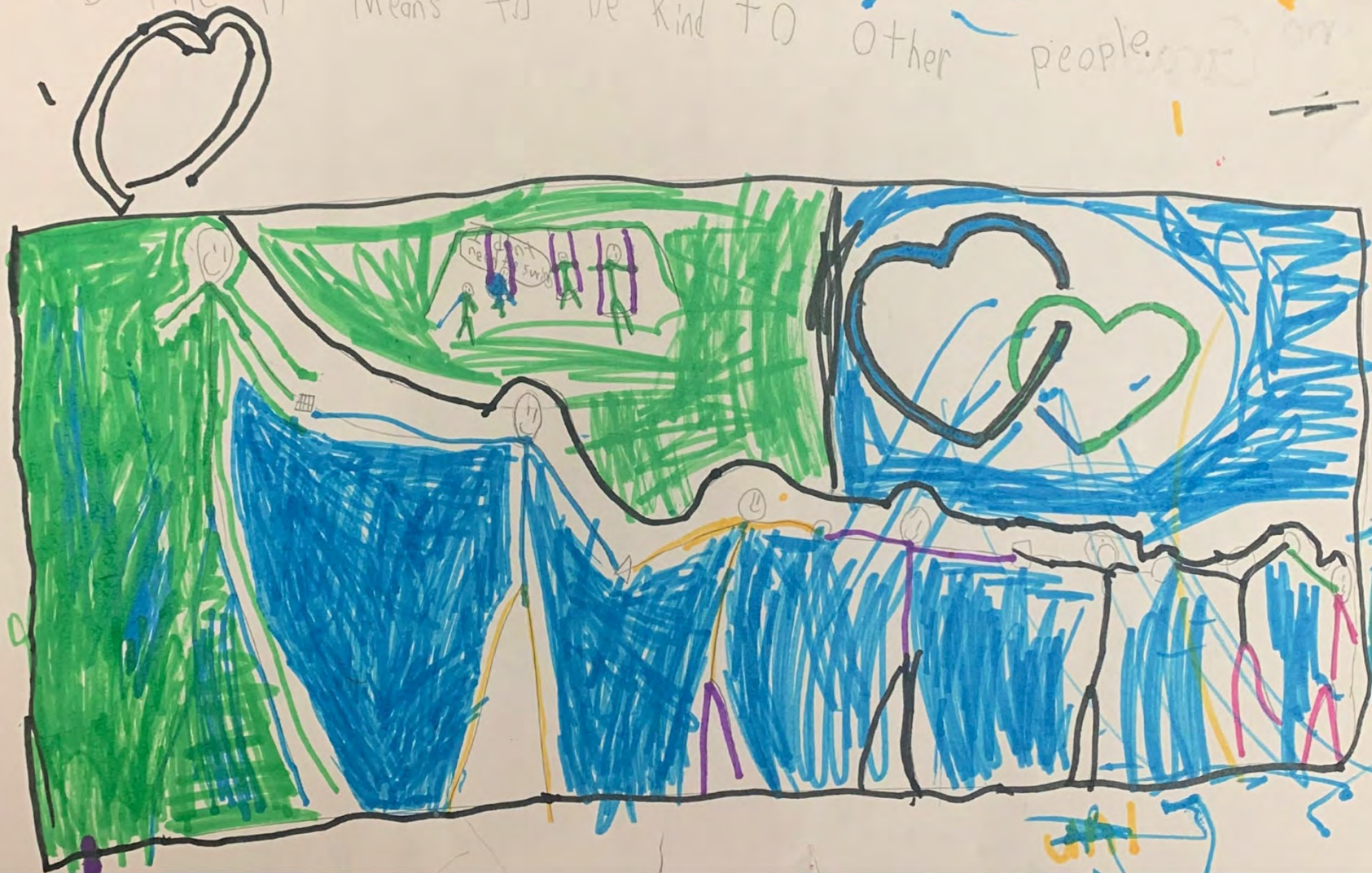
Lives
Matter

Ruby Bridges

Rosa Parks

Collier Chaves

To me it means to be kind to other people.



★ Kamala Harris ★

Birth Date: October 20, 1964 in Oakland California

Parents: Donald Harris (Dad) and Shyamala
Gopalan Harris (mom) ↓ 56

Siblings: Maya Harris

(Step) kids: Cole Emhoff and Ella Emhoff

Husband: Douglas Emhoff ↓ 26 ↓ 58

Fun Facts:

Kamala Harris once said

"Women have an equal stake in our future and should have an equal voice in our politics"

She loves to cook

Kamala has written 3 books

She loves to read

Harris went to school in Canada



Made by Arianna

Made by The Staff

Made by Ferris

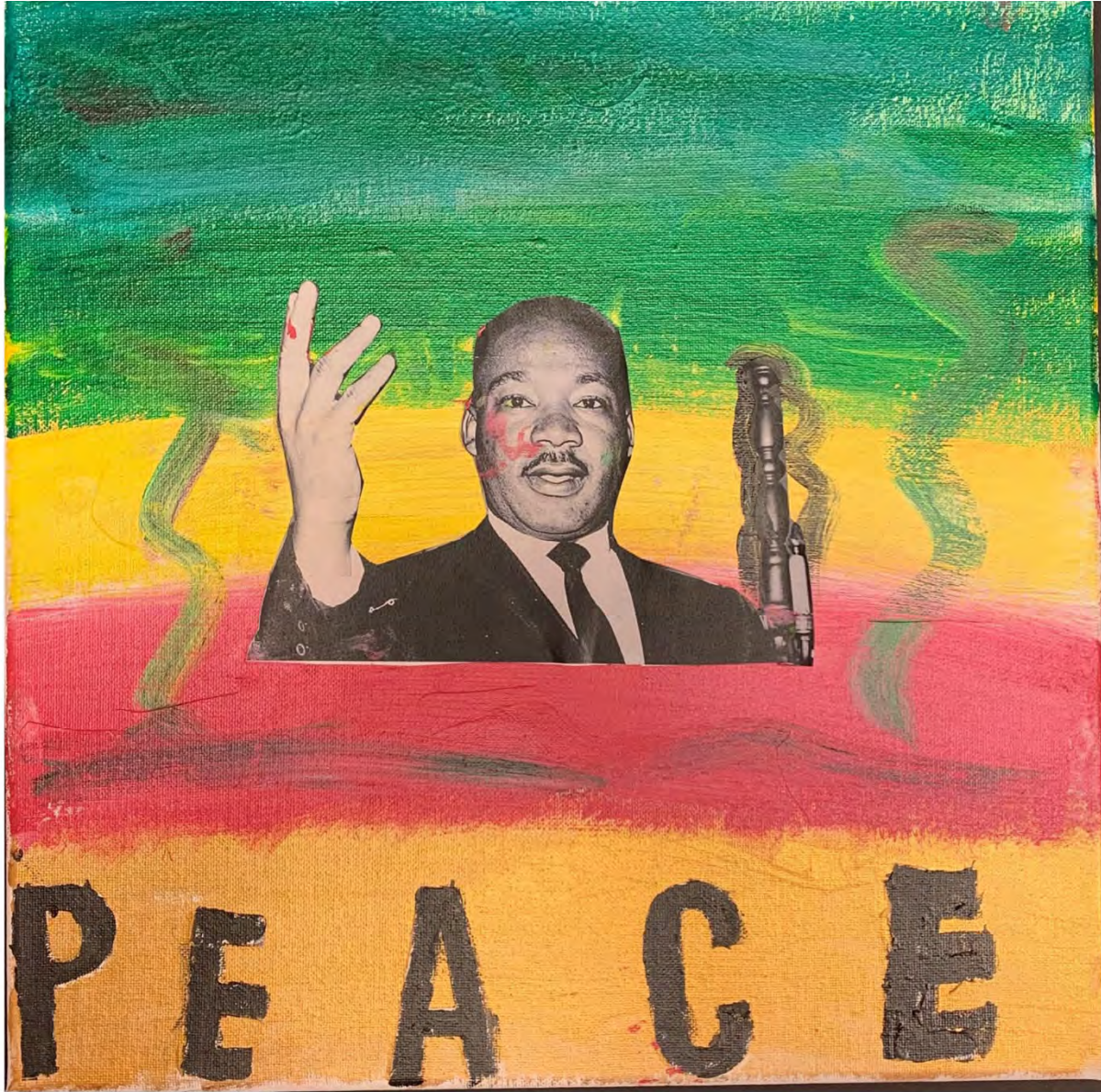
I am genius

am
I yes
of
no.

Made by MATR O Bot girl

Boy ROBT

Made by AIANI





I have a dream

my four children will not be judged by
its skin color.

Black Lives Matter



Martin Luther King Jr.

Peace
Love
Peace
Love

Love
Peace
Love
Peace

I HAVE A DREAM



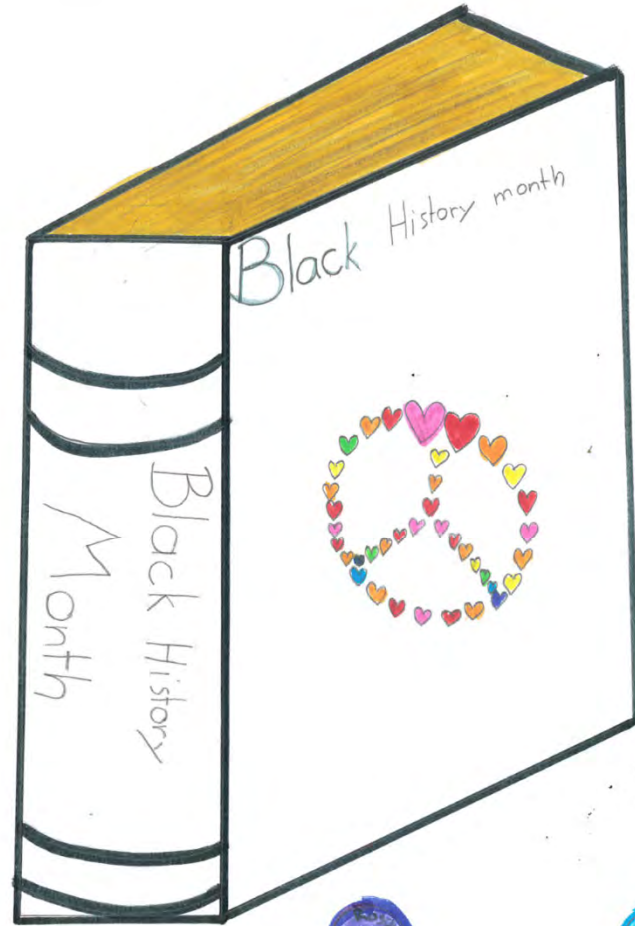
SIMON BILES

RUBY Bridges

Martin Luther KING

Rosa Parks

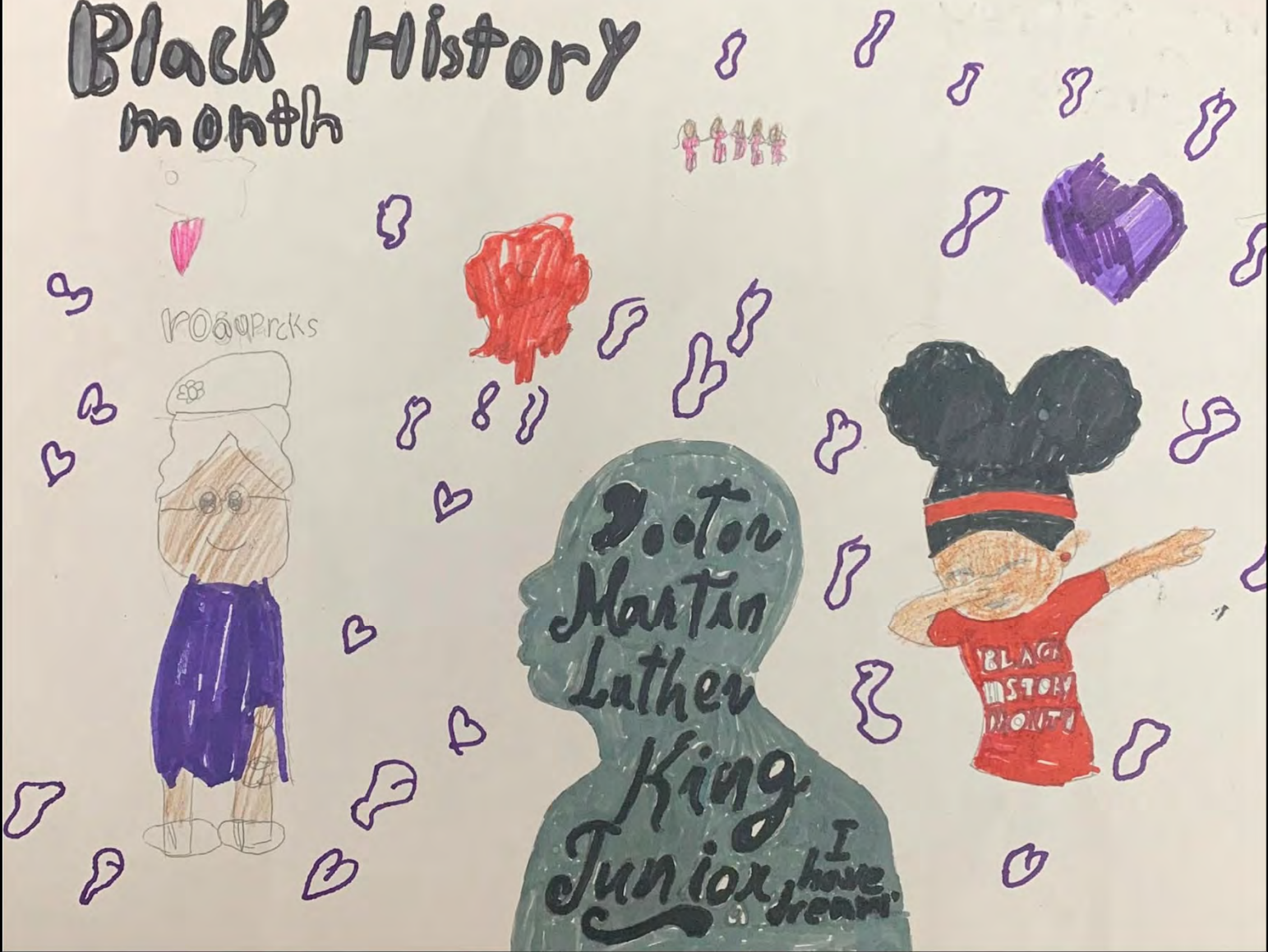
Josephine Baker



Black History month



RO@prcks



Black

Lives

Matter

Martin Luther King

Martin Luther King

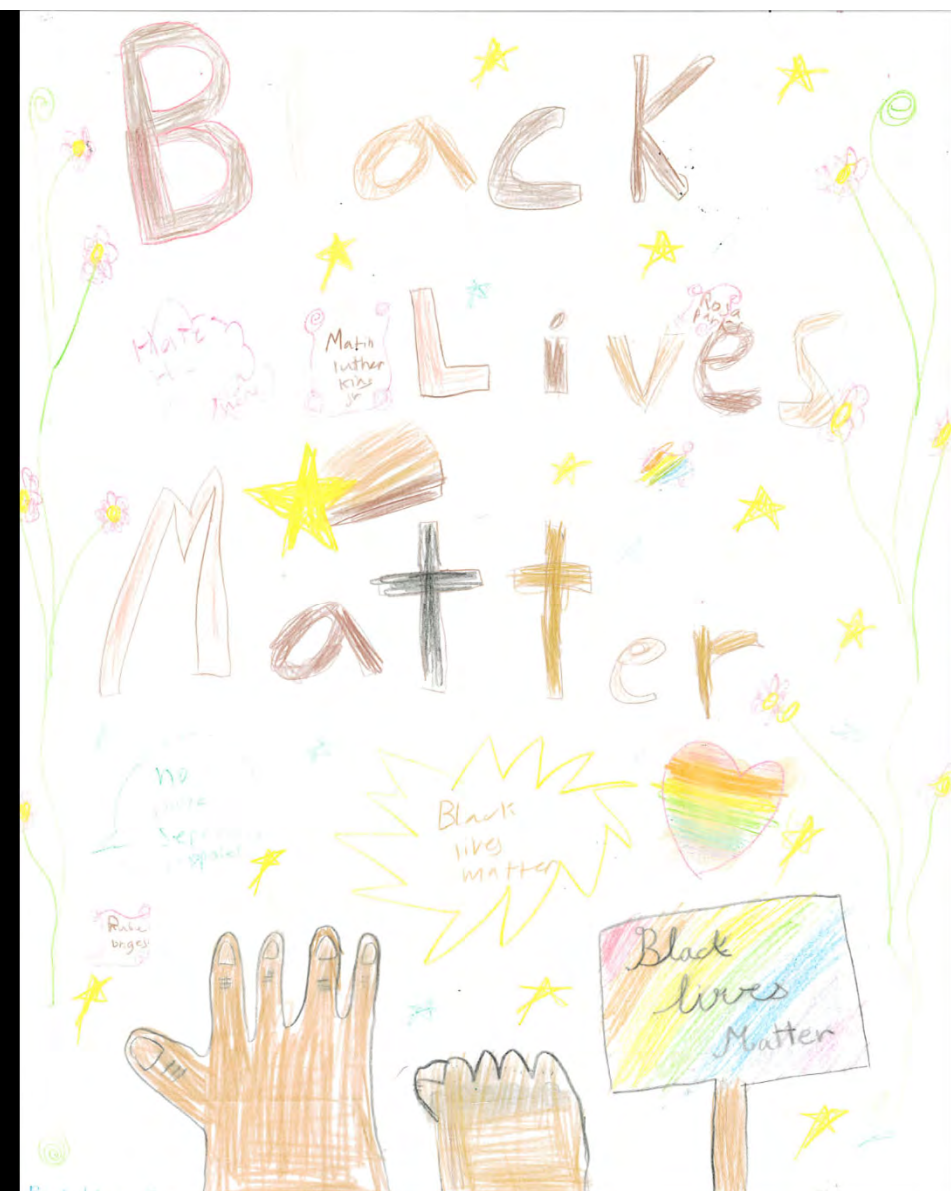
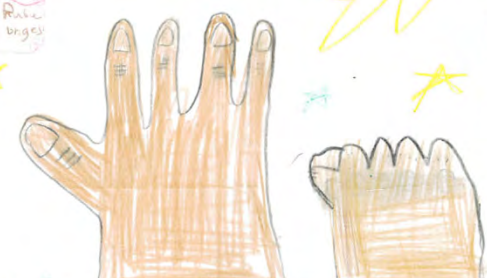
No to

No white separatist

Race bates

Black lives matter

Black lives Matter





Ma Reyes



"I have a dream..."

- Martin Luther King Jr.

Peace

Justice

Equality

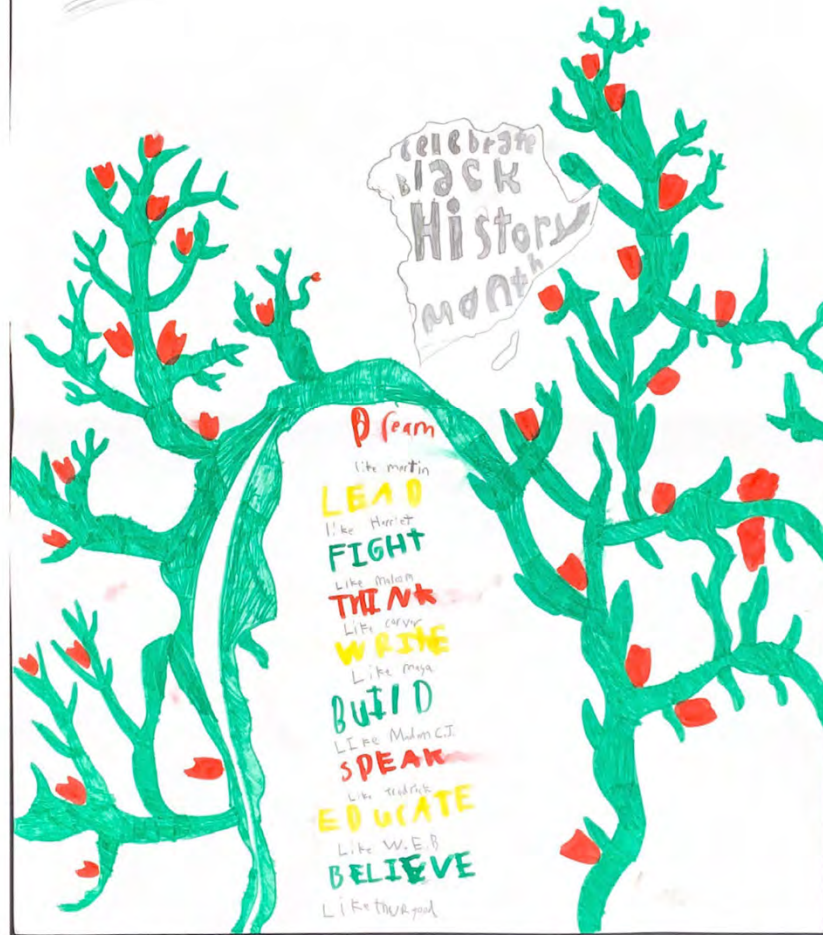
Freedom





WE ALL
BELONG.

BLACK HISTORY month



Black

LIVES

Matter

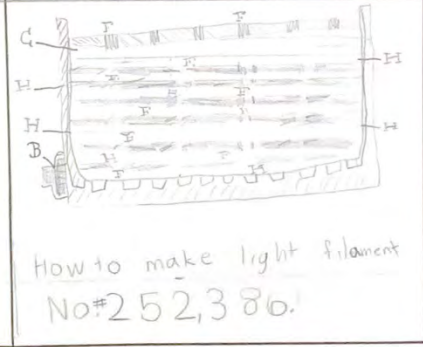
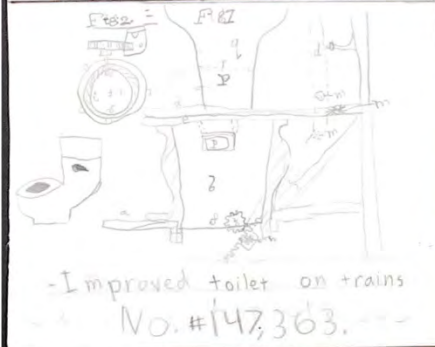
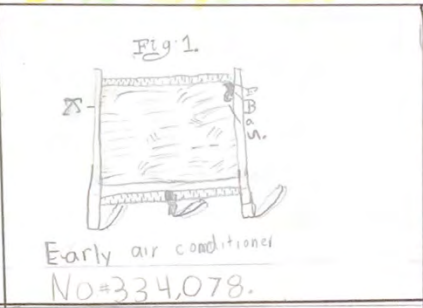
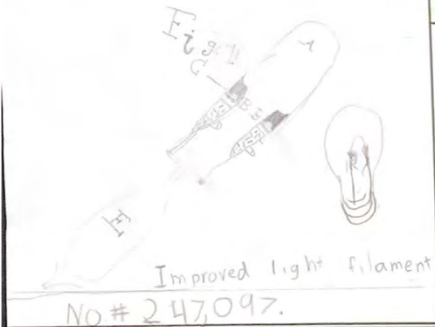
ROSA
PARKS



RUBY
BRIDGES

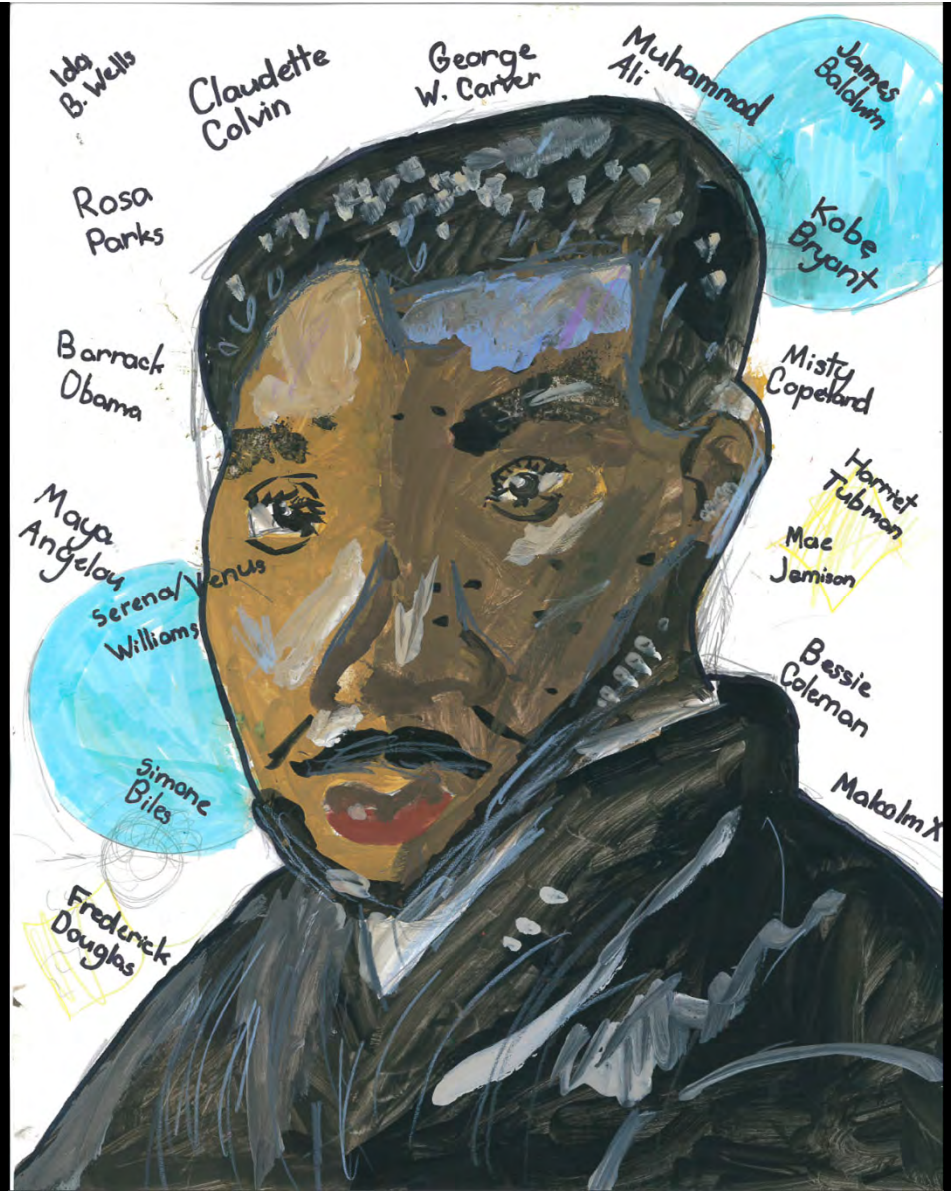


Lewis Latimer



Lewis Latimer's parents escaped from slavery. His family was split up when he was 10. Lewis Latimer persevered to invent + help in products that helped change the world!





Ida
B. Wells

Claudette
Colvin

George
W. Carter

Muhammad
Ali

James
Baldwin

Rosa
Parks

Kobe
Bryant

Barrack
Obama

Misty
Copeland

Maya
Angelou

Harriet
Tubman

Serena/Venus
Williams

Mae
Jamison

Simone
Biles

Bessie
Coleman

Frederick
Douglas

Malcolm X





REGULAR MEETING MINUTES – DRAFT

Date: 1/10/2023
Time: 6:00 p.m.
Locations: Teleconference and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Regular Session

A. Call To Order

Mayor Wolosin called the meeting to order at 6 p.m.

B. Roll Call

Present: Combs, Doerr, Nash, Taylor, Wolosin
Absent: None
Staff: City Manager Justin I. C. Murphy, City Attorney Nira F. Doherty, Assistant to the City Manager/City Clerk Judi A. Herren

C. Agenda Review

The City Council pulled items E1., E2., E3., and E5.

D. Public Comment

- Lynne Bramlett spoke in support of drafting and reviewing the City's mission statement as part of the annual goals/priorities (Attachment).

E. Consent Calendar

- E1. Accept the City Council meeting minutes for November 15 and 30 and December 6, 13, and 21, 2022 (Attachment)

The City Council provided edits to the November 15, 2022 minutes.

ACTION: Motion and second (Taylor/ Wolosin), to accept the City Council meeting minutes for November 15 and 30 and December 6, and 13, 2022 with edits, passed 4-0 (Doerr abstaining).

- E2. Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings (Staff Report #23-003-CC)

The City Council discussed adding a permanent hybrid meeting option for advisory bodies.

The City Council received clarification on upcoming Assembly Bill 2449 requirements for virtual and hybrid meetings.

E3. Adopt a resolution amending City Council Policy CC-22-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities (Staff Report #23-004-CC)

- Lynne Bramlett spoke in support of a formal review of City commissions and committees (Attachment).

The City Council discussed City Council “members” on the Finance and Audit Committee (FAC).

E4. Authorize the city manager to execute an agreement with LookingPoint for the replacement of network switches in an amount not to exceed \$113,000 (Staff Report #23-005-CC)

E5. Transmittal of the annual report on the status of the transportation impact, storm drainage, recreation in-lieu and construction impact fees collected as of June 30, 2021 (Staff Report #23-001-CC)

The City Council discussed transportation impact fees and received clarification on findings for the Chilco Street project.

E6. Adopt a resolution authorizing the city manager to execute a continued funding application with the California Department of Education for continued funding of the Belle Haven Child Development Center operational costs in fiscal year 2023-24 (Staff Report #23-006-CC)

ACTION: Motion and second (Taylor/ Nash), to approve consent calendar items E4. and E6., passed unanimously.

ACTION: Motion and second (Taylor/ Nash), to approve the consent calendars E2., E3., E5., passed unanimously.

F. Public Hearing

F1. Adopt a resolution to approve the use permit and architectural control approvals for the Menlo Uptown development project to allow for the potential removal of infrastructure investments at Willow Road and Bay Road from the project conditions of approval; to authorize the city manager to sign a modified public improvement agreement for the Menlo Uptown development; and to authorize the removal of condition of approval 2.ww.ii (Staff Report #23-007-CC)

Assistant Public Works Director Hugh Louch introduced the item (Attachment).

Mayor Wolosin opened the public hearing.

Mayor Wolosin closed the public hearing.

The City Council provided additional information about the genesis of this item and discussed reviewing the transportation impact analysis guidelines

ACTION: Motion and second (Combs /Nash), to adopt a resolution to 1) approve the use permit and architectural control revisions to modify the conditions of approval for the Menlo Uptown development project to allow the City Council to consider removal of infrastructure investments at Willow Road and Bay Road from conditions of approval; 2) update the public improvement agreement for the Menlo Uptown development to remove the infrastructure investments at Willow Road and Bay Road; and 3) authorize the

removal of condition of approval 2.wv.iii, passed unanimously.

G. Regular Business

- G1. Appoint City Council representatives and alternates to various local and regional agencies and as liaisons and members to City Council advisory bodies (Staff Report #23-010-CC)

City Clerk Judi A. Herren introduced the item.

The City Council discussed the composition of the FAC, Palo Alto Community Fund Advisory Board, updating Menlo Park City School Districts to School Districts and Community Trust, School Districts representatives, East Palo Alto and Palo Alto to reestablish quarterly meetings, the inclusion of a Searsville Advisory Group representative, and requested that City Councilmembers appointed to serve on Bay Area Water Supply & Conservation Agency and their Bay Area Regional Water System Financing Authority to resign when their City Council term is concluded.

The City Council directed staff to return with an item to discuss City Council “members” on the FAC, and tabling appointing liaisons to the School Districts, Menlo Park Fire Protection District, and Grand Blvd Initiative Task Force until needed.

ACTION: Motion and second (Taylor/ Doerr), to make appointments representatives and alternates to various local and regional agencies and as liaisons to City Council advisory bodies, passed unanimously. (Attachment).

H. Informational Items

- H1. City Council agenda topics: January 24 – February 14, 2023 (Staff Report #23-008-CC)
- H2. Transmittal of city attorney billing (Staff Report #23-009-CC)
- H3. Update on draft outdoor dining design standards (Staff Report #23-011-CC)

The City Council received clarification on expanding design standards to outdoor retail.

I. City Manager's Report

City Manager Justin Murphy reported out on chambers audio upgrades, recent new hires and promotions, recent and upcoming storms, stop sign installation, and Planning and Housing Commissions joint meeting Jan. 12.

J. City Councilmember Reports

City Councilmember Nash reported out on Green, Blue, and You upcoming community events (Attachment).

Vice Mayor Taylor reported out on creating a report out document for City Councilmember reports.

City Councilmember Doerr reported out on office hours on Jan. 11 at the Woodside Bakery.

K. Adjournment

Mayor Wolosin adjourned the meeting at 8:30 p.m.

Judi A. Herren, Assistant to the City Manager/City Clerk



REGULAR MEETING MINUTES – DRAFT

Date: 1/24/2023
Time: 6:00 p.m.
Locations: Teleconference and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Regular Session

A. Call To Order

Mayor Wolosin called the meeting to order at 6:01 p.m.

Mayor Wolosin called for a moment of silence in light of recent tragedies in California.

B. Roll Call

Present: Doerr, Nash, Taylor, Wolosin

Absent: Combs

Staff: City Manager Justin I. C. Murphy, Assistant City Attorney Denise Bazzano, Assistant to the City Manager/City Clerk Judi A. Herren

C. Agenda Review

The City Council pulled items F3. and F4.

D. Public Comment

- Solo Aquatics Coach Tom McRae spoke on the aquatics request for proposal.
- HIP Housing Event Organizer Chris Sturken spoke on the 2023 HIP Housing calendar.

E. Presentations and Proclamations

E1. Proclamation: National Human Trafficking Awareness Month (Attachment)

Mayor Wolosin read the proclamation (Attachment).

San Mateo County Human Trafficking Program Coordinator Pamela Estes accepted the proclamation.

E2. Presentation: Update on recent storms

City Manager Justin Murphy made the presentation and recognized City staff (Attachment).

F. Consent Calendar

F1. Accept the City Council meeting minutes for December 21, 22, 2022 and January 5 and 9, 2023 (Attachment)

F2. Approve the Housing Commission 2022-23 work plan (Staff Report #23-012-CC)

- Lauren Bigelow spoke in support of a dedicated housing manager and additional staff support in the housing department.

F3. Adopt a resolution authorizing submittal of a State Department of Water Resources Urban Community Drought Relief Grant Program application for the automated meter infrastructure, water main replacement and reservoir no. 2 roof replacement projects; authorize the public works director to execute the financial assistance agreement if awarded a grant (Staff Report #23-013-CC)

The City Council discussed the Water Resources Urban Community Drought Relief Grant Program, how to take on additional drought efforts, and to support all Menlo Park communities.

F4. Receive and file 2021 priorities, work plan quarterly report as of December 31, 2022 and advisory body work plan update (Staff Report #23-015-CC)

The City Council discussed new City Council requests or direction to advance new initiatives and adding to future staff report, links on the attachments to previously related staff reports.

F5. Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings (Staff Report #23-017-CC)

F6. Appoint a representative to the Bay Area Regional Water System Financing Authority (Staff Report #23-018-CC)

F7. Authorize the city manager to execute a revised agreement with HdL Companies for economic development services (Staff Report #23-020-CC)

ACTION: Motion and second (Taylor/ Doerr), to approve the consent calendar, 4-0 (Combs absent).

G. Regular Business

G1. Provide direction regarding City Council Procedure CC-86-0001, "Naming and/or changing the name of facilities" (1986); and a process to identify a name for the Menlo Park Community Campus project now under construction (Staff Report #23-014-CC)

Library and Community Services Director Sean Reinhart made the presentation (Attachment).

- Israel Harris spoke in support of the joint Library and Parks and Recreation Commissions meeting and suggested to focus on one name for the Menlo Park Community Campus (MPCC).
- Pam Jones spoke in support of providing information and conducting meetings in English and Spanish.

The City Council received clarification on the Feb. 22 Parks and Recreation Commission meeting, overall naming timeline, and how to advertise and receive community feedback.

The City Council discussed the proposed changes provided by staff related City Council Procedure #CC-86-0001 and the joint meetings with Library and Parks and Recreation Commissions related to

the MPCC naming.

The City Council directed the MPCC naming meetings be offered in English and Spanish.

H. Informational Items

H1. City Council agenda topics: January 31 – February 28, 2023 (Staff Report #23-016-CC)

H2. Update on the Middle Avenue complete streets project (Staff Report #23-019-CC)

H3. Menlo Park Community Campus project updates (Staff Report #23-021-CC)

- Marlene Santoyo spoke on community access to the MPCC and including the environmental justice and social justice elements in the housing element.

The City Council discussed community meetings.

H4. Personnel activity report as of December 31, 2022 (Staff Report #23-022-CC)

H5. Electric vehicle charging for City operations – status update and next steps (Staff Report #23-023-CC)

I. City Manager's Report

City Manager Justin Murphy reported out on filling key staff vacancies and an update on the goals and priorities upcoming meeting.

J. City Councilmember Reports

City Councilmember Nash reported out on the Peninsula Clean Energy nationwide whitepaper.

Vice Mayor Taylor reported out on the Bay Adapt Local Elected Regional Task Force, South Bayside Waste Management Authority, Emergency Services Council, SFO Community Roundtable Technical Working, Reimaging Public Safety Subcommittee, and City/County Association of Governments of San Mateo County (C/CAG) meetings.

City Councilmember Doerr reported out on the Bay Area Water Supply and Conservation Agency meeting.

Mayor Wolosin reported out on a PG&E event, which included attendees from Climate Resilient Communities and San Francisquito Creek Joint Powers Authority, and an upcoming event with League of California Cities with San Mateo and Santa Clara Counties and state legislators.

K. Adjournment

Mayor Wolosin adjourned the meeting at 7:45 p.m.

Judi A. Herren, Assistant to the City Manager/ City Clerk



STAFF REPORT

City Council

Meeting Date: 2/14/2023

Staff Report Number: 23-025-CC

Consent Calendar: **Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings**

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings.

Policy Issues

Assembly Bill (AB) 361 was signed into law September 16, 2021, and allowed cities to hold virtual meetings during any emergency proclaimed by the governor. AB 361 will expire when the state of emergency ceases or January 1, 2024, whichever is first. Governor Newsom recently announced that the COVID-19 State of Emergency would terminate February 28, 2023. Thus, beginning March 1, 2023, the teleconferencing options available to local agencies under AB 361 will no longer be an option.

On September 13, 2022 Governor Newsom signed AB 2449 amending the Brown Act to provide another method for legislative bodies (including those bodies appointed by the City Council) to meet remotely under the Brown Act. These new amendments to the Brown Act went into effect January 1, 2023 and provide complex procedures for holding hybrid public meetings. A hybrid meeting allows members of City Council and advisory bodies, staff, and members of the public to participate in meetings either virtually and in-person.

AB 2449 relieves agencies from following the Brown Act's traditional requirements for teleconferencing. Additionally, AB 2449 limits the number of times that a legislative body member may participate remotely using its relaxed teleconferencing procedures.

Background

Before the COVID-19 epidemic, the Brown Act provided for one method by which members of legislative bodies may appear remotely. These "traditional Brown Act rules" require, among other things:

- Posting agendas at every teleconference location
- Identifying every teleconference location in the agenda
- Making each teleconference location open and available to the public.

Due to the need for remote meetings as a result of the COVID-19, AB 361 created an alternative method for remote meetings through 2024. Under AB 361, a legislative body need not comply with the traditional Brown

Act rules to meet remotely if:

- The local agency holds a meeting during a state of emergency declared by the Governor, and state or local officials have imposed or recommended measures to promote social distancing; or
- The local agency holds a meeting during a state of emergency declared by the Governor for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The legislative body holds a meeting during a state of emergency declared by the Government, and has determined, by majority vote that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees

The City meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The Statewide State of Emergency remains in effect through the end of February 2023, expiring March 1, 2023.
- County Health recommends that all individuals in public indoor spaces maintain social distancing and wear masks

AB 2449 creates another option for meeting remotely without complying with the traditional Brown Act rules for remote meetings. Under AB 2449, a non-majority number of legislative body members may appear remotely without complying to the traditional Brown Act requirements if all of the following requirements are met:

1. A quorum of the members of the agency's legislative body must participate in person from a singular publically accessible physical location within the City and identified on the agenda (e.g., City Council Chambers);
2. The legislative body must provide either (i) a two-way audiovisual platform (e.g., Zoom), which allows the meeting to be viewed and heard from a remote location, or (ii) a two-way telephonic service and a live webcasting of the meeting, this requirement may be satisfied with any combination of platforms that allows the meeting to be viewed and heard from a remote location;
3. The agenda must give notice of the means by which members of the public may access the meeting and offer public comment; and
4. The agenda must include an opportunity for the public to attend and address the legislative body directly via a call-in option, via an internet option, and at the in-person location of the meeting
 - a. However, the city cannot require public comments to be submitted in advance of the meeting
5. The meeting must be paused (and no action may be taken), if the broadcasting platform, either audio or visual, is interrupted.
 - a. To appear remotely under AB 2449, a member of a legislative body must either have "just cause" or an "emergency" as defined below: Just cause circumstance: At the earliest opportunity, the requesting member must notify the legislative body that they have a "just cause" reason for participating remotely. The request must generally describe the specific circumstances that prevent in person participation. Under AB 2449, "just cause" is specifically defined to mean any of the following circumstances:
 - A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
 - A contagious illness that prevents a member from attending in person;
 - A need related to certain statutorily defined forms of physical or mental disability; or
 - Travel while on official business of the public agency or for another state or local agency.

It is important to note that under AB 2449, members are limited to a maximum of two (2) times per calendar year to invoke the “just cause” exception to in-person participation.

- b. Emergency circumstance: An “emergency circumstance” is defined to mean a “physical or family medical emergency that prevents a member from attending a meeting in person.” To invoke the “emergency circumstance” exception, the requesting member, as soon as possible, must request that the legislative body allow them to participate remotely due to some specified “emergency circumstance.” In turn, the member’s legislative body must take action to approve the request at the earliest opportunity. The legislative body shall also request a general description (not exceeding 20 words) that describes the circumstances relating to the requesting members “emergency.” The requesting member is not, however, required to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. The member must also make a separate request for each meeting in which they seek to participate remotely under the “emergency” exception.

Participation via teleconference under the “emergency circumstance” exception does not count toward the two-meeting limitation applicable to the “just cause” exception.

- 6. If the member has “just cause” or an “emergency,” and is appearing remotely, the member must participate through both audio and visual technology and, before any action is taken, publicly disclose at the meeting, whether any other individuals 18 years of age or older are present in the room at the remote location, and the general nature of the member’s relationship with any such individuals member’s remote participation, due to either or both the just cause and emergency justifications, may not exceed (i) three consecutive months, or (ii) 20 percent of a legislative body’s regular meetings within a single calendar year. Also, if the legislative body regularly meets fewer than 10 times per calendar year, a member’s participation from a remote location cannot be for more than two meetings total.

Analysis

The Statewide state of emergency remains in effect through February 28, 2023, and masking is still recommended for individuals who are positive for COVID-19, who have symptoms or who come in contact with someone who is positive for COVID-19. The proposed resolution authorizes the use of hybrid meetings, whereby City Councilmembers, participants, and staff may choose to attend either remotely or in person due to health and safety concerns and needs. The City Council finds that reducing the number of persons present in City Council chambers may continue to reduce imminent health risks associated with large groups and/or members of varying households gathering indoors. Thus, the emergency findings required under AB 361 remain in effect, until March 1, 2023.

As discussed above, Governor Newsom is anticipated to terminate the COVID-19 state of emergency declaration February 28, 2023, thereby ending a legislative body’s ability to meet remotely pursuant to AB 361. AB 2449 provides new provisions for remote meetings also described above, however, the very restrictive provisions make the application of this alternative limited. Staff will continue to monitor new legislation on remote meeting alternatives for elected officials.

Impact on City Resources

There is no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA)

Guidelines §§ 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Resolution

Report prepared by:

Judi A. Herren, Assistant to the City Manager/City Clerk

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS**

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting solely in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 11, 2020 the City Council proclaimed the existence of a local state of emergency within the City, pursuant to Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta and Omicron Variants are highly transmissible in indoor settings; and

WHEREAS, the Omicron subvariants of the SARS-CoV-2 virus is overtaking other variants in San Mateo County; and

WHEREAS, according to data from the County's Health Administrator and County website, the County is averaging approximately 6 new cases per 100,000 of COVID-19 per day; and

WHEREAS, although the City has returned to in-person meetings, due to the prevalence of BA strains of the SARS-CoV-2 virus overtaking other variants in San Mateo County, the City Council finds that reducing the number of persons present in City Council chambers is necessary to reduce imminent health risks associated with large groups and/or members of varying households gathering indoors; and

WHEREAS, the State of California and the City of Menlo Park continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of

San Mateo, as applicable, including facial coverings when required; and based upon that guidance, in-person attendance indoors at public meetings continues to present a health risk for certain segments of the population, necessitating the need to reduce the number of in-person meeting attendees; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as “Legislative Bodies”), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby:

1. Find that current conditions authorize teleconference public meetings of Legislative Bodies. Based on the California Governor’s continued declaration of a State of Emergency and current conditions, the City Council finds that meeting in person, without the option for certain populations and persons to participate remotely, would present imminent risks to the health or safety of attendees. The City Council does therefore find that Legislative Bodies and members of Legislative Bodies of the City may elect to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
2. Authorize Legislative Bodies to conduct teleconference meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.
3. Authorize Legislative Bodies to conduct hybrid meetings. The Legislative Bodies are hereby further authorized to conduct meetings in a “hybrid” format, where both members of the Body may elect to be present in person, utilizing appropriate distancing and masking practices, or participate by teleconferencing technology. Such meetings of the Legislative Bodies that occur using teleconferencing technology will provide an opportunity for any and all members of the public who wish to address Legislative Bodies and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing.

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I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourteenth day of February, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ___ day of February, 2023.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

2/14/2023

Staff Report Number:

23-026-CC

Consent Calendar:

Authorize the city manager to execute the first amendment to the funding agreement with the Bohannon Development Company and adopt a resolution authorizing the city manager to execute deeds and easements for the Chrysler Pump Station

Recommendation

Staff recommends that the City Council authorize the city manager to execute the first amendment (Attachment A) to the funding agreement (Attachment B) with the Bohannon Development Company (Bohannon) for the mutual exchange of property, provision of easements, and design and construction of the Chrysler Stormwater Pump Station. Staff further recommends the City Council adopt a Resolution (Attachment C) authorizing the city manager to (i) execute the quitclaim deed from the City to Bohannon and the certificate of acceptance of the quitclaim deed from Bohannon to effectuate the property swap, (ii) execute the City/PG&E Electrical Easement Deed to grant the easement to PG&E, (iii) execute the 2 quitclaim deeds as to the storm drain easement and portion of 10" storm drain and (iv) execute all the other easement documents between the City and Bohannon and the certificate of acceptance of those easements.

Policy Issues

This project is consistent with the City's goal of maintaining and enhancing its municipal infrastructure; it is included in the fiscal year 2022-23 capital improvement plan (CIP.) The project is also identified as a recommended hazard mitigation action item for Menlo Park in the adopted multi-jurisdictional San Mateo County Local Hazard Mitigation Plan.

Background

The Chrysler Stormwater Pump Station is located at 1395 Chrysler Drive in Menlo Park, CA (at the corner of Chrysler Drive and Bayfront Expressway.) The pump station is also adjacent to lands owned by Bohannon. The pump station drains approximately 297 surface acres in an area roughly bounded by Marsh Road, Bayfront Expressway, Chilco Street and the Dumbarton railroad tracks. The existing facility is designed to discharge a 10-year rain event and consists of two pumps, a below-ground wet well, and a building that houses the pumps and the electrical room. Stormwater is pumped to a Caltrans-owned ditch on the opposite side of Bayfront Expressway and empties into Flood Slough near the Bedwell Bayfront Park entrance.

The pump station was built in 1958 and has reached the end of its useful life. In 2015, the City contracted with Schaaf & Wheeler to provide construction bid documents for a replacement pump station that could discharge a 100-year rain event. The new pump station is elevated two feet above the Federal Emergency Management Agency (FEMA) designated 100-year base flood elevation and includes three new, larger pumps designed to discharge flows associated with sea level rise in San Francisco Bay. This project is

included in the City's capital improvement program with partial funding from a \$5 million federal FEMA grant (awarded to the City April 27, 2020.)

On May 2, 2017, City Council authorized the city manager to execute an agreement with Bohannon that would obligate them to reimburse the City for the increased cost associated with incorporating a geometric design for the pump station exterior, as well as outline the mutual exchange of property, maintenance of exterior walls and landscape, and the provision of easements for construction, ingress/egress and various utilities.

In the intervening time period between executing the original funding agreement and securing the additional FEMA project funding in 2020, the City and Bohannon continued to collaborate and discuss options for simplifying the project design. The agreed upon solution for modifying the project involves the City designing and constructing a generally rectilinear building utilizing conventional masonry block walls. The City will be fully responsible for all costs associated with the design, permitting and construction of the standard pump station building. Upon the City's completion of the standard pump station building, Bohannon would then independently design and construct a system of support framing and metal panels around the pump station building. Bohannon was identified as independently responsible for all costs associated with the design, permitting, and construction of the metal cladding system around the pump station building.

On December 8, 2020, the City Council authorized the City Manager to negotiate and execute a new funding agreement with Bohannon to formalize the changes described above. The 2017 agreement was terminated along with these actions.

Since late 2020, the City has continued to advance the design of the pump station and coordinate on the property exchanges (as described further below.) On August 5, 2022, staff advertised the project and received six bids September 27, 2022. All six bids were found to be non-responsive pursuant to the Public Contracting Code and were rejected by the City Council November 1, 2022.

On November 8, 2022, staff advertised the project again. Bids were received December 13, 2022. Staff is tentatively planning to return to City Council to award a construction contract February 28, 2023.

Analysis

First amendment to the funding agreement

Since 2020, numerous uncertainties in the construction market have arisen with the COVID-19 pandemic, resulting supply chain disruptions, regional labor availability and cost fluctuations, and overall economic uncertainty. Bohannon has identified such uncertainty may impact the cost to deliver the metal cladding system proposed for the exterior of the pump station. They have requested that an amendment to the agreement be executed which clearly outlines the project budget they have allocated for the cladding and the process by which Bohannon could identify an alternative solution (such as landscaping) to screen the pump station building. The proposed amendment (Attachment A) articulates these changes, as well as removes the terms of the original agreement that have been completed to date. Staff is requesting the City Council authorize the City Manager to execute the first amendment to the funding agreement.

Property exchange authorizations

The new pump station requires a larger building footprint that entails a mutual exchange of property with Bohannon, acceptance of easements from Bohannon, release of existing easements and grant of easement to PG&E. On December 8, 2020, the City Council authorized the city manager to negotiate and execute a funding agreement with Bohannon that addressed the aforementioned project needs. To date, City staff

have drafted and negotiated with Bohannon the final form of deeds between the City and Bohannon to facilitate the exchange of the property, along with the approval of a lot line adjustment June 17, 2021, General Plan Amendment November 16, 2021, and Zoning Map Amendment December 7, 2021. Further, the City and Bohannon have negotiated and finalized the terms of one temporary easement (temporary construction easement agreement) for the purpose of facilitating the construction of the Project as well as the following six new permanent easements required for the on-going operation and maintenance of the new pump station:

- Public storm drain easement deed – North 54'
- Public storm drain easement deed – South 54'
- Public storm drain easement deed – West 36'
- Waterline easement deed
- Public access and utility easement deed
- Access easement deed

Additionally, the City and Bohannon have negotiated and finalized the terms of deeds to terminate existing easements that will no longer be necessary for operation of the new pump station following its completion (Quitclaim Deed – Storm Drain Easement; Quitclaim Deed – Portion of 10' Storm Sewer Easement.) The City and Bohannon have also each negotiated and finalized easement agreements with Pacific Gas & Electric for the provision of electrical service to the new pump station. Finally, at present, the City and Bohannon are working on finalizing the joint escrow instructions with Bohannon's lender (Northwestern Mutual) in order to release the lien of the mortgage that is partially secured by Bohannon's property that is to be conveyed to the City and then re-establishing their lien on the property to be conveyed to Bohannon from the City as part of the exchange. The exchange of property with Bohannon is anticipated to be complete before the City Council's award of a contract for the project, tentatively scheduled for February 28, 2023.

Staff is recommending the City Council adopt the resolution authorizing the city manager to execute the aforementioned deeds, easements and certificates of acceptance to effectuate the mutual exchange of property.

Impact on City Resources

This action has no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. First amendment to the funding agreement

Staff Report #: 23-026-CC

- B. December 8, 2020 funding agreement
- C. Resolution

Report prepared by:
Nicole Nagaya, Deputy City Manager

FIRST AMENDMENT TO FUNDING AGREEMENT

THIS FIRST AMENDMENT TO FUNDING AGREEMENT (“**Amendment**”) is entered into as of _____, 2023 (the “**Effective Date**”), by and between the City of Menlo Park, a California municipal corporation (“**City**”), and Bohannon MG2, LLC, a Delaware limited liability company (“**Bohannon**”), with reference to the following facts:

RECITALS

A. City and Bohannon entered into that certain Funding Agreement dated December 21, 2020 (the “**Original Agreement**”) whereby the City agreed to fund the design and construction of the site work, access driveway and pump station and Bohannon agreed to fund the design and construction of geometric, metal panel rain screen among other improvements following the City’s completion of the City’s work, as more particularly described in the Original Agreement.

B. Subject to the terms and conditions set forth in this Amendment, City and Bohannon now desire to amend the terms of the Original Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Bohannon hereby agree as follows:

1. **Scope of Work and Reporting.** Section 1.1 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

“Subject to the terms of this Agreement (as amended), including, without limitation, Sections 9 and 10 below, Bohannon shall be responsible at its sole cost and expense for the following Scope of Work (the “**Bohannon Work**”):”

2. **Project Design.** Sections 1.1.1 through 1.1.3 of the Original Agreement are hereby deleted in their entirety and, upon the Effective Date, shall have no further force or effect.

3. **Design and Development Plans.** Section 1.1.5 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

“Prepare the design and development plans and specifications for the general points of connection for the CMU exterior wall and the Rain Screen and provide the same to the Public Works Director or its designee.”

4. **Landscaping Work.** The second, third and fourth sentences of Section 1.1.6 of the Original Agreement are hereby deleted in their entirety and replaced with the following:

“The landscaping design may include, without limitation, planting irrigation and accent lighting up to the Rain Screen panels, if any (collectively, the “**Landscaping Work**”). The pump station electrical panel shall provide the power for any such accent lighting. In addition, the City and Bohannon acknowledge and agree that the extent of landscaping, if any, shall be minimal to accommodate access routes to the pump station and the numerous underground storm drain lines. Prior to the installation of the Landscaping Work, Bohannon shall submit the plans for the Landscaping Work to the Public Works Director for review and approval, which shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, it shall be considered unreasonable for the Public Works Director to condition its consent to the Landscaping Work plans on changes that will foreseeably cause Bohannon, in its sole but good faith discretion, to exceed the Contribution Cap.”

5. Construction. Section 1.1.7 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

“Subject to the terms of this Agreement (as amended) and receipt of all applicable permits, construct the Rain Screen and/or Landscaping Work. Bohannon shall coordinate Rain Screen construction with City Public Works engineering and operations staff, and provide for any construction management, inspections and/or special inspections required by applicable laws through completion of the Rain Screen and/or Landscaping Work.”

6. Access. Section 1.1.8 of the Original Agreement is hereby deleted in its entirety and, upon the Effective Date, shall have no further force or effect.

7. Maintenance. Section 1.1.9 of the Original Agreement is hereby deleted in its entirety and, upon the Effective Date, shall have no further force or effect.

8. Lot Line Adjustment. Section 1.1.11 of the Original Agreement is hereby deleted in its entirety and, upon the Effective Date, shall have no further force or effect.

9. Access to Records and Record Retention. The first and second sentences of Section 3.1 of the Original Agreement are hereby deleted in their entirety and replaced with the following:

“Within six (6) months of completion of the Bohannon Work, Bohannon will provide the City with as-built drawings of the Rain Screen and/or Landscaping Work, each as applicable, and copies of all reports, designs, drawings, plans, specifications, schedules and other materials prepared in connection with the Bohannon Work, and the City may use the same in connection with the City Work without further approval from Bohannon or its consultants.”

10. Unforeseen Conditions. The third sentence of Section 4.2 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

“Subject to the terms of this Agreement (as amended), if the changed conditions are attributable to the City Work, the City will be fully responsible for any cost increases associated with such changed conditions; and if the changed conditions are attributable to the Bohannon Work, then Bohannon will be fully responsible for the cost increases associated with such changed conditions, provided that the same shall not in any instances exceed the Contribution Cap.”

11. Additional Provisions. The following provisions are hereby added to the Original Agreement following Section 7:

8. Access and Maintenance Agreement. Prior to the completion of the City Work, the City and Bohannon shall enter into an access, construction and maintenance agreement, consistent with the terms of the Original Agreement and this Amendment, to provide access to Bohannon to complete the Bohannon Work and perform the maintenance of any improvements installed in connection with the Bohannon Work, which may address, among other matters, graffiti abatement, exterior finish and paint, and accent lighting (but only to the extent the Bohannon Work includes the Rain Screen).

9. Bohannon Contribution. Notwithstanding anything in this Original Agreement or this Amendment to the contrary, the City acknowledges and agrees that Bohannon’s obligation to perform the Bohannon Work shall be subject to the following limitations: (i) the total cost to Bohannon to consummate the transactions contemplated in Section 2 above, and design, permit, construct and perform the Bohannon Work (collectively the “**Bohannon Obligations**”) and shall not exceed One Million Six Hundred Sixty-Eight Thousand Two Hundred Ninety-Four Dollars 75/100 (\$1,668,294.75) (“**Contribution Cap**”) (for the avoidance of doubt, the Contribution Cap shall continue to diminish for

any costs expended by Bohannon in connection with its satisfaction of the Bohannon Obligations) , and (ii) in the event Bohannon determines in its sole discretion that any portion of the Bohannon Work is likely to exceed the Contribution Cap, Bohannon and the City agree that Bohannon may, in its sole and absolute discretion, adjust and/or modify the scope of the Bohannon Work so that the same will not exceed the Contribution Cap.

10. Bohannon Work Modification Agreement. Notwithstanding anything in this Original Agreement or this Amendment to the contrary, the City and Bohannon acknowledge and agree that, due to the Contribution Cap, the construction of the Rain Screen may not be feasible and in the event Bohannon notifies the City regarding the same, Bohannon shall meet and confer with the Public Works Director to develop a modified scope of the Bohannon Work, which the City agrees shall be subject to the Contribution Cap, which may provide for, among other improvements, a landscaping plan in lieu of the Rain Screen and in addition to the Landscaping Work (“Modified Work Plan”). The City staff and Bohannon shall work reasonably together in good faith to finalize the Modified Work Plan (“Approved Modified Work Plan”), and, upon the Public Works Director’s approval, which shall not be unreasonably withheld, conditioned or delayed, the scope of the Bohannon Work shall be modified and Section 1 of this Agreement shall be considered amended so as to provide for only the modified scope of the Bohannon Work contained in such Approved Modified Work Plan. Notwithstanding the foregoing, it shall be considered unreasonable for the Public Works Director to condition its consent to the Modified Work Plan on changes that will foreseeably cause Bohannon, in its sole but good faith discretion, to exceed the Contribution Cap.”

12. Authority. Each person executing this Amendment on behalf of a party hereby covenants and warrants that: (a) such party is duly organized, validly existing and in good standing under the laws of the State of its organization; (b) such party has full power and authority to enter into this Amendment and to perform all such party's obligations under the Agreement, as amended by this Amendment; and (c) each person (and all of the persons if more than one signs) signing this Amendment on behalf of a party is duly and validly authorized to do so.

13. Entire Agreement: No Modifications. This Amendment and the Original Agreement, including all exhibits and schedules hereto and thereto, contain all of the terms and conditions agreed upon by the parties hereto with reference to the subject hereof. No other prior or concurrent agreements not specifically herein or therein, oral or otherwise, shall be deemed to exist or bind any of the parties hereto. Neither the Original Agreement nor this Amendment may be modified or amended except in writing, signed by the parties hereto.

14. Applicable Law. This Amendment shall be governed by and construed in accordance with the laws of the State of California.

15. Counterparts and Electronic Signature. This Amendment may be executed in multiple counterparts, each of which is to be deemed original for all purposes, but all of which together shall constitute one and the same instrument. An electronic copy of an original signature to this Amendment shall have the same force and effect, for all purposes, as the original signature. City and/or Bohannon may elect to execute this Amendment through an electronic signature platform. By signing through said electronic signature platform, and not solely through e-mail acceptance, the parties agree that they have read and understood this Amendment, agree to be bound by all of its terms and conditions and hereby waive any defense or counterclaim that electronic signature is an invalid form of signature and acceptance under applicable law.

16. No Further Modification. Except as set forth in this Amendment, all of the terms and provisions of the Agreement shall remain unmodified and in full force and effect.

[Signatures on following page]

IN WITNESS WHEREOF, the City and Bohannon have executed this Amendment as of the Effective Date.

CITY:

CITY OF MENLO PARK,
a California municipal corporation

By: _____
Name: _____
Its: _____

BOHANNON:

BOHANNON MG2, LLC
a Delaware limited liability company

By: _____
Name: _____
Its: _____

FUNDING AGREEMENT

City Manager's Office
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Agreement #: 3108

This Funding Agreement ("**Agreement**") by and between the City of Menlo Park ("**City**") and Bohannon MG2, LLC, a Delaware limited liability company ("**Bohannon**"), each of which is referred to herein individually as "**Party**" and jointly as "**Parties**," is made this 12/21/2020, ("**Execution Date**").

RECITALS:

WHEREAS, Bohannon has completed the second phase of the Menlo Gateway Project, located at 105-155 Constitution Drive in the City of Menlo Park ("**Property**"), which involves the construction of two eight-story office buildings and two parking structures; and

WHEREAS, the Property is adjacent to the existing City-owned Chrysler Stormwater Pump Station, located at 1395 Chrysler Drive;

WHEREAS, in 2015, the City began evaluating options for the replacement and relocation of the existing pump station due to its age, existing pumping capacity, and level of flood protection;

WHEREAS, in 2016, Bohannon indicated a desire to collaborate with the City on the relocation, design and aesthetics of the new pump station given its proximity to the Property;

WHEREAS, the City determined that it would be mutually beneficial to collaborate with Bohannon regarding the relocation and design of the pump station;

WHEREAS, the City and Bohannon agreed to a one-to-one exchange of property for the construction of the new pump station, as shown in the site plan on Figure 1. The exchange of property allows the existing pump station to remain in operation during the construction of the new pump station, avoiding the need to construct a temporary pump station. The new pump station will be located further back from Chrysler Drive, allowing for more landscaping along the street and improving the aesthetics of the site;

WHEREAS, Bohannon further agreed to provide permanent access and utility easements required for the new driveway (public access easement) and storm drains (public utility easement), and a temporary construction easement during construction of the new pump station for construction activities to be recorded prior to beginning construction of the new pump station;

WHEREAS, on May 2, 2017, the City Council approved a budget for the new pump station and authorized the City Manager to execute an agreement for cost sharing with Bohannon for the new pump station, which has been updated from time to time to include funding from other sources and is reflected in the attached Figure 2;

WHEREAS, on August 14, 2017, the City and Menlo Gateway, LP (predecessor in interest to Bohannon), entered into a funding agreement ("**2017 Funding Agreement**"), whereby the City agreed to provide the mechanical, electrical, grading and structural design for the pump station, and Bohannon agreed to pay for and develop the design for the exterior walls of the pump station;

WHEREAS, the 2017 Funding Agreement further addressed coordination between the City's engineering consultant, Schaaf & Wheeler, and Bohannon's architectural consultant, Heller Manus, and memorialized the process for the property exchange and grant of easements;

WHEREAS, on January 8, 2018, the City's Planning Commission approved issuance of an architectural control permit ("**2018 Architectural Control Permit**") for the demolition of the existing pump station and the construction of a new pump station with a concrete, geometric exterior designed by Heller Manus, and related utilities and equipment;

WHEREAS, due to changed circumstances since 2018 regarding sources of funding for the new pump station, among other matters, the City and Bohannon now desire to terminate the prior 2017 Funding Agreement and enter into this Agreement whereby: (1) the City agrees to fund the design and construction of the site work, access driveway, and pump station, which will now have a concrete masonry unit ("**CMU**") exterior with water-proof skin, and (2) Bohannon agrees to fund the design and construction of the geometric, metal panel rain screen ("**Rain Screen**") and design and construction of landscaping, as shown on Figure 3, pursuant to the design previously approved in the 2018 Architectural Control Permit, and to commence construction of the Rain Screen following the City's completion of the pump station;

WHEREAS, Bohannon maintains its desire to design the landscaping and exterior aesthetics of the pump station, and will enter into maintenance agreements with the City to maintain the landscaping area and the Rain Screen; and

WHEREAS, to ensure a seamless and coordinated design, Bohannon will make Heller Manus available to Schaaf & Wheeler to continue to coordinate and answer questions related to the architectural design of the pump station.

NOW, THEREFORE, the Parties agree as follows:

SECTION 1: SCOPE OF WORK AND REPORTING

1.1 Bohannon shall be responsible at their sole cost and expense for the following Scope of Work (the "**Bohannon Work**"):

- 1.1.1 To the extent necessary to satisfy Planning Division requirements, provide submittals and make presentations to the Planning Commission and City Council, if necessary.
- 1.1.2 Provide timely responses to City consultants or contractors during all project phases, including but not limited to, the design, bidding, and construction process that pertain to the pump station CMU exterior walls, including but not limited to making Heller Manus available to respond to questions from the City's consultants related to a compatible structural support for the Rain Screen.
- 1.1.3 Make Heller Manus available to the City and to Schaaf & Wheeler to coordinate and answer questions related to the architectural design.
- 1.1.4 Obtain the building permit for the Rain Screen and landscaping.
- 1.1.5 Prepare design and development plans and specifications for the general points of connection for the CMU exterior wall and the Rain Screen and provide those to the Public Works Director or designee for review and approval.
- 1.1.6 Prepare landscaping plans for the pump station, which shall be prepared by a licensed landscape architect and submitted as part of the Rain Screen building permit. The landscaping design shall include planting, irrigation, and accent lighting up to the Rain Screen panels, and

the pump station electrical panel shall provide the power for the accent lighting. In addition, the extent of landscaping shall be minimal and accommodate access routes to the pump station and the numerous underground storm drain lines. The plans shall be submitted to the City for review and approval prior to installation of the landscaping by Bohannon.

- 1.1.7 Subject to receipt of applicable permits, construct the Rain Screen and the landscaping within two years of building permit sign-off for the CMU pump station. Coordinate Rain Screen construction with City Public Works engineering and operations staff. Provide construction inspection and project management through completion of the Rain Screen. Subsequent to completion of the Rain Screen, complete necessarily deferred items of work, including but not limited to, street address signage, exterior light fixtures, and NFPA placards.
 - 1.1.8 Amend the existing Maintenance Agreement entered into on September 6, 2017 for the maintenance of certain improvements by Bohannon pursuant to the Menlo Gateway Project Conditions of Approval to include maintenance of the pump station accent lighting. The amendment shall be executed prior to the completion of the pump station.
 - 1.1.9 Enter into a maintenance agreement with the City for the Rain Screen, which shall address, at a minimum, graffiti abatement, exterior finish, and paint. The Rain Screen maintenance agreement shall be executed prior to the completion of the pump station.
 - 1.1.10 Reimburse the City for design, permit, and construction costs incurred to relocate/adjust (if necessary) the existing underground PG&E utility box (shown as vault #7 closest to Chrysler Drive on Figure 1), including all associated electrical components, conduits and conductors, as necessary to meet PG&E and the City's requirements, while accommodating the proposed access road to the pump station.
 - 1.1.11 Complete all documentation necessary for the lot line adjustment described in Section 2.1 below, and provide copies of such documentation to the City for review and approval, which shall not be unreasonably withheld. Upon approval by the City, Bohannon shall effectuate and complete the recordation of such lot line adjustment with the County of San Mateo.
- 1.2 The City shall be responsible at their sole cost and expense for the following Scope of Work (the "**City Work**"):
- 1.2.1 Design and construction of the pump station, site preparation, and the access driveway to the pump station, including all architectural, civil (all grading design), mechanical and other equipment, structural elements, foundation, retaining walls, exterior walls, waterproofing, substructure, pipes and other related infrastructure (including relocating the storm drain lines and the existing temporary underground PG&E utility box vault #7, coordinating design, contracts, and any necessary easements with PG&E) except as otherwise provided in Section 1.1.10 above. Pump station design and construction documents shall be made available in Revit format upon the request of Bohannon or Heller Manus. In addition, the City will be responsible for fine grading.
 - 1.2.2 Complete the title search, legal description, plat map, and all other documentation necessary for the easements described in Section 2.2 below, and provide copies of such documentation to Bohannon for review and approval, which shall not be unreasonably withheld. Upon approval by Bohannon, the City shall effectuate and complete the recordation of such easements with the County of San Mateo.
 - 1.2.3 Obtain the Use Permit for the pump station generator and PG&E permit for the transformer.

- 1.2.4 Prepare bid plans and specifications, which shall incorporate specifications for the point of connections for the CMU exterior wall and the Rain Screen.
- 1.2.5 Obtain the building permit for the pump station and access driveway.
- 1.2.6 Bid and award the contract in accordance with City standard procedures for public works projects, subject to bids being within the approved budget. The awarded contract shall include appropriate provisions to allow for adjustments during the course of construction.
- 1.2.7 Provide construction inspection and project management through completion of the pump station.
- 1.2.8 Prior to commencement of construction, prepare and provide an annual true up of pump station design and construction cost estimates, as well as sources of funding. Provide copies of the construction schedule for the pump station prior to the commencement of construction, which shall include at a minimum a timeline for design, permitting, and commencement and completion of construction (Figure 4), and promptly provide Bohannon notice of any material changes to the construction costs or schedule that may impact the anticipated completion of the pump station and impact construction of the Rain Screen. The annual true up shall be accompanied by an annual update of the construction schedule.

SECTION 2: PROPERTY EXCHANGE AND EASEMENTS

- 2.1 Prior to construction of the new pump station, the Parties will effectuate a lot line adjustment to exchange equivalently sized parcels as outlined on Figure 1. Bohannon agrees to prepare a deed that will transfer title to the parcel from Bohannon to the City, and prepare a deed to transfer title to the parcel from City to Bohannon, after the City has submitted to Bohannon: (1) the estimated costs to perform the site work and construct the pump station, (2) the plans for a building permit, and (3) documented evidence of the funds necessary to construct the site work and pump station.
- 2.2 Bohannon agrees to provide the City with any necessary easements or licenses, including temporary construction easements or licenses, permanent drainage easements for each of the storm drain lines crossing the Constitution site, and permanent access easements which will allow the City to construct the new access driveway. These permanent easements shall be recorded prior to commencement of construction, after the deeds and lot line adjustment have been recorded. In addition, Bohannon agrees to cooperate with the City in amending easements necessary to reflect changes in the underground water infrastructure resulting from the project, such as easements to connect the street storm drain from the old station to the new Pump Station.
- 2.3 The Parties agree that upon completion of the Rain Screen, the entirety of the structure becomes City property. However, Bohannon shall retain all applicable manufacturer guarantees and product warranties within the scope of the maintenance agreement for the Rain Screen, through the term of said maintenance agreement, to facilitate Bohannon's performance of its obligations thereunder.

SECTION 3: ACCESS TO RECORDS AND RECORD RETENTION

- 3.1 At all reasonable times, Bohannon will permit, upon request, the City to access and use all reports, designs, drawings, plans, specifications, schedules and other materials prepared by Bohannon or any contractor or consultant of Bohannon related to the Rain Screen or Bohannon's obligations under this Agreement. Bohannon will provide copies of any documents and Autocad or Revit drawings described in this Section to the City upon request and the City may use them for construction of the City Work without further approval from Bohannon or its consultants. Bohannon and the City will retain all records pertaining to their performance under this Agreement for at least three years after completion of the new pump station.

SECTION 4: FUNDING AND PAYMENT

- 4.1 Upon commencement of construction of the project, the City shall provide Bohannon with monthly invoices for the costs incurred by the City during the previous calendar month for its performance of work which is identified as reimbursable in Section 1 above. Each invoice shall itemize and allocate costs consistent with a pre-approved line item breakdown and identify which costs are the responsibility of Bohannon. Within twenty (20) business days of Bohannon's receipt of the invoice, and upon receipt of a lien release from the City, Bohannon shall pay to the City for the costs that are Bohannon's responsibility. If Bohannon disputes the City's allocation of costs to Bohannon, Bohannon may provide the City a notice disputing the correctness of the allocation within ten (10) business days of receiving the monthly invoice. The Parties agree to work together in good faith to resolve any such dispute. If the Parties have not resolved the dispute within twenty (20) business days after Bohannon delivers a dispute notice, then Bohannon may submit the dispute to arbitration in accordance with the commercial rules of the American Arbitration Association for final resolution.
- 4.2 In the event there are unforeseen conditions that occur during the construction of the pump station which require the City to modify the design of the CMU walls, the City will provide notification to Bohannon to reasonably determine if such modifications necessitate changes to the Rain Screen design. Conversely, if Bohannon modifies the Rain Screen design as a result of unforeseen conditions, Bohannon will provide notification to the City to reasonably determine if such modifications necessitate changes to the CMU wall design. If the changed conditions are attributable to the City's scope of work, the City will be fully responsible for any cost increases associated with such changed conditions; and if the changed conditions are attributable to Bohannon's scope of work, then Bohannon will be fully responsible for the cost increases associated with such changed conditions.

SECTION 5: TERM

- 5.1 The term of this Agreement will commence on the Execution Date and conclude upon the completion of all work required by Bohannon as defined in Section 1.1 of this Agreement (the "Term"). Any request by Bohannon to extend the time to perform its obligations under this Agreement shall be subject to City's approval, which shall not be unreasonably withheld, conditioned or delayed.
- 5.2 If within three (3) years after the Execution Date, the City either: (1) fails to provide documented evidence of the funds necessary to perform the site work and construct the pump station (including grants from third party agencies) or (2) fails to commence construction, Bohannon shall have the right to immediately terminate this Agreement. In addition, throughout the term of this Agreement, the City shall provide the annual true up and construction schedule update required by Section 1.2.8 of this Agreement, and if the City fails to do so, Bohannon shall have the right to immediately terminate this Agreement.

SECTION 6: INDEMNIFICATION

- 6.1 Bohannon agrees, while engaged in the Bohannon Work provided for in this Agreement, to place and maintain suitable safeguards sufficient to prevent injury to any persons and to indemnify, defend and save harmless the City, its officers, representatives, and employees from and against any and all claims for loss, injury or damage resulting from the prosecution of said work except to the extent any claim arises out of the negligence or willful misconduct of the City.
- 6.2 City agrees, while engaged in the City Work provided for in this Agreement, to place and maintain suitable safeguards sufficient to prevent injury to any persons and to indemnify, defend and save harmless Bohannon, its officers, representatives, and employees from and against any and all claims for loss, injury or damage resulting from the prosecution of said work except to the extent any claim arises out of the negligence or willful misconduct of Bohannon.

SECTION 7: MISCELLANEOUS

7.1 Notices. All notices required or permitted to be given under this Agreement must be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or overnight courier to the appropriate address indicated below or at such other place(s) that either Party may designate in written notice to the other. Notices are deemed received upon delivery if personally served, one day after mailing if delivered via overnight courier, or two days after mailing if mailed as provided above.

To Bohannon: Bohannon MG2, LLC
Attn: Robert Webster



To the City: City of Menlo Park,
Attn: Public Works Director
701 Laurel Street
Menlo Park, California 94025-3409

Cc: City of Menlo Park
Attn: City Attorney
1100 Alma Street, Suite 210
Menlo Park, California 94025

7.2 No Waiver. No waiver of any default or breach of any covenant of this Agreement by either Party will be implied from any omission by either Party to take action on account of such default if such default persists or is repeated. Express waivers are limited in scope and duration to their express provisions. Consent to one action does not imply consent to any future action.

7.3 Assignment. The Parties are prohibited from assigning, transferring or otherwise substituting their interests or obligations under this Agreement without the written consent of all other Parties, provided however, Bohannon shall have the right to assign this Agreement to an affiliated entity of Bohannon that is the owner of the Property without the prior approval or consent of the City.

7.4 Governing Law. This Agreement is governed by the laws of the State of California as applied to contracts that are made and performed entirely in California.

7.5 Compliance with Laws. In performance of this Agreement, the Parties must comply with all applicable Federal, State and local laws, regulations and ordinances.

7.6 Modifications. This Agreement may only be modified in a writing executed by both Parties.

7.7 Attorneys' Fees. In the event legal proceedings are instituted to enforce any provision of this Agreement, the prevailing Party in said proceedings shall be entitled to its costs, including reasonable attorneys' fees.

7.8 Relationship of the Parties. It is understood that this Agreement does not create the relationship of agent, servant, employee, partnership, joint venture or association between the parties.

7.9 Ownership of Work. All reports, designs, drawings (including Autocad or Revit files), plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for, in the process of being assembled or prepared by or for, or furnished to Bohannon under this

Agreement related to the Bohannon Work are the property of the City. The City may use all reports, designs, drawings (including Autocad or Revit files), plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for under this agreement with Bohannon to construct the work. The Parties are entitled to copies and access to these materials during the progress of the work and upon completion or termination of the work or this Agreement. Bohannon may retain a copy of all material produced under this Agreement for its use in its general activities.

7.10 Warranty of Authority to Execute Agreement. Each Party to this Agreement represents and warrants that each person whose signature appears hereon is authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

7.11 Severability. If any portion of this Agreement, or the application thereof is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining portions of this Agreement, or the application thereof, will remain in full force and effect.

7.12 Counterparts. This Agreement may be executed in counterparts.

7.13 Entire Agreement. This Agreement constitutes the entire agreement between the parties pertaining to its subject matter and supersedes any prior or contemporaneous written or oral agreement between the parties on the same subject.

(Signatures on following page)

IN WITNESS WHEREOF, the Parties have hereunder subscribed their names the day and year indicated below.

Bohannon MG2, LLC
a Delaware limited liability company

By: Menlo Gateway, LP,
A California limited partnership,
Its sole member

By: Bohannon Development Company
a California corporation its General Partner

DocuSigned by:
By: Robert L. Webster
176A203999C642E...
Name: Robert L. Webster
Title: President and CEO

CITY OF MENLO PARK, a municipal corporation

APPROVED AS TO FORM:

DocuSigned by:
Cara E. Silver
CD6C53C794F6491...
Cara E. Silver, Interim City Attorney

"# #" #!#!"
Date

FOR CITY OF MENLO PARK:

DocuSigned by:
Starla Jerome-Robinson
6BD907BD261744C...
Starla Jerome-Robinson, City Manager

"# #" #!#!"
Date

ATTEST:

DocuSigned by:
Judi A. Herren
39280A20D0BE491...
Judi A. Herren, City Clerk

"# #" #!#!"
Date

Attachments: Figure 1 Site Plan

Figure 2 City Project Budget and Proof of Funds

Figure 3 Building Schematic

Figure 4 Construction Schedule

CHRYSLER PUMP STATION IMPROVEMENTS

This project involves the design and construction of a new Chrysler Stormwater Pump Station. The existing facility was originally built in 1958 has reached the end of its useful life. The improved facility will provide flood protection to sections of the Bayfront area, which include the Menlo Gateway buildings and a part of the Facebook West Campus site. The City is anticipating the award of a grant which would reimburse the City for the \$5M listed as General Capital Fund.



FUNDING SOURCE	Projected Carryover	2019-20 NEW FUNDS	2020-24 Future Funding Need	TOTAL NEW AND FUTURE FUNDS REQUIRED
General Capital Fund	5,723,058	5,000,000	-	\$5,000,000
Highway Users Tax Fund	200,000	-	-	-
Subtotal	5,923,058	5,000,000	-	\$5,000,000

Allocated project funds

- Fiscal Year 2017/2018 - Highway Users Tax Fund - \$200,000
- Fiscal Year 2017/2018 - General Capital Fund - \$5,723,058
- Fiscal Year 2019/2020 - General Capital Fund - \$5,000,000

Total allocated project funds - **\$10,923,058**

Funds expended - **\$306,371**

Current available fund balance (as of August 25, 2020)

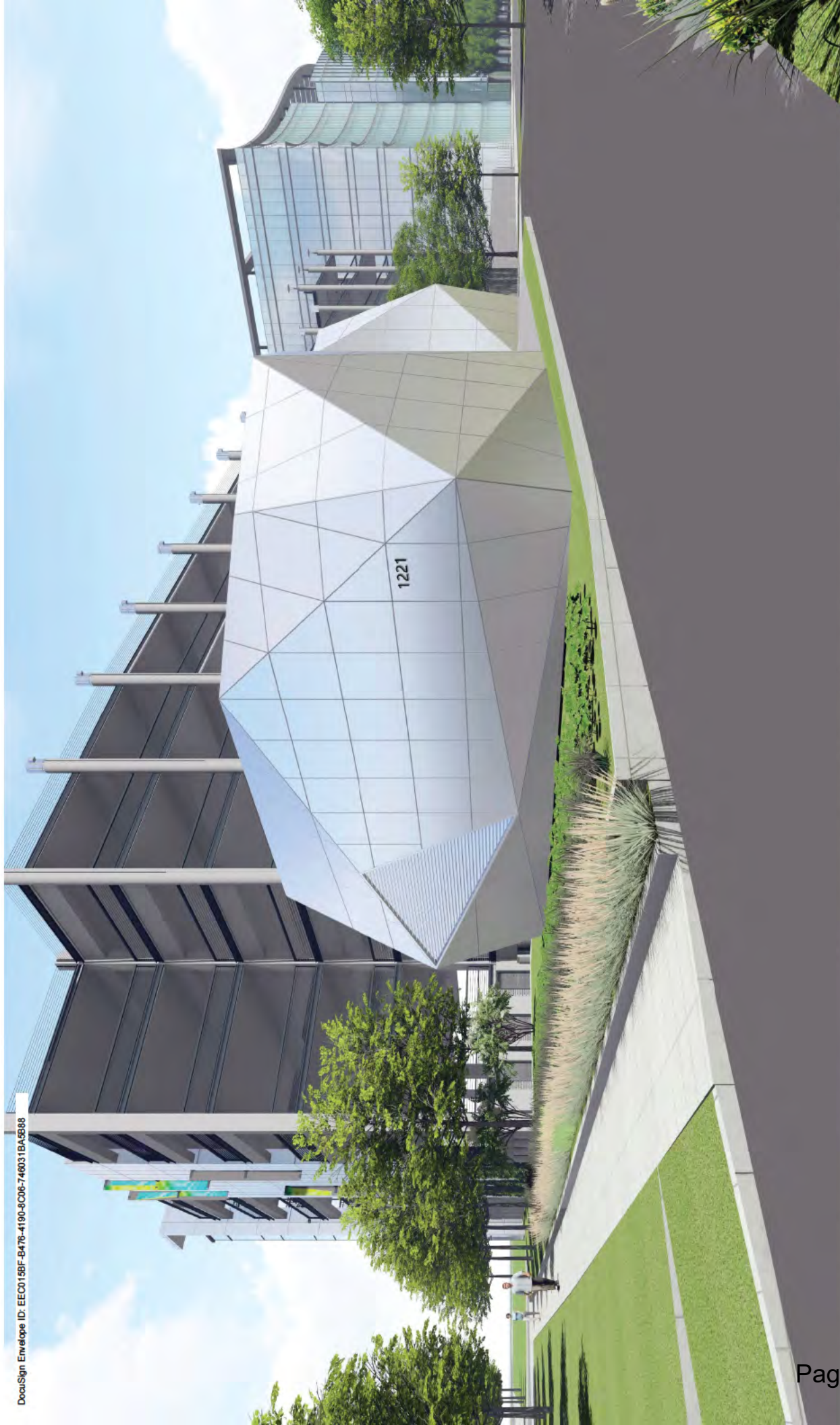
- **\$10,616,687**

Engineer's opinion of probable construction costs (as of September 11, 2020)

- **\$9,454,996**

ESTIMATED COST OF CHRYSLER PUMP STATION REHABILITATION			
90% PS&E w/ REVISED STORM DRAIN INFLOW STRUCTURE			
9/11/2020			
Bid Item	Description	Costs	Notes
1	Mobilization/Demobilization	\$747,431	10% of all other bid items
2	Traffic Control	\$25,000	
3	Pollution Prevention and Erosion Control	\$30,000	
4	Sheeting, Shoring and Bracing	\$955,158	
	Sheet Pile Shoring and Bracing	\$938,000	
	Dewatering	\$17,158	
5	Underground Structures and Appurtenances	\$3,441,603	
	Excavation	\$745,402	
	Crushed rock foundation	\$24,828	
	Wet Well Structure	\$1,403,779	
	Discharge Structure	\$208,704	
	Generator and Electrical Room Floor	\$128,424	
	Trash Rack	\$175,260	
	Ladders and Walkways	\$85,127	
	Grating	\$206,375	
	Bypass Flapgates	\$33,000	
	Below Grade Structures	\$344,988	
	Backfill and Compaction	\$65,716	
	Bypass Pumping	\$20,000	
6	Pump Room and Electrical Rooms Building Shell	\$160,947	Allowance for CMU Building w/ Gang Truss Roof
7	Building Appurtenances	\$257,426	
	Roof Access Hatches	\$65,000	
	Ladders and Stairs	\$30,000	
	Louvers	\$70,000	
	Doors	\$0	Included in CMU Building Allowance
	Acoustic Treatment	\$30,000	
	Roofing	\$25,000	
	Grating and Support	\$1,926	
	Plumbing	\$20,500	
	Fire Sprinklers	\$15,000	
8	Axial Flow Pumps, Motors and Discharge Fittings	\$674,400	
	Axial Flow Pumps	\$300,000	
	Electric Motors	\$150,000	
	Installation	\$150,000	
	Discharge Fittings	\$74,400	
9	Submersible Pump and Discharge Piping	\$147,200	
	Submersible Pump	\$100,000	
	Discharge Pipe and Fittings	\$11,200	
	Underground Force Main	\$36,000	
10	Electrical Work	\$1,484,100	
	Main Switchboard/MCC	\$820,000	
	Standby Generator	\$560,000	
	Fuel Port and Piping	\$20,000	
	Conduits and Boxes	\$34,100	
	Transformer Pad	\$50,000	
11	Site Improvements	\$298,471	
	SD Pipe, Junction Boxes and MHs	\$147,300	
	Water and Fire Service from Street	\$69,040	
	Landscaping and Irrigation	\$30,000	
	Slabs on Grade	\$1,749	
	Finish Grading and Site Restoration	\$20,000	
	AC Driveway	\$30,383	
	Subtotal Construction Costs	\$8,221,736	
	Admin/CM/Contingency	\$1,233,260	15%
	Total	\$9,454,996	

This estimate of construction cost is a professional opinion, based upon the engineer's experience with the design and construction of similar projects. It is prepared only as a guide, and is based upon incomplete information. The estimate is subject to change. Schaaf & Wheeler makes no warranty, whether expressed or implied, that the actual costs will not vary from these estimated costs, and assumes no liability for such variances. This estimate specifically excludes any costs associated with designing for, handling and disposal of hazardous wastes and contaminated materials. Costs associated with land, right-of-way, or easement purchase are not included in this estimate.



CHRYSLER STORMWATER PUMP STATION DEVELOPMENTS
VIEW FROM CHRYSLER DR.

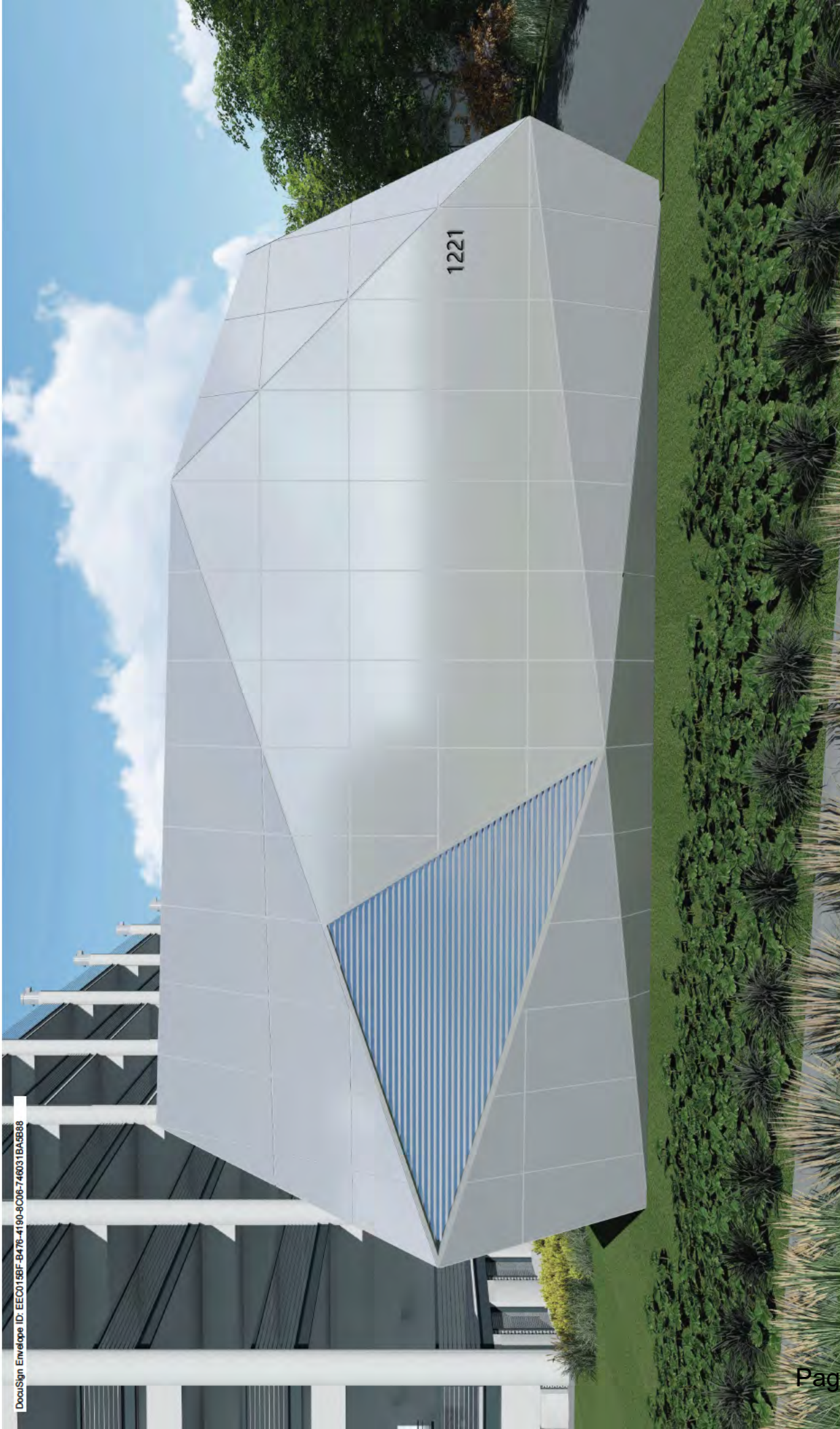
**CITY OF MENLO PARK**
PUBLIC WORKS DEPARTMENT
701 LAUREL STREET, MENLO PARK, CA 94025-3463
PHONE (650) 330-6740 FAX (650) 327-5497

JANUARY 04 2018

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS
1170 UNIVERSITY AVENUE, SUITE 205
SANTA CLARA, CA 95050
(408) 246-4848

Heller Manus Architects

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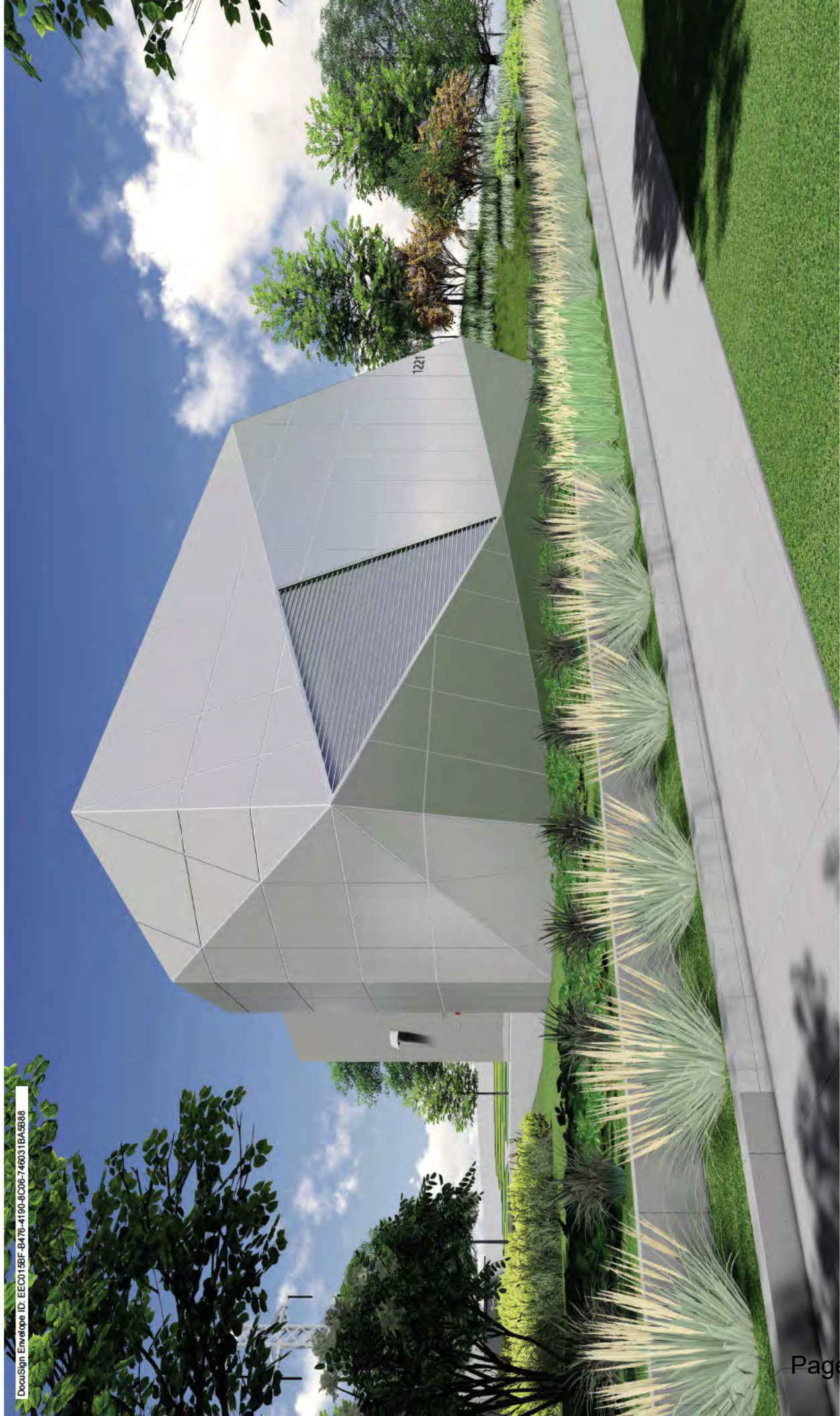
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 HELLER MANUS ARCHITECTS



CHRYSLER STORMWATER PUMP STATION DEVELOPMENTS
VIEW FROM CHRYSLER DR.



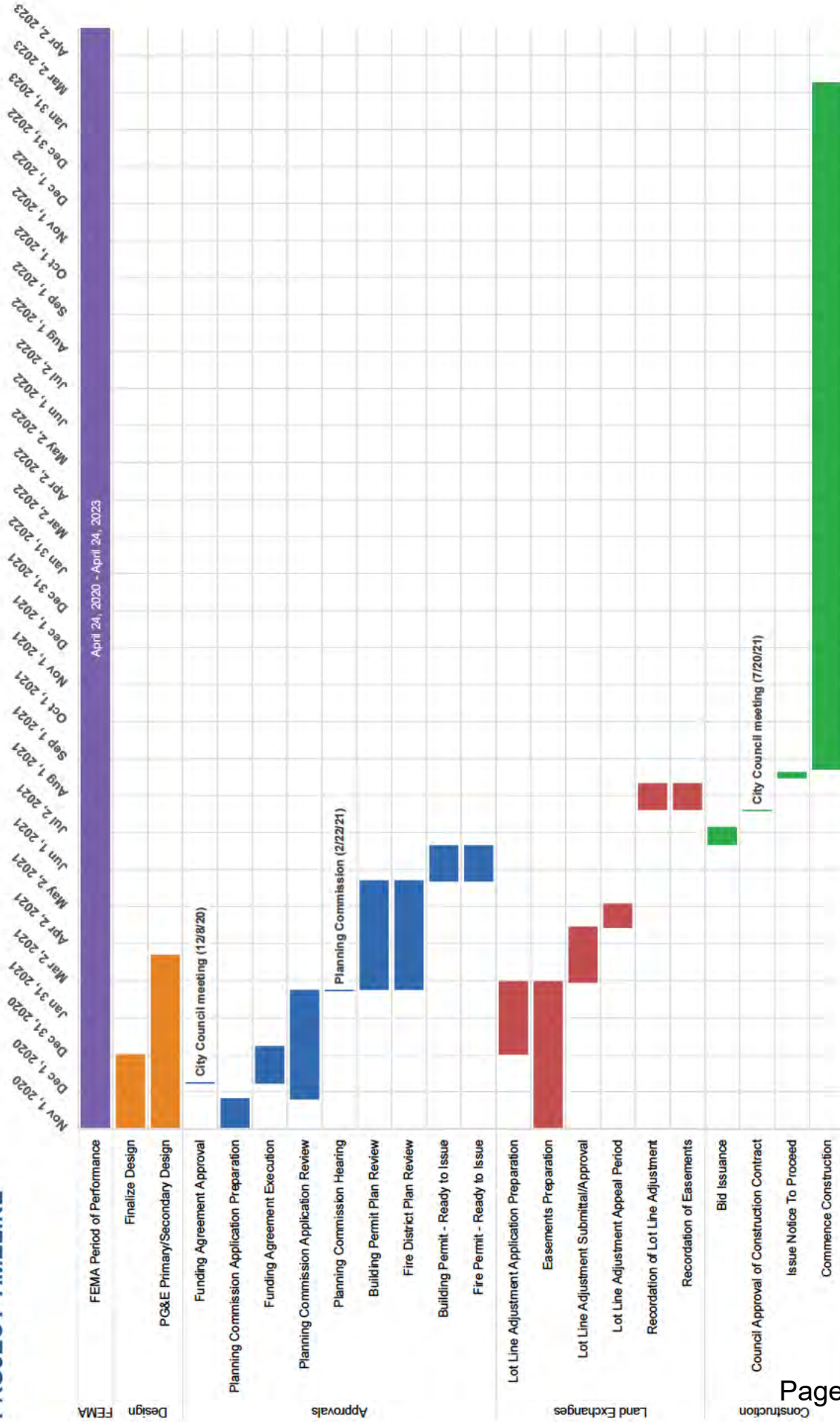
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PROJECT TIMELINE



Project Start 1/1/17

columns used to create the chart

CATEGORY	TASK	START	END	COLOR	Start	Blue	Red	Green	Brown	Orange	Purple	NOTES & ASSUMPTIONS
FEMA	FEMA Period of Performance	4/24/20	4/24/23	Purple	4/24/20	0	0	0	0	0	1096	
Design	Finalize Design	11/1/20	12/31/20	Orange	11/1/20	0	0	0	0	61	0	
	PG&E Primary/Secondary Design	11/1/20	3/23/21	Orange	11/1/20	0	0	0	0	143	0	
Approvals	Funding Agreement Approval	12/8/20	12/8/20	Blue	12/8/20	1	0	0	0	0	0	
	Planning Commission Application Preparation	11/1/20	11/25/20	Blue	11/1/20	25	0	0	0	0	0	
	Funding Agreement Execution	12/8/20	1/7/21	Blue	12/8/20	31	0	0	0	0	0	
	Planning Commission Application Review	11/25/20	2/22/21	Blue	11/25/20	90	0	0	0	0	0	Assumed PC meeting date
	Planning Commission Hearing	2/22/21	2/22/21	Blue	2/22/21	1	0	0	0	0	0	
	Building Permit Plan Review	2/23/21	5/23/21	Blue	2/23/21	90	0	0	0	0	0	
	Fire District Plan Review	2/23/21	5/23/21	Blue	2/23/21	90	0	0	0	0	0	
	Building Permit - Ready to Issue	5/23/21	6/21/21	Blue	5/23/21	30	0	0	0	0	0	
	Fire Permit - Ready to Issue	5/23/21	6/21/21	Blue	5/23/21	30	0	0	0	0	0	
Land Exchanges	Lot Line Adjustment Application Preparation	1/1/21	3/1/21	Red	1/1/21	0	60	0	0	0	0	Bohannon responsibility
	Easements Preparation	11/1/20	3/1/21	Red	11/1/20	0	121	0	0	0	0	
	Lot Line Adjustment Submittal/Approval	3/1/21	4/15/21	Red	3/1/21	0	46	0	0	0	0	Assume 6 weeks per Planning guidance
	Lot Line Adjustment Appeal Period	4/15/21	5/4/21	Red	4/15/21	0	20	0	0	0	0	20 days
	Recording of Lot Line Adjustment	7/21/21	8/11/21	Red	7/21/21	0	22	0	0	0	0	Bohannon responsibility
Construction	Bid Issuance	6/22/21	7/6/21	Green	6/22/21	0	0	15	0	0	0	City responsibility
	Council Approval of Construction Contract	7/20/21	7/20/21	Green	7/20/21	0	0	1	0	0	0	Can I bid project in advance of having a "ready to issue" permit?
	Issue Notice To Proceed	8/16/21	8/20/21	Green	8/16/21	0	0	5	0	0	0	
	Commence Construction	8/23/21	3/10/23	Green	8/23/21	0	0	565	0	0	0	Estimated 18 month construction

MILESTONE LABEL	DATE	Margin Bottom	Margin Top
Milestone 1		0%	0%
Milestone 2		0%	0%
Milestone 3		0%	0%
Milestone 4		0%	0%

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY MANAGER TO (I) EXECUTE THE QUITCLAIM DEED FROM THE CITY TO BOHANNON AND THE CERTIFICATE OF ACCEPTANCE OF THE QUITCLAIM DEED FROM BOHANNON TO EFFECTUATE THE PROPERTY SWAP, (II) EXECUTE THE CITY/PG&E ELECTRICAL EASEMENT DEED TO GRANT THE EASEMENT TO PG&E, (III) EXECUTE THE 2 QUITCLAIM DEEDS AS TO THE STORM DRAIN EASEMENT AND PORTION OF 10” STORM DRAIN AND (IV) EXECUTE ALL THE OTHER EASEMENT DOCUMENTS BETWEEN THE CITY AND BOHANNON AND THE CERTIFICATE OF ACCEPTANCE OF THOSE EASEMENTS

WHEREAS the Chrysler Stormwater Pump Station located at 1395 Chrysler Drive drains approximately 297 surface acres in an area roughly bounded by Marsh Road, Bayfront Expressway, Chilco Street and the Dumbarton railroad tracks, and

WHEREAS on May 2, 2017, the City Council authorized the city manager to execute an agreement with the Bohannon Development Company (Bohannon) to collaborate on a geometric design for the pump station exterior and outline the mutual exchange of property, maintenance of exterior walls and landscape and provision of easements for construction, ingress/egress and various utilities, and

WHEREAS the mutual exchange of property and provision of easements for construction, ingress/egress and various utilities must be effectuated prior to awarding a construction contract for the Chrysler Pump Station, and

WHEREAS the 2017 funding agreement was terminated, and a new agreement was executed in December 2020. This agreement is to be further amended in 2023.

The City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the City Council hereby authorizes the city manager to:

- (i) execute the quitclaim deed from the City to Bohannon and the Certificate of Acceptance of the Quitclaim Deed from Bohannon to effectuate the property swap,
- (ii) execute the City/PG&E Electrical Easement Deed to grant the easement to PG&E
- (iii) execute the two Quitclaim Deeds as to the Storm Drain Easement and Portion of 10” Storm Drain and
- (iv) execute all the other easement documents between the City and Bohannon and the Certificate of Acceptance of those easements

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I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourteenth day of February, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of February, 2023.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

2/14/2023

Staff Report Number:

23-027-CC

Consent Calendar:

Adopt a resolution supporting the City's shuttle program for application for the San Mateo County Shuttle Program fiscal year 2023-24 and 2024-25 and authorize the city manager to enter into funding agreements

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) in support of the Citywide shuttle program, for the San Mateo County Transportation Authority Shuttle Program fiscal years 2023-24 and 2024-25 to continue funding for operations and administration of the program and authorize the city manager to enter into necessary funding agreements and any subsequent amendments within the budgeted amounts with grant agencies.

Policy Issues

This project is consistent with the General Plan goal and policies to support local and regional transit that is efficient, frequent, convenient and safe. These policies seek to promote the use of public transit and to promote the use of alternatives to the single-occupant automobile. The grant requires an adopted resolution of support by the City Council as part of the application.

Background

The City of Menlo Park manages a shuttle program that provides transit service to many residents, employees and visitors. The program is primarily funded by grants provided by the San Mateo City/County Association of Governments (C/CAG), San Mateo County Transportation Authority (SMCTA) and Metropolitan Transportation Commission (via the San Mateo County Transit District.) These funds typically include a competitive application process, an executed agreement between parties, and a demonstrated adherence to the agreement details.

On January 13, 2023, C/CAG and SMCTA issued a joint call for shuttle projects for fiscal year 2023-24 and 2024-25. The program includes \$11,000,000 for this two-year funding cycle, and direct costs for operations, marketing, and administration of shuttles are eligible for funding. Applications are due February 24, 2023. The City's shuttles are currently supported by a grant through this program, expiring June 30, 2023.

The City's shuttles provide "around town" transportation to many residents, employees and visitors. The program includes the following services (Attachment B provides a hyperlink to the City's website, providing additional details):

- The M1-Crosstown shuttle provides an all-day, fixed-route service between Belle Haven and Sharon Heights. It serves several senior housing facilities, Menlo Park senior center facilities (and the Menlo Park Community Campus project once completed), the current Belle Haven library, the Veterans Affairs

Medical Center, Menlo-Atherton High School, the main library, Caltrain station, Little House, Safeway, Stanford Medical Center, Stanford Shopping Center, Palo Alto Medical Foundation, and a regional transit hub in downtown Palo Alto.

- The M3-Marsh Road shuttle provides fixed-route, peak-hour service between the Caltrain station and the business parks and office complexes along Marsh Road, Bohannon Drive and the Bayfront Area. This shuttle also currently serves TIDE Academy, housing complexes along Haven Avenue, and will serve new housing currently under construction in the Bayfront Area.
- The M4-Willow Road shuttle provides fixed-route, peak-hour service between the Caltrain station and the business parks and office complexes along Willow Road and O'Brien Drive. This shuttle also serves Mid-Peninsula High School.
- The Shoppers' Shuttle is a door-to-door service, which operates three days per week providing transportation for those not near a shuttle route or that have limited mobility. Destinations include Little House, Menlo Park Senior Center, downtown Menlo Park, the main library, Safeway, Caltrain station, Stanford Shopping Center, and retail destinations in Menlo Park and Redwood City.

The City is about to start a shuttle evaluation study, which is funded in part by a Caltrans sustainable transportation planning grant. This grant application was authorized by City Council October 12, 2021, with a successful award in spring 2022. This comprehensive study will look at existing shuttle routes and ridership, existing transit services, new shuttle technologies (such as on demand or flex route service), reach out to the community for feedback and input, and provide recommendations for route changes or new service, and identify funding opportunities and partnerships. Staff will also coordinate with the Willow Village development to identify how the shuttle approved as a condition of that development could be integrated with or impact operations of the City's shuttles. The Willow Village shuttle is not expected to begin operation within the timeframe of the current grant cycle. The findings from this study will inform future budgets and funding for the shuttle program. Staff is currently reviewing proposals from consultants and anticipates bringing an item on approval of the consultant agreement to the City Council in the coming months.

Analysis

By applying for funds through the San Mateo County Shuttle Program Call for projects, the City of Menlo Park is seeking to ensure continuity of the City's current shuttle services.

The effectiveness of the City's shuttle program is evaluated by considering ridership, cost and how it enhances accessibility, especially for groups with significant need. SMCTA considers two numerical metrics, the average number of riders per service hour and the cost per rider, compared to defined benchmarks for the type of service. Tables 1 and 2 summarize these metrics for each route from fiscal year 2018-19 (Table 1) and fiscal year 2021-22 (Table 2.) The benchmarks for service are set bi-annually by C/CAG and SMCTA based on operations of the current routes in San Mateo County and shuttle management best practice information. These data are used by the grant selection committee to compare shuttles against one another.

The Shoppers' shuttle and Crosstown shuttle also provide enhanced accessibility for the groups with significant transportation needs within Menlo Park. The Shopper's shuttle provides a travel option for populations that have limited mobility or access to fixed-route transit. The M1-Crosstown shuttle connects Belle Haven and senior residents with vital services. Similar to many transit services in the Bay Area, shuttles continue to provide vital transportation links that would be difficult to recover and implement again if they were cut.

Tables 1 and 2 reflect two different realities, one of a world pre-pandemic and one during the pandemic. As shown in Table 1, the program’s cost effectiveness (cost per rider) and ridership (passengers per hour) exceeded the County’s standards for commuter shuttles (M3-Marsh Road and M4-Willow Road.) The performance of the M1-Menlo Midday, M2-Belle Haven and Shoppers’ shuttles did not meet the benchmarks, and reflect several challenges experienced during that period, including a driver shortage, and service disruptions, and suspension of a second vehicle for both the M2-Belle Haven and M3-Marsh shuttles between October 2017 to April 2019.

Table 2 reflects ridership numbers that are still stabilizing as we adjust to the pandemic. Since March 2020, transit ridership plummeted 90 percent in the Bay Area. The rise of work-from-home and the need for shelter-in-place kept transit ridership low until 2021, when the advent of vaccines and decrease in hospitalizations led to slight increases in transit ridership. With long term employer work-from-home policies continuing to evolve, the near term demand for transit remains unclear.

Table 1: Benchmark metrics, by shuttle route (Before COVID-19 Pandemic)				
Shuttle route	Passengers per service hour		Cost per rider	
	Actual (FY 2018-19)	Service benchmark (FY 2018-20)	Actual (FY 2018-19)	Service benchmark (FY 2018-20)
M3-Marsh Road	17.4	Above 15	\$ 6.60	Less than \$8.00
M4-Willow Road	26.1	Above 15	\$ 6.90	Less than \$8.00
M1-Menlo Midday ¹	1.1	Above 10	\$74.31	Less than \$10.00
M2-Belle Haven	6.3	Above 10	\$14.11	Less than \$10.00
Shoppers'	2.3	Above 2	\$36.45	Less than \$20.00

Note: FY 2018-19 data are presented as the most recent complete fiscal year.

¹ Entire route suspended as of September 2018; benchmarks reflect poor ridership, drivers not complying with schedules, and ridership data from only two months of the fiscal year.

Table 2: Benchmark metrics, by shuttle route (COVID-19 Pandemic)				
Shuttle route	Passengers per service hour		Cost per rider	
	Actual (FY 2021-22)	Service benchmark (FY 2020-22)	Actual (FY 2021-22)	Service benchmark (FY 2020-22)
M3-Marsh Road	5.0	Above 15	\$ 23.33	Less than \$9.00
M4-Willow Road	3.8	Above 15	\$ 58.03	Less than \$9.00
M1-Crosstown ¹	1.1	Above 10	\$89.60	Less than \$11.00
Shoppers'	2.8	Above 2	\$36.81	Less than \$22.00

Note: FY 2021-22 data are presented as the most recent complete fiscal year.

¹ M2-Belle Haven took over part of M1-Menlo Midday route, renamed to M1-Crosstown in November 2020.

Many other shuttles in San Mateo County are experiencing similar ridership decreases, with shuttles serving industries such as biotechnology and the medical field performing better because work-from-home is less common. The M3-Marsh Road and M4-Willow Road shuttles continue to have lower ridership due to fewer

workers, but the return of high schools to in-person education has helped ridership rebound slightly. The M1-Crosstown shuttle has lower ridership, but provides vital connections between Belle Haven and senior centers, retail, medical and transit facilities. The Shoppers’ shuttle recovered the fastest during the pandemic, exceeding pre-pandemic ridership in 2021 and continuing to date.

The San Mateo County Shuttle Program grant criteria include the ridership and cost metrics, assessments of impact on greenhouse gas metrics and vehicle miles of travel, and assessments of how the shuttles provide enhanced accessibility to equity priority communities and amenities to riders.

Proposed program budget

The City’s shuttle program is currently funded through several sources, including grants from C/CAG, SMCTA, the Metropolitan Transportation Commission’s (MTC) Lifeline Grant Program, and the City’s Development Shuttle Fee. Table 3 summarizes the program budget for the three prior fiscal years, and the estimated budget for fiscal years 2023-24 and 2024-25, the two years covered in this San Mateo County Shuttle Program grant cycle.

Shuttle route	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24 Proposed	FY 2024-25 Proposed
M1-Crosstown	\$408,600	\$414,200	\$421,700	\$432,700	\$441,200
M3-Marsh Road ¹	\$310,200	\$314,600	\$189,100	\$188,000	\$192,000
M4-Willow Road	\$164,700	\$167,500	\$171,200	\$169,100	\$172,800
Shoppers’	\$68,300	\$69,600	\$70,600	\$74,300	\$76,100
Total	\$951,800	\$965,900	\$852,600	\$864,100	\$882,100

Note: San Mateo County Shuttle Program FY 2020-22 grant extended one year for FY 2022-23 due to COVID-19.

¹ Funding request for FY 2022-23 reduced due to second vehicle being suspended since March 2020.

If awarded, the San Mateo County Shuttle Program will fund up to 75 percent of program costs, with remaining program funds coming from sources outlined in Tables 4 and 5 below. As in past years, staff recommends not applying for funding for the Shoppers’ shuttle, as this route has not met the benchmarks to be competitive in the call for projects. Despite the Shoppers’ shuttle returning to its pre-pandemic ridership that ridership is still well below the recommended benchmark metrics.

Staff has prepared two funding allocation scenarios for the shuttle program: one where the City continues to be awarded funds from the MTC Lifeline grant program (Table 4), and one where the match is drawn entirely from local sources (Table 5.) Shuttles serving elderly and low-income residents, such as the M1-Crosstown are eligible for Lifeline funding. These two scenarios are presented since the Lifeline program funding is determined on a different cycle, and cannot be guaranteed for the two fiscal years in the San Mateo County Shuttle Program call for projects. Grant applications for Lifeline Cycle 7 funding are expected later in 2023. Historically, Lifeline has funded up to 40 percent of the M1-Crosstown shuttle, with the other 60 percent funded by the San Mateo County Shuttle Program. If the City does not receive Lifeline funding, the City would need to contribute 25 percent from local funds to continue running the service, with the remaining 75 percent coming from the San Mateo County Shuttle Program. Otherwise, the service would need to be suspended.

If the City continues to receive Lifeline funding, the City’s contribution toward shuttle operations is estimated

at up to \$98,200 in fiscal year 2023-24 and \$102,100 in fiscal year 2024-25, for a total of \$200,300 during the current grant cycle (Table 4.) If the City does not receive Lifeline funding, the City’s contribution toward shuttle operations is estimated at \$206,400 in fiscal year 2023-24 and \$212,400 in fiscal year 2024-25, totaling \$418,800 during the current grant cycle (Table 5.) This portion of the local match has historically been funded by San Mateo County Measure A funds. An additional \$65,000 a year comes from developer contributions to the City’s shuttle program. These estimates would maintain current service levels. If the City is not successful with these grants, staff would return to City Council to receive direction on whether and how to continue shuttle services within the City.

**Table 4: Allocation of program budget by source fund
(with MTC Lifeline award)**

Funding source	SMCTA and C/CAG request	MTC Lifeline ¹ award	Developer fees ²	Local match	Total
FY 2023-25	\$527,500	\$173,100	\$65,300	\$98,200	\$864,100
FY 2023-25	\$538,200	\$176,500	\$65,300	\$102,100	\$882,100
2 Year Total	\$1,065,700	\$349,600	\$130,600	\$200,300	\$1,746,200

¹ MTC Lifeline funding is anticipated to be a two-year cycle.

² Approximately \$65,300 per year comes from developer contributions to the City’s shuttle program. The local match includes 100 percent of the cost for the Shoppers’ shuttle (approximately \$75,000 annually.)

**Table 5: Allocation of program budget by source fund
(without MTC Lifeline award)**

Funding source	SMCTA and C/CAG request	Developer fees ¹	Local match ²	Total
FY 2023-25	\$592,400	\$65,300	\$206,400	\$864,100
FY 2023-25	\$604,400	\$65,300	\$212,400	\$882,100
2 Year Total	\$1,196,800	\$130,600	\$418,800	\$1,746,200

¹The City collects approximately \$65,300 per year from developer-required contributions to the City’s shuttle program.

²The local match includes 100 percent of the cost for the Shoppers’ shuttle (approximately \$75,000 annually.)

As the City pursues funding to continue operation of the shuttles, staff have also been coordinating with Commute.org about the operation of the commuter shuttles. The City officially joined Commute.org in 2022 and Mayor Wolosin currently sits on their Board. Commute.org operates most of the other commuter shuttles in San Mateo County and the existing shuttles all use Commute.org branded vehicles, for ease of deployment and efficiency in contracting. Commute.org is willing to take on the operations of the City’s two commuter shuttles starting with the new grant funding, subject to a 4 percent fee (of the total operating cost) to cover their administrative expenses. Some activities currently conducted by staff related to coordination, shuttle management, and marketing would be handled by Commute.org, which would offset the additional expense by freeing up about 20 hours of staff time per month for other transportation-related activities. The City would maintain responsibility for the Crosstown and Shoppers’ shuttles, which are outside the purview of Commute.org.

The current contract between SamTrans and the shuttle operator, which expires at the end of fiscal year 2024-25, includes the use of gas-powered vehicles. Funding from this grant source can only be used to fund shuttles contracted via this existing contract. After this contract, the City can work with Samtrans and Commute.org to pursue a zero emission bus (ZEB) fleet. Starting in 2026, the California Air Resources

Board (CARB) will require smaller transit agencies to purchase ZEBs for at least 25 percent of their fleet, growing to 100 percent in 2029. Attachment C provides a hyperlink to a CARB fact sheet about the CARB Innovative Clean Transit regulations.

Impact on City Resources

If the City is successful with these grant applications, staff will include funding for the shuttles in each of the next two annual budget cycles. The estimated total annual cost of the M1-Crosstown, M3-Marsh Road, M4-Willow Road, and Shoppers' shuttle services is \$864,100 in fiscal year 2023-24 and \$882,100 in fiscal year 2024-25. The funding for the City's share of 25 percent comes from the City's Development Shuttle Fee (approximately \$65,000 per year), Measure A funds, and the MTC Lifeline Grant Program (this program provides a maximum of 40 percent for the M1-Crosstown shuttles.)

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution
- B. Hyperlink: menlopark.gov/shuttles
- C. Hyperlink: ww2.arb.ca.gov/resources/fact-sheets/innovative-clean-transit-ict-regulation-fact-sheet

Report prepared by:
Nicholas Yee, Associate Transportation Planner

Report prepared by:
Hugh Louch, Assistant Public Works Director - Transportation

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
SUPPORTING THE CITY'S SHUTTLE PROGRAM AND SUBMITTING AN
APPLICATION FOR SAN MATEO COUNTY SHUTTLE PROGRAM FUNDING**

WHEREAS, there is a need for “around town” transportation to serve many residents, employees and visitors; and

WHEREAS, City of Menlo Park manages a Shuttle Program to provide commuter service to and from the Menlo Park Caltrain station and community service to link residents to vital community services and destinations; and

WHEREAS, the cost of the City's Shuttle Program is estimated to be \$1,746,200 over fiscal years 2023-24 and 2024-25; and

WHEREAS, the City wishes to sponsor the City's Shuttle Program; and

WHEREAS, the City seeks up to \$1,196,800 for the Program in fiscal years 2023-24 and 2024-25; and

WHEREAS, June 7, 1988, the voters of San Mateo County approved a ballot measure to allow the collection and distribution by the San Mateo County Transportation Authority (TA) of a half-cent transactions and use tax in San Mateo County for 25 years, with the tax revenues to be used for highway and transit improvements pursuant to the Transportation Expenditure Plan presented to the voters (Original Measure A); and

WHEREAS, November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the TA the half-cent transactions and use tax for an additional 25 years to implement the 2004 Transportation Expenditure Plan beginning January 1, 2009 (New Measure A); and

WHEREAS, the Board of Directors of the City/County Association of Governments (C/CAG) of San Mateo County at its February 14, 2002 meeting approved the Congestion Relief Plan and subsequently reauthorized the Congestion Relief Plan in 2007, 2010, 2015, and 2019; and

WHEREAS, a component of the C/CAG Congestion Relief Plan is to support Local and Employer Based Shuttle Programs; and

WHEREAS, the TA and C/CAG issued a joint Call for Projects for the San Mateo County Shuttle Program on January 13, 2023; and

WHEREAS, the TA and C/CAG require a governing board resolution from the City in support of the City's application for \$1,196,800 from the San Mateo County Shuttle Program for the City's Shuttle Program; and

WHEREAS, TA and C/CAG require a governing board resolution from the City committing the City to the completion of the City's Shuttle Program; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park

1. Directs staff to submit an application for funding from the San Mateo County Shuttle Program for \$1,196,800 for the City's Shuttle Program.
2. Authorizes the City Manager to execute a funding agreement with the San Mateo County Transportation Authority to encumber any Measure A Local Shuttle Program funds and/or City/County Association of Governments Local Transportation Services Program funds awarded.
3. Lest it be known the City commits to the completion of the City's Shuttle Program if awarded the requested funds from San Mateo County Shuttle Program.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourteenth day of February, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of February, 2023.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

2/14/2023

Staff Report Number:

23-034-CC

Consent Calendar:

Approve the Environmental Quality Commission's annual work plan

Recommendation

Staff recommends that the City Council approve the Environmental Quality Commission's 2023 work plan (Attachment A.)

Policy Issues

City Council Policy #CC-23-004 (Attachment B) defines the policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees. Each commission is required to develop an annual work plan in support of the City Council work plan and seek City Council approval no later than September 30 of each year per the policy.

Background

The Environmental Quality Commission (Commission) advises the City Council on matters involving environmental protection, improvement and sustainability. During their regular meeting in November, the commission approved their 2023 work plan (Attachment A.) The plan requires City Council approval to implement.

Analysis

The 2023 Commission work plan includes four priority areas:

1. 2030 Climate Action Plan (CAP) implementation
2. Climate resilience and adaptation education and outreach
3. Increasing the urban canopy
4. Supporting green and sustainable initiatives

Immediate work includes the following:

- Recommend and advise the City Council on programs and policies that support the phase out of fossil fuels in existing buildings (CAP strategy No. 1.)
- Advise City Council on forming a working coalition of local nonprofits, schools, businesses and citizens from every district and county representatives to recommend policies and programs that increase the number of electric vehicles (EVs) in Menlo Park (CAP strategy No. 2.)
- Recommend City Council request vehicle miles traveled (VMT) reductions be placed on the Complete the Streets Commission work plan (CAP strategy No. 4.) Currently, the Complete the Streets Commission work plan includes using VMT reduction to prioritize projects in the Transportation Master Plan.

- Advise the City Council on developing a dashboard to measure progress of the CAP and a communications toolkit.
- Brainstorm with key members of city staff a new education and resource model that includes local nonprofits, schools, businesses, citizens and other city and county governments to address climate resilience and adaptation (CAP strategy No. 6.)
- Support application for a grant from the California Department of Forestry and Fire Protection (CALFIRE) to increase the urban forest.
- Track citizen concerns on large scale tree removal projects and provide advice on future policy improvements.

Impact on City Resources

Resources to support the Commission are included in the baseline budget for the sustainability division. Prioritization may be needed to balance citywide sustainability efforts. Staff will advise and work with Commission members to the maximum extent possible to support their 2023 work plan efforts.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment. Any projects identified through the Commission's pursuit of these goals and priorities would be subject to environmental review under CEQA in the future.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Environmental Quality Commission 2023 work plan
- B. City Council Policy CC-22-004 – Commission/Committees policies and procedures, roles and responsibilities

Report prepared by:
Rebecca Lucky, Sustainability Manager



Environmental Quality Commission

Mission Statement

The Environmental Quality Commission (EQC) is committed to helping the City of Menlo Park to be a leading sustainable city that inspires institutions and individuals and is well positioned to manage present and future environmental impacts, including the urgent threat of climate change. The EQC is charged primarily with advising the City Council on matters involving climate change, environmental protection, and sustainability.

Environmental Quality Commission
Work Plan for 2023



Commission members listing

Commissioner (Chair) Tom Kabat

Commissioner (Vice Chair) Nancy Larocca Hedley

Commissioner Leah Elkins

Commissioner Angela Evans

Commissioner Jeffrey Lin

Commissioner Jeff Schmidt

Commissioner John McKenna



Environmental Commission Priority List

The Environmental Quality Commission has identified the following priorities for 2023:

1.	<p>Climate Action Plan (CAP) – Continue to recommend/advise on implementation of the City’s adopted 2030 Climate Action Plan initiatives to achieve or surpass the City’s greenhouse gas (GHG) reduction target, which includes:</p> <ul style="list-style-type: none"> • Adoption of an existing building electrification policy (Action #1) • Promotion of City goals for increasing EVs and decreasing gasoline sales (Action #2) • Implementation of a program or policy to expand access to EV charging for multi-family and commercial properties (Action #3) • Reduction of vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission (Action #4) • Elimination of fossil fuels from municipal operations, including fleet vehicles, gardening equipment, furnaces, water heaters, pool heaters, etc. (Action #5) • Development of a climate adaptation plan to protect the community from sea level rise and flooding (Action #6)
2.	<p>Climate Resilience and Adaptation – Ensure that our most vulnerable communities have a voice in policies and programs to protect their communities from environmental impacts.</p>
3.	<p>Urban Canopy – Leverage best practices to advise/recommend on the preservation of heritage trees, city trees and expansion of the urban canopy in all areas of the city; and make determinations on appeals of heritage tree removal permits.</p> <ul style="list-style-type: none"> • Support the creation of an Urban Forest Master Plan: secure funding, complete canopy audit, community engagement in the process, ensure urban forest is equitable across all districts.
4.	<p>Green and Sustainable Initiatives – Support sustainability initiatives, as needs arise, which may include but not be limited to community outreach, climate events and celebrations, habitat protection, healthy ecology, environmental health protection, healthy air, surface water runoff quality, water conservation and waste reduction.</p>



Environmental Quality Commission Work Plan

<p>Purpose of Commission as defined by Menlo Park City Council Policy 3-13-01</p>	<p>The Environmental Quality Commission is charged with advising the City Council on the following matters:</p> <ul style="list-style-type: none"> • Mitigating climate change by reducing community-wide greenhouse gas emissions to zero as rapidly as possible and inspiring other cities to follow, • Preparing the community for the effects of climate change, especially the threat of sea level rise, flooding and drought, • Preserving heritage trees, maintaining the urban canopy, making determinations on appeals of heritage tree removal permits and organizing an annual Arbor Day tree planting event, • Advising on programs and policies related to all other areas of environmental sustainability, including protection of natural areas, recycling and solid waste reduction, environmentally sustainable practices, air and water pollution prevention, and water and energy conservation.
<p>Priorities already established by City Council</p>	<ul style="list-style-type: none"> • Make gains on 2030 Climate Action Plan, including outreach to the community.

*The goals and priorities identified below are not listed in order of magnitude.

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>Climate Action Plan (CAP) – Continue to recommend/advise on implementation of the City’s adopted 2030 Climate Action Plan initiatives to achieve or surpass the City’s greenhouse gas (GHG) reduction target, which includes:</p> <ul style="list-style-type: none"> Action #1: Review and recommend/advise on a policy to phase out the use of fossil fuels of existing buildings, including a two-step process (2022-2023) for renewing and updating Reach codes. Provide feedback and advice on ways to optimize electrification planning and building permit activities for speed and efficiency. Action #2: Advise City Council on forming working coalition of local nonprofits, schools, business, citizens from every district, and county representatives to review and recommend/advise on policies and programs that increase the number of 	<ul style="list-style-type: none"> Other cities inspired to join us in adopting bold climate action, as happened with City’s all-electric Reach Code Reduced GHG emissions Reduced air pollution Reduced traffic congestion Improved public health Increased community engagement for emissions reductions Reduced risk of stranding fossil fuel assets Increased equity and environmental justice Increased preparedness for sea level rise and other climate threats Demonstrated environmental leadership Improved transparency on city goals and activities to meet GHG targets Permitting efficiency would free up staff resources for most important activities. 	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> Subcommittees: Change name of Climate Outreach subcommittee to Climate Education subcommittee Partnerships with organizations, businesses, other commissions Staff time Consultants/contractors 	<p>2+ years</p>	<ol style="list-style-type: none"> City reports progress on CAP metrics such as gasoline sales, EV registrations, natural gas sales, water heater replacements, etc. City adopts policy for phasing out the use of fossil fuels in existing buildings City launches program to assist multi-family and commercial building owners to install EV charging Complete Streets proposes a VMT reduction goal City makes progress on developing a climate adaptation plan Other cities copy Menlo Park’s climate policies and programs

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>EVs in Menlo Park and decrease gasoline sales.</p> <ul style="list-style-type: none"> • Action #3: Review and recommend/advise on policies and programs to increase access to EV charging for multifamily and commercial properties • Action #4: Recommend that Council request CAP action #4 be included on Complete Streets Commission Work Plan (reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission) • Action #5: Continue to advise/recommend ways to electrify municipal buildings, fleet and landscaping equipment • Action #6: Continue to advise/recommend a climate adaptation plan to protect the community from sea level rise and flooding • Advise/recommend Council support for State adoption of impactful CALGreen and energy reach codes for the 2022 building code update • Provide recommendations/advice 						

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>that improves communication with the community about the Climate Action Plan</p> <ul style="list-style-type: none"> • Recommend City strategy for sharing our policies and analysis with other cities to inspire and help others adopt bold climate action • Advise City Council on policy and program recommendations that are adopted and implemented, such as advice on developing a simple dashboard of relevant metrics (e.g. gasoline sales, EV registrations) and communications toolkit that can be used for progress reporting within the city as well as citizen education and awareness building. 						

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>Climate Resilience and Adaptation - Ensure that Menlo Park's most vulnerable communities are protected from environmental impacts.</p> <ul style="list-style-type: none"> • Create/strengthen partnerships with staff and community organizations to create greater awareness within the EQC about disproportionate impacts of climate change on vulnerable communities. • Ensure that perspectives from our most vulnerable populations are represented in EQC discussions and recommendations to Council. • Create subcommittee to work on this initiative and develop more specific goals. • Brainstorm with key members of city staff a new education and resource model that includes local nonprofits, schools, businesses, citizens, and other city and county governments. 	<p>Recommendations to Council are informed with an environmental justice view.</p> <p>Recommendations to Council take into account the needs of the most vulnerable communities in our city.</p> <p>Historical inequities begin to be righted.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> • Subcommittees • Partnerships with organizations, businesses, other commissions • Staff time • Consultants/contractors 		<p>Vulnerable communities confirm that historic injustices are being addressed.</p>

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>Urban Canopy – Continue to leverage best practices to advise and recommend on the preservation of heritage trees, city trees and expansion of the urban canopy; and make determinations on appeals of heritage tree removal permits.</p> <ul style="list-style-type: none"> • Support the creation and implementation of an Urban Forest Master Plan (UFMP) to include securing funding for UFMP, complete canopy audit, community engagement in the process, ensure urban forest is equitable across all districts, researching ways other cities measure and enhance the health of their urban forest • Monitor the effectiveness of the new Heritage Tree Ordinance • Hear heritage tree appeals • Receive updates on implementation and operation of the Heritage Tree Ordinance and recommend adjustments as needed 	<ul style="list-style-type: none"> • Complete audit of Menlo Park’s tree canopy • Clear goals and implementation plan for the future of our urban forest • More equitable canopy coverage across all districts • Increased shade and cooling to counteract extreme heat • Increased carbon sequestration • Improved air quality • Improved public awareness and satisfaction with our urban forest and Heritage Tree policies • Efficient functioning of the Heritage Tree policies 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • Subcommittee • Partnerships with organizations, businesses, other commissions • Staff time • Consultants/contractors • Funding for the Urban Forest Master Plan creation and implementation. 	Ongoing	<ul style="list-style-type: none"> • Creation of the Urban Forest Master Plan • Reduction in the number of healthy trees removed • Increase in the diversity and quality of trees within the entire urban canopy • Improved coordination with the planning process • Deliver recommendation on conducting inventory and catalogue of urban tree canopy

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<ul style="list-style-type: none"> Organize annual Arbor Day event Engage community, especially youth, in relevant programs 						
<p>Green and Sustainable Initiatives – Support sustainability initiatives, as needs arise, which may include but not be limited to habitat protection, healthy ecology, environmental health protection, healthy air, surface water runoff quality, water conservation and waste reduction.</p> <ul style="list-style-type: none"> Support community and/or city-led Earth Day events Support awareness and implementation of future Zero Emission 	<ul style="list-style-type: none"> Reduced cases of asthma Clean air Clean water Reduced environmental impacts on health Reduced exposure to pollutants More efficient water usage Critical habitat preserved Less waste generated 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> Create subcommittees, if additional focus is needed. 	Ongoing	<ul style="list-style-type: none"> Council and community view Commission as responsive to environmental concerns

Goals, projects or priorities of the Commission	Benefit, if completed	Mandated by State/local law or by City Council direction?	Required policy change at City Council level?	Resources needed for completion? Staff or creation of subcommittees?	Estimated completion time	Measurement criteria How will we know how we are doing?
<p>Landscape Equipment (ZELE) ordinance</p> <ul style="list-style-type: none"> • Develop recommendation for pesticide posting ordinance • Support initiatives improving air and water quality • Support initiatives protecting environmental health • Support initiatives that reduce waste • Support initiatives that conserve water • Support initiatives that improve the quality of water runoff in the City • Administer Environmental Quality Awards program. 						

List identified goals, priorities and/or tasks for the Commission	**Prioritize tasks by their significance			
	1 Urgent	2 1-year	3 2-year	4 Long term
<p>Climate Action Plan (CAP) – Continue to recommend/advise on implementation of the City’s adopted 2030 Climate Action Plan initiatives to achieve or surpass the City’s greenhouse gas (GHG) reduction target.</p>	<ul style="list-style-type: none"> Action #1: Review and recommend/advise on policies to phase out the use of fossil fuels of existing buildings. Review and recommend/advise on Reach Codes for new and existing buildings. Review and recommend/advise on ways to optimize electrification planning and building permit activities for speed and efficiency. Action #2: Advise City Council on forming working coalition of local nonprofits, schools, businesses, citizens from every district, and county representatives to review and recommend/advise on policies and programs that increase the number of EVs in Menlo Park and 	<ul style="list-style-type: none"> Action #3: Review and recommend/advise on policies and/or programs to increase access to EV charging for multi family and commercial properties Action #5: Continue to provide recommendations/advise to electrify municipal buildings, fleet and landscaping equipment Advise/recommend Council support for State adoption of impactful impactful CALGreen and energy reach codes for the 2022 building code update Provide recommendations/advise that improves communication with the community about the Climate Action Plan Recommend City strategy for sharing our policies and analysis with other cities to inspire and help others adopt bold climate action 	<ul style="list-style-type: none"> Action #6: Continue to provide recommendations/advise in developing a climate adaptation plan to protect the community from sea level rise and flooding Continue to provide recommendations/advise on new climate actions to be adopted by Council in 2021 	<ul style="list-style-type: none"> Continue to provide recommendations/advise that improves communication with the community about the Climate Action Plan Recommend City strategy for sharing our policies and analysis with other cities to inspire and help others adopt bold climate action

	<p>decrease gasoline sales.</p> <ul style="list-style-type: none"> • Action #4: Recommend that Council request CAP action #4 be included on Complete Streets Commission Work Plan (reduce vehicle miles traveled (VMT) by 25% or an amount recommended by the Complete Streets Commission) • Advise City Council on policy and program recommendations that are adopted and implemented, such as advice on developing a simple dashboard of relevant metrics (e.g. gasoline sales, EV registrations) and communications toolkit that can be used for progress reporting with the city as well as citizen education and awareness building. 			
<p>Climate Resilience and Adaptation – Ensure that our most vulnerable communities</p>	<ul style="list-style-type: none"> • Brainstorm with key members of city staff a new education and 			

<p>have a voice in policies and programs to protect their communities from environmental impacts.</p>	<p>resource model that includes local nonprofits, schools, businesses, citizens, and other city and county governments.</p>			
<p>Urban Canopy – Continue to leverage best practices to advise and recommend on the preservation of heritage trees, city trees, and expansion of the urban canopy; and make determinations on appeals of heritage tree removal permits.</p>	<ul style="list-style-type: none"> • Support submission of concept proposal to CalFire for grant to create Urban Forest Master Plan (UFMP) • Track citizen concerns on large scale tree removal projects and provide advice on future policy improvements as it relates to tree removals 	<ul style="list-style-type: none"> • Support creation of the UFMP • Support the implementation of the UFMP • Receive annual updates on operation and implementation of the Heritage Tree Ordinance and recommend adjustments as needed • Organize annual Arbor Day event 	<ul style="list-style-type: none"> • Support the implementation of UFMP 	<ul style="list-style-type: none"> • Support the implementation of UFMP
<p>Green and Sustainable Initiatives – Support sustainability initiatives, as needs arise, which may include but not be limited to habitat protection, healthy ecology, environmental health protection, healthy air, surface water runoff quality, water conservation and waste reduction.</p>		<ul style="list-style-type: none"> • Support community and/or city-led Earth Day events • Support awareness and implementation of future ZELE ordinance 		<ul style="list-style-type: none"> • Develop recommendation for pesticide posting ordinance • Support initiatives improving air and water quality • Support initiatives protecting environmental health • Support initiatives that reduce waste • Support initiatives that conserve water

				<ul style="list-style-type: none">• Support initiatives that improve the quality of water runoff in the City• Administer Environmental Awards Quality program
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COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004
 Adopted January 10, 2023
 Resolution No. 6803



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”
Background
<p>The City of Menlo Park currently has seven active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, and Planning Commission. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution No. 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Six of the seven commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-21-0022), and a Travel, Meal, and Lodging Policy (CC-19-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council’s adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City’s duly elected representatives, the City Council. • Additional or other staff support may be provided upon a formal request to the City Council. • The staff liaison shall act as the commission/committee’s lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that their statements do not represent the position of the City Council. • Commission/Committee members will have mandatory training every two years regarding the Brown Act and

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted January 10, 2023

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parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.

- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the city clerk's office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the city clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.
- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Advisory Body Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted January 10, 2023

Resolution No. 6803

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provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The city clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that they are speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. *Agendas/notices/minutes*

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, city manager, city attorney, city clerk and other appropriate staff, as requested.
- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if they think it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by their signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

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3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, and Finance and Audit Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month and the Finance and Audit Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 6:30 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Thursday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month on a Monday at 7 p.m.

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that their participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

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G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the city clerk or their designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the city clerk's office and on the City's website.
- The city clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted.
- After the deadline of receipt of applications, the city clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the city clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the city clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted at a City Council meeting. The city clerk will ask each City Councilmember for their nominations; the number of nominations is limited to the number of vacancies. The candidate that receives a majority of nominations will be appointed. If there is a tie, multiple rounds of voting will occur.
- Following a City Council appointment, the city clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the city clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

Attendance

- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that they will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided however,

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members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-19-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City pursuant to Government Code §87300 et seq. Copies of the conflict of interest code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Complete Streets Commission, Housing Commission, and Planning Commission are required to file a Statement of Economic Interest with the city clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using their official position to influence a governmental decision. Questions in this regard may be directed to the city attorney.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee.

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the city clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the city clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place. The Finance and Audit Committee term of office shall be two (2) years.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of their term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are posted by the city clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

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Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on realizing the City's adopted goals for complete streets, vision zero, climate action plan, and provide input on major land use and development projects as it relates to transportation. The Complete Streets Commission's responsibilities include:

- To advance the goals of the city’s newly adopted climate action plan by making alternatives to driving safer and more attractive
- Advise City Council on the implementation of the transportation master plan.
- Continue to advocate for and advise the City Council on planning and installing pedestrian and bicycle rail crossing and safe cycling/pedestrian infrastructure.
- Continue to support City Council in ongoing initiatives to improve access to Downtown and support downtown businesses.
- Continue to support the implementation of the Safe Routes to School strategy and advocate for community engagement, program continuity and engineering implementation.
- Continue to support City Council’s role as a stakeholder with regard to regional multi-modal and transportation demand management programs projects to increase

Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically, a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City’s fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City’s external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City’s libraries and library systems. Specific focus areas include:

- The scope and degree of library activities

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- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the city clerk for City Council consideration and approval.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	6/8/2021	Resolution No. 6631
Procedure adoption	3/1/2022	Resolution No. 6706
Procedure adoption	3/8/2022	Resolution No. 6718

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Procedure adoption	9/20/2022	Resolution No. 6776
Procedure adoption	1/10/2023	Resolution No. 6803



STAFF REPORT

City Council
Meeting Date: 2/14/2023
Staff Report Number: 23-033-CC

Consent Calendar: **Adopt a resolution approving the City Council Community Funding Subcommittee's recommendations for 2022-23 community funding allocations**

Recommendation

The City Council Community Funding Subcommittee (Subcommittee) recommends that the City Council adopt a resolution (Attachment A) approving the Subcommittee's recommended 2022-23 community funding allocations to local nonprofit agencies totaling \$307,000.

Policy Issues

The Subcommittee's recommendations are consistent with the City Council's current community funding program policy.

Background

The City of Menlo Park adopted a formal policy guiding allocation of general fund dollars to community organizations in 1996 (Attachment B) to leverage City funds in response to the human service needs of Menlo Park residents.

The policy guidelines stipulate that eligible programs must address a verified community need and have a significant Menlo Park client base. Priority service areas include emergency assistance for those who are homeless or low-income; assistance to the disabled; help for seniors to be independent; senior day care support; youth services including recreational and summer academic support; crisis and family counseling; and substance abuse prevention. Applicants must maintain accounting records with an independent audit at least once every two years.

Each fiscal year, according to the policy, no more than 1.7 percent of projected general fund property tax revenue (approximately \$589,794 in fiscal year 2022-23) may be allocated to the community funding program.

The approved general fund budget for fiscal year 2022-23 currently includes \$297,000 for community funding allocations. This amount equals the amount from fiscal year 2021-2022

Analysis

Vice Mayor Taylor and City Councilmember Combs were appointed as the Subcommittee for fiscal year

2022-23. The Subcommittee is charged with evaluating funding requests and making recommendations to the full City Council as to the allocation of the funds budgeted for the community funding program.

This year, the City provided notice of the grant program to agencies that received funding in prior years as well as additional organizations referred by City Councilmembers and staff. Twenty-seven agencies responded with requests totaling \$425,500, a decrease of \$74,500 from the total amount requested in fiscal year 2021-22. Three organizations submitted applications that did not apply last year. Applicants provide services such as counseling, crisis intervention, employment assistance, shelter, hospice services, community health, risk reduction education, and youth and senior services.

The Subcommittee reviewed the criteria established to assess the applications against factors aligned with the community funding policy such as: verified program results; impact on the Menlo Park community; percentage of total budget spent on administrative overhead; receipt of City funding in previous years; community need for the program; unduplicated service or, if duplicated, evidence of collaboration; and alignment with City Council goals for the program.

All agencies that applied for funding this year were recommended for awards of at least \$2,000. The largest recommended amounts were to Star Vista, \$25,000, for youth counseling services at Menlo Atherton High School; to Peninsula Conflict Resolution Center, \$25,000, for Youth Initiative and Restorative Justice Practices; Samaritan House, \$20,000, for at-risk individuals and families helping with food, access to shelter, health care and emergency financial services; Peninsula Volunteers, \$20,000, to support Meals on Wheels, Rosener House Adult Day Center, and transportation program for seniors.

In total, the Subcommittee recommends a total \$307,000 in funding awards for fiscal year 2022-23. This total amount exceeds the adopted fiscal year 2022-23 budgeted amount for funding awards by \$10,000. Approving the recommended total \$307,000 in funding awards would require City Council appropriation of \$10,000 during the mid-year budget amendment. The Subcommittee recommends this action in recognition of the extraordinary needs in the community at the current time. In addition, the Subcommittee noted a desire for increased advertising of the community funding program in the next fiscal year. City staff will promote the application opportunity more extensively through communication channels.

The table on the following page outlines funding allocations approved by the City Council in fiscal year 2021-22, requests for fiscal year 2022-23, and the Subcommittee’s recommendations.

Table 1: Funding requests for fiscal year 2022-23

Agency	Fiscal year 2021-22 allocation	Fiscal year 2022-23 request	Subcommittee recommendation for fiscal year 2022-23
AbilityPath	\$1,500	\$10,000	\$3,000
Acknowledge Alliance	\$17,500	\$20,000	\$16,000
All Five	\$10,000	\$13,000	\$13,000
Community Overcoming Relationship Abuse (CORA)	\$7,500	\$7,500	\$5,000
East Palo Alto Tennis and Tutoring (EPATT)	\$12,500	\$15,000	\$15,000
Family Connections	\$7,500	\$10,000	\$8,000

Human Investment Project, Inc.	\$15,000	\$15,000	\$12,000
JobTrain, Inc.	\$10,000	\$10,000	\$10,000
Legal Aid Society of San Mateo County	\$8,000	\$8,000	\$8,000
LifeMoves	\$20,000	\$20,000	\$16,000
Live In Peace, Inc.	\$10,000	\$50,000	\$10,000
Menlo Rotary Community Foundation*	*	\$1,500	\$3,000
Nuestra Casa de East Palo Alto	\$10,000	\$10,000	\$10,000
Ombudsman Services of San Mateo County, Inc.	\$2,500	\$3,000	\$3,000
Omniware Networks*	*	\$2,000	\$2,000
Peninsula Conflict Resolution Center (PCRC)*	*	\$25,000	\$25,000
Peninsula Volunteers Inc.	\$20,000	\$50,000	\$20,000
Ravenswood Classroom Partners (All Students Matter)	\$10,000	\$15,000	\$15,000
Ravenswood Education Foundation	\$10,000	\$15,000	\$15,000
Rebuilding Together Peninsula	\$10,000	\$10,000	\$10,000
Samaritan House	\$20,000	\$27,500	\$20,000
Service League of San Mateo County	\$2,500	\$3,000	\$3,000
StarVista	\$25,000	\$45,000	\$25,000
The Boys and Girls Club of the Peninsula	\$15,000	\$10,000	\$10,000
Upward Scholars	\$2,500	\$5,000	\$5,000
Vista Center for the Blind and Visually Impaired	\$15,000	\$15,000	\$15,000
Youth Community Service	\$7,500	\$10,000	\$10,000
Other fiscal year 2021-22 awardees that did not apply	\$27,500	-	-
Total	\$297,000	\$425,500	\$307,000

*New applicant in 2022-23

Additional information about each organization's application is available in the city manager's office.

Impact on City Resources

The fiscal year 2022-23 adopted budget includes \$297,000 for the community funding program. Approving the Subcommittee's recommended total funding amount of \$307,000 would require City Council appropriation of \$10,000 during the mid-year 2022-23 budget amendment.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA)

Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution
- B. City Council Policy #CC-01-1996 Community Funding Program
- C. Hyperlink – Community funding agreement: menlopark.gov/files/sharedassets/public/city-managers-office/documents/fy2022-23-community-funding-agreement-template.pdf

Report prepared by:

Nicole Casados, Executive Assistant to the City Manager
Rondell Howard, Interim Assistant Community Services Director
Rani Singh, Interim Finance and Budget Manager

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING THE CITY COUNCIL COMMUNITY FUNDING SUBCOMMITTEE
RECOMMENDATIONS REGARDING ALLOCATION OF FISCAL YEAR 2022-23
COMMUNITY FUNDING**

The City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing, THEREFORE

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the City Council hereby approves the City Council Community Funding Subcommittee recommendations regarding fiscal year 2022-23 community funding allocations in the total amount of \$307,000, as more particularly set forth in the staff report presented to the City Council on February 14, 2023.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourteenth day of February, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ____ day of February, 2023.

Judi A. Herren, City Clerk

COMMUNITY FUNDING PROGRAM

City Council Policy #CC-01-1996
Effective 06/04/1996

ATTACHMENT B



Purpose

To provide guidelines for the award of monetary support to local nonprofit agencies whose programs respond to the human service needs of Menlo Park residents. This funding is not intended for use as the sole support of any agency. All recipients of financial assistance grants enter into a contractual agreement with the City detailing the specific objectives to be accomplished as a result of the grant.

Policy

1. Goals and Philosophy

The City of Menlo Park recognizes that:

- 1.1 The availability of basic human service programs is a key determining factor in the overall quality of life of Menlo Park residents;
- 1.2 The most cost-effective and efficient manner to insure that these services are available to local residents is through the development of agreements with existing nonprofit agencies;
- 1.3 Contractual agreements with nonprofit agencies allow the City to influence the human service programs offered to Menlo Park residents; and
- 1.4 Financial assistance grants demonstrate the City's support of the activities of specific nonprofits and make it possible for these agencies to leverage additional funds that will benefit local residents.

2. Eligibility

- 2.1 All applicants must be formally incorporated nonprofit entities and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).
- 2.2 All applicants must be agencies based in Menlo Park or agencies that provide services throughout the County of San Mateo who can demonstrate a significant Menlo Park client base.
- 2.3 All applications must provide a service that is not a duplication of an existing public sector program, OR if the service is duplicated, the applicant must show why it is not an unnecessary duplication of service.
- 2.4 All applicants shall maintain accounting records that are in accordance with generally accepted accounting practices. The agency must have an independent audit performed at least once every two years.
- 2.5 The agency must have bylaws that define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.
- 2.6 Governance of the agency should be vested in a responsible and active board that meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.

- 2.7 The agency must provide for adequate administration of the program to insure delivery of the services. The agency must provide that it has a written job description for each staff position and an organizational chart approved by the board. One individual should be designated as the full time director of the agency.
- 2.8 No less than 85 percent of City funds granted must be used for direct services as opposed to administrative costs.
- 2.9 City grants can represent no more that 20 percent of an applicant's total operating budget.
- 2.10 All recipients agree to actively participate in City efforts to coordinate and to improve human services within the City.
- 2.11 The program described must respond to a verified community need as defined by the City Council:

Disabled. Emphasizes support of programs that will allow the disabled to actively participate in their community and maintain independence from institutional support.

Emergency Assistance and Low Income Support. Emphasizes support of programs that can meet emergency needs for people in crisis such as victims of homelessness, rape, and domestic violence and the basic needs such as food, etc., for low-income residents.

Seniors. Emphasizes support of programs which serve predominantly low income, frail and minority seniors; and those programs which make it possible for seniors to continue to be independent and active community participants.

Youth. Emphasizes support of delinquency prevention services including recreation; crisis and family counseling; substance abuse prevention; child care and acculturation of ethnic minorities.

3. Procedure

Any agency requesting financial assistance must complete the required application and submit it to the Administrative Services Department. The City Council Community Funding Subcommittee is responsible for reviewing all proposals and submitting recommendations for funding to the City Council.

4. Funding

Grants are funded by the General Fund. Each fiscal year, no more than 1.7 percent of general fund property tax will be allocated to the Community Funding Program.



STAFF REPORT

City Council

Meeting Date:

2/14/2023

Staff Report Number:

23-028-CC

Consent Calendar:

Adopt a resolution to abandon two ten-foot wide public utility easements along the northeasterly side (rear) of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive; determine this action is categorically exempt under California Environmental Quality Act Guidelines Section 15305 Class 5 exemption for minor alterations in land use limitations

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) to abandon two ten-foot wide public utility easements along the northeasterly side (rear) of the properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive and determine this action is categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15305 Class 5 exemption for minor alterations in land use limitations.

Policy Issues

In order to abandon public easements, the City is legally required to go through a multistep process as specified by the State of California Streets and Highways Code or can abandon public easements through a tentative map as provided for in the Subdivision Map Act (California Government Code Section 66499.20.2.) In addition to the process required by the Streets and Highways Code, City practice has been to initiate abandonment proceedings with the City Council consideration of a resolution of intent.

Background

In May 2020, the City issued a building permit for the construction of a new two-story, single-family residential home at 1701 Bay Laurel Drive. During the construction of the new residence, PG&E removed the existing overhead electric utilities located along the rear of the properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive, at the request of the property owners. New underground electric utilities were installed on Bay Laurel Drive to provide utility services to both 1701 and 1715 Bay Laurel Drive properties.

On December 6, 2022, the City Council adopted Resolution No. 6796 (Attachment B) declaring intention to abandon public utility easements along the rear of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive referring the matter to the Planning Commission for a recommendation on general plan consistency, and setting a date for a public hearing by City Council.

At its January 9, 2023 meeting, the Planning Commission reviewed the proposed abandonment and adopted Resolution No. 2023-03 (Attachment C) determining the abandonments were consistent with the City's general plan, and recommending to the City Council that the public utility easements along the rear properties of 1701 Bay Laurel Drive and 1715 Bay Laurel Drive be abandoned as proposed.

Analysis

The existing overhead utilities along the rear of the properties located at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive were removed. New underground utilities were installed on Bay Laurel Drive to provide utility services to both 1701 and 1715 Bay Laurel Drive properties. The applicant has obtained “no objection” letters for the easement abandonment from all relevant public utility agencies for both 1701 Bay Laurel Drive and 1715 Bay Laurel Drive.

The February 14, 2023 public hearing is the final step in the California Streets and Highways Code multistep process for abandonment of public utility easements. Should the City Council consider the abandonment favorably, a resolution ordering the abandonment of the public utility easements along the rear of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive would be adopted. Staff has advertised notices of the public hearing in print newspaper February 1, 2023 and February 8, 2023 and at the project site in accordance with the requirements of the California Streets and Highways Code.

Impact on City Resources

There is no direct impact on City resources associated with the actions in this staff report. The fee for staff time to review and process the abandonment has been paid by the applicant.

Environmental Review

The proposed public utility easement abandonment is Categorically Exempt under Class 5, minor alterations in land use, of the current State of CEQA Guidelines.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution
- B. Hyperlink – December 6, 2022, City Council agenda (item E5):
menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20221206-cc-agenda-packet-with-presentation.pdf#page=67
- C. Hyperlink – January 9, 2023, Planning Commission agenda (item F4):
menlopark.gov/files/sharedassets/public/agendas-and-minutes/planning-commission/2023-meetings/agendas/20230109-planning-commission-agenda-packet.pdf#page=214

Report prepared by:
Edress Rangeen, Associate Engineer

Report reviewed by:
Ebby Sohrabi, Senior Civil Engineer
Tanisha Werner, Assistant Public Works Director - Engineering

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ORDERING THE ABANDONMENT OF TWO TEN-FOOT WIDE PUBLIC
UTILITY EASEMENTS ALONG THE NORTHEASTERLY SIDE (REAR) OF
PROPERTIES AT 1701 BAY LAUREL DRIVE AND 1715 BAY LAUREL DRIVE**

WHEREAS, on December 16, 2022, the City Council of the City of Menlo Park adopted Resolution No. 6796, declaring the intention of the City to abandon two ten-foot wide public utility easements along the northeasterly side (rear) of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive, and

WHEREAS, the City Planning Commission of the City of Menlo Park held a Public Hearing and adopted Planning Commission Resolution No. 2023-03 determining that the abandonment of two ten-foot wide Public Utility Easements along the northeasterly side (rear) of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive are consistent with the General Plan and has recommended that the City Council approve the requested abandonments; and

WHEREAS, a Public Hearing was held before the City Council of the City of Menlo Park regarding the foregoing matter on February 14, 2023; and

WHEREAS, notice of said Public Hearing was duly made by publication, mailing, and posting as required by law, and proof thereof is on file with the City Clerk of the City of Menlo Park; and

WHEREAS, no protests were filed with or received by said City Council; and

NOW, THEREFORE, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore, hereby finds and resolves that the two ten-foot wide Public Utility Easements should be vacated pursuant to subsection (c) of Section 8333 of the California Streets and Highways Code which allows a vacation of an easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement, and there have been no objections provided to the proposed vacation by utility companies.

BE IT AND IT FURTHER RESOLVED by the City Council of the City of Menlo Park

- A. That this vacation is made pursuant to Division 9, Part 3, Chapter 4 of the California Streets and Highways Code, Section 8330 et seq.; and
- B. That the City Council has determined that the public interest, convenience and necessity require that the two ten-foot wide Public Utility Easements be vacated; and
- C. That the City Council does hereby order the vacation of the two ten-foot wide Public Utility Easements along the northeasterly side (rear) of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive, described on the legal plats and more specifically shown in Exhibit A, attached hereto and incorporated herein by this reference and
- D. The City Clerk is directed and hereby shall cause a certified copy of this Resolution attested to by the Clerk under seal to be recorded with the San Mateo County Recorder, as required by Streets and Highways Code section 8336; and
- E. That said abandonment is consistent with the General Plan; and
- F. That said abandonment is exempt under current California Environmental Quality Act Guidelines.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourteenth day of February, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this __ day of February, 2023.

Judi A. Herren, City Clerk

Exhibit:

A. Plats and legal descriptions

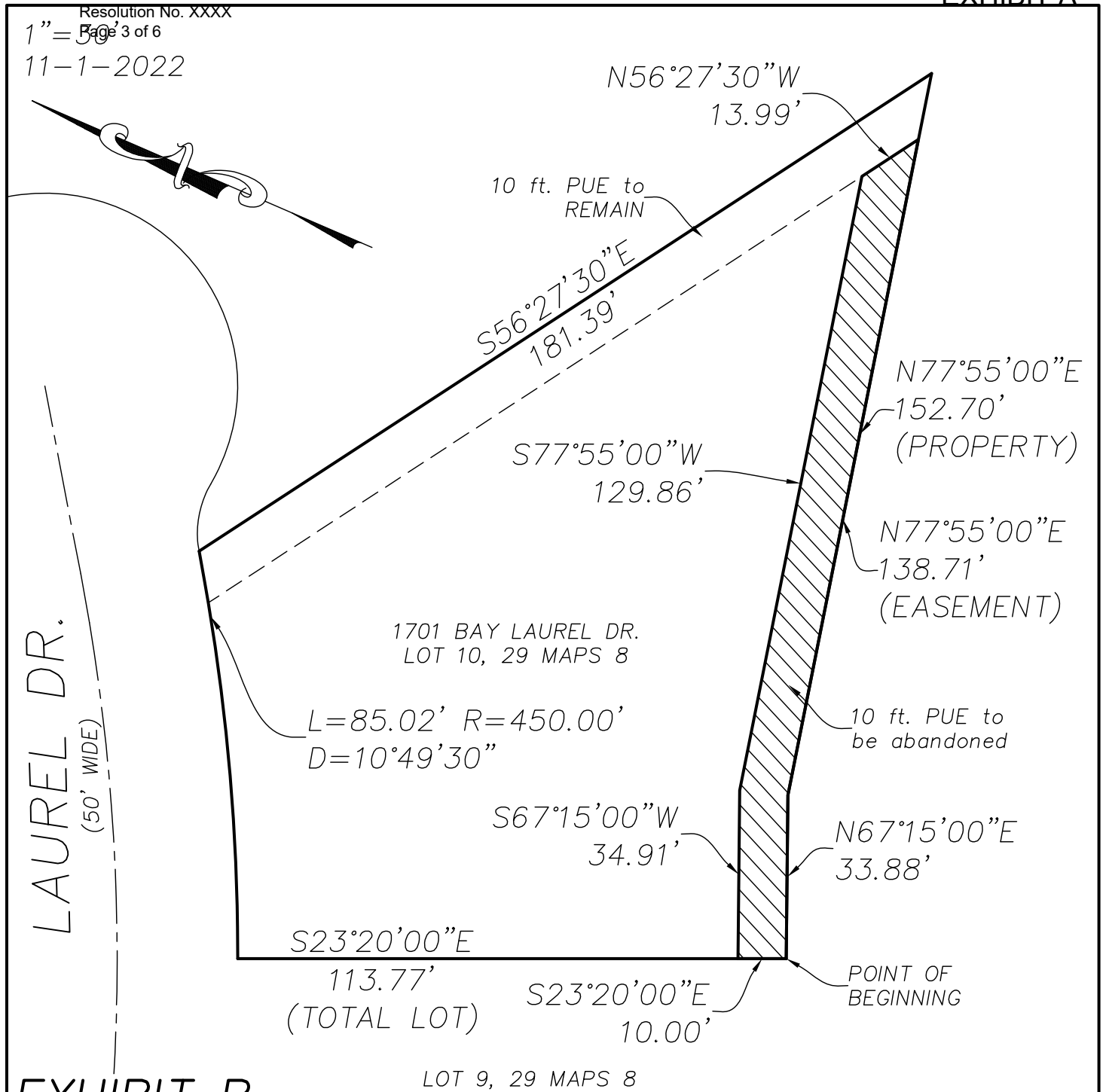
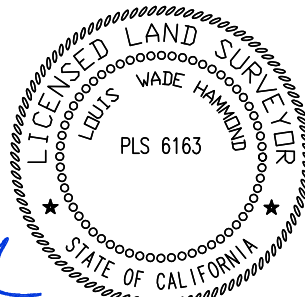


EXHIBIT B
PUBLIC UTILITY
EASEMENT
ABANDONMENT



Louis Wade Hammond

L. Wade Hammond
Land Surveying
Civil Engineering
36660 Newark Blvd. Suite C
Newark, California 94560
Tel: (510) 579-6112
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wade@whlandsurveyor.com www.wadehammondpls.com

PUBLIC UTILITY EASEMENT ABANDONMENT
1701 BAY LAUREL DR. MENLO PARK

11-1-2022

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF SAN MATEO, CITY OF MENLO PARK, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 10, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "STANFORD CREEK", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON APRIL 8TH, 1948 IN BOOK 29 OF MAPS, AT PAGE 8, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 10, SAID CORNER COMMON TO THE SOUTHEAST CORNER OF LOT 9 AS SHOWN ON SAID MAP, BOOK 29 OF MAPS, AT PAGE 8

THENCE ALONG THE SOUTHERLY LIND OF SAID LOT 10
NORTH 67° 15' 00" EAST, 33.88 FEET; THENCE
NORTH 77° 55' 00" EAST, 138.71 FEET; THENCE
THEN LEAVING SAID SOUTHERLY LINE,
NORTH 56° 27' 30" WEST, 13.99 FEET; THENCE
SOUTH 77° 55' 00" WEST, 129.86 FEET; THENCE
SOUTH 67° 15' 00" WEST, 34.91 FEET TO THE WESTERLY LINE OF SAID LOT 10; THENCE ALONG
SAID WESTERLY LINE, SOUTH 23° 20' 00" EAST, 10.00 FEET
TO THE **POINT OF BEGINNING**.

CONTAINING 1687 SQUARE FEET, MORE OR LESS.
END OF DESCRIPTION.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.



Wade Hammond

11-1-2022

LOT 10, 29 MAPS 8

LAUREL DR.
(50' WIDE)

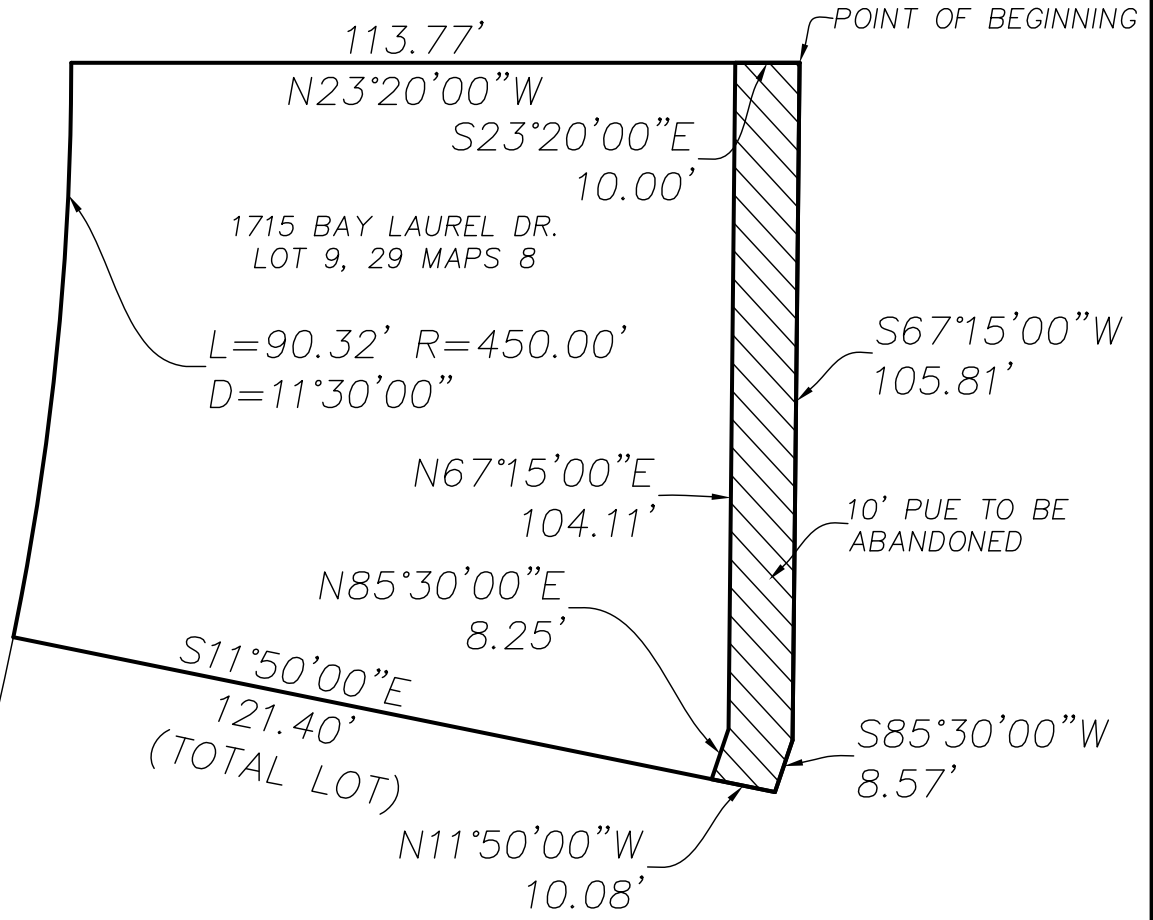
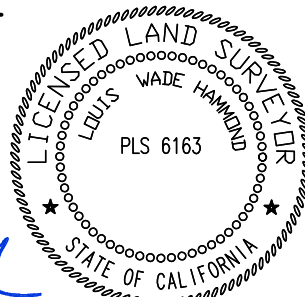


EXHIBIT B
PUBLIC UTILITY
EASEMENT
ABANDONMENT



Louis Wade Hammond

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wade@whlandsurveyor.com www.wadehammondpls.com

PUBLIC UTILITY EASEMENT ABANDONMENT
1715 BAY LAUREL DR. MENLO PARK

11-1-2022

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF SAN MATEO, CITY OF MENLO PARK, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 9, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "STANFORD CREEK", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON APRIL 8TH, 1948 IN BOOK 29 OF MAPS, AT PAGE 8, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9, SAID CORNER COMMON TO THE SOUTHWEST CORNER OF LOT 10 AS SHOWN ON SAID MAP, BOOK 29 OF MAPS, AT PAGE 8

THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID LOT 9
SOUTH 67° 15' 00" WEST, 105.81 FEET; THENCE
SOUTH 85° 30' 00" WEST, 8.57 FEET; THENCE
NORTH 11° 50' 00" WEST, 10.08 FEET;
THENCE LEAVING SAID WESTERLY LINE
NORTH 85° 30' 00" E, 8.25 FEET; THENCE
NORTH 67° 15' 00" EAST, 104.11 FEET
TO THE EASTERLY LINE OF SAID LOT 9; THENCE
SOUTH 23° 20' 00" EAST, 10.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 1134 SQUARE FEET, MORE OR LESS.
END OF DESCRIPTION.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

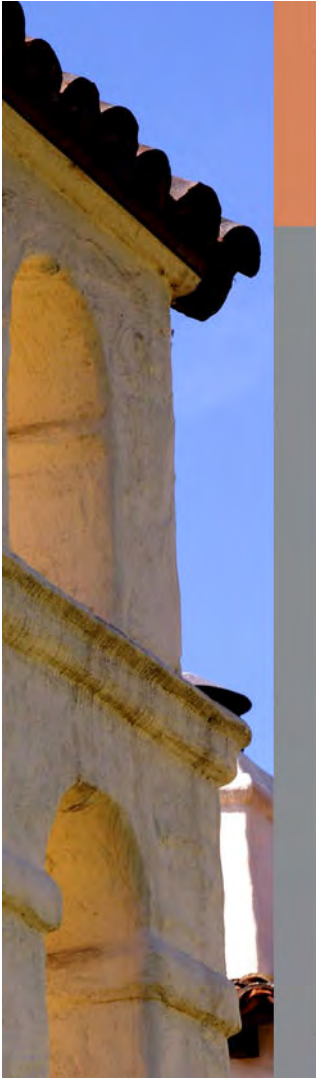


Wade Hammond



RESOLUTION TO ABANDON PUBLIC UTILITY EASEMENTS

1701 Bay Laurel Drive and 1715 Bay Laurel Drive

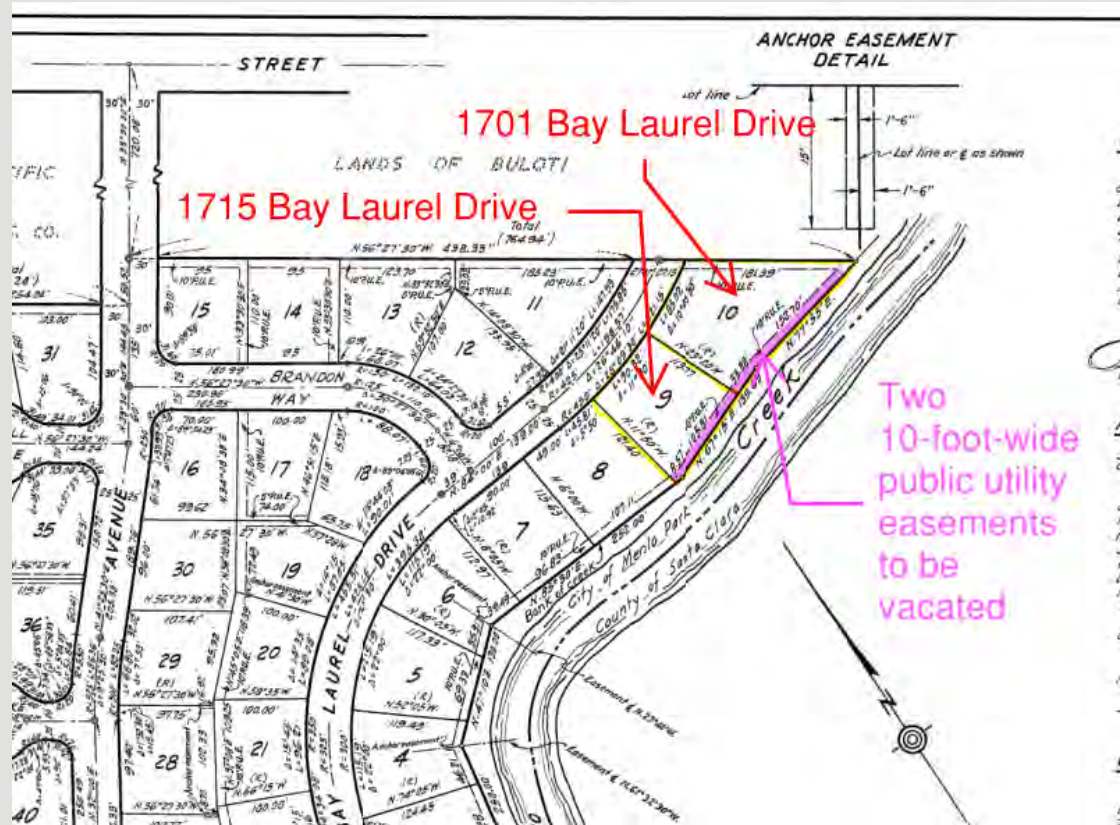


PROJECT BACKGROUND

- Standard Vacation – 3 step process
 - City Council
 - Planning Commission
 - City Council
- On December 16, 2022, the City Council adopted Resolution No. 6796
- On January 9th, 2023, Planning Commission adopted Resolution No. 2023-03 confirming that proposed abandonments were consistent with general plan and recommending approval of abandonment.



MAP





RECOMMENDED ACTION

- Adopt resolution ordering the vacation and abandonment of the two 10-foot-wide Public Utility Easements along the northeasterly side (rear) of properties at 1701 Bay Laurel Drive and 1715 Bay Laurel Drive.



THANK YOU



STAFF REPORT

City Council

Meeting Date:

2/14/2023

Staff Report Number:

23-032-CC

Regular Business:

Provide direction on the preferred bikeway design for Middle Avenue and adopt a resolution to install no parking zones on Middle Avenue; determine this action is statutorily exempt as defined by Public Resource Code Section 21080.25

Recommendation

Staff recommends the City Council provide direction on the preferred bikeway design for the Middle Avenue complete streets project and adopt a resolution to remove parking to implement the preferred concept (Attachment A.)

Policy Issues

This project is consistent with policies and programs stated in the General Plan Circulation Element (e.g., CIRC-1.7, CIRC-1.8, CIRC-2.7, etc.) These policies seek to maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park.

Design and implementation of bicycle facilities on Middle Avenue between El Camino Real and University Drive fulfill "Mitigation Measure TRA-2.1" of the Mitigation Monitoring and Reporting Program (MMRP) established in the 500 El Camino Real (i.e., Middle Plaza) project final environmental impact report (FEIR) approved in 2017.

Background

The Middle Avenue complete streets project is a City Council priority with the following objectives:

- Enhance bicyclist and pedestrian visibility and improve safety of all street users
- Provide safe and comfortable cycling and pedestrian infrastructure and encourage sustainable modes of transportation
- Increase accessibility of the corridor by supporting improvements related to Middle Plaza and ongoing study of the grade-separated pedestrian and bicycle crossing

Since late 2021, staff have been conducting planning and outreach for this project, with support from Stanford University. Project activities to date include:

- March 2022 – staff conducted initial public outreach, including in person and virtual meetings and launched an online survey that received over 600 responses
- May 11, 2022 – staff presented the findings of outreach to the Complete Streets Commission (CSC)
- July 13, 2022 – the CSC reviewed design options and made a recommendation to City Council
- August 23, 2022 – City Council received an informational update on the project that included a complete

record of the outreach and analysis. Attachment B provides a hyperlink to the staff report for this meeting.

- September 13, 2022 and October 18, 2022 – City Council reviewed design options for the project, approved certain actions and provided additional direction to staff. Attachments C and D provide the hyperlinks to the September and October staff reports.
- January 24, 2022 – City Council received an informational item with a set of bikeway design options. This information is also provided in this staff report.

In addition to the feedback from the public meetings and public survey, staff has received direct correspondence from residents and feedback via the City Council email log. This feedback has been consistent with input heard from the public outreach process and comments to City Council. The feedback has included individuals concerned about parking removal or about parking removal on both sides, as well as residents who support parking removal. There has also been substantial feedback about other project elements that have been approved or supported in prior City Council meetings, including broad support for traffic calming, some concerns about and some support for the stop sign at Middle Avenue and San Mateo Drive that City Council authorized October 18, 2022, and a combination of support and questions about potential intersection changes at Middle Avenue and El Camino Real.

Since the City Council meetings in September and October 2022, staff developed a summary video that describes the outreach conducted for the project, the City Council decisions, and a summary of options to implement a bikeway. This information is posted on the City's webpage for the project. The City has also been coordinating with Peninsula Volunteers, Inc. (the operator of Little House and Rosener House) and New Community Church, and provided substantial notifications for this decision, including post cards, a City newsletter article, emails, and placing variable message signs on Middle Avenue.

Analysis

At the September 13, 2022 and October 18, 2022 meetings, the City Council took the following actions related to the Middle Avenue complete streets project:

- Authorized installation a new all-way stop sign on at Middle Avenue and San Mateo Drive
- Authorized the temporary closure of Blake Street at Middle Avenue
- Directed staff to pursue reducing the speed limit on Middle Avenue between University Drive and Olive Street to 25 miles per hour (MPH) as part of a package of speed limit reductions on similar residential streets that are currently signed 30 MPH
- Directed staff to install traffic calming at regular intervals on Middle Avenue
- Directed staff to add a project to the five-year capital improvement plan (CIP) to install continuous sidewalk on the south side of Middle Avenue

In addition to these actions, the City Council also provided feedback to staff to explore a potential pilot of a bikeway that removed parking on both sides of the street and to return to City Council with options for the design of the bikeway that would retain some on-street parking. The City Council also directed staff to provide additional notice to residents about the forthcoming City Council decision.

Staff has identified three potential options to implement bicycle lanes on Middle Avenue (Attachment E) and identified potential trade-offs of these options (Table 1):

1. Pilot removal of parking on both sides of the street and install bicycle lanes that are generally seven-foot wide with three-foot buffers
2. Remove parking from one side of the street and implement buffered bicycle lanes that are generally five-

feet wide with two-foot buffers

3. Remove parking from one side of the street with select additional parking removal on the other side of the street where there are generally reduced parking needs. Bike lane and buffer width would use the wider lane and buffer dimensions where parking is removed and the narrower lane and buffer options where parking is retained.

Automobile travel lanes would be 10 feet wide for all three options. The parking lane, where included, would be seven feet wide. Widths are approximate and will be finalized using survey measurements when the project moves into final design.

Staff has identified the following trade-offs from these three approaches for consideration (Table 1.) Cross sections for each option are shown in Attachment F.)

Table 1: Middle Avenue bicycle lane implementation options		
Implementation option	Advantages	Challenges
(1) Remove parking from both sides	<ul style="list-style-type: none"> • Wider bike lanes reduce conflicts with vehicles 	<ul style="list-style-type: none"> • Wider bike lanes and buffers may be used for passing turning vehicles
(2) Remove parking from one side	<ul style="list-style-type: none"> • Parking retained for users with high demand or limited supply, including Nealon Park/Little House, Menlo Community Church and apartments 	<ul style="list-style-type: none"> • Somewhat narrower bicycle lanes and buffer <ul style="list-style-type: none"> • Increased risk of dooring (bicycle collisions with people opening car doors) compared to option 1
(3) Remove parking on both sides, except in high need areas	<ul style="list-style-type: none"> • Parking retained for users with high demand or limited supply, including Nealon Park/Little House, Menlo Community Church and apartments 	<ul style="list-style-type: none"> • Somewhat narrower bike lanes and buffer in select areas, including by Nealon Park and Lyle Park. • Potential increase risk of dooring in select areas compared to option 1

Potential pilot

At the September 13, 2022 meeting, City Council asked staff to return with a pilot of option 1 to test the impact of removing parking on both sides of the streets. While any of the three options could be conducted as a pilot, staff recommends consideration of a pilot only for option 1 (remove parking on both sides.) The other two options are similar to other bikeways installed by the City and provide substantial parking capacity. Additionally, installing option 2 or 3 as a pilot requires more substantial adjustments to the existing striping. Those options shift the centerline of the street and require removal of all existing striping. For option 1, a pilot would retain both the centerline and the existing edge line between University Drive and Olive Street that currently marks the parking lane – the bicycle lanes and buffers would fit within this space.

Implementing the project as a pilot would require additional resources and staff time, detailed below that would result in a delay of other transportation priorities, such as restarting the neighborhood transportation management program (NTMP), advancing other corridor studies, or addressing other upcoming projects. The pilot would include removing any non-conforming striping, installing temporary striping, conducting additional outreach on the corridor, and evaluating the pilot, returning to CSC and City Council to present finalize the design, and then installing permanent striping.

Staff developed an evaluation framework (Attachment G) that will be implemented if direction is provided to pursue a pilot at the February 14 meeting. Staff has also begun to organize pre-pilot data collection to

ensure that a pilot could be initiated by the summer of 2023.

Project schedule

Staff has developed schedules for the project with and without a pilot (Attachment H.) If a pilot is selected, staff would begin design immediately and seek to implement the pilot over the summer of 2023. If a pilot is not pursued, staff would begin working with a consultant to begin final design of the entire project this spring. If the pilot is chosen, it would add at least nine months to the schedule for delivery of the permanent project.

These schedules incorporate an upcoming capital improvement project to repave Middle Avenue between El Camino Real and San Mateo Drive (the remainder was resurfaced in 2020.) The soonest this segment could be paved is summer 2024. Once the pilot begins, repaving should wait until a final design is complete to avoid adding a third round of striping (pilot, repaving, permanent project.) If the pilot is selected, repaving and the permanent project would go to construction in 2025.

The schedule also considers the requirements of the San Mateo County Transportation Authority (SMCTA) Measure A & W Pedestrian and Bicycle Program that the City received for this project. City Council resolution 6778 authorized staff to pursue this grant, which was awarded in December 2022 and will fund the permanent bikeway, traffic calming measures along the corridor, and intersection improvements at El Camino Real. This grant requires work to be completed by June 30, 2025.

Whether or not a pilot is pursued, there would be extensive notification of the parking removal required for implementation of this project. One month before implementing parking removal, each residence and property on Middle Avenue and the first 500 feet of surrounding streets would receive a door hanger indicating imminent parking removal and A-frames would be placed on each block of Middle Avenue. This may be modified somewhat if a pilot of partial parking removal is pursued. Parking removal would follow a month later, and bikeway installation would take place a month after that to ensure that the parking removal would be enforceable, per City ordinance.

Impact on City Resources

The City was recently awarded a grant for \$1,100,00 from the SMCTA Pedestrian and Bicycle program to fund traffic calming and other improvements on Middle Avenue. The City's CIP includes \$200,000 for the Project, which serves as the required match for this grant. Design and construction of bikeway improvements along Middle Avenue between El Camino Real and University Drive is the responsibility of Stanford University. Stanford University's responsibility only includes a single implementation (i.e., only the pilot or only the permanent installation if staff is directed to pursue a pilot) and does not include any of the traffic calming improvements, which are not part of the conditions of approval for Middle Plaza.

Depending on the direction received February 14, staff may need to return to City Council to program additional funding to accommodate the cost of the pilot bikeway, evaluation, permanent bikeway installation and other project elements. For the pilot evaluation, existing resources from the Citywide traffic data collection agreement and the City's existing access to Streetlight data can contribute to the evaluation. If additional resources are required, staff will seek to program additional funding in the fiscal year 2023-24 budget.

Environmental Review

The Middle Avenue complete street project is statutorily exempt as identified by Public Resource Code Section 21080.25 which defines the California Environmental Quality Act as not applicable to "pedestrian

and bicycle facilities that improve safety, access or mobility, including new facilities, within the public right-of-way.”

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Additional notifications include postcards to every resident of Middle Avenue and 500 feet of the first block of each cross-street, variable message signs on Middle Avenue, emails to subscribers to the project webpage, as well as people who have emailed the City Council email log or took the project survey. An informational item on the January 24 City Council agenda also provided an advance look at the design options under consideration.

Attachments

- A. Resolution
- B. Hyperlink – August 23, 2022 City Council staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20220823-city-council-agenda-packet.pdf#page=446
- C. Hyperlink – September 13, 2022 City Council staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20220913-city-council-agenda-packet.pdf#page=175
- D. Hyperlink – October 18, 2022 City Council staff report: menlopark.gov/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20221018-city-council-agenda-packet.pdf#page=161
- E. Visualization of City Council direction on Middle Avenue complete streets project
- F. Sample cross sections
- G. Pilot evaluation approach
- H. Schedule exhibit

Report prepared by:
Hugh Louch, Assistant Public Work Director – Transportation

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE INSTALLATION OF “NO PARKING” ZONES ON MIDDLE
AVENUE NECESSITATED BY THE MIDDLE AVENUE COMPLETE STREETS
PROJECT**

WHEREAS, on October 10, 2017, the City Council certified the Final Environmental Impact Report and approved the Development Agreement for the Middle Plaza at 500 El Camino Real project, which, as a part of mitigation measures, requires Stanford University to develop, design and implement of Class II or Class III bicycle lanes between El Camino Real and University Drive on Middle Avenue; and,

WHEREAS, on October 13, 2020, the City Council approved the citywide engineering and traffic survey to established recommended speed limits and directed staff to return with traffic calming options on Middle Avenue to achieve a desired speed of 25 miles per hour;

WHEREAS, on March 9, 2021, the City Council discussed yearly work plan and priorities and directed staff to develop Middle Avenue complete streets project conceptual design options, for the entire corridor, with the following objectives:

- Enhance bicyclist and pedestrian visibility and improve safety of all street users
- Provide safe and comfortable cycling and pedestrian infrastructure and encourage sustainable mode of transportation
- Increase accessibility of the corridor by supporting improvements related to Middle Plaza and ongoing study of the grade-separated pedestrian and bicycle crossing; and,

WHEREAS, in March 2022, staff held in-person and virtual public meetings to inform residents about the project and gather feedback from the community to shape potential bicycle improvements and traffic calming options; and

WHEREAS, nearly 100 people attended the public meetings and 600 people responded to a public survey, providing comments on current issues, needs, and priorities for the corridor; and,

WHEREAS, on July 13, 2022, the Complete Streets Commission recommended to the City Council a preferred conceptual design that includes, among other design elements:

- Establishment of “no parking” zones on one side of Middle Avenue for bicycle lane installation and additional “no parking” zones on the other side of the street where feasible
- Installation of a new all-way stop sign on at Middle Avenue and San Mateo Drive
- Development of a temporary closure of Blake Street at Middle Avenue; and,

WHEREAS, City Council resolution 4604 from 1995 established 2-hour time limited parking zones on Middle Avenue between approximately El Camino Real and Nealon Park; and,

WHEREAS, on October 18, 2022, the City Council adopted resolution 6781 authorizing the installation of an all-way stop at Middle Avenue and San Mateo Drive and the temporary closure of Blake Street at Middle Avenue; and,

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Menlo Park does hereby find the project statutorily exempt under the California Environmental Quality Act pursuant to Public Resources Code section 21080.25.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Council of Menlo Park does hereby repeal resolution 4604 authorizing the establishment of time limited parking on Middle Avenue between approximately El Camino Real and Nealon Park.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Council of Menlo Park does hereby authorize the establishment of “no parking” zones on Middle Avenue as shown on Exhibit A.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourteenth day of February, 2023, by the following votes:

AYES:

NOES:

ABSENT:

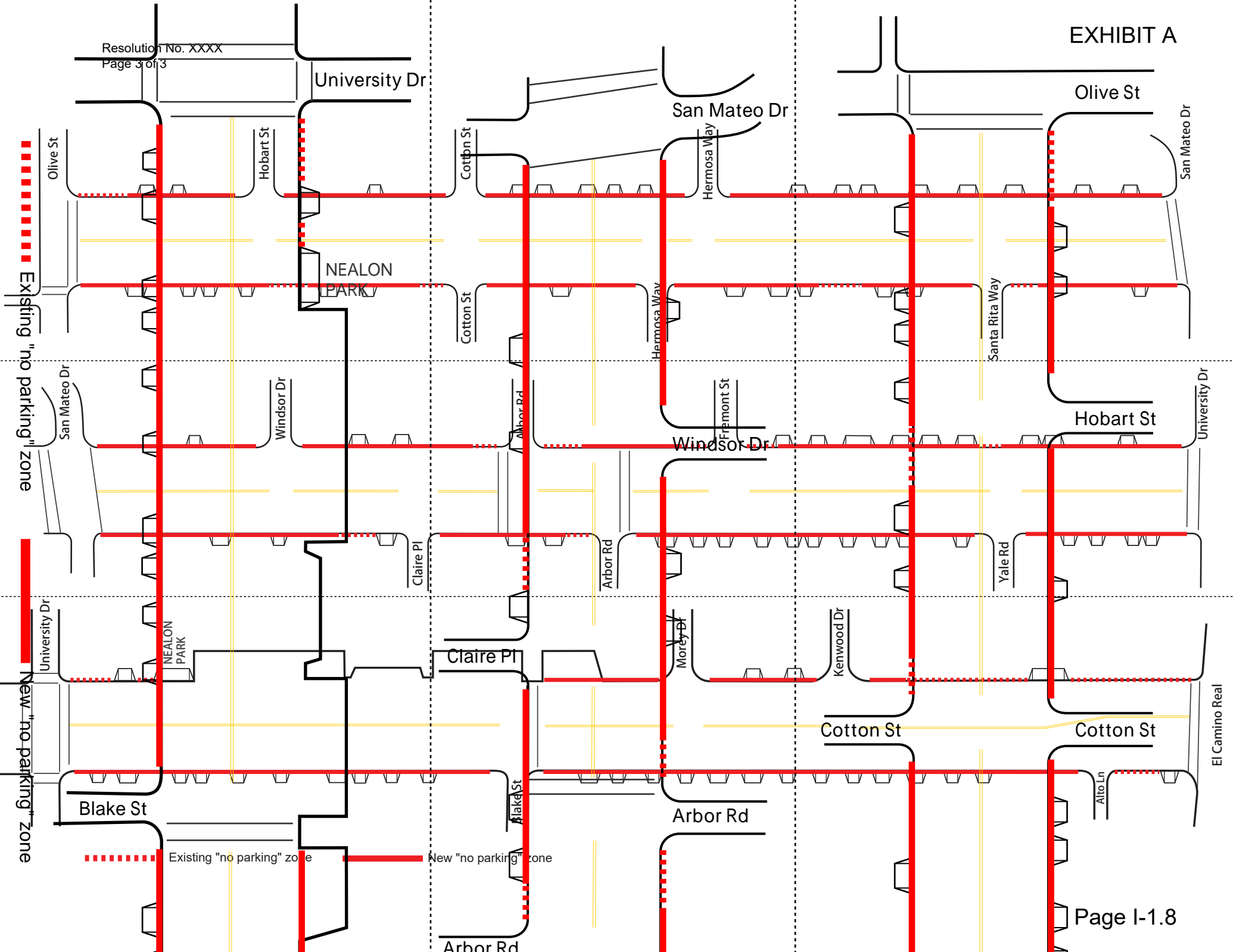
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ____ day of February, 2023.

Judi A. Herren, City Clerk

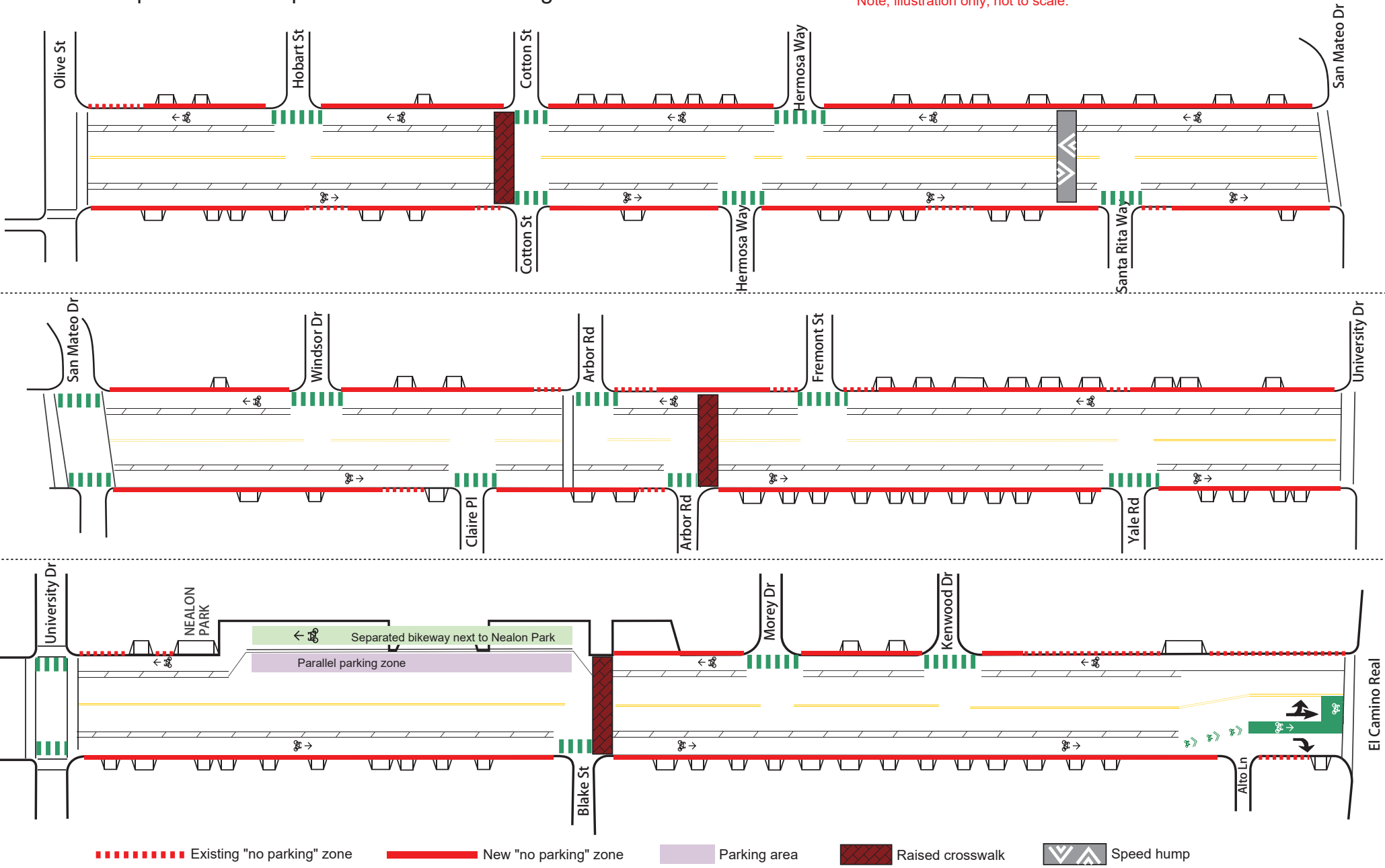
Exhibits

A. Proposed no parking zones on Middle Avenue



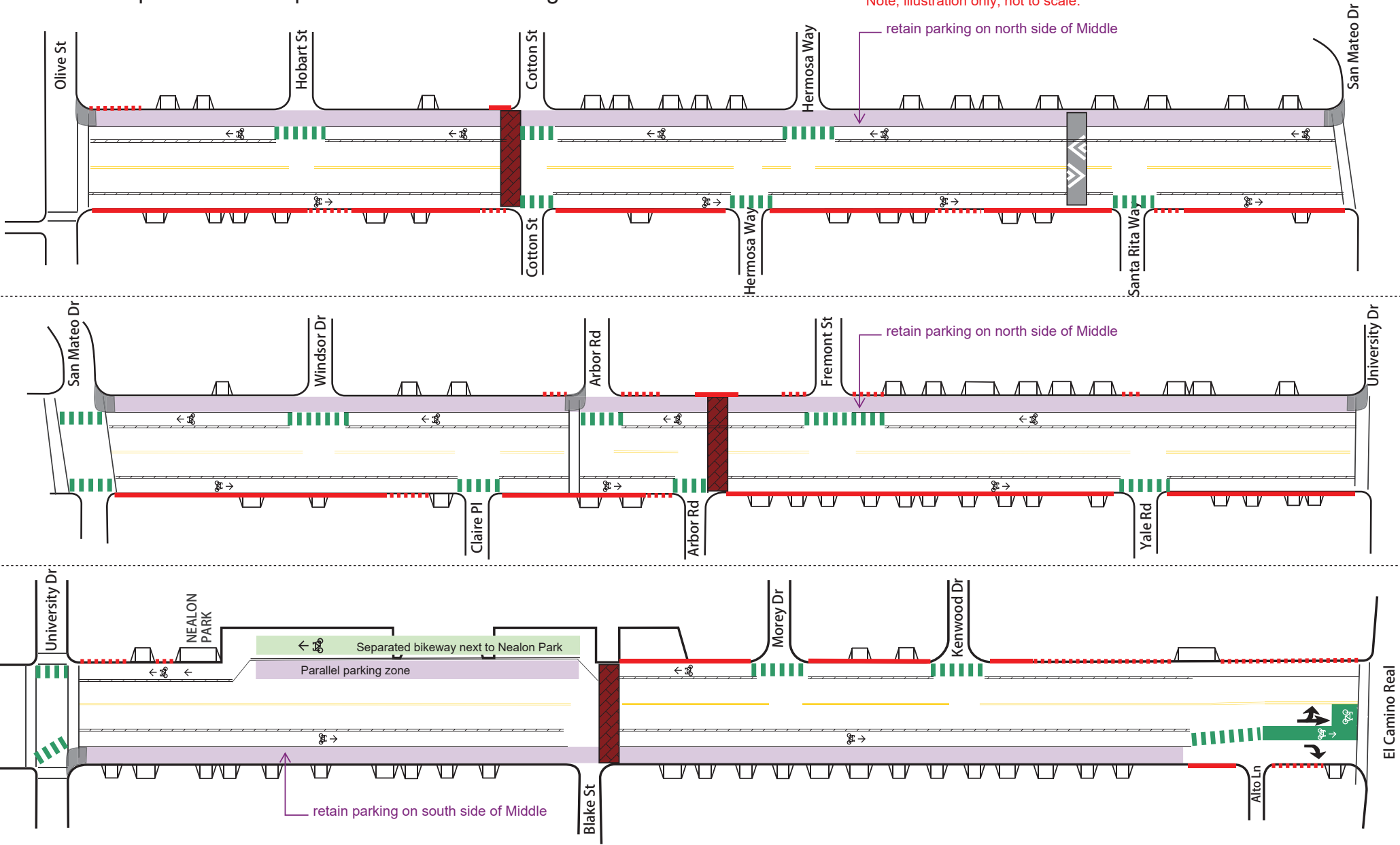
Middle Complete Streets Option 1 - Remove Parking on Both Sides

Note, illustration only, not to scale.



Middle Complete Streets Option 2 - Remove Parking from One Side

Note, illustration only, not to scale.



retain parking on north side of Middle

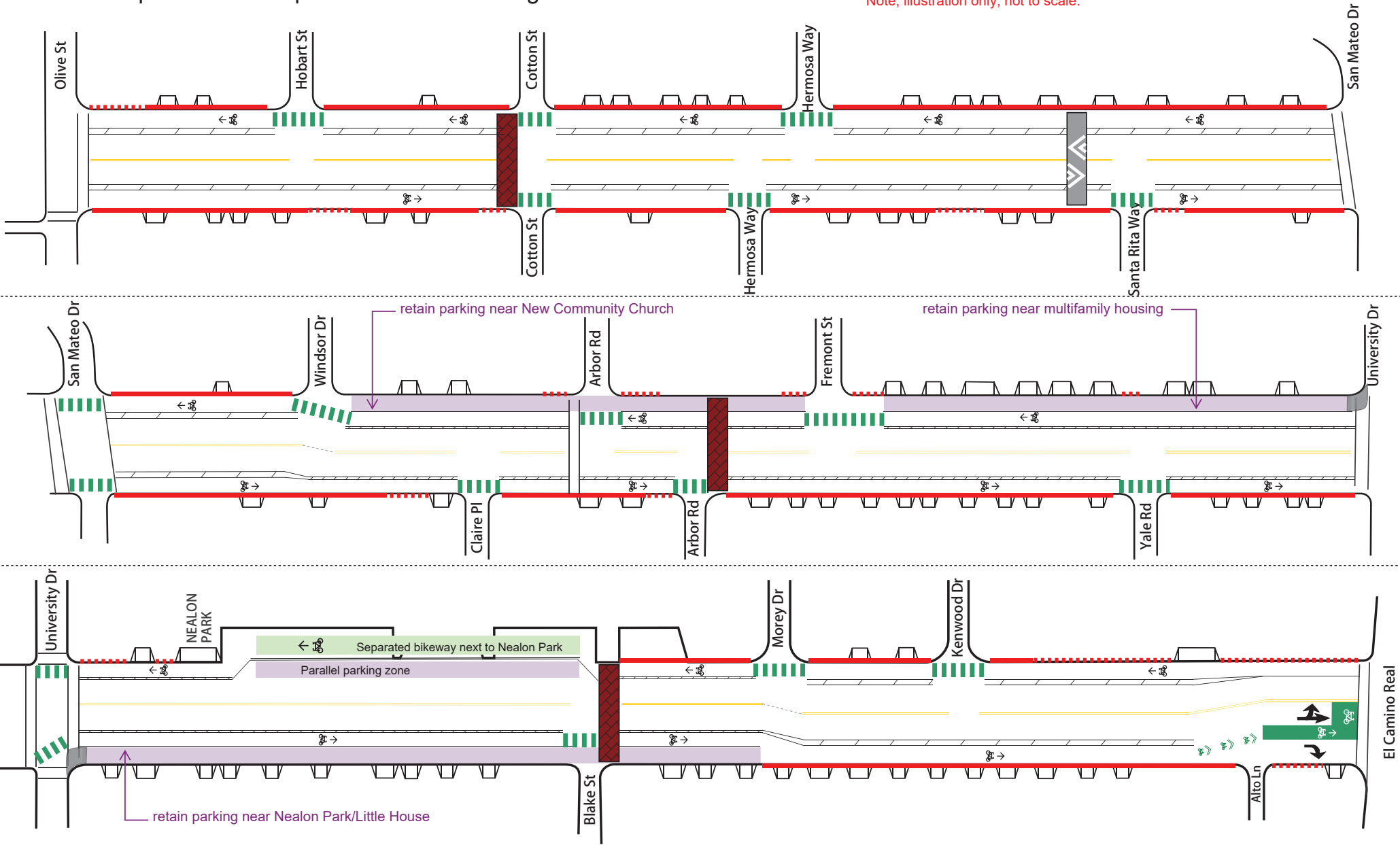
retain parking on north side of Middle

retain parking on south side of Middle

- Existing "no parking" zone
- New "no parking" zone
- Parking area
- Raised crosswalk
- Speed hump
- Bulb out

Middle Complete Streets Option 3 - Retain Parking in Select Areas

Note, illustration only, not to scale.



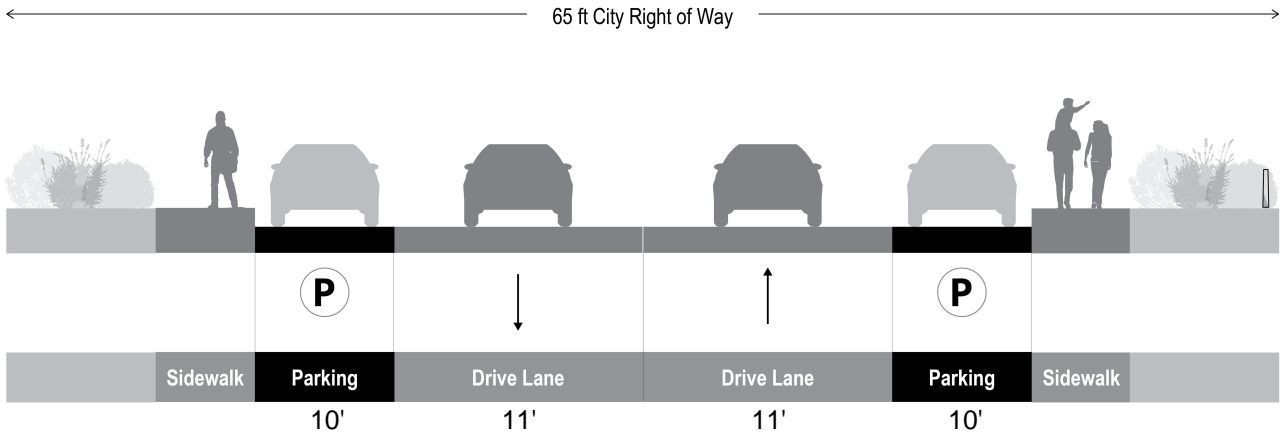
- Existing "no parking" zone
- New "no parking" zone
- Parking area
- Raised crosswalk
- Speed hump
- Bulb out

MIDDLE AVENUE COMPLETE STREETS

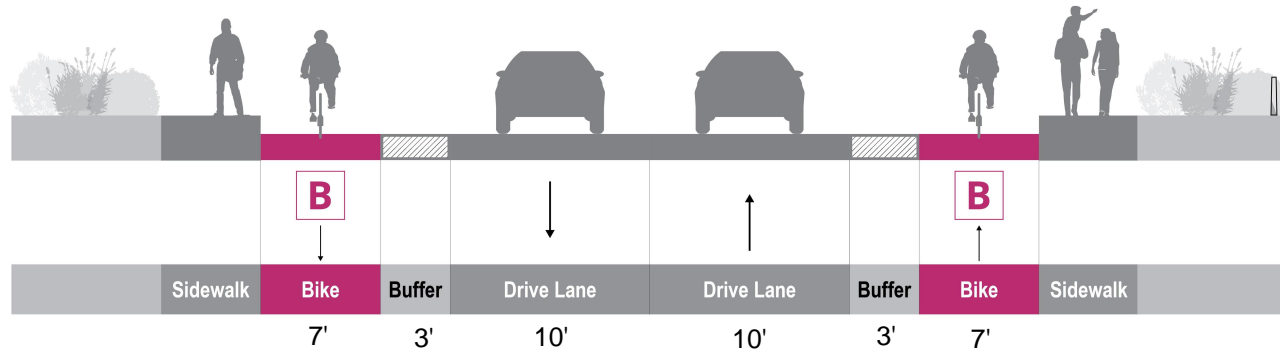
Cross Sections

This section represents the typical conditions between University Drive and Olive Street. Dimensions given are typical and may not vary by a half foot. Precise dimensions will be measured via survey during final design.

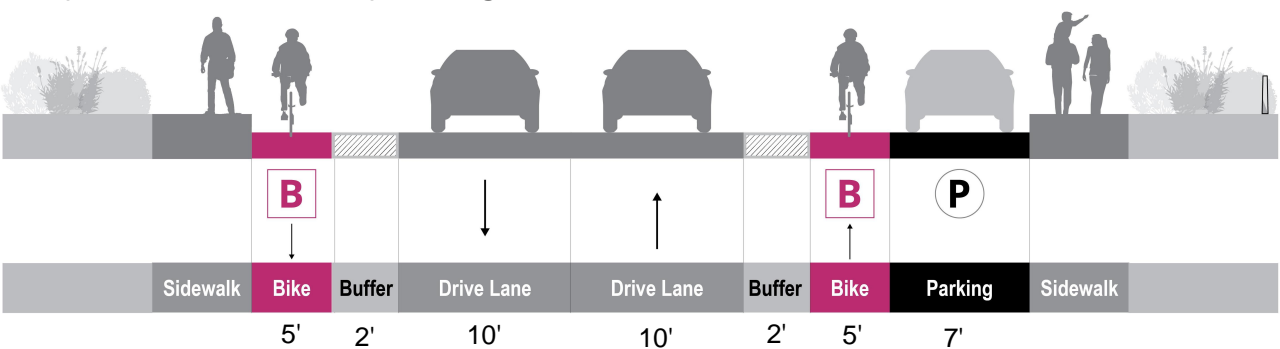
Existing Conditions



Option 1 - Remove parking on both sides



Option 2 - Remove parking on one side



Option 3 - Retain parking on one side in areas of high demand

Option 3 is the same as Option 1 where there is no parking and Option 2 where parking is retained.



Middle Avenue complete streets project

Pilot evaluation plan

If the Middle Avenue complete streets project is conducted as a pilot, staff will conduct a pilot evaluation plan that will answer key questions, including:

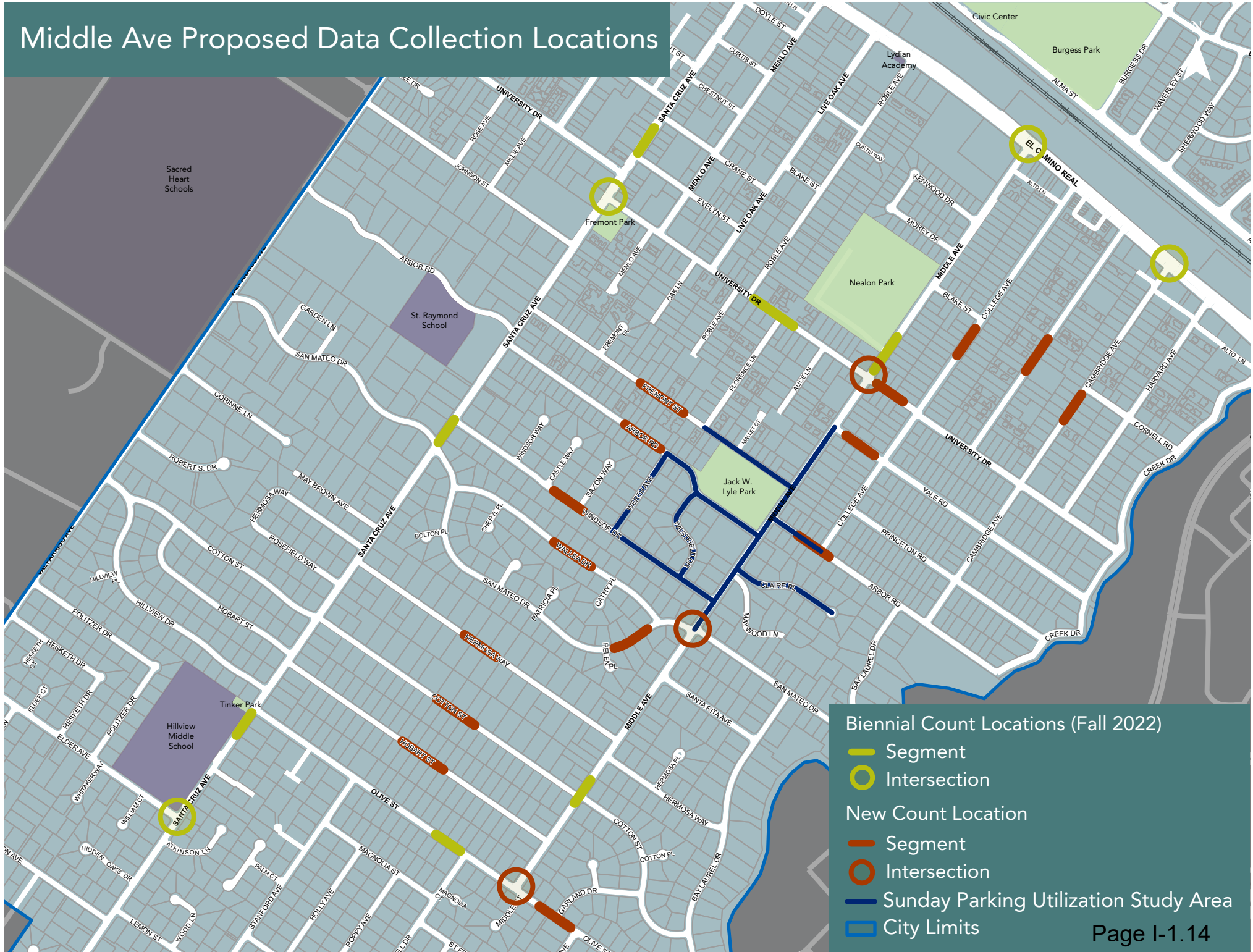
- Did the pilot change the safety of the road?
- Did the pilot change how the road is used (numbers and types of users)?
- What has been the experience of residents and other road users using Middle Avenue during the pilot?

To answer these questions, the following specific data will be collected:

- Multimodal counts – numbers of vehicles, bicycles, and pedestrians using the corridor and on parallel and cross streets, tallies or surveys of school students or parents at Oak Knoll Elementary and Hillview Middle School about their travel choices
- Speeds – data on the average and 85th percentile of vehicle speeds on Middle Avenue and on parallel and cross streets
- Collisions – reported collisions by cause and violation factor as collected by the City's Police Department, with a comparison to pre-project conditions
- Parking – data on the extent of parking utilization on cross streets
- Public feedback – survey data and information provided through public outreach

Figure 1 identifies locations for data collection, including locations where the City has previously collected count data. Data collection will include a combination of direct data collection (e.g., tube counters) and big data sources, like Streetlight data, to conduct the evaluation. The City has a subscription to Streetlight data through the City/County Association of Governments for San Mateo County, which would enable a more comprehensive analysis of changes in volumes and speeds than would be possible using tube counts alone.

Middle Ave Proposed Data Collection Locations



Biennial Count Locations (Fall 2022)

- Segment
- Intersection

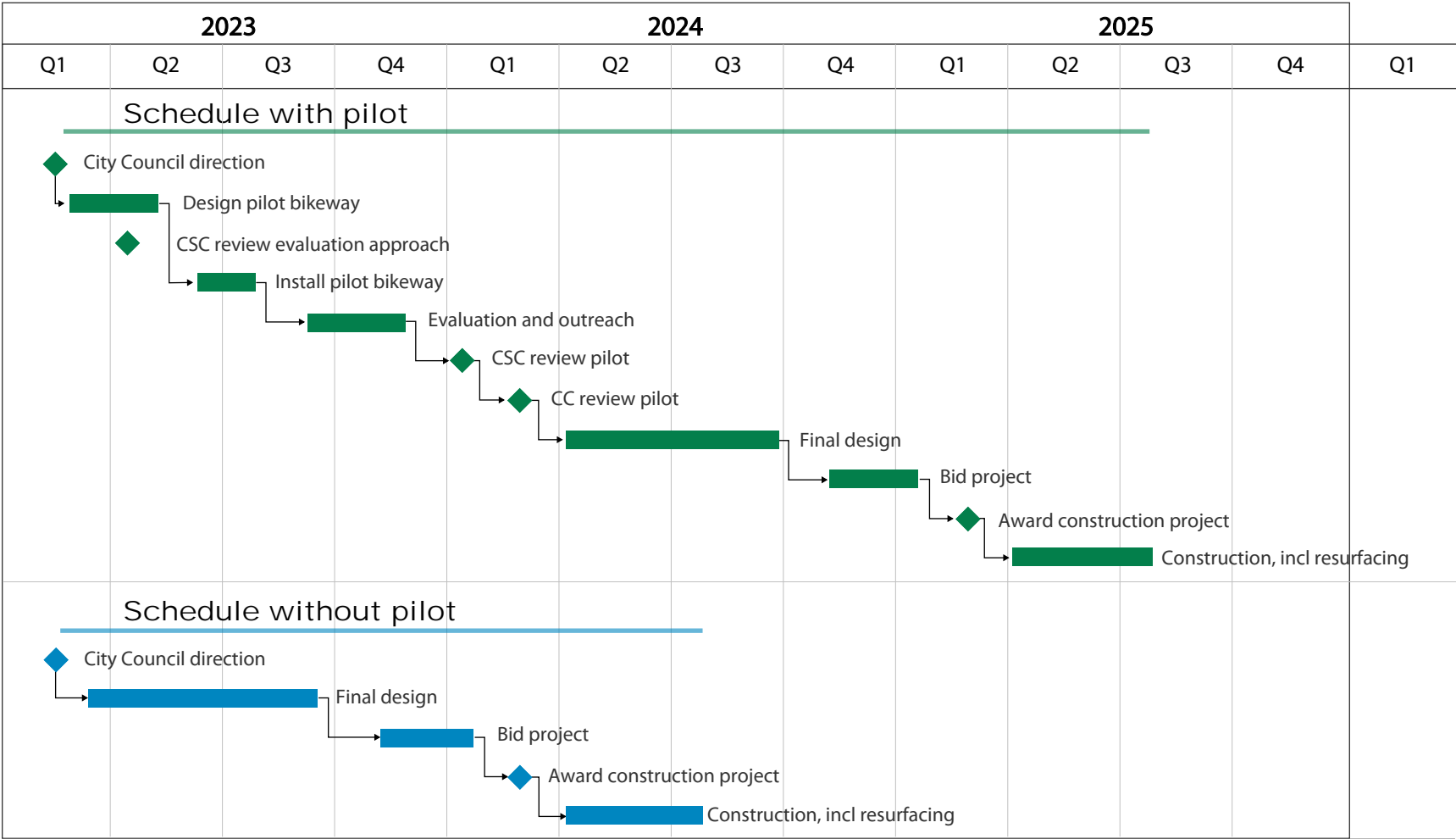
New Count Location

- Segment
- Intersection

Sunday Parking Utilization Study Area

- Sunday Parking Utilization Study Area
- City Limits

MIDDLE AVENUE COMPLETE STREETS





STAFF REPORT

City Council

Meeting Date:

2/14/2023

Staff Report Number:

23-036-CC

Regular Business:

Preliminary considerations for selecting an aquatics operator for the Burgess Pool and the future Menlo Park Community Campus aquatics center

Recommendation

No City Council action is requested at this time. This is a discussion-only item to provide City Council and the community the opportunity to view the proposals received (Attachments A, B and C), and to outline some preliminary considerations related to the selection of an aquatics operator for City Council's awareness and any feedback, questions, or direction City Council may desire to provide at this juncture. City staff is currently preparing an in-depth analysis and a staff recommendation for a preferred operator, and will seek City Council action to authorize staff to negotiate an agreement with the preferred operator as outlined below. All dates are tentative and are subject to change:

- February 14 – Proposals released for City Council and community review and preliminary City Council discussion and feedback
- February 28 – City staff provides analysis of proposals and recommendation for a preferred operator to City Council; City Council authorizes the city manager to negotiate an agreement with the preferred operator
- March 1 – City enters negotiations with the preferred operator identified by City Council
- March 28 – City Council reviews and approves the aquatics operator agreement; the agreement is executed shortly thereafter
- September 1 – Agreement takes effect

Policy Issues

City Council provides policy direction to the city manager regarding service provision to the community; provides authorization to the city manager to negotiate and execute professional services agreements with service providers; and sets prioritization for the use of City resources to serve the community.

Background

On February 8, 2022, City Council directed staff to prepare a request for proposal (RFP) to be issued in Autumn 2022 – to which current operator Team Sheeper, Inc. was invited and encouraged to respond – for an aquatics operator at Burgess Pool and the future Menlo Park Community Campus (MPCC) aquatics center.

On August 23, 2022, City Council reviewed an aquatics program analysis and provided direction to staff regarding desired elements of the RFP.

On October 11, 2022, City Council reviewed a draft RFP and process timeline and authorized staff to issue the RFP October 24, 2022

The RFP was issued October 24, 2022 (Attachment D.)

The City received three proposals in response to the RFP by the November 30, 2022 submittal deadline (Attachments A, B and C.)

A review panel comprised of experienced aquatics managers from East Bay municipalities that have no prior connections or conflicts of interest with the RFP respondents, City staff, and the Parks and Recreation Commission chairperson independently evaluated all three proposals, then met December 15, 2022, to jointly evaluate the proposals.

On December 21, 2022, the review panel conducted follow-up interviews with two of the respondents to seek clarification to various aspects of their respective proposals, and in January conducted initial reference checks with municipalities where those respondents are currently operating aquatics programs.

Analysis

Proposals

Three proposals were received in response to the RFP. The RFP included the following language in Section VI. Submittal Procedure: "Submitted proposals may be considered public documents and the City will adhere to all laws and regulations regarding the dissemination of public documents as they relate to submitted proposals." The proposals are included with this report, in alphabetical order, in Attachments A, B and C. The intent of providing the proposals to City Council in advance of selecting a preferred operator is to give City Council and the community sufficient time to review the proposals and to identify preliminary considerations for City Council feedback and direction. At this phase of the review process, no operator has been selected and no agreement has been negotiated, and for this reason some sensitive information has been redacted from the attachments such as contact phone numbers and confidential financial details in respect to the privacy of individuals and proprietary business information. The City will enter negotiations with the preferred operator that City Council ultimately identifies February 28.

RFP key priorities

Per City Council's feedback and direction when the RFP was authorized October 11, 2022, key priorities were incorporated into the RFP. The RFP was structured to offer some flexibility to RFP respondents to develop proposals that balance the City's key priorities with respondents' operational needs. Proposals from qualified aquatics operators that demonstrate a high degree of responsiveness to most or all these priorities in addition to the basic capabilities and competencies that are required to operate quality aquatics programs are deemed more competitive for selection:

1. Respondent proposes to operate the Burgess Pool and the future MPCC aquatics center for public access year-round, seven days per week, no fewer than 63 hours per week at each location as calculated by average applied over the course of a full calendar year—with exceptions for closures to observe major holidays or to complete necessary maintenance or repair work.
2. Respondent proposes to operate Burgess Pool and MPCC aquatics center with comparable or equivalent operating schedules and programs at both locations, with allowance for some variances to respond to hyperlocal needs and other unique considerations of each site and the neighborhoods in which they are located.
3. Respondent agrees to seek City approval for new aquatics user fees or modifications to existing aquatics user fees, with the mutual understanding by City and operator that: a) user fees are the primary source of revenue necessary for operator to deliver and sustain safe, quality aquatics operations for the community; and, b) user fees can and do present barriers to entry for some residents, especially residents who are most vulnerable, and barriers can persist even with the availability of scholarship or subsidy programs.

4. Respondent agrees to enter into a revenue sharing agreement with the City to offset a portion of the City's facility maintenance costs at Burgess Pool and the MPCC aquatics center, preferably at a "medium" cost recovery rate to the City of 30 percent to 70 percent. The City's total costs to maintain the Burgess Pool facility were approximately \$645,000 in fiscal year 2021-2022.
5. Respondent proposes to dedicate operating hours and pool space to open swim/community swim for play and social time during times that are deemed convenient and accessible to Menlo Park resident children and families, as measured in part by community satisfaction surveys to be jointly administered by operator and the City.
6. Respondent proposes to offer aqua wellness and/or therapeutic classes in formats and at times that are deemed convenient and accessible to Menlo Park for seniors and others who benefit from such programs, as measured in part by community satisfaction surveys to be jointly administered by operator and the City.
7. Respondent recognizes the City's desire to ensure that every Menlo Park resident child has meaningful access to effective water safety instruction at City aquatics centers regardless of their family's ability to pay user fees. Respondent proposes to provide these services to individuals or families who cannot afford the market rate fees.
8. Diversity, equity, inclusion, belonging
 - A. Respondent proposes to provide meaningful employment opportunities in City aquatics facilities to qualified Menlo Park residents, especially residents who live in the immediate vicinity of City aquatics centers.
 - B. Respondent proposes to foster an organizational culture that is based on foundations of equity, inclusion, belonging and justice to create a safe and welcoming environment in City aquatics facilities for all Menlo Park residents regardless of background, income, race, religion, sexual orientation, gender identity, and other lived experiences that contribute to a vibrant and accepting community.
 - C. Respondent proposes to reduce and/or remove barriers to entry for City residents who are most vulnerable, including children and families who reside in low-income households, seniors and people with disabilities.

Requirements and terms

Per City Council's feedback and direction, various requirements and terms were incorporated into the RFP and/or will be included in the resulting operator agreement with the selected Provider. A partial list of requirements includes:

1. Provider will prepare and submit a detailed annual performance report to City staff no later than January 30 of each year, including but not limited to the following information:
 - A. Total program hours by program area
 - B. Participation statistics by program area including resident and non-resident percentages
 - C. Community satisfaction survey results
 - D. User group feedback by program area
 - E. Pool schedule and allocation by program for previous year and projections to the upcoming year
 - F. Fees by program area and a fee comparison to other public pools in the region
 - G. Annual audits and reviews demonstrating standards of care are met
 - H. Risk management documentation
 - I. Training certifications listed by staff member.
2. Provider will coordinate with City staff to present operator's annual performance report to City Council no later than March 31 of each year.
3. Provider will submit to City staff quarterly financial statements no later than 45 days after the end of each fiscal quarter, and annual financial statements no later than 45 days after the close of the fiscal year. Financial statements submitted to the City shall be considered public records subject to applicable government transparency law.

4. Provider will consult with City staff before altering the operating hours, launching new aquatics programs, making significant changes to existing programs, or significantly altering any other substantive aspects of Provider's operations and programs at City aquatics centers.
5. Provider will seek City approval before engaging the services of subcontractors or other parties not directly employed by Provider to deliver aquatics programs and/or services in City aquatics facilities.
6. Provider will assign sufficient qualified staffing to maintain safe and effective operations at City aquatics facilities. Provider's staff will have the required qualifications and certifications for each position.
7. Provider will maintain appropriate and safe ratios of lifeguards to pool users at all times, consistent with industry best practices and applicable regulations.
8. Provider will maintain reasonable evidence and documentation of its hiring practices, background checks, certifications and training, including documentation of pre-service/employment orientation, on-the-job training, regular in-service training, and certification training for each employee. Provider will furnish these records to the City for inspection on request.
9. Provider will demonstrate adequate risk management planning and practices by conducting annual audits and reviews by qualified external experts in coordination and with oversight by City staff.

Preliminary considerations for selecting an aquatics operator February 28

During the review process, the RFP review panel identified several preliminary considerations for City Council's awareness and staff seeks any additional feedback, questions, or direction City Council may desire to provide at this juncture. What follows are staff's recommendations on preliminary considerations the City Council may have while reviewing the proposals. The preliminary considerations are lettered for convenient reference only and are presented in no particular order or priority:

- A. Two of the proposals (Team Sheeper, Inc., and The Swimming Swan, LLC) are from respondents that currently operate public aquatics facilities, and in the opinion of City staff and the RFP review panel, demonstrate sufficient capabilities and experience to operate the Burgess Pool and future MPCC aquatics center
- B. One of the proposals (Team Sheeper, Inc.) is from the City's current operator that has operated Burgess Pool since 2006 and previously operated Belle Haven Pool from 2011 until 2021 when the Belle Haven Pool was demolished to make way for construction of a new aquatics center as part of the MPCC project
- C. One of the proposals (The Swimming Swan, LLC) is from a qualified operator that is based in southern California and recently expanded its operations to Santa Clara County and Las Vegas, Nevada
- D. One of the proposals (SOLO Aquatics) is from a local aquatics program that currently operates as a program subcontractor to the current operator of Burgess Pool
- E. Remaining with the current qualified operator would probably result in relatively less disruption to current programs and operations from the perspective of current pool users, particularly in regard to preserving the continuity of services and programs that are already in place, however some changes to the current operations and programs are expected and desired based on the key priorities and requirements that City Council established in the RFP
- F. Selecting a new qualified operator would probably result in relatively more disruption to current programs and operations from the perspective of current pool users, particularly in regard to the unique challenges and opportunities of transitioning from one operator to another operator, however some changes to the current operations and programs are expected and desired based on the key priorities and requirements that City Council established in the RFP
- G. Based on the information received during the RFP process to date, City staff is confident and prepared to execute any direction City Council may provide regarding the desired future operations of the City's aquatics program.

Next steps

A summary timeline of the remaining steps in the aquatics operator RFP process is provided above in the

Recommendation section of this report. City staff is currently preparing an in-depth analysis of the proposals received in response to the specific criteria and requirements of the RFP, including the anticipated impacts and potential benefits of each option, as well as City staff's recommendation for a preferred operator, and will seek City Council action to identify a preferred aquatics operator and to authorize staff to negotiate an operator agreement with the preferred provider tentatively February 28. At City Council's direction, the City will enter negotiations with the preferred operator that City Council identifies February 28, and the resulting agreement shall be subject to City Council authorization and execution shortly thereafter on a date to be determined but with the intent to complete the process no later than March 28.

Impact on City Resources

There is no new direct impact to city resources associated with the requested review. The City is responsible for maintenance of the Burgess Pool facility including recurring expenditures for mechanical maintenance and repairs, custodial and landscaping services, utilities (water, sewer, electricity, gas, telephone and internet), and pool maintenance chemicals and supplies; and one-time expenditures for equipment replacements and minor facility renovations. Total expenses to the City related to maintenance of Burgess Pool were approximately \$645,000 in fiscal year 2021-22. City Council's adopted fiscal year 2022-23 operating budget has sufficient resources allocated toward these anticipated expenditures in the current fiscal year. The City also will be responsible for maintenance of the MPCC aquatics center when it is completed; the new center is tentatively scheduled to open in early 2024. Budgetary considerations related to maintaining that facility will be addressed during City Council's fiscal year 2023-24 budget deliberations in the spring of 2023. The aquatics operator draft RFP identifies revenue sharing as a key priority to help offset a portion of the City's cost of maintaining its aquatics facilities at a preferred "medium" cost recovery rate to the City of 30 percent to 70 percent.

Environmental Review

This review is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Proposal – SOLO Aquatics
- B. Proposal – Swimming Swan, LLC
- C. Proposal – Team Sheeper, Inc.
- D. Request for proposals

Report prepared by:

Tricia Mullan, Library and Community Services Supervisor
Sean S. Reinhart, Library and Community Services Director

Bid Results

Bidder Details

Vendor Name SOLO Aquatics
Address PO Box 7266
Menlo Park, California 94026
United States
Respondee Tom McRae
Respondee Title CEO
Phone [REDACTED]
Email [REDACTED]
Vendor Type [REDACTED]
License # [REDACTED]
CADIR

Bid Detail

Bid Format Electronic
Submitted 11/30/2022 2:54 PM (PST)
Delivery Method
Bid Responsive
Bid Status Submitted
Confirmation # 312096
Ranking 0

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
Solo RFP MENLO.pdf	Solo RFP MENLO.pdf	Response File

Response to City of Menlo Park Aquatics Programs Request for Proposal (RFP)

A. Cover Letter

SOLO Aquatics (SOLO) is pleased to submit its response to the City of Menlo Park Aquatics RFP. SOLO has served the residents of the City of Menlo Park at Burgess Memorial Pool since 1994, inspiring athletes of all ages and abilities. SOLO is the sole provider of a USA Swimming competitive swim team for the Menlo Park community as well as other inspirational, popular youth aquatics programs. SOLO is completing this RFP to have a larger role in operating Burgess Memorial community pool. We look forward to working with the City of Menlo Park as part of any long-term solution.

We are using this opportunity to communicate that SOLO will operate Burgess Memorial Pool in a way that gives the people of Menlo Park access to the facilities. The overarching goal is to ensure Menlo residents can use the facility and that children will be able to utilize the pool to learn how to swim and love aquatics.

Furthermore, we certify that we have carefully read and fully understand the information in the RFP and the capability to successfully undertake the scope of work herein and complete the responsibilities and obligations.

The information is true and correct. We certify that we did not, in anyway, collude, conspire or agree, directly or indirectly, with any person, firm, corporation, review committee member, City employee or other proposer regarding the amount, terms or conditions of this proposal. We acknowledge that the City has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by the proposer.

B. Table of Content

Qualifications, Background and Experience	3
Programs, Services, and Schedule	11
Staffing and Management	18
Quality Assurance, Risk Management and Insurance	20
Public Communication, Marketing and Registration	22
Fees	22
Financial Information	25

C. Qualifications and Background of Provider

1. Headquarters address and legal (corporate) status.

SOLO Aquatics
P.O. Box 7266
Menlo Park, CA 94026 -7266

SOLO Aquatics is a 501(c)(3) non-profit organization.

2. Organization History, Background and Mission

SOLO was founded in 1986 by Las Lomas School District teacher, and swim athlete Diane Campbell. The Swimmers of Ladera Oaks (SOLO) hired Coach Tom McRae as an Age Group Coach in 1990, and he became the Head Coach in 1993. The SOLO Swim Club moved to Menlo Park and became a parent-run Board in 1994.

SOLO Aquatics has served Menlo Park and surrounding communities for over 28 years. SOLO has operated out of Burgess Memorial community pool in Menlo Park and Menlo Atherton High School (2000-2011) Spieker Pool in Atherton. The SOLO Aquatics program meets the needs of all levels of competitive swimming and youth athlete swim instruction, as well as providing a drop-in master's program, and a youth Water Polo program when practical. Our goal is to promote personal excellence through a healthy and positive experience. Every individual who works and strives for personal excellence is a champion. We believe that every individual can benefit from involvement in aquatics. SOLO offers world-class coaching for athletes of all ages and abilities, in year-round and seasonal programs.

Services provided:

- Year-round competitive USA Swim Team, Pacific Swimming Zone 1 North
- Host of USA Swim Zone 1 North Meets (2 to 3 meets per year)
- Seasonal Spring and Summer Sharks swim program (4 and 7-week programs)
 - Summer Day Camps (weekly)
 - Water Polo
 - Individual lessons
 - Master's drop-in/instruction
 - Compass program of Sequoia Union High School District (free swim instruction)
 - Geokids (summer swim instruction for children from USGS Menlo Survey Daycare Center)
 - Contracted MAHS pool space was shared with City of MP during the 2002 pool construction

Aquatic Organizations: Experience, Affiliation and Memberships

- USA Swimming team membership

- USA Water Polo team membership (expired 12/31/2009) USA Swimming Coach certified, all coaches and includes:
 - Red Cross certified instructor
 - CPR certified
 - Safety Training for Swim Coaches
 - First Aid certified
 - lifeguard certified
 - Background Screening, bi -annual
 - Foundations of Coaching certified
 - RacingStart certified
 - USA Swimming Non-Athletes, all non-coaching staff US Masters Swimming
 - Certified Pool Operator California Workers' Compensation
 - Menlo Atherton High School, Head Coach
 - Member of California Camps: Clubs & Riding Stables Association

3. GOALS

- a. SOLO Aquatics lost the contract for the facility at Menlo-Atherton after being asked for a rather large increase in fees. This as a result of SOLO's bid of \$20k a month in rent for the Menlo Park RFP. Which was requested as a payment for the interest on the loan to build Burgess pool. Ending a decade of wonderful support for the community. Sample letters from MA staff, in appreciation of the SOLO support were included in the last RFP. Outlining the free lessons, lifeguarding and coordination of the facility. We are happy to make those available for your review.

4. Organization Chart

- **Coaches**
- Tom McRae, Head Coach, Swimming, Scott Kuhnen, Coach, Swimming
- Additional seasonal staff for spring/summer programs (In Fall of 2022 this season: Sidney Loftman*, Julia Maecker, Simone McCreary*, Drew Nelson*, Lulu Schloss, and Erin Young*)
- *Menlo-Atherton students and residence of Menlo Park.
- **Board Members 2022-23 (Volunteer)** Eric Kuhnen, Treasurer, Tobias Kunze, Secretary
- (Paid Employee) Tom McRae, President

5. Experience and Affiliations

- **Aquatic Organizations: Experience, Affiliation and Memberships**
- **USA Swimming team membership**
- USA Water Polo team membership, USA Swimming Coach certified, all coaches and includes:
 - Red Certified Water Safety Instruction
 - CPR certified
 - Safety Training for Swim Coaches
 - First Aid certified
 - lifeguard certified
 - Background Screening, bi-annual
 - Foundations of Coaching certified
 - Racing Start certified
 - USA Swimming Non-Athletes, all non-coaching staff US Masters Swimming
 - Certified Pool Operator California Workers'
 - Concussion Protocol Training
 - Athlete Protection Training
 - Child Abuse and Neglect Reporting (CANRA) * CA Law for all working in and around children

6. Success in relationships and other leases:

- SOLO helped pass Measure T and helped in the design of Burgess pool. During the construction, SOLO made available pool space under its contract with MA, to the Menlo Park Citizens. In return SOLO was provided the space when Burgess reopened. However, once we supported Tim Sheeper. The terms of that agreement were not honored. The SOLO program continues to try and get that access today. SOLO also was able to rent pool space at the College of San Mateo on Saturday mornings from 2012-Covid. Menlo Swim and Sport made available two lanes of space for the SOLO swimmers on Saturday morning, so the children can swim at the home pool now!

7. Customer References

- a. Ilana Sloss, former swimmer and employee

- b. Eric Kuhnen, board of directors member
- c. Rick Silva, former employee

To Whom It May Concern:

I am excited to write this letter for my former team, SOLO Aquatics, because SOLO defined my childhood in the best way possible. Growing up, there were always these huge, swim teams with their reputations of pumping out collegiate athletes and Olympians, all the while driving intense training and practice schedules, but at what cost? Luckily, my family found SOLO and I swam with head coach Tom McRae starting when I was five. Joining SOLO was the best decision my family could have ever made for me.

SOLO's community and outstanding head coach helped me pave my way to being an intercollegiate athlete at the division one level. Due to Tom's unique program of ensuring I never stopped loving the sport while still pushing me to try my hardest every day and giving every race my all, I was recruited to UC Davis, a dream I never thought I could achieve. Now while at UC Davis, I am still applying what Tom taught me: I never let myself get caught up in the bad parts of a day/practice, I focus on my technique despite the high intensity and volume of a college sport, and I always give my all, and I always remember to love the sport.

Tom has two philosophies. The first is vital for a swimmer who is not confident about whether he or she wants to compete. This philosophy was very important to me because, as a child, I chose to swim because I enjoyed it and nothing else. I never felt pressured to race for SOLO, but because of an environment of fun, encouragement, and challenges, I *wanted* to compete. The second provides swimmers a well-built technical foundation that most other teams never provide. These two philosophies keep the team's passion for the sport high. For me, swimming was never a burden or a chore. Solo provided a designated time in the day to have fun with my friends while improving on a sport I loved, and as I got older, it became my time to de-stress from the hardships of school and life.

Choosing a small team does have its challenges. Every Saturday, my more committed teammates and I were forced to drive thirty minutes up to the College of San Mateo to have space for Saturday training. So, instead of only being out of the house for two and a half hours, including driving time, it became a four-hour excursion. This severely impacted me and my sister's Saturday schedules of studying and working. More importantly, it was not ideal for my parents; they had to drive thirty minutes and wait two hours of practice. Another challenge came every summer, when SOLO, a team of hundred swimmers, was forced to compact into four lanes. This compressed space was a major deterrent I chose to overlook when deciding what to do with my swimming career. It is nearly impossible to train with eight to ten other swimmers in my lane, and in the summer, there was no other option for SOLO. Since our entire team swims simultaneously, the younger swimmers (twelve and under) usually take up three lanes with up to fifteen children a lane, leaving only a single lane for the many older swimmers on SOLO. The limited space forced my fellow athletes and me to reduce the amount of our training because of the lack of room in the lane, which made every set chaotic and take longer. Despite the challenges I faced at SOLO, it was still the best choice for me as an athlete.

Due to Covid-19, most jobs that I would have been able to work as a high schooler were unavailable, and on top of that, most minimum wage jobs would never work with my swim training schedule. I had planned to work as a lifeguard because it was the most Covid-friendly job, but none of the pools would staff me due to my complicated schedule. So, Tom being an incredible coach and SOLO having a welcoming community offered me the position of junior “assistant” coach. I had the opportunity to teach children under eight how to swim. This job was the best opportunity I could have asked for because I was able to share my love of the sport with young kids while also learning many skills from coaching/teaching and being able to work with the children.

If awarded the contract to run Burgess Aquatic center, Tom McRae will bring his coaching philosophy to hundreds more children and aspiring athletes. Countless children will have a chance to become lifelong swimmers because Tom’s program will give them a chance to experience a safe and fun environment and a technique-focused program. Tom also brings decades of experience and connections that will draw great young coaches to join him at Menlo Park. Tom is a fantastic choice and an amazing addition to the Menlo Park community center programs.

Sincerely,
Ilana Schloss

November 30, 2022

To Whom It May Concern:

My name is Eric Kuhnen. I am a 26-year resident of Menlo Park. I am writing to endorse SOLO Swim Club's candidacy for operator of Menlo Park's two swimming pools.

SOLO Swim Club's programming philosophy aligns well with the desires expressed Menlo Park City Council and Menlo Park residents for pools that offers diversified programming and reasonable levels of access. My family and I have direct experience with SOLO's programming to help young kids achieve safety in the water, proficiency in swimming, and a life-long joy of aquatic activity. SOLO's various swim classes have always emphasized age-appropriate levels of instruction and have been offered at times that are compatible with the rhythms of family life in Menlo Park. The result is that few of SOLO's swimmers suffer the kind of over-work burn-out otherwise common in more early-development, competition-oriented operators. Also, SOLO's programming philosophy embraces the adult swimmer looking for healthy aquatic exercise, a sharp contrast to the current operator's focus on training residents for run-bike-swim competitions.

SOLO Swim Club's operational experience matches well with Menlo Park's two-site configuration. For many years, SOLO's management conducted operations at two pools simultaneously. The organization has substantial experience in scheduling both resources and residents in two locations, and in coordinating and conduction operations at separate pool sites.

Perhaps the most compelling characteristic of SOLO Swim Club is its long association with Menlo Park itself. SOLO's operations have been tied to Menlo Park for more than 25 years. SOLO's staff and programming have had a positive impact on the lives of several thousand children and their parents. In fact, all but five of our family's 26 years in Menlo Park have been associated with SOLO, a remarkable fact given the multiplicity of options in this area for clubs and swim operators.

For these and related reasons, I recommend SOLO Swim Club for your further favorable consideration.

Regards,

Eric Kuhnen

Eric Kuhnen



DART-Solano
5055 Business Center Drive
Suite 108-PMB 256
Fairfield, CA 94534

City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

City Council-

This letter is in support of SOLO Aquatics/Tom McRae for aquatics operations. SOLO Aquatics has been a proven aquatics organization in the City of Menlo Park as well as the surrounding area for several decades.

SOLO Aquatics/Tom Mcrae has exhibited the ability to develop and manage various aquatics programs over the years, including swim and water polo. They have shown dedication and passion in the area to continue to offer programs at numerous pools in the area.

Please feel free to reach out with any questions.

Ricky Silva
Head Coach-DART Solano
Assistant Coach-Solano College Swimming and Diving



D. Programs, Services and Schedules

1. Menlo Park's aquatics facilities and programs must serve all residents, including children, adults, seniors, and those with disabilities or other limitations. Programming should allow for diverse service offerings and activities, including swim lessons, recreational swimming, competitive swim team, lap swimming, masters swimming, and other community rentals. Other aquatics-related community services should include training for First Aid, CPR, and lifeguard, as well as other community outreach programs to expand the benefits of participation in aquatics.
 - Programs must be scheduled to suit the needs of the user. For example, youth programs need be offered outside of school hours but not late in the evenings, while adult water polo activities should be held earlier in the day when there are fewer youth swimmers.
 - Swim lessons need to primarily use the instructional pool, whereas the swim team needs to utilize the performance pool. The lap swimming can use the other pool, depending upon the time of day and season.
 - Hours will be from 5am PT – 10pm PT – seven days a week, 52 weeks per year.

Hours of operation:

Our proposed hours of operations are illustrated on the sample pool schedules. We are cognizant that weather and daylight play an instrumental role in the demand for usage. We are committed to operating between the hours of 5am PT to 10pm PT, seven days a week, 52 weeks per year.

We are equipped with ADA standards and will promote diversity, equity, and inclusion in hours and programming.

Burgess Instructional Fall/Winter

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6	Lap	Lap	Lap	Lap	Lap		
6-7	Lap	Lap	Lap	Lap	Lap	Lap	
7-8	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap	Lap
8-9	Lap/Water Fit	Lap/Therapy	Lap/Water Fit	Lap/Therapy	Lap/Therapy	Lap/Adult Les	Lap/Adult Les
9-10	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Lessons	Lap/Adult les
10-11	Lap	Lap	Lap	Lap	Lap	Lap/Lessons	Lap/Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Lap/Lessons	Lap/Lessons
12-1	Lap	Lap	Lap	Lap	Lap	Open	Open

1-2	Lap/Therapy	Lap	Lap/Therapy	Lap	Lap/Therapy	Open	Open
2-3	Lesson/Lap	Lesson/Lap	Lesson/Lap	Lesson/Lap	Lesson/Lap	Open	Open
3-4	Lesson/Lap	Lesson/Lap	Lesson/Lap	Lesson/Lap	Lesson/Lap	Open	Open
4-5	Les/Youth Team	Les/Youth Team	Les/Youth Team	Les/Youth Team	Les/Youth Team	Lap/Open	Lap/Open
5-6	Les/YT&Lap 1/2hr	Les/YT&Lap 1/2hr	Les/YT&Lap 1/2hr	Les/YT&Lap 1/2hr	Les/YT&Lap 1/2hr		
6-7	Youth Team/Lap	Lap/Adult Les	Youth Team/Lap	Lap/Adult Les	Youth Team/Lap		
7-8	Lap	Lap	Lap	Lap	Lap		

Burgess Instructional Spring

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6	Lap	Lap	Lap	Lap	Lap		
6-7	Lap	Lap	Lap	Lap	Lap	Lap	
7-8	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap	Lap
8-9	Lap/Water Fit	Lap/Therapy	Lap/Water Fit	Lap/Therapy	Lap/Therapy	Lap	Lap
9-10	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Lessons	Lap
10-11	Lap	Lap	Lap	Lap	Lap	Lap/Lessons	Lap/Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Lap/Lessons	Lap/Lessons
12-1	Lap	Lap	Lap	Lap	Lap	Open	Open
1-2	Lap/Therapy	Lap	Lap/Therapy	Lap	Lap/Therapy	Open	Open
2-3	Lap	Lap	Lap	Lap	Lap	Open	Open
3-4	Lesson/Rec/Open	Lesson/Rec/Open	Lesson/Rec/Open	Lesson/Rec/Open	Lesson/Rec/Open	Open	Open
4-5	Lesson/Rec/Open	Lesson/Rec/Open	Lesson/Rec/Open	Lesson/Rec/Open	Lesson/Rec/Open	Lap/Open	Lap/Open
5-6	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap/Open	Lap/Open
6-7	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap		
7-8	Lap	Lap	Lap	Lap	Lap		

Burgess Instructional Pool Summer

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6	Lap	Lap	Lap	Lap	Lap		
6-7	Lap	Lap	Lap	Lap	Lap	Lap	
7-8	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap/Water Fit	Lap	Lap
8-9	Lap/Water Fit	Lap/Therapy	Lap/Water Fit	Lap/Therapy	Lap/Therapy	Lap	Lap
9-10	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Therapy	Lap/Lessons	Lap
10-11	Lap	Lap	Lap	Lap	Lap	Lap/Lessons	Lap/Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Lap/Lessons	Lap/Lessons
12-1	Lap	Lap	Lap	Lap	Lap	Open	Open
1-2	Lap/Therapy	Lap	Lap/Therapy	Lap	Lap/Therapy	Open	Open
2-3	Lap	Lap	Lap	Lap	Lap	Open	Open
3-4	Leson/Rec/ Open	Leson/Rec/ Open	Leson/Rec/ Open	Leson/Rec/ Open	Leson/Rec/ Open	Open	Open
4-5	Leson/Rec/ Open	Leson/Rec/ Open	Leson/Rec/ Open	Leson/Rec/ Open	Leson/Rec/ Open	Lap/Open	Lap/Open
5-6	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap/Open	Lap/Open
6-7	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap		
7-8	Lap	Lap	Lap	Lap	Lap		

Burgess Performance Pool –Fall/Winter

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap		
6-7	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	
7-8	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap
8-9	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	POLO/Lap
9-10	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	POLO/Lap
10-11	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	Lap
11-12	Lap	Lap	Lap	Lap	Lap	Lap	Lap
12-1	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Lap/Open	Lap/Open

1-2	Lap	Lap	Lap	Lap	Lap	Lap/Open	Lap/Open
2-3	Lap	Lap	Lap	Lap	Lap	Lap/Open	Lap/Open
3-4	Lap	Lap	Lap	Lap	Lap	Lap	Lap
4-5	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
5-6	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth POLO/Lap	Youth POLO/Lap
6-7	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth POLO/Lap	Youth POLO/Lap
7-8	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap		

Burgess Performance Pool - Spring

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap		
6-7	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	
7-8	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap
8-9	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	POLO/Lap
9-10	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	POLO/Lap
10-11	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	Lap
11-12	Lap	Lap	Lap	Lap	Lap	Lap	Lap
12-1	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Lap/Open	Lap/Open
1-2	Lap	Lap	Lap	Lap	Lap	Lap/Open	Lap/Open
2-3	Lap	Lap	Lap	Lap	Lap	Lap/Open	Lap/Open
3-4	Lap/Rec Team	Lap/Rec Team	Lap/Rec Team	Lap/Rec Team	Lap/Rec Team	Lap/Open	Lap/Open
4-5	Lap/Rec & Youth	Lap/Rec & Youth	Lap/Rec & Youth	Lap/Rec & Youth	Lap/Rec & Youth	Lap	Lap
5-6	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
6-7	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
7-8	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
8-9	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap		

Burgess Performance Pool - Summer

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap		
6-7	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	
7-8	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap
8-9	Lap	Lap	Lap	Lap	Lap	Lap/Youth Team	POLO/Lap
9-10	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Youth Team	POLO/Lap
10-11	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap	Lap
11-12	Lap	Lap	Lap	Lap	Lap	Lap	Lap
12-1	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Masters/Lap	Lap/Open	Lap/Open
1-2	Lap	Lap	Lap	Lap	Lap	Lap/Open	Lap/Open
2-3	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Open	Lap/Open
3-4	Lap/Rec & Open	Lap/Rec & Open	Lap/Rec & Open	Lap/Rec & Open	Lap/Rec & Open	Lap/Open	Lap/Open
4-5	Youth/Rec/Open	Youth/Rec/Open	Youth/Rec/Open	Youth/Rec/Open	Youth/Rec/Open	Lap	Lap
5-6	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
6-7	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
7-8	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Lap	Lap
8-9	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap		

MPCC Instructional Pool Schedule

MPCC Instructional Pool Schedule – Fall/Winter

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6							
6-7	Lap	Lap	Lap	Lap	Lap		
7-8	Lap	Lap	Lap	Lap	Lap	Lap	Lap

8-9	Water Fit	Water Fit	Water Fit	Water Fit	WaterFit	Lap	Lap
9-10	Therapy	Therapy	Therapy	Therapy	Therapy	Sr Open	Sr Open
10-11	Therapy	Therapy	Therapy	Therapy	Therapy	Lessons	Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Lessons	Lessons
12-1	Lap	Lap	Lap	Lap	Lap	Open	Open
1-2	Sr Open	Sr Open	Sr Open	Sr Open	Sr Open	Open	Open
2-3	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Open	Open
3-4	Youth Rec(4-6)	Youth Rec(4-6)	Youth Rec(4-6)	Youth Rec(4-6)	Youth Rec(4-6)	Open	Open
4-5	Youth Rec(6-7)	Youth Rec(6-7)	Youth Rec(6-7)	Youth Rec(6-7)	Youth Rec(6-7)	Open	Open
5-6	Lesson	Lesson	Lesson	Lesson	Lesson		
6-7	Lap	Lap	Lap	Lap	Lap		
7-8	Lap	Lap	Lap	Lap	Lap		

MPCC Instructional Pool Schedule – Spring

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6							
6-7	Lap	Lap	Lap	Lap	Lap		
7-8	Lap	Lap	Lap	Lap	Lap	Lap	Lap
8-9	Water Fit	Water Fit	Water Fit	Water Fit	WaterFit	Lap	Lap
9-10	Therapy	Therapy	Therapy	Therapy	Therapy	Sr Open	Sr Open
10-11	Therapy	Therapy	Therapy	Therapy	Therapy	Lessons	Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Lessons	Lessons
12-1	Open	Open	Open	Open	Open	Open	Open
1-2	Sr Open	Sr Open	Sr Open	Sr Open	Sr Open	Open	Open
2-3	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Open	Open
3-4	Youth Rec	Youth Rec	Youth Rec	Youth Rec	Youth Rec	Open	Open
4-5	Youth Rec	Youth Rec	Youth Rec	Youth Rec	Youth Rec	Open	Open
5-6	Lesson	Lesson	Lesson	Lesson	Lesson	Open	Open
6-7	Adult Lessons	Adult Lessons	Adult Lessons	Adult Lessons	Lap		
7-8	Lap	Lap	Lap	Lap	Lap		

MPCC Instructional Pool Schedule – Summer

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6							
6-7	Lap	Lap	Lap	Lap	Lap		
7-8	Lap	Lap	Lap	Lap	Lap	Lap	Lap
8-9	Water Fit	Water Fit	Water Fit	Water Fit	WaterFit	Lap	Lap
9-10	Therapy	Therapy	Therapy	Therapy	Therapy	Sr Open	Sr Open
10-11	Therapy	Therapy	Therapy	Therapy	Therapy	Lessons	Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Lessons	Lessons
12-1	Lap	Lap	Lap	Lap	Lap	Open	Open
1-2	Sr Open	Sr Open	Sr Open	Sr Open	Sr Open	Open	Open
2-3	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Lesson/Sr Open	Open	Open
3-4	Youth Rec(4-6)	Youth Rec(4-6)	Youth Rec(4-6)	Youth Rec(4-6)	Youth Rec(4-6)	Open	Open
4-5	Youth Rec(6-7)	Youth Rec(6-7)	Youth Rec(6-7)	Youth Rec(6-7)	Youth Rec(6-7)	Open	Open
5-6	Lesson	Lesson	Lesson	Lesson	Lesson		
6-7	Lap	Lap	Lap	Lap	Lap		
7-8	Lap	Lap	Lap	Lap	Lap		

MPCC – Lap Pool Schedule

MPCC – Lap Pool Fall/Winter

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6							
6-7	Masters	Lap	Masters	Lap	Masters		
7-8	Lap	Lap	Lap	Lap	Lap	Masters	Masters
8-9	Lap	Lap	Lap	Lap	Lap	Lap	Lap
9-10	Lap	Lap	Lap	Lap	Lap	Lap	Lap
10-11	Water Fit/Lap	Lap	Water Fit/Lap	Lap	Water Fit/Lap	Laps/Lessons	Laps/Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Laps/Lessons	Laps/Lessons
12-1	Lap	Masters	Lap	Masters	Lap	Open	Open
1-2	Lap	Lap	Lap	Lap	Lap	Open	Open
2-3	Lap/Open Youth	Lap/Open Youth	Lap/Open Youth	Lap/Open Youth	Lap/Open Youth	Open	Open
3-4	TM/Open	TM/Open	TM/Open	TM/Open	TM/Open	Open	Open

4-5	Youth TM/Open	Youth TM/Open	Youth TM/Open	Youth TM/Open	Youth TM/Open	Open	Open
5-6	Youth TM	Youth Team	Youth Team	Youth Team	Youth Team	Laps	Laps
6-7	Lap	Lap	Lap	Lap	Lap	Laps	Laps
7-8	Lap	Lap	Lap	Lap	Lap		

MPCC – Lap Pool Spring

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6							
6-7	Masters	Lap	Masters	Lap	Masters		
7-8	Lap	Lap	Lap	Lap	Lap	Masters	Masters
8-9	Lap	Lap	Lap	Lap	Lap	Lap	Lap
9-10	Lap	Lap	Lap	Lap	Lap	Lap	Lap
10-11	Water Fit/Lap	Lap	Water Fit/Lap	Lap	Water Fit/ Lap	Laps/Lesson s	Laps/Lesson s
11-12	Lap	Lap	Lap	Lap	Lap	Laps/Lesson s	Laps/Lesson s
12-1	Lap/Adult Leson	Masters	Lap/Adult Leson	Masters	Lap/Adult Leson	Open	Open
1-2	Lap/Open	Lap/Open	Lap/Open	Lap/Open	Lap/Open	Open	Open
2-3	Lap/Open	Lap/Open	Lap/Open	Lap/Open	Lap/Open	Open	Open
3-4	Youth TM/Open	Youth TM/Open	Youth TM/Open	Youth TM/Open	Youth TM/Open	Open	Open
4-5	Youth TM/Open	Youth TM/Open	Youth TM/Open	Youth TM/Open	Youth TM/Open	Open	Open
5-6	Youth TM	Youth Team	Youth Team	Youth Team	Youth Team	Laps	Laps
6-7	Lap	Lap	Lap	Lap	Lap	Laps	Laps
7-8	Lap	Lap	Lap	Lap	Lap		

MPCC – Lap Pool Summer

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5-6							
6-7	Masters	Lap	Masters	Lap	Masters		
7-8	Lap	Lap	Lap	Lap	Lap	Masters	Masters
8-9	Lap	Lap	Lap	Lap	Lap	Lap	Lap
9-10	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap	Lap

10-11	Camps	Camps	Camps	Camps	Camps	Laps/Lessons	Laps/Lessons
11-12	Lap	Lap	Lap	Lap	Lap	Laps/Lessons	Laps/Lessons
12-1	Lap	Lap	Lap	Lap	Lap	Open	Open
1-2	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Lap/Camp	Open	Open
2-3	Lap/Open	Lap/Open	Lap/Open	Lap/Open	Lap/Open	Open	Open
3-4	Youth Rec/Open	Youth Rec/Open	Youth Rec/Open	Youth Rec/Open	Youth Rec/Open	Open	Open
4-5	Youth Rec/Open	Youth Rec/Open	Youth Rec/Open	Youth Rec/Open	Youth Rec/Open	Open	Open
5-6	Youth Team	Youth Team	Youth Team	Youth Team	Youth Team	Laps	Laps
6-7	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Youth Team/Lap	Laps	Laps
7-8	Lap	Lap	Lap	Lap	Lap		
8-9	Lap	Lap	Lap	Lap	Lap		

2. Services

- **Water Fitness**

We use deep-water jogging and exercises to challenge and strengthen the entire body. Flotation belts, noodles, and paddles are used to increase aerobic fitness and muscle tone while having fun in the water. Students with or without swimming ability will benefit from these water aerobics classes. All levels of fitness welcomed. Certified instructors will assist students to work at their own level and pace. We will continue to develop new clients and reach out to organizations and groups within the community that might be interested in a fun fitness opportunity in the water for adults. We would hope to see additional interest in the exercise class. The lack of available lanes in the evenings and early mornings, due to other uses, prevent any other offerings than mornings or early afternoons. This would be a great program to expand at Burgess Memorial Pool.

Sample activities:

- 1.1.1. **Deep Water Running:** Stimulating land running in water where the feet do not touch the bottom of the pool. Flotation devices are used. Various running styles, drills, and methods can be used.
- 1.1.2. **Water Aerobics:** Full body rhythmic exercises conducted in shallow and/or deep water for 20 minutes or more, designed to provide cardiovascular benefits.
- 1.1.3. **Water Toning/Strength Training:** Upper and lower body moves designed to strengthen, firm, and sculpt the muscles by using the resistance of the water

and/or water exercise equipment.

Additional opportunities to expand water fitness include:

- 1.1.4. Adapted Aquatics
- 1.1.5. Water Fitness
- 1.1.6. Aquatic Fitness Personal Training
- 1.1.7. Aquatic Therapy (including Aquatic Rehabilitation)
- 1.1.8. Aquatic Physical Therapy

Summer Camps

SOLO Aquatics offers up to 10 one-week summer camps with morning and afternoon sessions. Camp attendees will learn the fundamentals of two of the fastest growing sports, Swimming and Water Polo. Campers receive the individual attention necessary to ensure a solid and fun start to a new sport or build on their skills in a sport they already love.

All coaches and counselors are USA Swimming Certified.

Morning and afternoon pool sessions include:

- Individual analysis and instruction
- Inner tube water polo
- Field sports, games and crafts
- Team building exercises
- Improving stroke technique
- Free swim time
- Stretching techniques

Junior Triathlon

SOLO plans to outsource this program:

Drop-In lap Swim, Lap Swim Memberships:

Seven days per week – tone and swim.

Certified lifeguards in sufficient numbers would be on deck during these sessions.

Open Swim

Just splash, swim and play in the pool on a hot day.

Certified lifeguards in sufficient numbers would be on deck during these sessions.

Masters

The Master's program is open to all interested in individual and group activities. Our program would include occasional socials, competitions, and special events. The team consists of swimmers of various ages and abilities. Workouts are offered in lanes that are separate from our regular lap swim space. Early morning, mid-day, and evening workouts are available for the busy swimmer.

All coaches are USA Swimming Certified.

Adult Triathlon Team

SOLO plans to outsource this program.

Swim Team Year-Round(Competitive):

3. SWIMMING GROUPS

Everyone with the SOLO Swim Club has his or her own lifestyle and schedule. A commitment toward personal progress begins with you, and your practice plans need to meet individual goals.

- **RACERS**

Racers is designed for swimmers five years old and over who have had little or no experience on a swim club. The emphasis is on developing movement patterns that are controlled and efficient in all four competitive strokes.

Suggested Commitment – One-two times week

- **DYNAMOS**

Dynamos is designed for swimmers seven years old and over who have had some experience with a swim club. Emphasis is on mastering basic stroke patterns involved with all four competitive strokes as well as the techniques involved with starts.

Suggested Commitment – One-two times week

- **AGE GROUP**

The Age group is designed for young swimmers beginning competition in the 10/ under age group. This section introduces conditioning techniques while improving stroke and turn skills. Swimmers are encouraged to attend up to four practices per week.

Suggested Commitment – Five times in TWO weeks!

- **ADVANCED AGE GROUP**

The Advanced Age Group is designed for swimmers competing in the 11 years and over categories. Emphasis is placed on pro per stroke technique, goal setting, and competition. This group allows athletes a chance for increased commitment and improvement.

Suggested Commitment – three - Five practices if possible

- **PRE-SENIOR**

The Pre-Senior group is designed for junior high and high school swimmers, 13/ over, who are interested in competition. The group stresses stroke technique, a dedication to training, and long-range goal setting. Swim practice in this group will qualify students for high school P.E. Credit.

Suggested Commitment - Five practices if possible

- **SENIOR**

The Senior Group is designed for swimmers interested in an intensive training program geared for competition at the Junior and Senior National levels. A minimum of five practices per week are MANDATORY, as is a commitment to excellence in swimming.

Suggested Commitment - Five practices MANDATORY

Swim Team Seasonal (Recreational):

- **Sand Sharks**

This beginning group is for children 4 years old and over who can swim at least ten yards, taking at least one breath. Sand Sharks is ideal for children with older siblings in our Sharks program or other younger swimmers who would like the team experience but are not yet ready for Tiger Sharks.

- **Tiger Sharks**

For swimmers four and half years old and over who are self-sufficient in the water but have had little or no experience on a swim team. The emphasis is on developing movement patterns that are controlled and efficient. Focus will be on freestyle and backstroke.

- **Leopard Sharks**

This is an intermediate group for swimmers seven years old and older who have had some experience with a swim club or are able to swim 100 yards freestyle without stopping. Emphasis is on mastering basic stroke patterns involved in all four competitive strokes.

- **Hammerhead Sharks**

This is an advanced group for swimmers nine years old and older who are proficient in all four strokes. Emphasis is on improving strokes and introducing conditioning

techniques. Competition skills will also be developed.

4. Swim Lessons:

Swimming lessons were taught by trained instructors on a year-round basis at M-A (2001-2011). Prior to that lessons were taught at other pool locations including the old Burgess pool.

Our staff teaches in a unique way that gets children swimming fast. Or faster as the case might be! The goal is to assist beginners with their comfort & safety in the water, and intermediate & advanced swimmers with their skill development. Our excellent progression system allows children of all ages & abilities to develop their swimming skills in a fun, challenging learning environment, and at a comfortable pace.

Water Babies:

Level 1: The focus of this program is to create a nurturing aquatic environment for parents and children under the age of 3. The program is designed to get children comfortable with submerging their heads, blowing bubbles, and floating.

Level 2: Children must be able to float on their back and front unassisted, put their face in the water, blow bubbles, submerge head 3 times, and glide from the wall to the instructor with face in the water. Swimmers will learn to breathe, kick, glide and begin the proper positions for swimming freestyle.

Children:

Level 1: The program is designed for students to develop air exchange while coordinating balanced movements side to side for freestyle. Students are introduced to backstroke. The goal of the class is to be able to swim unassisted.

Level 2: The program is designed to develop confidence in the ability to swim freestyle for at least 25 yards. Students will be introduced to dolphin kicks and the fundamentals of other strokes. Backstroke and headfirst entry will be introduced.

Level 3: The program provides further coordination and refinement of keystrokes. Students will be able to swim freestyle, backstroke and develop proper foundations for breaststroke and butterfly. Participants will be taught how to dive. After completing this program swimmers should be ready to explore the opportunities in recreational swimming. After level 3, swimmers move on to the recreational shark program.

Private:

Students who take private lessons develop at a faster rate. Instructors can move participants through the levels of instruction as the skills are mastered and to maintain a better focus with the individual.

5. We will participate in any necessary ADA policies and procedures to ensure reasonable accommodations to all who use the facilities including lifts, appropriate stairs, safe entry, and egress, etc...

Water Polo:

Women's Water Polo:

The program offers women players, from beginning to experienced, the opportunity to *receive* coaching, develop their skills, scrimmage and participate in local competitions

Club Water Polo:

SOLO Aquatics previously offered water polo programs for teens and pre-teens. Coaches are experienced players and often local high school coaches.

Rentals:

- To follow the rules and regulations of the City of Menlo Park. Taking into consideration the benefits to the citizens of Menlo Park. The number of participants that would be displaced. The profit vs. non-profit status of an organization. The demand the user group might have on the facility and staff are all considerations. The pool is a resource that should be used and enjoyed by all in the community.

Menlo Park Community Campus:

The programs at the MPCC pools will mirror some of the Burgess programming where appropriate. The estimated schedule of use will need to be dialed in, as a clear picture of user needs is established.

Outside access:

We are open and flexible in facilitating outside rental requests. Communication and prioritization will be key in accommodating outside requests while maintaining the service standard for Menlo Park Residents.

E. Staffing and Management

1. Proposed Organizational structure for the Burgess Site

- Director of Operations (dry/office admin)
- Front office staff to process all incoming communications processing
- Front desk staff to support patrons
- Director of Aquatic Programs
- 3 Pool managers (certified CPO)
- Lifeguards- appropriate coverage-based programming and numbers of participants
- 4-8 Coaches/Instructors- appropriate for numbers programmed

2. Responsibilities

The Director of Aquatics Programs has the responsibility for the overall quality of diverse programming and ultimate responsibility for managing the entire staff. This position would also work with the pool (CPO Certified) managers (3) to coordinate safety on deck, in the pool and water quality. And all would be responsible for maintenance policies and procedures. The Director of Aquatics Programs is responsible for hiring and developing the rest of the staff.

The Director of Operations is responsible for registration, publication of information, billing, customer service and staff scheduling. All financial and administrative tasks involved in the running of aquatics programs will be the responsibility of the office manager. This individual will also assist in the hiring and training of staff.

Front Desk employees are responsible for direct customer service, answering basic programming questions and inquiries. They promote an open and friendly community atmosphere.

Lifeguards are responsible for the safety of the participants. They must be properly certified and trained by established organizations.

Coaches are responsible for the proper training of participants in their chosen program. They provide a positive environment for developing skills and personal growth through aquatics. The Coaches are certified by national organizations and are encouraged to continually improve their skills as coaches.

3. Staff Ratios

Staff ratios are determined by program and by number of participants. Swim lessons, for example, can have a student to coach ratio from 1:1 to 6:1. Recreational swim and competitive swim team practices are 2 to 3 coaches depending on the number of swimmers and skill level of the athlete. Lap swimming and masters are guarded by national guidelines for safety. The highest staffing of lifeguards is during the busy open swim session during the summer.

Training

Sample training outline and handbook.

Section 1 Employment

Employment Benefits

Work Schedule

Hiring

Payroll

Time clock

Absence/Late Policy

Substitute Policy

Missed Shift Policy

Section II Employee Duties

Job Description

General Etiquette

Lifeguard Procedures

Opening and Closing Checklist

Pool Policies and Procedures

Pool Regulations

Section III Work Policy

Communication

Evaluation

Disciplinary Policy

Steps in Grievance Process

Lifeguard Agreement

Subcontractors

SOLO has worked to establish subcontractors during the last RFP. To help with lifeguard certifications, pool operations including pool maintenance and chemical supplies. These would be ways to ensure we are able to complete all areas needed. Before the operations of Burgess in Sept. In addition, help to build relationships to be ready for the MPCC completion.

F. Quality Assurance and Risk Management

1. Solo has provided recreational and competitive swim programs in Menlo Park since 1994. We have hosted and run one or two sanctioned USA Swim meets per year for the last several years. We run youth summer camps. Our head coach had served as the head coach for the MAHS swim teams (2001-2011). All these programs have been run under the appropriate safety and risk management standards without incident.
2. Our coaches, trainers, and staff are trained and certified through organizations such as the American Red Cross and USA swimming. Continued skill development for coaches is strongly encouraged. Cross training for lifeguards, coaches, and other pool staff will enhance the experience for the community users as well as provide opportunities for growth for the employees.
 - For the pool equipment, water testing and chemical maintenance we will outsource these functions to a local, Menlo Park based company. The subcontractor is familiar with the existing facilities and has over 30 years in pool maintenance.
3. In meeting the standard of care, we will work with a subcontractor to ensure the pool is clean and safe to use.
 - Subcontractor will be responsible for setting operational water quality targets prior to non-compliance limits provides a 'buffer' and helps prevent downtime and unnecessary pool closure. This approach also provides staff with an opportunity to respond to any changes in water quality. Document water quality targets and treatment objectives so all staff can be trained in the facility's operation. This can be documented in a water quality operational control plan. The subcontractor will regularly assess pools and conduct risk assessment can be summarised into six steps:
 - Identify hazards/hazardous events and sources
 - Determine the consequence of each hazard/hazardous event
 - Identify and evaluate the existing controls and preventative measures for each hazard/event
 - Assess the likelihood and assign the level of risk for each identified hazard/event
 - Document, report and manage identified risks
 - Monitor and review

We will use the following matrix to determine level of risk

Likelihood	Consequence
------------	-------------

	Insignificant	Minor	Moderate	Major	Severe
Almost certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	Extreme	Extreme
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	Medium
Rare	Low	Low	Low	Medium	Medium

4. We will provide proper training and formal document and will be regularly asked to show competencies in these areas.
5. Sample emergency plan
 - Major Injuries, Illnesses and Rescues
 - Lifeguard Recognizes Someone Needs Help
 - Lifeguard Activates EAP
 - One blast of whistle - STOP, LOOK, LISTEN
 - Three blasts of whistle - CLEAR POOL IMMEDIATELY!
6. No litigation.
7. INSURANCE
 - We will ensure regular testing and place an escalation protocol for any contamination issues. We have over 25 years in pool maintenance. We will report regular audits and conduct regular reports.

G. Public Communication, Marketing, and Registration

SOLO Communication with Public

All SOLO services, schedules, fees, and policies are maintained on our website at www.soloaquatics.com. SOLO member communications are sent to participants and families through TeamUnify.

1. SOLO Marketing and Registration

- SOLO has contracted with TeamUnify, the leading provider of online event registration, event management and electronic payment processing software. Links to this service are managed from our website. In addition to communications from the Thriva service, SOLO markets its services by advertising in the Menlo Park Almanac, SOLO will also invest in services like Constant Contact to provide regular communiques to athletes and residents.
- The best marketing avenue for SOLO has been returning athletes and our refer-an-athlete discount program.

2. Policies and Procedures: Registration, Refunds, Customer Issues.

- These are all done through our website. Policies and Procedures for refunds are all done through our website. SOLO has a dedicated email account to handle customer issues. Customers are also encouraged and have an open line of communication with the coaching staff.

3. Customer Satisfaction

- SOLO holds regular parent meetings as well as goal meetings with individual athletes. We also do evaluations as needed. We will invest in a survey service like, Survey Monkey, to ensure all requests are captured and we can best serve the community.
- 4. **Crisis Management Plan**
 - SOLO will follow the crisis management guidelines of the governing facilities and programs, such as USA Swimming, Certified Pool Operators, American Red Cross, and the City of Menlo Park.
 - In preparation for managing City facilities, SOLO will hire professional consulting services to establish a comprehensive plan and provide media training for key personnel.
 - In general, SOLO crisis management plan would include:
 - Scenario identification and response planning, evaluating for a broad range of potential crises, such an emergency event, staff malfeasance, or injury or death of a participant, as each scenario will entail very different responses.
 - Plan will include a physical action plan for the facilities as well as a communications plan, which will identify a spokesperson, and a formal communique written in a timely and honest manner.

H. Fees

As documented the changing of any fees would need to be in conjunction with the review of The City. As such, the fees proposed are in the same range. These numbers assume most of the cost recovery being assumed by Burgess.

Estimated Fees/Budget

1. Water Fitness

\$110-120 month

\$20 Drop In

5-10% discount quarterly

2. Summer Camps

\$400 Half Day Camps

\$40 PreCare 30 mins

\$75 Post Care 1 hr

10% discount for additional family member

3. Lap Swim

\$8 Resident Drop In

\$9 Non-Resident Drop In

4. Lap Swim Monthly Membership

\$55 Resident

\$70 Non-Resident

10% discount annual membership

6. Open Swim

\$5 Child/\$9 Adult Resident

\$6 Child/\$10 Adult Non-Resident
5-10% discount on 10 event cards
\$25 Family Day Pass (Five Max) Resident
\$35 Family Day Pass (Five Max) Non-Resident

7. Masters

\$20 Drop In
\$100 Monthly Resident
\$120 Monthly Non-Resident
5% discount quarterly membership
10% discount annual membership

8. Year-Round Youth Swimming

There are different length of times and days by level
5% sibling discount for 2nd swimmer, 10% sibling discount
Same percentage per swimmers annually.

Racers:

\$150 month

Dynamos:

\$175 month

Age Group:

\$200 Month

Adv. Age Group:

\$225 Month

PreSenior:

\$240 Month

Senior:

\$250 Month

9. Summer Swim Team: There is one session of approximately eleven weeks from late Spring to early Summer.

Sand Sharks:

\$45 per week

Tiger Sharks:

\$50 per week

Leopard Shark:
\$55 per week

Hammerhead Shark:
\$60 per week

10.Swim Lessons:
Water Babies:
\$20 week Resident
\$27 week Non-Resident
Levels 1:3 4:1 Ratio

Level 1-3: 2:1 Ratio
\$35 week Resident
\$43 week Non-Resident

MPCC rates for programs 30% reduction to these fees

Burgess Pool

Expenses

Facility	(Cost Recovery)	\$650k
Director of Operations & Office Admin Staff		\$300k
Director of Programs + 3 CPO Managers		\$450K
Lifeguards		\$550K
Instructors & Coaches		\$800K
Equipment & Office Supplies		<u>\$200K</u>
		\$2,950,000

Revenue

Water Fitness	\$30k
Summer Camps	\$200k
Lap Swim Drop In	\$185k
Lap Swim Pass	\$330k
Open Water	\$100k
Swim Team Youth Year Round	\$600k
Rec Swim Team (Spring & Summer Only)	\$60k
Swim Lessons	<u>\$1,200,000</u>
\$3,005,000	

Financial Information

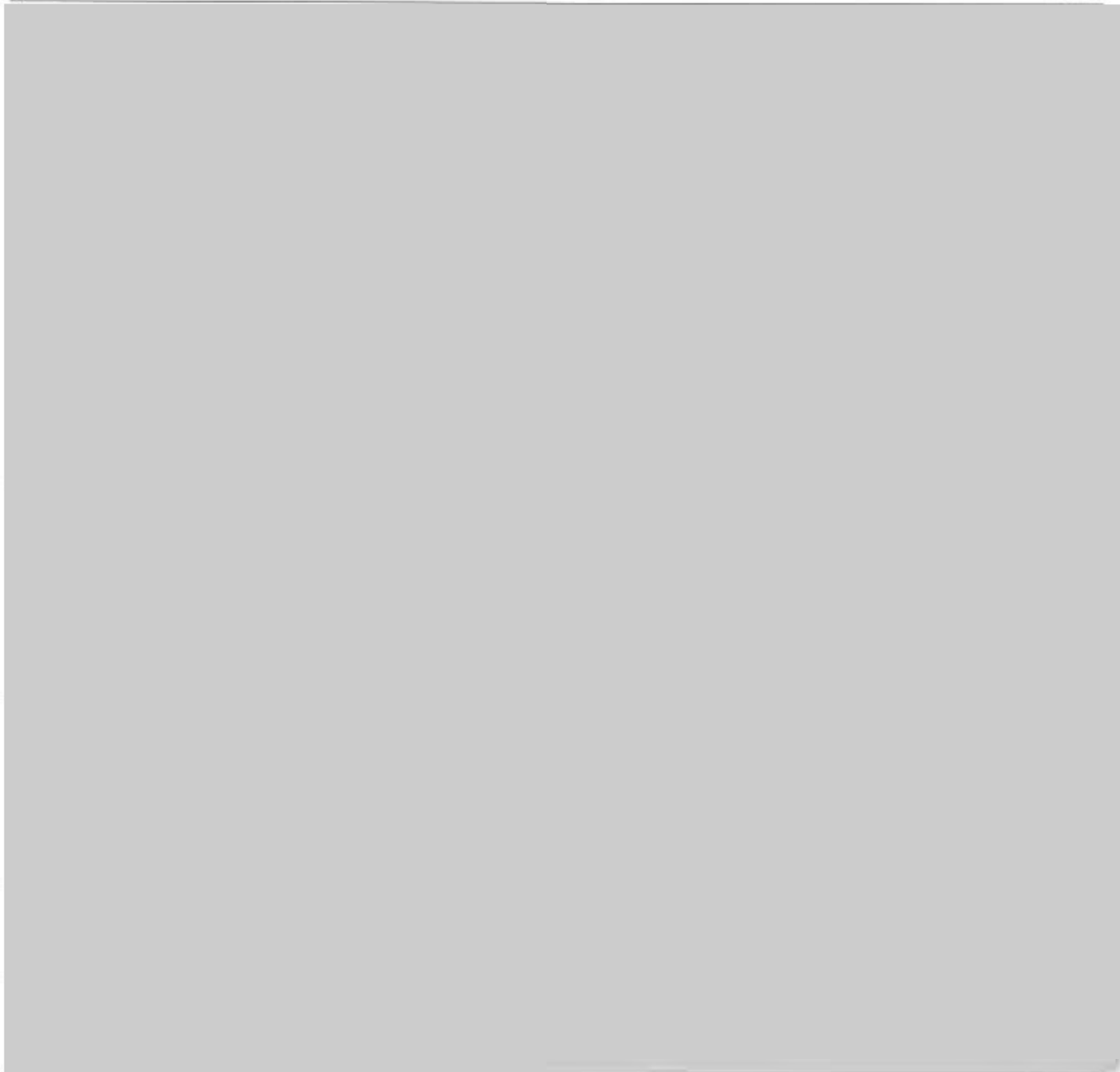
1. Budget

SOLO Aquatics

Profit and Loss

September - November, 2022

TOTAL



Schedule A
(Form 990 or 990-EZ)

Department of Treasury
Internal Revenue Service

Name of the organization:
SOLO SWIM CLUB

**Public Charity Status
and Public Support**

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.
Attached to Form 990 or Form 990-EZ.

OMB No. 1545-0047

2020

Open To Public Inspection

Employer identification number:
94-3023845

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

[Large greyed-out area for Part I content]

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

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Section B.

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Section C.

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Part III Sup

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Part IV Sup

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FORM **990-EZ**

Department of Treasury
Internal Revenue Service

**Short Form
Return of Organization Exempt
From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

OMB No. 1545-1150

2020

Open To Public Inspection

A For the 2020 calendar year, or tax year beginning 09/01/2020, and ending 08/31/2021

- B** Check if applicable:
 - Address change
 - Name change
 - Initial return
 - Final return
 - Amended return
 - Application for recognition

G Accounting method:

I Website:

J Tax-exempt status:

Part I Revenue

Check if the organization is:

- 1** Contributions
- 2** Program service
- 3** Membership dues
- 4** Investment income
- 5a** Gross amount
- 5b** Less: cost or other basis
- 5c** Gain or loss
- 6** Gaming
- 6a** Gross income
- 6b** Gross income (line 1) (if applicable)
- 6c** Less: deductions
- 6d** Net income
- 7a** Gross sales
- 7b** Less: cost of goods sold
- 7c** Gross profit
- 8** Other revenue
- 9 Total revenue**

10 Grants and gifts

11 Benefits

12 Salaries

13 Professional fees

14 Occupational taxes

15 Printing

16 Other expenses

17 Total expenses

18 Excess of revenue over expenses

19 Net assets or fund balances at the beginning of the year

20 Other changes in net assets or fund balances

21 Net assets or fund balances at the end of the year

Part II Balance Sheet

Check if the organization is:

- 22 Cash,
- 23 Land a
- 24 Other
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- 27 **Net a**

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Part VI Sec

All section 501

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Schedule O
(Form 990 or 990-EZ)

Department of Treasury
Internal Revenue Service

Name of the organization:
SOLO SWIM CLUB

**Supplemental Information
to Form 990-EZ**

Complete to provide information for responses to specific questions on Form 990 or 990-EZ
or to provide any additional information.
Attached to Form 990 or Form 990-EZ.

OMB No. 1545-1150

2020

Open To Public Inspection

Employer identification number:
94-3023845

Additional information, entered into Schedule O:

Part 224 The swim program has swim fins for children to train the team owns no property and rents pool space from the City of Menlo Park
Part 3 The SOLO program did receive a PPP loan in 2020 as part of the Covid program passed by Congress in addition to a Covid relief grant
for the State Of California

Department of Internal Revenue

A For the 2021

B Check if a

- Address change
- Name change
- Initial return
- Final return
- Amended
- Application

I Tax-exempt

J Website:

K Form of or

Part I

Activities & Governance	1 E
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Revenue	8 C
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Expenses	13 C
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	b T
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	18 T
19 F	
Net Assets or Fund Balances	20 T
	21 T
	22 M

Part II

Under penalty of perjury, the preparer certifies that the information on this return is true, correct, and complete.

Sign Here

Paid Preparer Use Only

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Part VIII

Contributions, Gifts, Grants, and Other Similar Amounts	1a
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Program Service Revenue	2a
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Other Revenue	3
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	7a
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Miscellaneous Revenue	11a
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Part IX

Section 507

Do not include 8b, 9b, and

- 1 Grants and contributions
- 2 Grants to individuals
- 3 Grants to organizations, foreign or domestic
- 4 Benefactor's personal services
- 5 Compensation of trustees
- 6 Compensation of personnel
- 7 Other compensation
- 8 Pension and annuity payments
- 9 Other payments
- 10 Payroll taxes
- 11 Fees and expenses:
 - a Management
 - b Legal
 - c Accounting
 - d Lobbying
 - e Professional
 - f Investment
 - g Other (A), and
- 12 Advertising
- 13 Office expenses
- 14 Information
- 15 Royalties
- 16 Occupancy
- 17 Travel
- 18 Payments for advertising
- 19 Conference
- 20 Interest
- 21 Payments
- 22 Depreciation
- 23 Insurance
- 24 Other expenses above line 2 (A), and
 - a Meetings
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 - e All of the above
- 25 Total
- 26 Jointly held by the organization from funds following

Part X

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Part VI

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Bid Results

Bidder Details

Vendor Name The Swimming Swan LLC
Address 903 Paseo Del Lago
Fallbrook, California 92028
United States
Respondee Melissa Louise Swanson
Respondee Title President
Phone [REDACTED]
Email [REDACTED]
Vendor Type [REDACTED]
License # [REDACTED]
CADIR [REDACTED]

Bid Detail

Bid Format Electronic
Submitted 11/30/2022 3:59 PM (PST)
Delivery Method [REDACTED]
Bid Responsive [REDACTED]
Bid Status Submitted
Confirmation # 312106
Ranking 0

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
City of Menlo Park_SwimmingSwan_20221130.pdf	City of Menlo Park_SwimmingSwan_20221130.pdf	Response File



City of Menlo Park

Proposal for Aquatics Operator

November 30, 2022



SWAN AQUATICS
water safety services

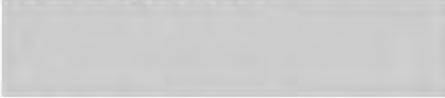


A

Cover Letter

A. Cover Letter

Melissa Swanson
Founder and President of The Swimming Swan, LLC
903 Paseo Del Lago
Fallbrook, CA 92028



To The City of Menlo Park,

Decades of experience in the Aquatics Industry has paved the way for our company to provide a Full Aquatics Operation in partnership with the City of Menlo park. What began as a means to battle preventable drownings has transformed and grown into a multi-faceted pool management company and aquatic training provider.

Our small management team focuses on foundational quality over profits and is what sets us apart from our competitors. The 8 years we've been in business, I have heard countless stories about large pool management companies stretched so thin that they are unable to provide the quality of service your residents deserve. Or that certain demographic populations' needs are being met due to no lane space because of high profit-generating competitive sports.

The Swimming Swan has been selective with our partners and grown steadily over the years learning and improving our services. We've acquired a team leadership model that focuses on proprietary software, thorough training, onboarding the very best professionals, and audits to ensure best practices are maintained. These items and the resulting company culture are just a few things we pride ourselves on.

Because we have kept our team small, we are able to quickly pivot and take chances - whether it be with offering new incentives or discounting prices - we make things happen quickly.

We are passionate aquatics professionals who would love the opportunity to discuss our company further with the City of Menlo Park and provide the best aquatics service for your community.

I agree that it has confirmed receipt of or access to, and reviewed, all addenda issued for this RFQ. Respondent waives any claims it might have against the City based on its failure to receive, access, or review any addenda for any reason. Respondent specifically acknowledges receipt of two addenda.

Sincerely,

Melissa Swanson

Melissa Swanson
Founder and President





B

Table of Contents

B. Table of Contents



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- G. Public Communication, Marketing and Registration
- H. Fees
- I. Financial Information
- J. Responsiveness to Key City Priorities
- K. Assistance from City
- L. Additional Information



C

Qualifications, Background and Experience

C. Qualifications, Background and Experience

The Swimming Swan, LLC was formed August 26th, 2014. Two weeks prior to our formation date, there was a near-drowning at an unguarded Homeowners Association pool. Melissa, the owner, teaching across the pool, was able to stop a private lesson and quickly extricate and resuscitate a child who had drowned. This particular event led to hiring additional Instructors to alleviate an already full schedule of families seeking assistance in training their non-swimming children how to self-rescue in water. We are proud to share that this particular child has made a full recovery.

Our mission and why The Swimming Swan, LLC. is in business is to save lives by decreasing the number of drownings annually. Our aquatic services serve people of all ages from education courses to annual lifeguard services and swim programs. Our team has no restrictions to whom we can serve when it comes to the water safety needs of the public.

Fast forward 8 years later, and we service Las Vegas Nevada, Southern California and Northern California. Our newest municipal partner is with The City of Gilroy. During our peak summer season, we total nearly 100 employees working at on-site facilities and 7 managers working remotely.

We currently have home offices in: San Diego, Los Angeles and Gilroy, California; Madison, Wisconsin; Boca Raton, Florida; and Las Vegas, Nevada.

The Menlo Park facilities will be managed by our on-site management team and by our Santa Clara County Supervisor. We will actively begin hiring a San Mateo County Supervisor if this RFP is accepted. Our off-site management team frequents the City of Gilroy often, at minimum 2 times per month to provide various training classes and in-services and Menlo Park would be incorporated into our training schedule with our Instructor Trainers to ensure on-going training and Professional Development for all on-site staff.

We are currently affiliated and members of the following Organizations:

1. Licensed Training Providers of the American Red Cross
2. Members of Association of Aquatic Professionals (AOAP)
3. Members of USA Swimming
4. Members of United States Swim School Association (USSSA)
5. Members of National Recreation & Park Association (NRPA)
6. Members of American Camp Associations (ACA)
7. Members of Community Associations Institute (CAI)
8. Better Business Bureau

Our headquarters address is 903 Paseo Del Lago, Fallbrook, CA 92028. Please refer to the organization chart in Section E. Staffing and Management.

Current and Previous Partnerships:

2021 - Current

City of Gilroy, CA

Christopher High School Aquatics Center
850 Day Road, Gilroy CA 95020

Aquatic Facility Operator

- Advertise and Conduct Safety Training Classes to the public
- Hire, On-board and Train Aquatics Staff
- Manage Aquatics Staff including any on-going trainings
- Aquatic Program Development and Implementation
 - Learn to Swim Instruction
 - Adult Swim Instruction
 - Aqua Fitness Instruction
 - Jr. Lifeguard Programs
- Conduct Internal and External Audits throughout the season
- Create and Manage Gilroy exclusive website for all registrations
- Community Outreach
- Concessions
- Janitorial
- Customer Service

We perform all pool management duties including providing swimming lesson programs for groups ages 6 months to seniors.

Reference:

Adam Henig, City of Gilroy Recreation Manager

2019 - Current

Las Vegas, NV

Circus Circus Casino & Resort
2880 S. Las Vegas Blvd, Las Vegas NV 89109

Lifeguard Operations Vendor

- Hire, On-board and Train Aquatics Staff
- Manage Aquatics Staff
- Regularly conduct in-service trainings
- Conduct internal and external audits

Reference:

Eric Buska, Vice President of Hotel Operations

2018 - Current

Fit Athletic Center
12171 World Trade Dr, San Diego, CA 92128

Safety Training Vendor

- Market and Advertise Safety Training Courses



- Train and Certify participants in a variety of Red Cross Courses
- Maintain adequate supplies and inventory necessary to conduct courses.

Anne Hardey, General Manager
[REDACTED]

2019 - Current

Stone Sports Swim School

4965 S Fort Apache Rd Suite 104, Las Vegas, NV 89148

Safety Training Vendor

- Market and Advertise Safety Training Courses
- Train and Certify participants in a variety of Red Cross Courses
- Maintain adequate supplies and inventory necessary to conduct courses.

Jill Laing, Owner Operator
[REDACTED]

2018 - Current

Green Oak Ranch

1237 Green Oak Rd, Vista, CA 92081

Safety Training & Lifeguard Operations Vendor

- Market and Advertise Safety Training Courses
- Train and Certify participants in a variety of Red Cross Courses
- Maintain adequate supplies and inventory necessary to conduct courses.
- Provide Certified Lifeguard Staffing for on-site pool

Steve Schlange, General Manager
[REDACTED]

2019 - Current

Pechanga Casino & Resort

45000 Pechanga Pkwy, Temecula, CA 92592

Lifeguard Management Vendor

- Hire, Onboard and Train Aquatics Staff
- Manage Aquatics Staff
- Conduct On-Site Safety Training Classes

Muisette Garcia, Pechanga Resort Casino, 45000 Pechanga Pwky,
Temecula CA 92592. [REDACTED]
2019-2020

2022 - Current

Horse Creek Ranch Homeowners Association

Pool Monitor Services

- Hire, Onboard and Train Pool Monitor Staff
- Manage Staff
- Ensure Safety and Cleanliness of Facility
- Customer Service

Jeff Baker, Senior Community Manager
[REDACTED]

2019-2020

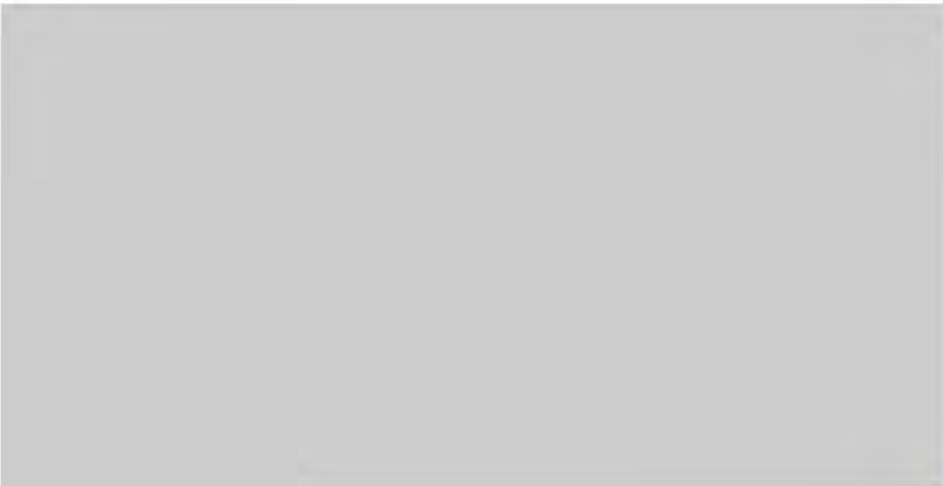
Cadence Homeowners Association

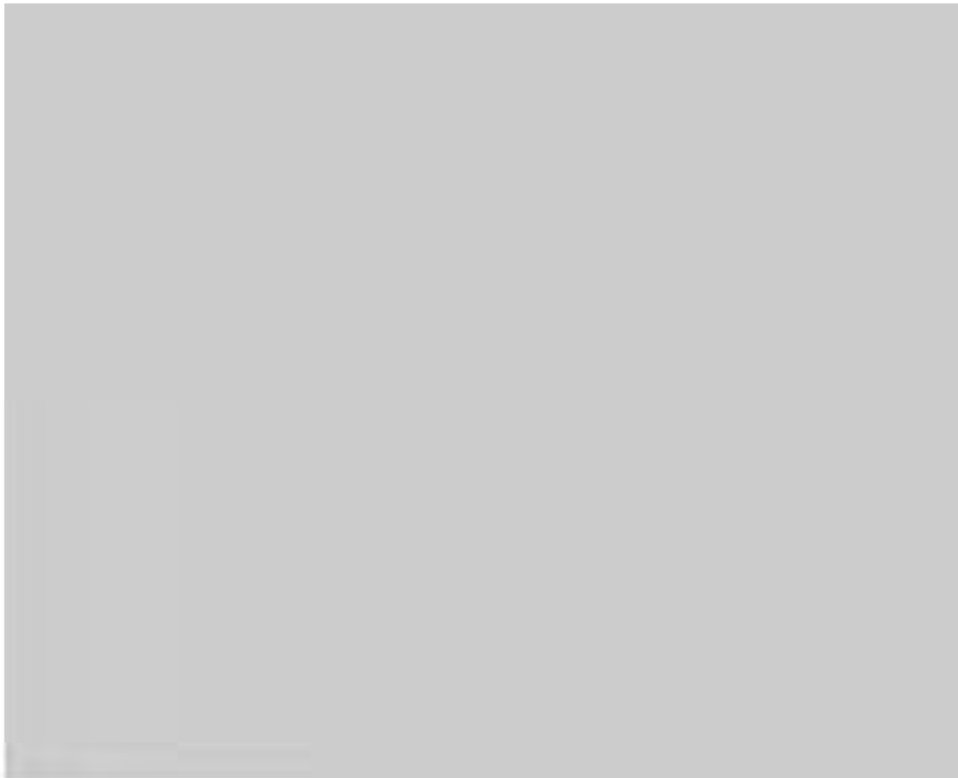
1170 E Sunset Rd #101, Henderson, NV 89011

Aquatic Facility Operator

- Train, Hire and Onboard Aquatics Staff
- Ongoing Pool Management
- Facilitate Covid-19 Policies
 - Appropriate Signage
 - Sanitizing and Disinfectant Procedures
- Implementation of Online Reservation System for Facility Use
- Overall Risk Mitigation
- The program was not renewed due to shortages in staff and lack of occupancy usage at the pool.

Michelle Carpenter, Community Manager
[REDACTED]





2018-2019

Wallis Ranch Homeowners Association

4201 Wallis Ranch Dr, Dublin, CA 94568

Lifeguard Vendor & Private Swim School

- Train, Hire and Onboard Aquatics Staff
- On-going Swim Lessons and Lifeguard Operations
- Manage Tech. Platform encompassing
 - Registrations & Waivers
 - Certificates of Achievement
 - Skills Assessments
 - Program shut down due to covid

Brandon Kanner, General Manager



2017 - 2020

San Diego, CA

Hagerman Defense Contractor

Balboa Naval Hospital

34800 Bob Wilson Drive, San Diego CA 92134

Aquatic Coaching Subcontractor

- Hire, On-board and Train Aquatics Staff
- Manage Aquatics Staff
- Conduct Swim Lessons, Aqua Fitness Classes

- Program shut down due to covid.

Chris Hagerman, CEO

2017 - 2020

The Ranch at Little Hills

18013 Bollinger Canyon Rd, San Ramon, CA 94583

Safety Training & Lifeguard Vendor

- Market and Advertise Safety Training Courses
- Train and Certify participants in a variety of Red Cross Courses
- Maintain adequate supplies and inventory necessary to conduct courses.
- Provide Certified Lifeguard and Swim Instructor Staffing for on-site pool

Juanita Elder, Operations Manager

2017 - 2020

Camp Oliver

8761 Riverside Dr, Descanso, CA 91916

Swim School and Lifeguard Vendor at Summer Camp

- Hire, On-board and Train Aquatics Staff that would take residents at this summer camp
- Manage Aquatics Staff
 - conduct in-services
- Maintain Inventory and Supplies needed for Operations
- Conduct Swimming Lessons to Campers
- This program shut down due to covid-19.

Connie May, General Manager

2016 - Current

Various Locations

Red Cross Licensed Training Provider

- Advertise Safety Training Classes to the general public
- Conduct On-site and Off-Site Classes in a variety of Aquatic Courses and Land Based Training including.

We actively market and conduct Red Cross courses to the public and internally for our staff. These classes include Lifeguarding, First Aid/CPR/AED, Water Safety Instructor Courses, Basic Water Rescue, Lifeguard Instructor Certification.

We provide classes remotely and have partner facilities in Santa Clara, San Diego, Riverside and Las Vegas.

2015 - Current

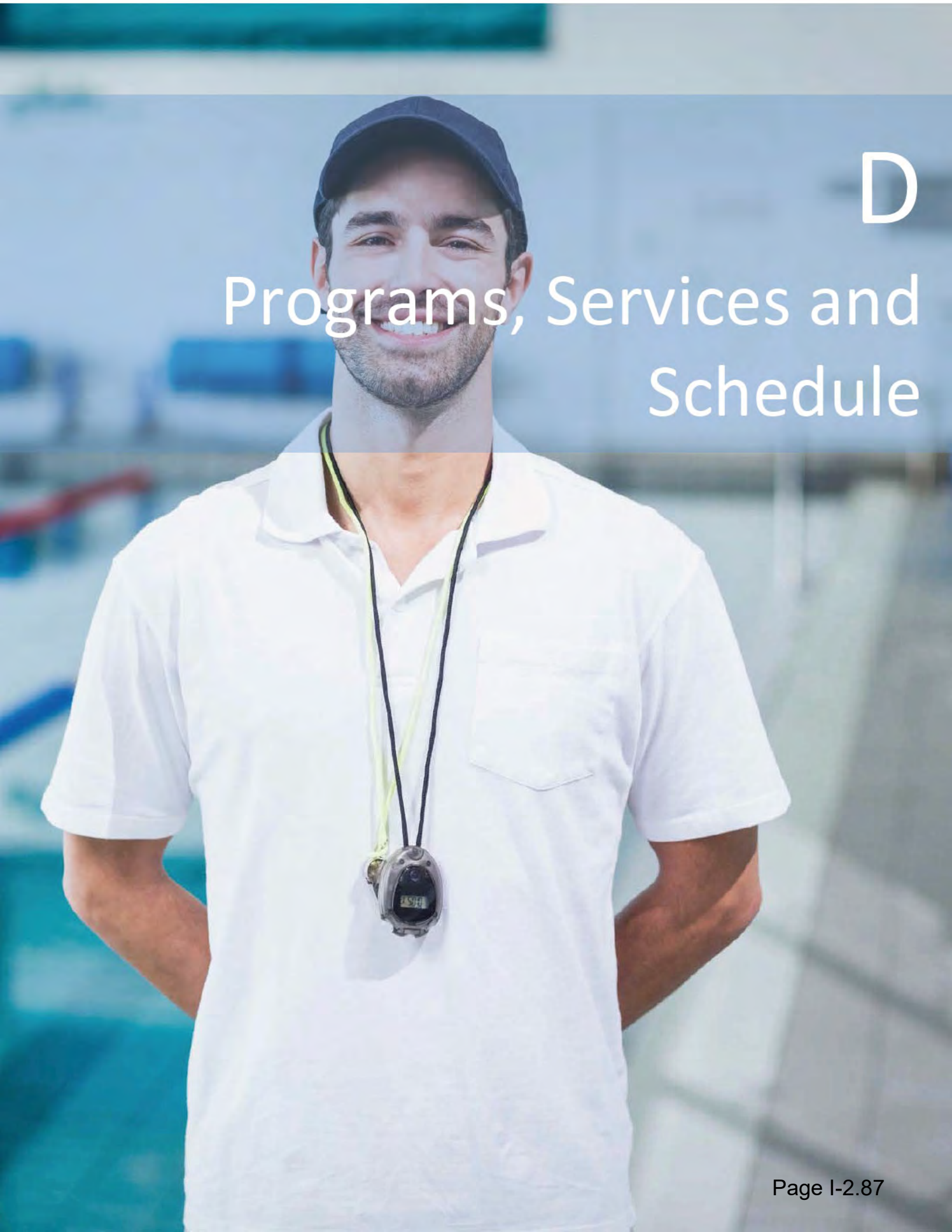
Various Locations

Private Lifeguard & Swim Lesson Vendor

- Hire, On-board and Train Aquatics Staff
- Manage Aquatics Staff
- Regularly conduct in-service trainings
- Market and Advertise to the general public
- Create Zones, EAP's, SOPS, Bring Equipment and Staff for Various Events around Arizona, Nevada and California. This includes events such as:
 - Kaaboo
 - Coachella Music Festival
 - Yosemite Summer Camp Festivals
 - Entercom Radio Los Angeles

References:

1. Adam Henig, City of Gilroy Recreation Manager
[REDACTED]
2. Eric Buska, Vice President of Hotel Operations
[REDACTED]
3. Jill Laing, Owner Operator
[REDACTED]



D

Programs, Services and Schedule

D. Programs, Services and Schedule

Pool Management Services

Red Cross Safety Training Classes

- Train and Certify the Public in the following:
 - First Aid/CPR/AED
 - Lifeguarding
 - Lifeguard Instructor
 - Water Safety Instructor (WSI)
 - California Title 22 First Aid
 - Wilderness Training
 - Basic Water Rescue



Aquatic Operations

- Train and Certify the Public
- Advertise/Market our Positions to the Public
- Hire Qualified Aquatics Staff
 - Robust, comprehensive employment process
 - Virtual and On-Site Training
 - Pre-Service Training
- Manage On-going Operations
- Ensure Compliance
- Regularly schedule in-service trainings
- Conduct internal and external audits
- Maintain and Build Community Partnerships
- Routinely poll the community for accountability

Programming

- **Water Safety Community Training**
 - Free AOAP Drowning Prevention Courses provided to the public
- Lap Swimming/Recreational Swimming
- Swimming Lessons
 - Parent/Tot
 - Preschool 1 & 2
 - Child Learn to Swim Levels: 1,2,3,4
 - Adult Beginner Swim
 - Independent Study Physical Education (ISPE)
- Aqua Fitness Instruction
 - Swan Strength
 - Swan Fit
 - Swan Lake
 - TBD: Aqua Yoga
 - TBD: Water Therapy
- Adaptive Aquatics
- **Jr. Lifeguard Programs**
- Swim Team
- **Facility Rentals**
 - Lap Lanes
- **Special Facility Events**



Technology

- Custom Proprietary Software built on a Multi-site Platform, secure and encrypted.
- Each Partnership that includes Programming given their own Website with Swan Technology which include:
 - Descriptions and Schedule of Classes
 - Registrations, Waivers and Online Payment System
 - Participant Accounts:
 - View Class Schedules
 - Add participant information
 - Receive Online Certificates of Achievements

Insurance

- General Liability - \$7 million
- Umbrella - \$3 million
- Professional Liability - \$1 million
- Sexual Abuse/Molestation - \$300,000

Burgess Hours of Operation

Beginning September 1, 2023

This is a tentative schedule and may fluctuate depending on the needs and requests of the public., in particular lap swimmers. We will meet the minimum of 63 hours per week threshold at all times.

MPCC hours of operation and programming will follow similar models. If any adjustments need to be made we will seek approval from the City prior to implementation.

	Mon	Tues	Wed	Thur	Fri	Sat/Sun
Fall 64 Total Hours	10am-8pm	7am-8pm	10am-8pm	7am-8pm	10am-8pm	7am-6pm
Winter 64 Total Hours	10am-8pm	7am-8pm	10am-8pm	7am-8pm	10am-8pm	7am-6pm
Spring 64 Total Hours	10am-8pm	7am-8pm	10am-8pm	7am-8pm	10am-8pm	7am-6pm
Summer 96 Total Hours	6am-8pm	6am-8pm	6am-8pm	6am-8pm	6am-8pm	7am-8pm

Aquatics Programming and Schedule

Lap Swimming/Open Swimming

Providing daily lap swimming for our community is essential in maintaining a healthy lifestyle. Our team is dedicated to allocating lap swimming seven-days per week all year round. We will allow and expect our lap swimmers to share lanes and circle swim when two or more swimmers are in a lane.

Youth Swim Team

The youth swim team is ideal for beginners (ages 4-12) with little to no swim-team experience. We anticipate hiring local competitive swimmers (e.g., high school/college instructors) to ensure that our students are receiving quality training. At the end of this program our swimmers would have learned all four (4) competitive strokes, sportsmanship conduct, effective communication, social skills, and water safety.

Prerequisites:

- Must be water safe
- Must pass a 25 yards unassisted swim test (front crawl highly recommended).
- Must show rhythmic breathing

Our [Current Swim Team Programs](#) are outlined below:

1. Level 1 Guppies (Ages 4-6+)
2. Level 2 Minnows (Ages 6-8+)
3. Level 3 Sharks (Ages 8 to 12+)

Our current swim team programs are non-competitive and designed to be a bridge between the Learn-to-Swim Levels and Competitive Swim Team. Our swim team is a club team that provides consistent athletic exercises to keep children healthy and active.

*Note: We have had ample discussions with the SOLO Youth Swim Team already operating at Burgess and their desire to continue growing their program. Although we have created our own Youth Swim Team we would not want to reinvent the wheel with this type of service and their established following. Our goal is to foster the programs already established and continue to provide support where needed.

Youth Camps

Youth camps are a great way for children to socialize and learn how to perfect their swimming. All campers will be placed within similar swimming abilities. All beginner swimmers will have the opportunity to develop their skills in a small group setting. Our more advanced swimmers will have the opportunity to hone their strokes, improve their cardio, and most importantly have fun.

Additional Camp Activities:

- Swim Workouts
- Free Swim
- Land and Camp Games
- Arts and Crafts
- Lunch/Snack Breaks

*Note: Please see the above response under Youth Swim Teams in conjunction with the already established SOLO youth Swim program. We would also open up additional lanes to other youth camps that may be interested in facility rentals.

Master Swim

Masters swim is operated by the Menlo Masters with an extensive competition history. This program allows swimmers of all abilities (18 years old and up).

The Swimming Swan, LLC does not currently have a Masters Swim Team Program or Tri-Athlete/Athlete Program although we are confident in our ability to begin this type of programming. Our intention is to foster the current relationship between Menlo Masters and the Menlo Park aquatic centers.

With this being said, our goal is to accommodate the lap swimmers and non-swimmers that have been polled and have expressed concerns about the availability of their explicit needs. We would do our best for both respective parties to ensure fair and equal opportunities for pool usage.

Aqua Fit

Aqua Fit is a perfect way to stay healthy for those who enjoy the water. This program is designed to be low impact, improve joint stability, coordination, heart health, mental health, and overall strength. Participants will use water dumbbells and various flotation devices to help with coordination and exercise techniques.

Aqua Fit Class Options

Swan Fit (60 Minutes)

Proactive arthritis/overall fitness class. Work on balance and coordination, while increasing range of motion, joint flexibility, muscle strength, and cardiovascular fitness, without causing strain.

Swan Lake (60 Minutes)

High energy dance format. Hitting the water with your favorite dance moves and grooves while cushioning your knees, feet and back. Creating one fun pool party you won't want to miss!

Swan Strength (60 Minute)

Strength and endurance workout. Deep water and floating belts optional. Challenge your stamina with exercises targeted at full body strength from the core to out.

Additional Aqua Fit Courses TBD

The Swimming Swan is currently developing additional AquaFit courses (e.g., Swan Yoga, Swan Wellness, and Swan Water Therapy). We anticipate these courses to be offered by a third-party subcontractor.

Swimming Lessons Programs

Private Swim Lessons

There are various reasons why private lessons may be more appealing than the conventional group lessons. You might find yourself learning better in a one-on-one environment or the convenience of having the flexibility to choose your own schedule. Whichever your circumstances are, our private swim lessons will fit and tailor to your needs.

Goals for our Private Swim Lessons:

- One on One Individual Instruction
- Lesson Plans Catered to the Participants Exact Needs
- Minimal Distractions and More Focus

**Private lessons are all conducted from 1 swim instructor to 1 participant. All private lessons are conducted in a 30-minute session. We can increase the length of private lessons to either 45, 60 or even 90 minutes depending on age and ability of the swimmer.*

Group Swim Lessons & Schedules

All Swim Lesson types below have clickable links for more information. The current schedule depicted is of the “old school” approach of consistent 4 days per week schedule x 2 weeks for a total of 8 lessons.

What we have heard from other municipalities and with polling our current participants is that overall, families are seeking more flexibility in terms of scheduling. Not all families are available 4 days per week at the same allotted time each time.

Our programs are currently created for the old school approach: 2 week sessions x 4 days per week for a total of 8 classes. The reason we schedule this way is because these are requirements to participate in grant funding through USA Swimming, AOAP and the American Red Cross. With that being said, we are now exploring other options to provide a more flexible schedule for residents that cannot adhere to a strict schedule. This new flexible schedule would encompass enrolling in 2 lesson increments that may be held at various time slots. For instance, if a family is available at 4 PM on Mondays and 5:30 PM on Tuesdays they can reorganize their schedule by

selecting lesson plans that fit their schedule so long as they register for the same type of lesson, ie., Level 1 Swim Lessons.

We have formally heard of this program type from the City of San Ramon and are actively engaged in questioning from their Aquatics Provider. This is a program that we are able to provide the residents of Menlo Park with further investigative review and questioning. Our current technology enables us to create any program type and scheduling we deem appropriate.



Parent/Tot (6 months to 3 years of age)

**Maximum of 8 Families per Lesson.*

The purpose of this course is to familiarize children with the water and teach swimming readiness skills. This course also teaches parents safety information and techniques parents can use to help orient children to the water. One parent or guardian per child is required in the water during this course.

Goals for our Parent and Tot Swim Lessons:

- Exiting/entering the water safely
- Alligator Walks on steps
- Face in, and eyes open or closed
- Assisted Front & Back Floats
- Retrieving Water Toys
- Child Passes
- Monkey Crawl/Crab Walks





Preschool Level 1 (Ages 3 to 5)

**Maximum of 5 Swimmers per Lesson.*

The purpose of this course is to begin teaching fundamental water safety and aquatic skills. The goal is to help children get comfortable in the water, with them learning basic water safety skills.

Goals for our Preschool Level 1 Swim Lessons:

- Safe Water Entry/Exit
- Face in, Eyes Open or Closed
- Blowing Bubbles
- Dunkaroo's
- Retrieving Under Water Toys
- Kicking With Support
- Assisted Front/Back Floats
- Reach for the Wall
- Jumps & Recovery
- Assisted Ice Cream Scoop
- Front & Back Glide
- Supported Front Crawl
- Supported Back Crawl
- Supported & Unsupported Roll Front/Back
- Water Safety





Preschool Level 2 (Ages 3 to 4)

**Maximum of 5 Swimmers per Lesson.*

The purpose of this course is to further the development of water safety and aquatic skill progressions towards independent swim. Children beginning in this lesson should be very comfortable in the water and be able to ease their face into the water.

Goals for our Preschool Level 2 Swim Lessons:

- Entry and Exit Safety
- Open Eyes Underwater
- Front Float 3 to 5 Seconds
- Back Float 5 to 15 Seconds
- Roll Float 5 to 15 Seconds
- Roll from Front to Back and Back to Front
- Finning Arms on back
- Water Safety
- Bobbing
- Retrieve Objects at Steps
- Front Glide & Recover
- Back Glide & Recover
- Combine Arm & Leg Action on Front and Back
- Treading Water 5 to 15 Seconds





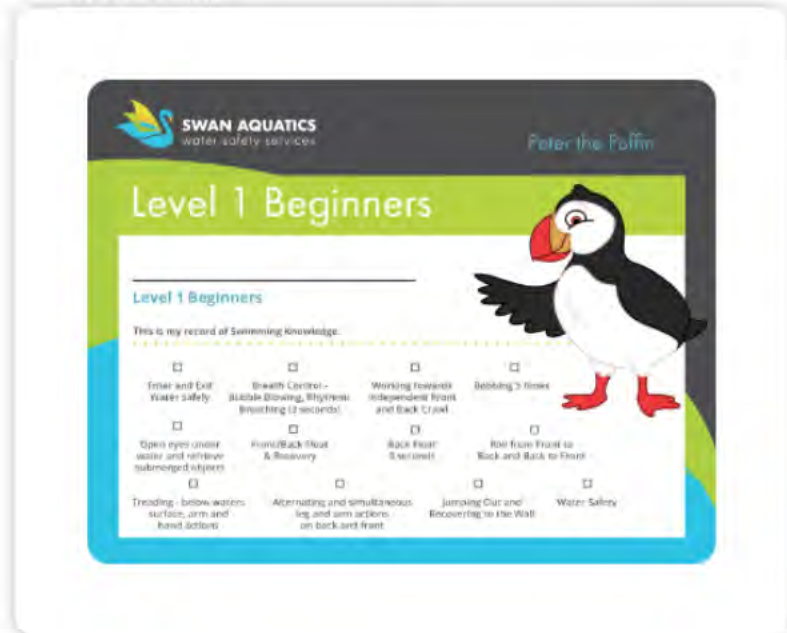
Level 1 Beginners (Ages 5 and up)

**Maximum of 5 Swimmers per Lesson.*

The purpose of this course is to teach children and young teens to be safe in, on, and around water and swim well. Aquatic and personal water safety skills are taught in logical progressions through the levels.

Goals for our Level 1 Beginners Swim Lessons:

- Entry and Exit Water Safely
- Breath Control – Bubble Blowing, Rhythmic Breathing (3 seconds)
- Working Towards Independent Front and Back Crawl
- Bobbing 5 Times
- Open Eyes Under Water and Retrieve Submerged Objects
- Front/Back Float & Recovery
- Back Float 5 Seconds
- Roll From Front to back and Back to Front
- Treading – Below Water Surface, Arm, and Hand Actions
- Alternating and Simultaneous Leg and Arm Actions on Back and Front
- Water Safety





Level 2 Advanced Beginners (Ages 5 and up)

The purpose of this course is to teach children and young teens to be safe in, on, and around water and swim well. Aquatic and personal water safety skills are taught in logical progressions through the levels. Children beginning in this lesson should be very comfortable in the water, able to ease their face into the water and be comfortable with a supported back/front float.

Goals for our Level 2 Advanced Beginners Swim Lessons:

- Safe Entry and Exit
- Fully Submerged and Hold Breaths
- Bobbing 5 to 10 Times
- Open Eyes Underwater Retrieval of Objects
- Rotary Breathing
- Front Float/Front Glide & Recover
- Back Float/Back Glide & Recover
- Roll from Front to Back
- Tread Water 15 Seconds to 1 Minute
- Change Direction of Travel While Swimming on Front or Back
- Combined Arm and Leg Actions on Front and back
- Finning Arm Action on Back
- Water Safety





Level 3 Intermediate (Ages 5 and up)

The purpose of this course is to teach young children and teens to be safe in, on and around water. Aquatic and personal water safety swimming skills are taught in logical progressions through the levels. Children beginning in this lesson should be independently swimming at least halfway across the pool, be able to fully submerge, comfortable in deeper water and be able to perform the front and back crawl.

Goals for our Level 3 Intermediate Swim Lessons:

- Jump into deep water from the side, submerge, return to the surface then to the side
- Headfirst entry from the side in seated and keeling positions
- Bobbing while moving to safety
- Rotary breathing
- Survival Float for 30 seconds
- Back Float 1 minute
- Tread water 1 minute
- Change from vertical to horizontal position on front and back
- Push off streamlined position on front, then begin kicking
- 7-9 ft. deep - Jump in/recover to wall
- 9 ft. deep sitting and kneeling dives (protects head)
- Bobbing
- Front/Back float and recovery
- Front/Back Crawl 15 to 25 yards
- Elementary Backstroke 15 yards
- Flutter, scissors, breaststroke, and dolphin kicks
- Intro. to sidestroke
- Water Safety

SWAN AQUATICS
water safety services

Polly the Pelican

Level 3 Intermediate

Level 3 Intermediate

This is my record of Swimming Knowledge:

<input type="checkbox"/> Jump into deep water from the side, submerge, return to the surface then to the side.	<input type="checkbox"/> Headfirst entry from the side in seated and keeling positions.	<input type="checkbox"/> Bobbing while moving to safety.	<input type="checkbox"/> Rotary breathing.	<input type="checkbox"/> Survival Float for 30 seconds.
<input type="checkbox"/> Back Float 1 minute.	<input type="checkbox"/> Tread water 1 minute.	<input type="checkbox"/> Change from vertical to horizontal position on front and back.	<input type="checkbox"/> Push off streamlined position on front, then begin kicking.	<input type="checkbox"/> 9 ft. deep - Jump in/recover to wall.
<input type="checkbox"/> 9 ft. deep sitting and kneeling dives (protects head).	<input type="checkbox"/> Bobbing.	<input type="checkbox"/> Front/Back float and recovery.	<input type="checkbox"/> Front/Back Crawl 15 to 25 yards.	<input type="checkbox"/> Elementary Backstroke 15 yards.
<input type="checkbox"/> Flutter, scissors, breaststroke, and dolphin kicks.	<input type="checkbox"/> Intro. to sidestroke.	<input type="checkbox"/> Water Safety.		



Level 4 Advanced (Ages 5 and up)

**Maximum of 5 Swimmers per Lesson.*

The purpose of this course is to teach children and young teens to be safe in, on, and around water and swim well. Aquatic and personal water safety skills are taught in logical progressions through the levels. Children beginning in this lesson should be swimming across the pool independently and working on furthering their stroke development and endurance.

Goals for our Level 4 Advanced Swim Lessons:

- Headfirst entry - compact and stride positions
- Feet First surface dives
- Swim underwater
- Tread water, using 2 different kicks
- Survival swimming for 1 minute
- Continuous swimming 25 yards+ for all primary strokes
- Elementary backstroke 25 yards+
- Sidestroke 15 yards+
- Push off wall streamlined on front and back, 15 yards
- Open turns on the front and back
- Flutter and dolphin kicks on board
- Water Safety

SWAN AQUATICS
water safety services

Suzie the Swan

Level 4 Advanced

Level 4 Advanced

This is my record of Swimming Knowledge:

<input type="checkbox"/> Headfirst entry - compact and stride positions	<input type="checkbox"/> Feet First surface dives	<input type="checkbox"/> Swim underwater	<input type="checkbox"/> Tread water using 2 different kicks	
<input type="checkbox"/> Survival swimming for 1 minute	<input type="checkbox"/> Continuous swimming 25 yards+ for all primary strokes	<input type="checkbox"/> Elementary backstroke 25 yards+	<input type="checkbox"/> Sidestroke 15 yards+	<input type="checkbox"/> Push off wall streamlined on front and back, 15 yards
<input type="checkbox"/> Open turns on the front and back	<input type="checkbox"/> Flutter and dolphin kicks on board	<input type="checkbox"/> Water Safety		

Adult Beginner (Ages 18 and up)

The purpose of this course is to introduce and teach adults to be safe in, on, and around water. The primary focus is on comfortability and remaining calm. We then progress into proper floating, kicking and further, into stroke mechanics and technique. These lessons are done in the shallow end of either the Activity Pool or the Competition Pool. We will make exceptions for teenagers to join this group (14 years old and up)

Goals for our Adult Beginner Swim Lessons:

- Comfortability
- Breath Control
- Front/Back Floats
- Flutter Kicking
- Front/Back Glides
- Intro to Front/Back Crawl
- Intro to Rotary Breathing
- Intro to Sidestroke and Elementary Backstroke
- Intro to Treading Water

Bitty Lifeguard Programs (Ages 8-10)

The Itty Bitty Lifeguard Camp is to provide a safe and fun environment for kids ages 8 to 10 years old. The camp will involve stroke development, introduction of basic rescue assists from the pool deck, and games. Our camp leaders will also discuss water safety tips at the beginning of each day. Snack breaks will be provided each day.

Jr. Lifeguard Programs (Ages 11-14)

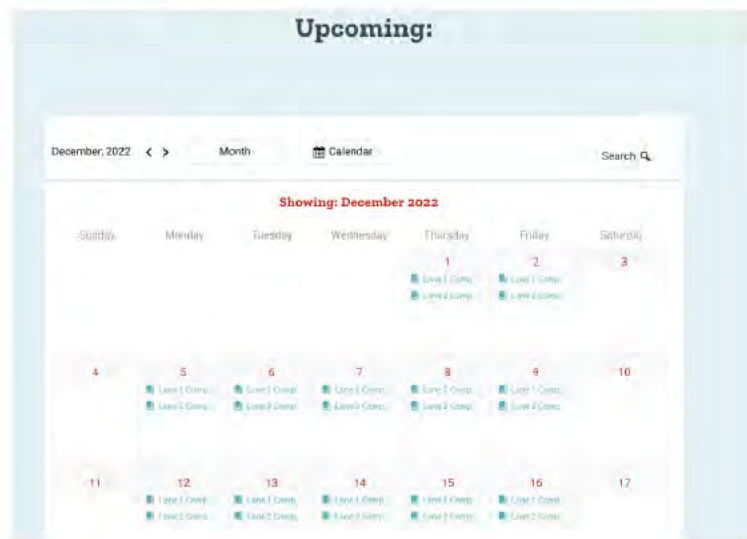
The American Red Cross Jr. Lifeguard course is designed to teach water safety skills as well as introduce youth to the duties and responsibilities of a lifeguard. This course will not certify anyone as a lifeguard, only build a foundation of knowledge, attitude, and skills in preparation of the American Red Cross Lifeguarding Course.

Community Access & Rental Requests

We provide both a few items to make this process as easy as possible for our administrative team and for outside agencies seeking rental space.

1. FAQ's explaining what's included and what's not included.
2. Contact Inquiry Forms in the event agencies have specific questions that have not been answered via the FAQ's.
3. An online reservation system that displays all the schedule of available days including an online registration page, digital waiver and payment system so that the agency may register in real-time if they see a date that is suitable for their needs. The reservation system is available in either a calendar, list or Map display. We can either list lanes individually or in groups for ease of use.

Example of Reservation System:



Once an organization has chosen their dates and times, they are then prompted to the registration page, digital waiver and payment page.

We have found that our digital reservation systems are most beneficial with any scheduling conflicts or multiple requests. Once an agency registers for event space, the space is no longer available and displays as Full.

An example of our Digital Waiver for Group Use is provided on the following pages.

The Swimming Swan
Group Use Policy

Guidelines for Request for Use of the Swimming Pool

1. All applicants must complete a Request for Use of the Swimming Pool at least 2 weeks prior to the date of request. Please include any additional activities (barbeque, games, etc.) under Special Requests/Comments your group may engage in other than recreational swimming. No request is guaranteed and depends on overcrowding and staffing requirements.
 2. Review the facility rules and Water Watcher Program (see attached)
 3. Payment must be made in full to reserve your date(s)
- Please note: after being granted permission for use of the swimming pool, a penalty fee(s) will be charged if your group does not attend the pool and does not notify our aquatics office within 48 hours.

Group Use Policy

Name of Organization	Phone Number
<input type="text"/>	<input type="text"/>
Full Name	Address
<input type="text"/>	<input type="text"/>
Email Address	City, State & Zip Code
<input type="text"/>	<input type="text"/>

Purpose of Event

- Recreational Swim Swim Workout Synchro Workout
 Other Event Type Swim Meet Synchro Meet
 Water Pool Practice
 Water Polo Game

Event Date(s) & Times

Start Time	Monday	Friday
<input type="text"/>	<input type="text"/>	<input type="text"/>
End Time	Tuesday	Saturday
<input type="text"/>	<input type="text"/>	<input type="text"/>
	Wednesday	Sunday
	<input type="text"/>	<input type="text"/>
	Thursday	
	<input type="text"/>	

Number of Participants Expected

One adult counselor per 10 campers is required. If a child is under 6, a one-to-one counselor/child ratio is required.

Adult	Youth (7 to 17)	Children (6 and under)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Event Details

- Will the event include electrical setup? Amplified Sound?
 I have read and understand the pool rules (View)
 I have read and understand the water watcher program (View)
- Is your organization insured?
Insurance Policy Upload
- Are you collecting a fee per person?
 If yes, what is the fee amount?



PLEASE READ AND SIGN HOLD HARMLESS AGREEMENT

Applicant shall indemnify and hold The Swimming Swan, LLC. and its officers, agents and employees free and harmless from any and all claims, demands, lawsuits, actions of any kind, damages, judgments, amounts paid in settlement, costs and expenses (including attorney's fees), which may be incurred or arise out of Applicant's exercise of permission granted or from any of the Applicant's activities related there to. Applicant expressly waives any and all claims for compensation, and releases and discharges The Swimming Swan, LLC. and its officers, agents and employees from any and all demands, claims, lawsuits, all losses, damages, costs or expenses sustained by reason of any defect or impairment of water supply system, drainage system, heating system, gas mains, electrical apparatus or wire furnished for the event which may occur from time to time from any cause and for any loss resulting from fire, water, tornado, civil commotion, riot, landslide, windstorm, earthquake and other acts of nature.

As part of application process, the Applicant has reviewed a copy of the facility rules and will make sure that all members of his/her group comply with these rules. The Applicant realizes that a failure to follow these rules may result in his / her pool use authorization being revoked or its renewal being denied.

I certify that all statements on this application are complete and correct

Date of signature

Please sign



Accept Signature

Save A Draft

Submit

Safety Orientations are provided by our Management for all Group Use and discuss the following applicable topics:

Safety Orientations for Group Use

Safety Orientations are conducted when the groups first arrive at the facility. The purpose is to educate all members of the visiting group on the Facilities Policies and Rules and to point out our key safety issues.

Topics to discuss:

1. General Aquatic Safety Rules
2. Swimming Area Sections
3. Water Depths
4. Features and Play Structures
5. Equipment
6. How to use approved floatation devices
7. Rule signage locations
8. Bathrooms, Showers
9. Buddy "system & checks"
10. Buddy System: Campers may swim in buddy pairs and are to inform a lifeguard if a buddy experiences difficulty or if he or she becomes separated from his or her buddy.

Buddy Checks: Periodic buddy checks are important to allow repeated confirmation of the number of campers known to be in the water. They are NOT a substitute for normal surveillance.

1. Swim Tests and Identification systems
2. Water Watcher Program

When the Group Arrives:

1. Ensure that the group checks in at the front desk or with the cashier. The supervisor should provide a list with the name of every member of the group, the name of the supervisor or leader and the total number in the group.
2. Identify the person in charge of the group who will be the primary contact person. Explain to the leader that they must actively supervise the group at all times.
3. Conduct the safety orientation with the "topics to discuss" as seen above.

Safety Orientation for Group Use

Name of Organization

Name of Lead Administering Swim Test

Full Name

Date completed

Date of signature

Signature of Lead Administering Swim Test



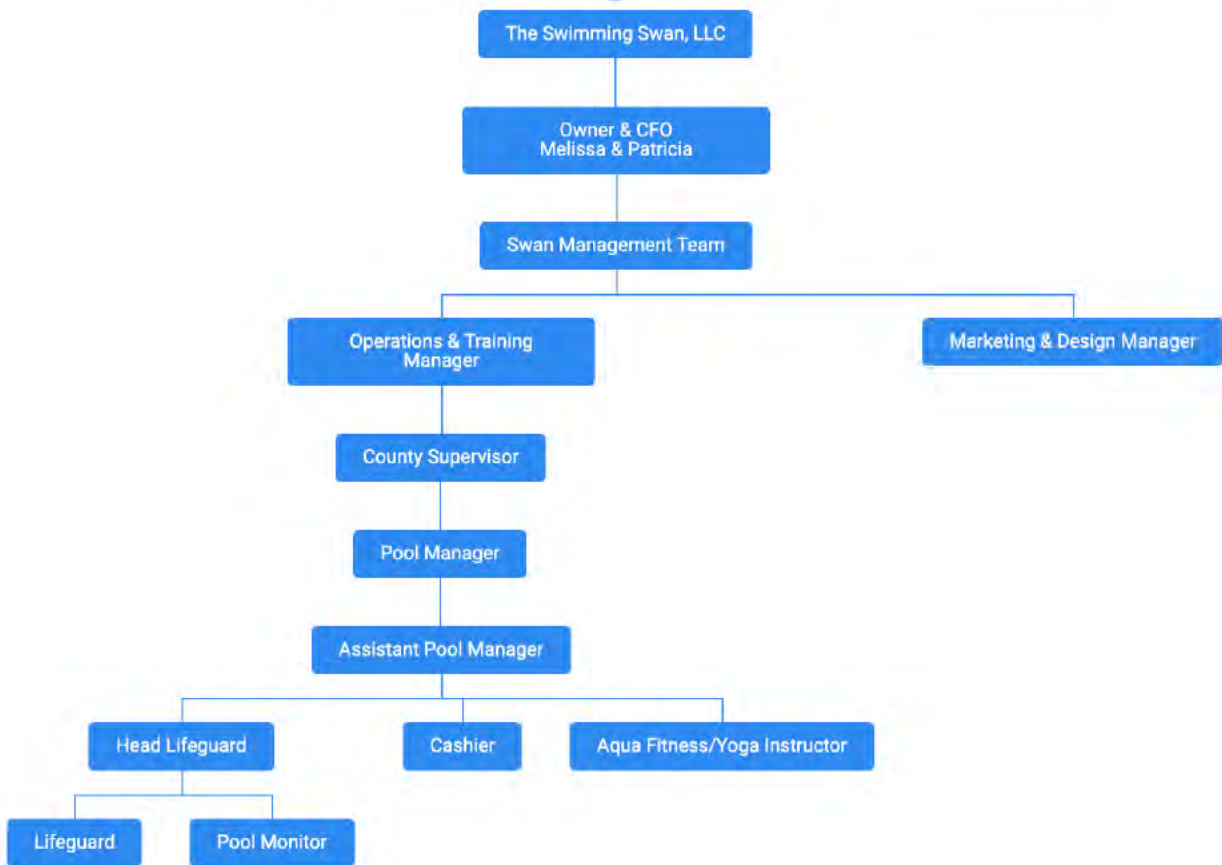
A close-up photograph of a person's hands writing on a white notepad with a red pen. The person is wearing a red shirt. The background is a blurred blue and white pattern. A semi-transparent blue horizontal band is overlaid across the middle of the image, containing the title text.

E

Staffing and Management

E. Staffing and Management

Organizational Structure & Chain of Command



Qualifications of the Proposer and Staff Personnel

Management Team

- President & Owner, Melissa Swanson-Musil
- Business Strategy & Development, Dave Musil
- Finance & Account Manager, Patricia Swanson
- Director of Aquatic Operations & Development, Aaron Turnier
- Director of Human Resources & Compliance, Hannah Lowell
- Health & Safety Training Manager, Donovan Cruz
- Operations & Training Manager, Talea Meneses

On-Site Team

- Pool Manager
- Assistant Manager
- Head Lifeguard III
- Lifeguard/Swim Instructor
- Aqua Fitness Instructor
- Cashier



Swan Management Team

The Swimming Swan has a complete management team in place that guides and supports our on-site aquatics team. Our team is available 24 hours a day, 7 days per week behind the scenes ensuring operations do not falter at any step of the way.

Melissa Swanson-Musil, President

- Direct supervision and coordination with all Management to ensure we are exceeding expectations.

Patricia Swanson, Finance & Account Manager

- Responsible for Payroll and proper direct deposit set-up for each employee. Works directly with HR.

Aaron Turnier, Director of Aquatic Operations & Development

- Responsible for Training of New Staff at facilities, ensuring compliance and managing overall operations.
- Program Development of all scheduled events and activities.

Donovan Cruz, Business Development and Partner Outreach

- Partnership Outreach with subcontractors, community partners
- Contract Review, Budgeting and Proposal Writing
- I am currently a law student at UCLA and help The Swimming Swan where needed.
- Lifeguard Instructor Trainer
 - Teach Classes in various locations
 - conduct In-service trainings

Hannah Lowell, Director Human Resources & Compliance

- Responsible for the hiring process of the On-Site Team.

Talea Meneses, Operations & Training Manager

- Responsible for all day-to-day operations of facilities. Daily communication with on-site point of contact.

Melissa Swanson-Musil, President & Owner
AqP, AFO

The Swimming Swan, LLC. 2014 - Current
DBA Swan Aquatics LLC.

- Oversees all aspects of Business Growth and Development including Compliance, Hiring, Training, Marketing & Advertising, Technology, Insurance, legal and outreach.

USA Swim Coach Solana Beach, CA

- Create Swim Practices for Various Swim Team Levels
- Conduct Daily Dry Land Training and Swim Practice
- Enroll Swimmers and Attend Swim Meets throughout California
- Create and Market Swim Meets at our Facility in Solana Beach
- Participate in conferences and continuing education classes

Ocean Rescue Lifeguard Boca Raton, FL

- Surveillance at various Beach Locations
- Practicing preventative lifeguarding, administering First Aid
- Community Outreach
- Jr. Lifeguard Program Coordinator

Assistant Pool Manager Plantation, FL

- Interviewing & Hiring Aquatics Staff
- Scheduling & Managing Staff
- Running In-Service Trainings
- Program Coordinator Duties
- Community Partnership & Outreach

Lifeguard/Swim Instructor Fort Lauderdale, FL

- Teach Swimming Lessons
- Lifeguard Duties
- Janitorial Duties

Education: Florida Atlantic University Boca Raton, FL

- Bachelor's Degree in Philosophy
- Collegiate Division 1 Athlete

Dave Musil, Business Strategy & Development

The Swimming Swan, LLC

- Co-Partner & Husband of Owner
- Reviews and Responds to Proposals and Bids for potential partnership opportunities
- Overall Financial planning & solvency

Advanced Natural Group, LLC

- Co-Founder & Managing Partner

Swell Sales, LLC

- Co-Founder & Managing Partner

Education: Harvard University

Cambridge, MA

Patricia Swanson, Finance & Account Manager

The Swimming Swan, LLC

- Accounts Payable
- Payroll
- Bookkeeper



Aaron Turnier, Director of Aquatic Operations & Development
American Red Cross Instructor Trainer, CPO, AFO

The Swimming Swan, LLC

- Manages County Supervisors & Works directly with HR and Operations Manager.
- Oversees all Staff Training and Internal Audits
- Program Development
- Regularly updates documentation for Regulatory Compliance.

Pool Maintenance Laborer Las Vegas, NV

- Maintained multiple City swimming pools through daily chemical checks, vacuuming and general maintenance.

Recreation Programmer N. Las Vegas, NV

- Oversaw programming of City pools.
- Developed and implemented aquatic programming of multiple pools to include cost analysis, program supply purchases and budget monitoring.
- Oversaw all recruitment of aquatic staff and worked directly with human resources on hiring processes.

Teacher/Aquatic Coordinator Las Vegas, NV

Adelson Educational Campus

- Taught physical education to students Pre-K through 8th grade.
- Provided student assessments and grades.
- Oversaw all programming and maintenance of campus pools to include staffing and training.

Lead Pool Operator Mesquite, NV

- Oversaw 11 pools and spas conducting maintenance checks while supervising 2 full time maintenance workers.
- Developed maintenance and special project plan.
- Purchased all chemical and maintenance parts.

Recreation/Aquatic Supervisor Douglas, AZ

- Supervised the staff and programs within the recreation and aquatics sections for the City.
- Involved with development and implementation of policies and procedures of both sections.
- Oversaw recruitment and hiring procedures for both sections.



Hannah Lowell, Director of Human Resources & Compliance
AFO

The Swimming Swan, LLC

- Oversees all aspects of the hiring process including conducting interviews, staff onboarding and training, and management of company job boards.
- Primary point of contact for employees concerning issues, incidents, and disputes.
- Developed new systems of onboarding and hire, and created solutions during periods of rapid company growth.
- Aided in the expansion of the company through hiring and training additional management in new service areas as well as in the reorganization of departments.
- Directed company administrative functions & operation in accordance with local, state, and federal regulations.
- Aided in payroll processing, recruitment, and marketing research.

La Quinta High School

La Quinta, CA

- Assistant Coach & Physical Education Lifeguard
- Assisted in the training and recruiting of high school water polo teams.
- Planned and implemented practice plans to varsity and junior varsity level student athletes.
- Oversaw the pool facility during use by school physical education classes and events.
- Acted as the lifeguard on duty during school hours.
- Ensured the safety of students and staff during pool use, including responding to emergency or medical incidents.

Walt Disney Parks & Recreation, Lifeguard

Buena Vista, FL

- Ensured the safety of guests at the Old Key West, Pop Century, Art of Animation, & Boardwalk Resort pool & facilities.
- Successfully responded to emergency situations, including rescuing distressed swimmers, and administering first aid and life-saving skills such as CPR when necessary.
- Enforced pool rules and regulations.
- Ensured the cleanliness and safety of the pool & surrounding areas.
- Recipient of the Valor Award for Guest Safety & Response, 2013.

Education: Brigham Young University

Provo, UT



Talea Meneses, Operations & Training Manager

AFO, LGI, EMT

The Swimming Swan, LLC

- **County Supervisor in Las Vegas**
 - Hiring & Managing of Lifeguard Staff
 - Conducts In-Services
 - Creates Schedules
- **On-Site Pool Manager in Gilroy, CA**
 - Hires and Manages the entire Aquatics Team
 - Conducts In-Services
 - Direct point of contact between Management team and on-site team
 - Program coordinator duties
 - Ensures cleanliness of facility

Jw Marriott , Las Vegas Hotel & Casino

Las Vegas, NV

- Supervised and coordinated meetings for pool, cabana revenue, food and beverage comps and labor reports
- Worked as a cashier / cabana host and bar back around the casino floor
- Made sure all staff were meeting guest expectations.
- Inventory, scheduling , emails , and phone calls were all in place for upcoming events.
- Private events at the pool coordinated with my approval along with rotations and pool chemical tests.

Education: College of Southern Nevada

Las Vegas, NV

BURGESS INSTRUCTIONAL POOL SCHEDULE SPRING 2023

	MONDAY 10:00AM-8:00PM	TUESDAY 7:00AM-8:00PM	WEDNESDAY 10:00AM-8:00PM	THURSDAY 7:00AM-8:00PM	FRIDAY 10:00AM-8:00PM	SATURDAY 7:00AM-6:00PM	SUNDAY 7:00AM-6:00PM	
6:00 AM								
6:15 AM								
6:30 AM								
6:45 AM								
7:00 AM		LAP SWIM 7:00AM-10:00AM (6 Lanes)		LAP SWIM 7:00AM-10:00AM (6 Lanes)		LAP SWIM 7:00AM-1:00PM (6 Lanes)	LAP SWIM 7:00AM-1:00PM (6 Lanes)	
7:15 AM								
7:30 AM								
7:45 AM								
8:00 AM								
8:15 AM								
8:30 AM			AQUA FIT 8:00AM-9:00AM (2 Lanes)		AQUA FIT 8:00AM-9:00AM (2 Lanes)			
8:45 AM								
9:00 AM								
9:15 AM								
9:30 AM								
9:45 AM								
10:00 AM	LAP SWIM 10:00AM-1:00PM (6 Lanes)	SWIM LESSONS 10:00AM-10:30A M (2 LANES) SWIM LESSONS 10:45AM-11:15A M (2 LANES) SWIM LESSONS 11:30AM-12:00A M (2 LANES)	LAP SWIM 10:00AM-1:00PM (6 Lanes)	SWIM LESSONS 10:00AM-10:30A M (2 LANES) SWIM LESSONS 10:45AM-11:15A M (2 LANES) SWIM LESSONS 11:30AM-12:00A M (2 LANES)	LAP SWIM 10:00AM-1:00PM (6 Lanes)		FAMILY SWIM 9:00AM-4:00PM (4 Lanes)	FAMILY SWIM 9:00AM-4:00PM (4 Lanes)
10:15 AM								
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11:00 AM								
11:15 AM								
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12:30 PM								
12:45 PM								
1:00 PM	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	PRIVATE LESSONS COACHING WATER THERAPY 1:00PM-4:00PM (2 LANES)	
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1:30 PM								
1:45 PM								
2:00 PM		FAMILY SWIM 10:00AM-6:00PM (4 Lanes)		FAMILY SWIM 10:00AM-6:00PM (4 Lanes)		FAMILY SWIM 10:00AM-6:00PM (4 Lanes)		
2:15 PM								
2:30 PM								
2:45 PM								
3:00 PM								
3:15 PM								
3:30 PM								
3:45 PM								
4:00 PM								
4:15 PM	SWIM LESSONS 4:00 PM - 4:30 PM (2 Lanes)		SWIM LESSONS 4:00 PM - 4:30 PM (2 Lanes)		SWIM LESSONS 4:00 PM - 4:30 PM (2 Lanes)	LAP SWIM 4:00PM-6:00PM (6 Lanes)	YOUTH TEAMS 4:00PM-6:00PM (7 LANES)	
4:30 PM								
4:45 PM	SWIM LESSONS 4:45 PM - 5:15 PM (2 Lanes)		SWIM LESSONS 4:45 PM - 5:15 PM (2 Lanes)		SWIM LESSONS 4:45 PM - 5:15 PM (2 Lanes)			
5:00 PM								
5:15 PM	SWIM LESSONS 5:30 PM - 6:00 PM (2 Lanes)	LAP SWIM 4:00PM-8:00PM (6 Lanes)	YOUTH TEAMS 4:00PM-8:00PM (7 LANES)	LAP SWIM 4:00PM-8:00PM (6 Lanes)	YOUTH TEAMS 4:00PM-8:00PM (7 LANES)			
5:30 PM								
5:45 PM								
6:00 PM	SWIM LESSONS 6:00PM-7:00PM (2 LANES)	AQUA FIT 6:00PM-7:00PM (2 LANES)		AQUA FIT 6:00PM-7:00PM (2 LANES)		AQUA FIT 6:00PM-7:00PM (2 LANES)		
6:15 PM								
6:30 PM	6:15 PM - 6:45 PM (2 LANES)		6:15 PM - 6:45 PM (2 LANES)		6:15 PM - 6:45 PM (2 LANES)			
6:45 PM	Lap SWIM 6:45pm-8:00PM (3 Lanes)		Lap SWIM 6:45pm-8:00PM (3 Lanes)		Lap SWIM 6:45pm-8:00PM (3 Lanes)			
7:00 PM								
7:15 PM								
7:30 PM								
7:45 PM								
8:00 PM								



	MONDAY 6:00AM-8:00PM	TUESDAY 6:00AM-8:00PM	WEDNESDAY 6:00AM-8:00PM	THURSDAY 6:00AM-8:00PM	FRIDAY 6:00AM-8:00PM	SATURDAY 7:00AM-8:00PM	SUNDAY 7:00AM-8:00PM
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6:15 AM							
6:30 AM							
6:45 AM							
7:00 AM	LAP SWIM 6:00AM-8:00AM (5 Lanes)	LAP SWIM 6:00AM-8:00AM (6 Lanes)	LAP SWIM 6:00AM-8:00AM (6 Lanes)	LAP SWIM 6:00AM-8:00AM (6 Lanes)	LAP SWIM 6:00AM-8:00AM (6 Lanes)		
7:15 AM							
7:30 AM							
7:45 AM							
8:00 AM						LAP SWIM 7:00AM-9:00AM (6 Lanes)	LAP SWIM 7:00AM-9:00AM (6 Lanes)
8:15 AM		LAP SWIM 8:00AM-9:00AM (3 LANES)		LAP SWIM 8:00AM-9:00AM (4 LANES)			
8:30 AM							
8:45 AM							
9:00 AM	LAP SWIM 8:00AM-1:00PM (3 LANES)	LAP SWIM 9:00AM-10:00AM (3 LANES)	LAP SWIM 8:00AM-1:00PM (3 LANES)	LAP SWIM 9:00AM-10:00AM (3 LANES)	LAP SWIM 8:00AM-1:00PM (3 LANES)		
9:15 AM							
9:30 AM							
9:45 AM							
10:00 AM							
10:15 AM							
10:30 AM		FAMILY SWIM 8:00AM-6:00PM (3 Lanes)		FAMILY SWIM 8:00AM-6:00PM (3 Lanes)		LAP SWIM 9:00AM-1:00PM (3 LANES)	
10:45 AM							
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1:45 PM	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)	PRIVATE LESSONS 1:00PM-4:00PM (3 LANES)
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4:15 PM	SWIM LESSONS 4:00 PM - 4:30 PM (3 Lanes)		SWIM LESSONS 4:00 PM - 4:30 PM (3 Lanes)		SWIM LESSONS 4:00 PM - 4:30 PM (3 Lanes)		
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BURGESS INSTRUCTIONAL POOL SCHEDULE FALL 2023

	MONDAY 6:00AM-8:00PM	TUESDAY 6:00AM-8:00PM	WEDNESDAY 6:00AM-8:00PM	THURSDAY 6:00AM-8:00PM	FRIDAY 6:00AM-8:00PM	SATURDAY 7:00AM-8:00PM	SUNDAY 7:00AM-8:00PM
6:00 AM							
6:15 AM							
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6:45 AM							
7:00 AM	LAP SWIM 6:00AM-6:00AM (6 Lanes)	LAP SWIM 6:00AM-6:00AM (6 Lanes)	LAP SWIM 6:00AM-6:00AM (6 Lanes)	LAP SWIM 6:00AM-6:00AM (6 Lanes)	LAP SWIM 6:00AM-6:00AM (6 Lanes)		LAP SWIM 7:00AM-9:00AM (6 Lanes)
7:15 AM							
7:30 AM							
7:45 AM							
8:00 AM						LAP SWIM 7:00AM-9:00AM (6 Lanes)	
8:15 AM							
8:30 AM		LAP SWIM 8:00AM-9:00AM (4 LANES)	LAP SWIM 8:00AM-9:00AM (2 LANES)	LAP SWIM 8:00AM-9:00AM (4 LANES)			LAP SWIM 7:00AM-9:00AM (6 Lanes)
8:45 AM							
9:00 AM	LAP SWIM 8:00AM-1:00PM (3 LANES)	LAP SWIM 9:00AM-10:00AM (3 LANES)	LAP SWIM 8:00AM-1:00PM (3 LANES)	LAP SWIM 8:00AM-10:00AM (3 LANES)	LAP SWIM 8:00AM-1:00PM (3 LANES)		
9:15 AM							
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10:15 AM		FAMILY SWIM 8:00AM-6:00PM (3 Lanes)		FAMILY SWIM 8:00AM-6:00PM (1 Lane)		FAMILY SWIM 8:00AM-6:00PM (3 Lanes)	
10:30 AM							
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2:00 PM	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (2 LANES)	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (1 LANES)	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (1 LANES)	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (2 LANES)	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (1 LANES)	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (2 LANES)	PRIVATE LESSONS (COACHING) WHEELS 11:00AM-2:00PM-4:00PM (3 LANES)
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4:30 PM	SWIM LESSONS 8:00 PM - 8:30 PM (3 Lanes)		SWIM LESSONS 8:00 PM - 8:30 PM (3 Lanes)		SWIM LESSONS 8:00 PM - 8:30 PM (3 Lanes)		
4:45 PM							
5:00 PM	SWIM LESSONS 8:45 PM - 9:15 PM (3 Lanes)		SWIM LESSONS 8:45 PM - 9:15 PM (3 Lanes)		SWIM LESSONS 8:45 PM - 9:15 PM (3 Lanes)		
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5:30 PM	SWIM LESSONS 9:30 PM - 6:00 PM (3 Lanes)	LAP SWIM 4:00PM-8:00PM (3 LANES)	SWIM LESSONS 9:30 PM - 6:00 PM (3 Lanes)	LAP SWIM 4:00PM-8:00PM (3 LANES)	SWIM LESSONS 9:30 PM - 6:00 PM (3 Lanes)	LAP SWIM 4:00PM-8:00PM (3 LANES)	LAP SWIM 4:00PM-8:00PM (3 LANES)
5:45 PM							
6:00 PM							
6:15 PM	SWIM LESSONS		SWIM LESSONS		SWIM LESSONS		YOUTH TEAMS 4:00PM-8:00PM (3 LANES)
6:30 PM	6:15 PM - 6:45 PM Lap SWIM 6:45pm-8:00PM (4 Lanes)	YOUTH FIT 8:00PM-9:00PM (1 LANES)	6:15 PM - 6:45 PM Lap SWIM 6:45pm-8:00PM (4 Lanes)	AQUA FIT 8:00PM-9:00PM (2 LANES)	6:15 PM - 6:45 PM Lap SWIM 6:45pm-8:00PM (4 Lanes)	YOUTH FIT 8:00PM-9:00PM (2 LANES)	
6:45 PM							
7:00 PM	LAP SWIM 7:00PM-8:00PM (6 LANES)		LAP SWIM 7:00PM-8:00PM (6 LANES)		LAP SWIM 7:00PM-8:00PM (6 LANES)		
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7:30 PM							
7:45 PM							
8:00 PM							



BURGESS INSTRUCTIONAL POOL SCHEDULE WINTER 2023

	MONDAY 10:00AM-8:00PM	TUESDAY 7:00AM-8:00PM	WEDNESDAY 10:00AM-8:00PM	THURSDAY 7:00AM-8:00PM	FRIDAY 10:00AM-8:00PM	SATURDAY 7:00AM-6:00PM	SUNDAY 7:00AM-6:00PM
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BURGESS PERFORMANCE POOL SCHEDULE SUMMER 2023							
	MONDAY 6:00AM-8:00PM	TUESDAY 6:00AM-8:00PM	WEDNESDAY 6:00AM-8:00PM	THURSDAY 6:00AM-8:00PM	FRIDAY 6:00AM-8:00PM	SATURDAY 7:00AM-8:00PM	SUNDAY 7:00AM-8:00PM
6:01 AM		LAP SWIM 6:00AM-7:00AM (11 LANES)	LAP SWIM 6:00AM-7:00AM (11 LANES)	LAP SWIM 6:00AM-7:00AM (11 LANES)	LAP SWIM 6:00AM-7:00AM (11 LANES)		
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8:00 AM		LAP SWIM 7:00AM-10:00PM (6 LANES)	LAP SWIM 7:00AM-10:00PM (6 LANES)	LAP SWIM 7:00AM-10:00PM (6 LANES)	LAP SWIM 7:00AM-10:00PM (6 LANES)	LAP SWIM 7:00AM-10:00PM (11 LANES)	LAP SWIM 7:00AM-10:00PM (11 LANES)
8:15 AM							
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9:15 AM	SUMMER CAMP 7:00AM-8:00PM (3 LANES)	SUMMER CAMP 7:00AM-8:00PM (3 LANES)	SUMMER CAMP 7:00AM-8:00PM (3 LANES)	SUMMER CAMP 7:00AM-8:00PM (3 LANES)	SUMMER CAMP 7:00AM-8:00PM (3 LANES)		
9:30 AM							
9:45 AM							
10:00 AM							
10:15 AM		MASTERS 10:00AM-12:00PM (8 LANES)	MASTERS 10:00AM-12:00PM (8 LANES)	MASTERS 10:00AM-12:00PM (8 LANES)	MASTERS 10:00AM-12:00PM (8 LANES)	MASTERS 10:00AM-12:00PM (3 LANES)	MASTERS 10:00AM-12:00PM (3 LANES)
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12:45 PM							
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1:15 PM		PRIVATE LESSONS 12:00PM-1:00PM (3 LANES)	PRIVATE LESSONS 12:00PM-1:00PM (3 LANES)	PRIVATE LESSONS 12:00PM-1:00PM (3 LANES)	PRIVATE LESSONS 12:00PM-1:00PM (3 LANES)	PRIVATE LESSONS 12:00PM-1:00PM (8 LANES)	PRIVATE LESSONS 12:00PM-1:00PM (8 LANES)
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3:00 PM	LAP SWIM 3:00PM-4:00PM (8 LANES)	LAP SWIM 3:00PM-4:00PM (8 LANES)	LAP SWIM 3:00PM-4:00PM (8 LANES)	LAP SWIM 3:00PM-4:00PM (8 LANES)	LAP SWIM 3:00PM-4:00PM (8 LANES)		
3:15 PM							
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4:15 PM						TRIATHLONS 4:00PM-5:00PM (4 LANES)	TRIATHLONS 4:00PM-5:00PM (7 LANES)
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5:00 PM							
5:15 PM	YOUTH TEAMS 4:00PM-5:00PM (8 LANES)	LAP SWIM 4:00PM-5:00PM (8 LANES)	YOUTH TEAMS 4:00PM-5:00PM (8 LANES)	LAP SWIM 4:00PM-5:00PM (8 LANES)	YOUTH TEAMS 4:00PM-5:00PM (7 LANES)		
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6:30 PM						LAP SWIM 6:00PM-8:00PM (11 LANES)	LAP SWIM 6:00PM-8:00PM (11 LANES)
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BURGESS PERFORMANCE POOL SCHEDULE WINTER 2023

	MONDAY 10:00AM-8:00PM	TUESDAY 7:00AM-8:00PM	WEDNESDAY 10:00AM-8:00PM	THURSDAY 7:00AM-8:00PM	FRIDAY 10:00AM-8:00PM	SATURDAY 7:00AM-6:00PM	SUNDAY 7:00AM-6:00PM
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Proposed Staffing Ratios for programming and overall Safety

BURGESS PERFORMANCE POOL SCHEDULE SPRING 2023

Mondays, Wednesdays, and Fridays

Hours of operations: 10:00 am – 8:00 pm

Lifeguard Shifts:

- 9:30 am-3:30 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Lifeguard: 26.5 Hours

Lifeguard Manager Shifts:

- 12pm-8pm (8 hrs.)

Cashiers Shifts:

- 9:45 am – 3:45 pm (6 hrs.)
- 3:45 pm – 8:15 pm (4.5 hrs.)

Total Scheduled Hours: 10.5 hrs.

Total Cashiers: 2

Tuesdays and Thursday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 9:00 am-3:00 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6 hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Managers Shifts:

- 9am-5pm (8 hrs.)

Total number of Lifeguard Employees: 4 lifeguards

Total Scheduled Work Hours: 31.5 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 8:15 pm (7.5 hrs.)

Total Scheduled Hours: 13.5 hrs.

Total Cashiers: 2

Saturdays and Sunday

Hours of operations: 7:00 am – 6:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)

Lifeguard Manager Shifts:

- 9am-5pm (8 hrs.)

Total of Employees: 3 lifeguards and 1 Manager

Total Scheduled Work Hours: 26 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 6:15 pm (5.5 hrs.)

Total Scheduled Hours: 11.5 hrs.

Total Cashiers: 2

BURGESS PERFORMANCE POOL FALL 2023

Mondays, Wednesdays, and Fridays

Hours of operations: 10:00 am – 8:00 pm

Lifeguard Shifts:

- 9:30 am-3:30 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Manager: 12pm-8pm (8 hrs.)

Total of Employees: 3 lifeguards and 1 Manager

Total Scheduled Work Hours: 26.5 Hours

Tuesdays and Thursday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 9:00 am-3:00 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6 hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Managers Shifts:

- 9am-5pm (8 hrs.)

Total number of Lifeguard Employees: 4 lifeguards

Total Scheduled Work Hours: 31.5 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 8:15 pm (7.5 hrs.)

Total Scheduled Hours: 13.5 hrs.

Total Cashiers: 2

Saturdays and Sunday

Hours of operations: 7:00 am – 6:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)

Lifeguard Manager Shifts:

- 9am-5pm (8 hrs.)

Total of Employees: 3 lifeguards and 1 Manager

Total Scheduled Work Hours: 26 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 6:15 pm (5.5 hrs.)

Total Scheduled Hours: 11.5 hrs.

Total Cashiers: 2

BURGESS PERFORMANCE POOL SCHEDULE WINTER 2023

Mondays, Wednesdays, and Fridays

Hours of operations: 10:00 am – 8:00 pm

Lifeguard Shifts:

- 9:30 am-3:30 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Manager: 12pm-8pm (8 hrs.)

Total of Employees: 3 lifeguards and 1 Manager

Total Scheduled Work Hours: 26.5 Hours

Tuesdays and Thursday



Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 9:00 am-3:00 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6 hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Managers Shifts:

- 9am-5pm (8 hrs.)

Total number of Lifeguard Employees: 4 lifeguards

Total Scheduled Work Hours: 31.5 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 8:15 pm (7.5 hrs.)

Total Scheduled Hours: 13.5 hrs.

Total Cashiers: 2

Saturdays and Sunday

Hours of operations: 7:00 am – 6:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)

Lifeguard Manager Shifts:

- 9am-5pm (8 hrs.)

Total of Employees: 3 lifeguards and 1 Manager

Total Scheduled Work Hours: 26 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)

- 1:45 pm – 6:15 pm (5.5 hrs.)

Total Scheduled Hours: 11.5 hrs.

Total Cashiers: 2

BURGESS PERFORMANCE POOL SCHEDULE SUMMER 2023

Mondays - Friday

Hours of operations: 6:00 am – 8:00 pm

Summer Camp Hours 7:00 am – 3:00 pm

Lifeguard Shifts:

- 5:30 am – 12:30 pm (7 hrs.)
- 7:00 am, 1:00 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)
- 10:00 am – 4:00 pm (6 hrs.)
- 4:00 pm – 8:30 pm (4.5 hrs.)

Total Scheduled Work Hours: 38.5. Hours *

Summer Camp Shifts:

- 6:30 am – 12:30 pm (6 hrs.) *
- 10:00 am – 3:30 pm (5.5 hrs.) *

Total Scheduled Work Hours: 11.5 hrs.

Lifeguard Manager Shifts:

- 9:00 am-5:00 pm (8 hrs.)

Cashier Shifts:

- 5:45 am- 11:45 am (6 hrs.)
- 11:45 am – 5:45 pm (6 hrs.)
- 5:45 pm – 8:15 pm (3.5 hrs.)

Total Scheduled work Hours: 15.5 hrs.

Camp Manager:

6:30 am – 3:30 pm (8 hrs.)



Total of Lifeguard Employees: 5 lifeguards
Total Camp Employees: Approximately 10-12

** Approximately 60 Total Number of Camp Employees: This will depend on the number of registered students.*

Saturday – Sunday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)
- 4:00 pm – 8:30 pm (4.5 hrs.)

*Total of Employees: 4 lifeguards
Total Scheduled Work Hours: 30.5 Hours*

Manager Shifts:

- 9am-5pm (8 hrs.)

Cashier Shifts:

- 6:45 am- 1:45 pm (7 hrs.)
- 1:45 am – 8:15 pm (6.5 hrs.)

Total Scheduled work Hours: 13.5 hrs.

BURGESS INSTRUCTIONAL POOL SCHEDULE SPRING 2023

Mondays, Wednesdays, and Fridays

Hours of operations: 10:00 am – 8:00 pm

Lifeguard Shifts:

- 9:30 am-3:30 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Lifeguard: 26.5 Hours

Lifeguard Manager Shift:

- 12pm-8pm (8 hrs.)

Cashiers Shifts:

- 9:45 am – 3:45 pm (6 hrs.)
- 3:45 pm – 8:15 pm (4.5 hrs.)

Total Scheduled Hours: 10.5 hrs.

Total Cashiers: 2

Swim Lessons Shifts:

- 3:30 pm – 7:15 pm

Total Scheduled Hours: Approximately 32 hrs.*

*The total of scheduled hours for swim lesson hours will depend on the number of students to the instructor.

Tuesdays and Thursday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 9:00 am-3:00 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6 hrs.)

- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Managers Shifts:

- 9am-5pm (8 hrs.)

Total number of Lifeguard Employees: 4 lifeguards

Total Scheduled Work Hours: 31.5 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 8:15 pm (7.5 hrs.)

Total Scheduled Hours: 13.5 hrs.

Total Cashiers: 2

Swim Lessons:

- 9:30 pm – 12:30 pm

Total Scheduled Hours: Approximately 32 hrs.*

*The total of scheduled hours for swim lesson hours will depend on the number of students to the instructor.

Saturdays and Sunday

Hours of operations: 7:00 am – 6:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)

Lifeguard Manager Shifts:

- 9am-5pm (8 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Work Hours: 26 Hours

Cashier Shifts:

- 6:45 am – 12:45 pm (6 hrs.)
- 12:45 pm – 6:15 pm (5.5 hrs.)

Total Scheduled Work Hours: 11.5 hrs.



BURGESS INSTRUCTIONAL POOL SCHEDULE FALL 2023

Mondays, Wednesdays, and Fridays

Hours of operations: 10:00 am – 8:00 pm

Lifeguard Shifts:

- 9:30 am-3:30 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Lifeguard: 26.5 Hours

Lifeguard Manager Shift:

- 12pm-8pm (8 hrs.)

Cashiers Shifts:

- 9:45 am – 3:45 pm (6 hrs.)
- 3:45 pm – 8:15 pm (4.5 hrs.)

Total Scheduled Hours: 10.5 hrs.

Total Cashiers: 2

Swim Lessons Shifts:

- 3:30 pm – 7:15 pm

Total Scheduled Hours: Approximately 32 hrs.*

*The total of scheduled hours for swim lesson hours will depend on the number of students to the instructor.

Tuesdays and Thursday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 9:00 am-3:00 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6 hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Managers Shifts:

- 9am-5pm (8 hrs.)

Total number of Lifeguard Employees: 4 lifeguards

Total Scheduled Work Hours: 31.5 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 8:15 pm (7.5 hrs.)

Total Scheduled Hours: 13.5 hrs.

Total Cashiers: 2

Swim Lessons:

- 9:30 pm – 12:30 pm

Total Scheduled Hours: Approximately 32 hrs.*

*The total of scheduled hours for swim lesson hours will depend on the number of students to the instructor.

Saturdays and Sunday

Hours of operations: 7:00 am – 6:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)

Lifeguard Manager Shifts:

- 9am-5pm (8 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Work Hours: 26 Hours

Cashier Shifts:

- 6:45 am – 12:45 pm (6 hrs.)
- 12:45 pm – 6:15 pm (5.5 hrs.)

Total Scheduled Work Hours: 11.5 hrs.

BURGESS INSTRUCTIONAL POOL SCHEDULE WINTER 2023

Mondays, Wednesdays, and Fridays

Hours of operations: 10:00 am – 8:00 pm

Lifeguard Shifts:

- 9:30 am-3:30 pm (6 hrs.)
- 12:00 pm- 6:00 pm (6hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Lifeguard: 26.5 Hours

Lifeguard Manager Shift:

- 12pm-8pm (8 hrs.)

Cashiers Shifts:

- 9:45 am – 3:45 pm (6 hrs.)
- 3:45 pm – 8:15 pm (4.5 hrs.)

Total Scheduled Hours: 10.5 hrs.

Total Cashiers: 2

Swim Lessons Shifts:

- 3:30 pm – 7:15 pm

Total Scheduled Hours: Approximately 32 hrs.*

*The total of scheduled hours for swim lesson hours will depend on the number of students to the instructor.

Tuesdays and Thursday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 9:00 am-3:00 pm (6 hrs.)



- 12:00 pm- 6:00 pm (6 hrs.)
- 3:00 pm-8:30 pm (5.5 hrs.)

Lifeguard Managers Shifts:

- 9am-5pm (8 hrs.)

Total number of Lifeguard Employees: 4 lifeguards

Total Scheduled Work Hours: 31.5 Hours

Cashiers Shifts:

- 7:45 am – 1:45 pm (6 hrs.)
- 1:45 pm – 8:15 pm (7.5 hrs.)

Total Scheduled Hours: 13.5 hrs.

Total Cashiers: 2

Swim Lessons:

- 9:30 pm – 12:30 pm

Total Scheduled Hours: Approximately 32 hrs.*

*The total of scheduled hours for swim lesson hours will depend on the number of students to the instructor.

Saturdays and Sunday

Hours of operations: 7:00 am – 6:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)

Lifeguard Manager Shifts:

- 9am-5pm (8 hrs.)

Total of Lifeguard Employees: 3 lifeguards

Total Scheduled Work Hours: 26 Hours

Cashier Shifts:

- 6:45 am – 12:45 pm (6 hrs.)
- 12:45 pm – 6:15 pm (5.5 hrs.)



Total Scheduled Work Hours: 11.5 hrs.

BURGESS INSTRUCTIONAL POOL SCHEDULE SUMMER 2023

Mondays - Friday

Hours of operations: 6:00 am – 8:00 pm

Lifeguard Shifts:

- 5:30 am – 12:30 pm (7 hrs.)
- 7:00 am, 1:00 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)
- 10:00 am – 4:00 pm (6 hrs.)
- 4:00 pm – 8:30 pm (4.5 hrs.)

Total Number of Lifeguard Employees: 5 lifeguards

Total Scheduled Work Hours: 38.5. Hours

Lifeguard Manager Shifts:

- 9am-5pm

Cashiers Shifts:

- 5:45 am – 11:45 pm (6 hrs.)
- 11:45 pm – 5:45 pm (6 hrs.)
- 5:45 pm – 8:15 (3.5 hrs.)

Total Scheduled Hours: 15.5 hrs.

Total Cashiers: 3

Swim Lessons:

Mondays, Wednesday, and Thursdays, Shift Times

- 3:30 pm – 6:30 pm *

Tuesdays and Thursdays, Shift Times

- 9:30 am – 1:15 pm *

**Total Scheduled Hours for Swim Lessons: Approximately 32 hrs. per day.*

Saturday – Sunday

Hours of operations: 7:00 am – 8:00 pm

Lifeguard Shifts:

- 6:30 am – 12:30 pm (6 hrs.)
- 10 am – 4 pm (6 hrs.)
- 12:30 pm – 6:30 pm (6 hrs.)
- 4:00 pm – 8:30cpm (4.5 hrs.)

Total of Employees: 4 lifeguards

Total Scheduled Work Hours: 30.5 Hours

Manager Shifts:

- 9am-5pm (8 hrs.)

Cashier Shifts:

- 6:45 am- 1:45 pm (7 hrs.)
- 1:45 am – 8:15 pm (6.5 hrs.)

Total Scheduled work Hours: 13.5 hrs.

Employee Recruitment & Hiring Process

Swim Instructors are recruited through online paid advertising and Search Engine Optimization (SEO) through our websites. We also advertise through local high schools, swim teams, colleges, and community centers. We also participate in local job fairs. Unless otherwise noted, we actively advertise and hire for the dual role of Lifeguard/Swim Instructor. This helps ensure that our staff is adequately capable of filling in for each other and that all swim lessons are properly covered. Because the Swimming Swan offers training/certification courses such as ARC Water Safety Instructor (WSI), Lifeguard, and CPR, we are equipped to hire & train employees that may be new to teaching swim lessons.

We have a good working relationship with The American Red Cross and have had numerous pool managers and Instructor Trainers be referred to our agency for hire. This word of mouth has been a vital part of our growth in making sure we have top notch veteran aquatic professionals on board.

Staff Vetting Process

Our Hiring Process begins with the [online application](#) and uploading of certifications. If a person does not have a certification, they are free to enroll into one of our public certification courses.

At times, we have required a simple passing of the swim portion of the course as a prerequisite to free enrollment into the course. Free training and certification programs have been offered to incentivize individuals seeking employment in an already volatile and nationwide shortage of aquatic professionals. Each participant that passes a free course is then given a site-specific certification that would be available at only that site, for instance: Burgess Aquatic Center only.

Interviews and Reference Checks are then conducted prior to any hiring. Base level lifeguards, swim instructors and coaches are interviewed once. All management including lifeguard supervisors, assistants and pool managers are interviewed twice.

Upon hire, each staff member is required to participate in a 3-tiered background check and 5-panel drug testing before being eligible to work. Additionally, they must all complete the California Child Abuse Mandated Reporter Training within 30 days off hire.

Staff Training Process

We have implemented two different types of training prior to a new hire beginning on-site work. First we begin with an HR meeting conducted virtually and then we schedule the orientation and pre-service training. These trainings are done in group settings and/or individually depending on the season and need.

1. Virtual HR Meeting
 - a. Reviewing our Swan Staff Portal for All Staff
 - i. Adding their biography and photo which is made visible on the respective facility website.
 - ii. Uniform Size
 - iii. Overview of all Virtual Trainings that they are required to do in addition to holding a certification
 - iv. Review of their Online Resources
 1. Handbook
 2. Safety Documentation
 3. Standard Operating Procedures
 4. Emergency Action Plans
 - v. Management Portal for Management Only
 1. Review of their Management Documents
 - a. In-Services
 - b. Zones of Surveillance
 - c. Disciplinary Notices
 - d. Any other documents that are pertinent to management performing their duties.
 - b. Enrolling and Reviewing their ADP employee Access Portals
2. Pre-Service Orientation and Training
 - a. Confirming any Work permits if applicable
 - b. Reviewing I-9 Forms
 - c. Direct Deposit Paperwork
 - d. Begin online trainings
 - i. Workplace Harassment
 - ii. Mandatory Reporter
 - iii. The Swimming Swan Employee Handbook
 - iv. Chain of Command
 - v. Job Responsibilities
 - vi. Break Protocols
 - vii. Attendance/Callouts
 - viii. Leave of Absence
 - ix. ADP
 - x. FLSA Training

- xi. Standard Operations Training
- xii. COVID 19 staff policies

Here is a link to our [Employment Handbook](#)

Performance Evaluation & Retention

After staffing needs are evaluated, our hiring efforts begin simply through online job boards such as Indeed, LinkedIn, and ZipRecruiter. Following this, we tend to approach employee recruitment differently based on local demographics. For example, areas such as Las Vegas and San Diego have been staffed primarily through word-of-mouth and employee referrals. In Gilroy, CA, however, we found the most success through in-person recruitment at job fairs or through social media sites like Snapchat and Instagram.

For larger facilities, we hire management first so that they can be involved in the hiring process themselves for base level staff such as lifeguards or swim instructors.

Initial interviews are done remotely via Google Meet, with the initial focus being on the applicant's practical knowledge and comfort with aquatics. From there, we aim to hire employees that see lifeguarding, swim teaching, etc as a valuable service they are able to give. We've found that employees who believe that what they do has a positive impact on other people, their quality of work and retention increases.

We have [quarterly performance reviews](#) and evaluations for all of our staff and management alike. Evaluations are done one-on-one and cover:

- Communication.
- Collaboration and teamwork.
- Problem-solving.
- Quality of work.
- Participation in consistent in-service training.
- Attendance, punctuality and reliability.

Seasonal staff are given their evaluations at the end of the summer. Those meetings typically include discussion of potential work in future seasons.

Describe any staffing problems you have had and how they've been addressed.

It's no secret that qualified lifeguards have been hard to come by in the past few years. Following the summer of 2020, we found that many people with aquatic experience lacked or had certifications expire over the early course of the pandemic. In response to this, we began an initiative to provide as many ARC Lifeguard, Water Safety Instructor, and Lifeguard Instructor certification courses as we could to all of our service areas. Through this, our capacity to provide certifications has doubled by bringing on more experienced instructors and by implementing consistent in-services to our employees working with private services.

Offering accessible and professional training acts as one of our biggest methods of employee incentive. Furthermore, low-cost, free-with-hire, and site-specific certifications improve seasonal employee retention.

Facility Oversight & Program Management

We have several layers of facility oversight for our program management and overall operator management.

This entails items like pre-service training and orientations and on-going in-service training to ensure compliance with our LTP agreement with the Red Cross and NRPA's AFO (Aquatic Facility Operator) agreement and the standard of care for Aquatic Facilities.

The overall facility is managed by both our Off-Site Management and On-Site Management Team. The pool manager and assistant pool managers have direct on-site facility oversight which includes managing and supervising staff, making sure daily checklists are completed, programs are running smoothly among other items.

We also have internal oversight systems and procedures.

Those include the following:

Our management team has implemented regular required documentation from all management that is alerted in our Portals with multiple layers of Oversight to ensure compliance.

Oversight begins with the on-site management team and regular in-service training. We comply with the Red Cross standard of 4 hours of training per month and regularly provide more than the allotted 4 hours.

Our management team is also responsible for completing weekly reports which are shared in real-time which include:

1. [Individual Applicant Report \(IAR\) for New Hires](#)
 - a. Applicant name
 - b. Interview date/time
 - c. Interview results
 - i. Comments
 - ii. Recommend position
 - d. Current certifications
2. [County Supervisor Weekly Report](#)
 - a. IARs
 - b. Review timesheets for payroll
 - c. Facility visits
 - d. Bi-Weekly training class schedule
 - e. Facility Schedule updates
 - f. ARC Learning Duties
 - g. Terminations/Disciplines
3. [Assistant/Pool Manager Weekly Reports](#)
4. [Daily Opening Procedures Checklists](#)
5. [Daily Task Sheets Checklists](#)
6. [Swim Lesson AM Duties](#)
7. [Swim Lesson PM Duties](#)
8. [County of San Mateo Pool Chemical Reading Chart](#)
9. [County of San Mateo Pool/Spa Self Inspection Checklist](#)
10. **Example:** [Daily Pool Checklist](#)
11. For CPO responsibilities, we would partner with Councilman Hunsaker in enabling their already established module through the HydroApps program they have for CPO's. This encompasses routine water chemistry tests, maintenance and mechanical checks uploaded in real time so our team knows what's going on immediately.

Our processes by positions include the following:

Pool Manager Checklist

- Send any/all New hire forms to HR
- Inventory checklist
- Review weekly schedules
- Review timesheets (if required)
- Daily facility capacity count
- Review Chemical checklists
- Complete bi-weekly in service report
- Process any employee feedback notice

Assistant Manager Checklist

- Submit Incident Accident reports
- Create weekly staff schedules
- Plan upcoming in service training

Operations/Training Manager Reports

- Current job board/marketing listings



- Number of leads on job boards
- Alternative recruitment options
- Market research updates
- Methods of outreach conducted
- Facility staffing needs
 - updates
 - changes

Staff Types

Cashier

The Cashier is the first person patrons see when entering the facility and should maintain a positive first impression for the Company and provide excellent customer service.

Responsibilities include:

- Greeting pool patrons.
- Checking and registering patrons for Community Pool Passes, including daily and seasonal.
- Processing cash, debit, and credit transactions using a point-of-sale system.
- Accepting payments.
- Calculating and returning change when required by the payment method.
- Maintaining adequate change denominations in the cash drawer and request additional change when necessary.
- Answering customer questions about products or services.
- Adding and removing patrons from the lesson/event schedule as needed.
- Aiding patrons in registering for pool programs, such as swim lessons and the Jr. Lifeguard program.
- Reconcile cash drawers and sales receipts.
- Report issues with equipment.
- Follow required protocols for sanitation and cleaning.
- Running the concession stand (when applicable) under the supervision of the Head Lifeguard and/or Assistant Pool Manager.
- Janitorial duties and making sure the overall pool deck is clean and tidy, when needed.

Required Teamwork Skills:

- Strong communication
- Professional demeanor
 - Punctuality
 - Accountability
 - Flexibility
- **No cellphone use while on duty**
- Ability to work well with others
- Takes direction well and receptive to feedback



- Positive attitude

Qualifications:

- Minimum of 15 years of age.
- 1+ year of customer service experience preferred.
- Accountability and accuracy in reconciling sales receipts.
- Oriented toward serving others and helping customers.
- Customer-service skills.
- Ability to sit/stand for long periods of time.
- Excellent verbal communication.
- Ability to work in a fast-paced, stressful environment.
- Attention to detail.
- Knowledge of point-of-sale systems preferred.

Swimming Instructor/Lifeguard Position

**Note - this description details the role & responsibilities of the swim instructor portion of the Lifeguard/Swim Instructor title. All responsibilities and qualifications of the Lifeguard position also apply.*

The Swim Instructor in charge of overseeing, directing and guiding individual or group participants to achieve personal and/or group aquatics goals. They develop and execute all workouts and program design, including planning a progression and modifying all instruction based on the clientele.

Responsibilities include:

- Supports The Swimming Swan LLC. mission statement as well as the goals of the individual clientele or group/team.
- Plans, organizes and leads lessons with respect to the needs or goals of the clientele.
- Creates and executes a structured progression program design based on the clients goals or needs, with respect to The Swimming Swan LLC. curriculum.
- Monitors pool-related activities closely throughout shifts and identifies any safety/hazard issues. Uses judgment to determine if patrons are safe and properly conducting themselves.
- Directs swimmers out of the pool and/or to clear the deck during hazardous conditions.
- Monitors weather reports closely to ensure safety of clientele. Adheres to and upholds The Swimming Swan LLC. "Inclement Weather" policies and procedures.
- Completes and submits incident reports and documentation forms when applicable.
- Provides assistance to clientele when appropriate or necessary.
- Completes the "Certificates of Achievement" for all youth swim programs, children 12 and under.

Required Teamwork Skills:

- Genuine passion for working with children
- Strong communication
- Professional demeanor
 - Punctuality
 - Accountability
 - Flexibility
- **No cellphone use while on duty**
- Ability to work well with others, Team Player
- Takes direction well and receptive to feedback

Qualifications:

- Current and Valid ARC or equivalent certification including but not limited to: Lifeguard, CPR, First Aid, AED.
- Water Safety Instructor (WSI) certification preferred or a minimum of 2 years teaching experience required.
- Ability to pass pre-employment verbal skills and program design tests.
- All applicants are subject to background screenings and (when applicable) pre-employment drug testing.
- Strong customer service background preferred.
- Special needs/adaptive aquatic teaching experience preferred.
- Works with specific ages/abilities as determined by the facility supervisor.

Head Lifeguard

The Head Lifeguard is responsible for overseeing, instructing, planning and assessing the personnel allocated to a swimming facility and executing lifeguard activities while reporting directly to the Assistant Pool Manager/Pool Manager.

Responsibilities include:

- Act as a Lifeguard On Duty
- Leads in-service training with lifeguard staff
- Supervising Lifeguards including but not limited to scheduling, personal issues/concerns, employee productivity and in-service training. All training and team branding is based upon THE SWIMMING SWAN, LLC, criteria.
- Opening and closing daily procedures including but not limited to completed Daily Tasks Sheets. Procedures dependent on schedule and hours including maintenance of chemicals and pump room areas where applicable.
- Training new hires and supervises in the operations that are executed in a swimming pool.
- Helping with facility programming and events.
- If applicable, teach swim lessons & manage swim instructors during lessons.

- Assist in facility maintenance & janitorial duties as necessary
- Monitors pool-related activities closely throughout shifts and identifies any special issues. Uses judgment to determine if patrons are safely and properly conducting themselves.
- Directs swimmers out of the pool and/or to clear the deck during hazardous conditions.
- Monitors weather reports closely to ensure safety of guests. Adheres to and upholds THE SWIMMING SWAN, LLC, "Inclement weather" policies and procedures.
- Maintains a clean environment in and around the pool.
- Provides assistance to patrons when appropriate or necessary.
- Teaching/Co-Teaching ARC Lifeguard Certification Courses at our partnership facilities when applicable.

Required Teamwork Skills:

- Genuine interest for the well being of others
- Strong communication
- Leadership abilities
 - Collaboration
 - Listening
 - Problem solving
- Professional demeanor
 - Punctual
 - Accountable
 - Flexible
- **No cellphone use while on duty**
- Ability to work well with others, Team Player
- Takes direction well and receptive to feedback

Qualifications:

- Minimum of 18 years of age with a High school Diploma or equivalent.
- Current and valid ARC or equivalent certification including but not limited to: Lifeguard, CPR, First Aid, AED.
- Acquire an ARC Lifeguard Instructor Certification within 90 days of hire.
- ARC Online Lifeguard Management Certification.
- 3+ years lifeguard experience in a leadership role preferred.
- Ability to pass pre-employment verbal skills test
- Ability to pass swimming and in-water skills tests.
- Ability to successfully complete The Swimming Swan LLC. "On-Boarding" Training and Testing.
- All applicants are subject to background screenings and (when applicable) pre-employment drug testing.
- Strong customer service background preferred.

Assistant Pool Manager

The Assistant Pool Manager works directly with the Pool Manager and staff to aid in the day-to-day operation, maintenance, and administration of the pool and surrounding facility.

Responsibilities include:

- Implementing employee schedules, assignments, and rotations.
- Assist with the training, supervising, and evaluating lifeguards/swim instructors.
- Completing daily opening and closing duties.
- Managing employee conflicts and call-outs.
- Handle routine disciplinary issues and communicate with the Pool Manager and other supervisors when necessary.
- Act as the initial point-of-contact for patron questions and concerns.
- Monitor activities, provide instructions and prevent accidents in the aquatics facility.
- Respond to all emergency situations around the aquatics facility immediately and appropriately. This includes, but is not limited to performing Lifeguarding skills, First Aid, CPR, and others until the arrival of emergency medical services.
- Supervise the Head Lifeguards and their corresponding duties.
- Record and organize accurate records concerning attendance, accident/incident/injury reports, chlorine readings, and schedules.
- Reviewing daily pool inspection sheets.
- Assume full management responsibilities of the aquatics facility in the absence of the Pool Manager.
- Program Coordinator Duties

Required Teamwork Skills:

- Genuine passion in the Aquatics Industry and working with children
- Strong communication
- Leadership abilities
 - Collaboration
 - Listening
 - Problem solving
 - Ability to provide constructive feedback
- Professional demeanor
 - Punctual
 - Accountable
 - Flexible
- **No personal cellphone use while on duty**
- Ability to work well with others
- Takes direction well and receptive to feedback
- Positive Attitude

Qualifications:

- Must be a minimum of 21 years of age with a High school Diploma or equivalent.
- Current and valid ARC or equivalent certification including but not limited to: Lifeguard, CPR, First Aid, AED.
- Strong customer service background.
- Current ARC Lifeguard Instructor Certification required
- 3+ year(s) lifeguard experience required.
- 1+ years lifeguard experience in a leadership role preferred.
- Ability to pass pre-employment verbal, swim, and in-water skills tests.

Pool Manager

Pool Managers act as the onsite supervisor responsible for the facility, staff on deck, and patrons in and out of the water. They act as an experienced set of eyes needed to recognize potential problems and to ensure that guests in distress are spotted promptly and that incidents get dealt with efficiently and effectively. They provide continual feedback to staff members and address patron concerns. Pool Managers may be assigned to portable community pools where you will perform supervisory functions OR to permanent community pools where you will act in a lead capacity under the supervision of the County Manager.

Responsibilities include:

- Overseeing and carrying out the daily pool operations and supervision of pool staff.
- Managing the cleanliness and maintenance of the facility including the mechanical pump area(s)/room(s) to ensure safety, cleanliness, and sanitation of the operations of and in the pool areas, deck areas, and changing rooms at all times.
- Act as liaison between the facility and the County Manager.
- Exhibits a positive attitude, clearly communicates with members and staff, and provides excellent customer service.
- Uphold Swimming Swan Swim School Core Values.
- First in line of communication to both the Partnership Site Contact and The Swimming Swan.
- Train, motivate, discipline and supervise all pool personnel.
- Coordinate schedules, lifeguard rotations and lifeguard breaks; ensure all shifts are covered.
- Attends and assists in planning all required staff meetings and in service training.
- Maintain the pool, its components, and surrounding facilities in a safe, clean and sanitary condition in good repair and in accordance with State Bathing Codes.
- Develop, implement and manage community aquatics activities and events.
- Understand functions of all equipment and train staff on said functions.
- Maintain inventory of chemicals and supplies.

- Maintain and keep procedures for handling, storing and using chemical compounds, to include but not limited to: hourly readings of sanitizer, pH, water and air temperature, rate of flow, pressure differential, facility usage and all appropriate emergency procedures.
- Responsible for maintaining the facility at inspection ready status per state and county commercial pool operation regulations during shift.

Required Teamwork Skills:

- Genuine passion in the Aquatics industry and working with children
- Strong communication
- Leadership abilities
 - Collaboration
 - Listening
 - Problem solving
 - Ability to provide constructive feedback
- Professional demeanor
 - Punctual
 - Accountable
 - Flexible
- **No personal cell phone use while on duty**
- Ability to work well with others
- Takes direction well and receptive to feedback
- Positive Attitude

Qualifications:

- Must be a minimum of 21 years of age with a High school Diploma or equivalent.
- Current Certified Pool Operator (CPO) or Certified Aquatics Facility Operator (AFO)
- Current Red Cross Lifeguarding/CPR/First Aid/AED Certification.
- Current Red Cross Water Safety Instructor (WSI) Certification.
- Current Red Cross Lifeguard Instructor (LGI) Certification
- Current Red Cross Water Safety Instructor Trainer (WSIT) Certification preferred.
- 3+ year(s) head lifeguard experience required.
- 3+ year(s) swim teaching experience teaching a wide range of swim levels and water safety skills.
- Ability to pass swim and in-water skills test.
- Ability to successfully complete mandated State, Federal, & Local training in addition to training specific to The Swimming Swan LLC.
- All applicants are subject to background screenings and (when applicable) drug testing.
- Strong customer service background.
- Bachelor's degree in Recreation or related field preferred.
- Must be self-motivated and able to stay on task with minimal supervision.
- Ability to effectively prioritize and complete assigned tasks.
- Pool Managers report to the County Supervisor.

Aqua Fitness/Aqua Yoga Instructor

The Aqua Instructors responsibilities include: overseeing, directing and guiding individual or group participants to achieve personal and/or group goals. He/She develops and executes all workouts and program design. He/She plans a progression and modifies all instructions based on the clientele.

Qualifications and Skills Required:

- Candidates must be 18 years of age with a HS Diploma or equivalent.
- Current and valid ARC or equivalent certification including but not limited to: CPR, First Aid, AED
- Current Aquatic Fitness or Water Aerobics Certification through the following recognized organizations: ASFA, AEA, AFPA or equivalent certification pending approval from management.
- Ability to pass pre-employment verbal skills and program design tests.
- Ability to successfully complete The Swimming Swan LLC. "On-Boarding" training and testing.
- All applicants are subject to a background screening and drug testing.
- 1+ year(s) of aqua aerobics or 2+ year(s) of group fitness/personal training experience, in a leadership role preferred.
- Flexible schedule required.
- Strong customer service background preferred.

Responsibilities:

- Supports The Swimming Swan LLC. mission statement as well as the goals of the individual clientele or group/team.
- Plans, organizes and leads workouts with respect to the needs or goals of the clientele.
- Creates and executes a structured program design based on those goals or needs.
- Educates participant(s) on correct form and provides alternate moves/modifications if needed.
- Monitors pool-related activities closely throughout shifts and identifies any safety/hazard issues. Uses judgment to determine if patrons are safely and properly conducting themselves.
- Directs swimmers out of the pool and/or to clear the deck during hazardous conditions.
- Monitors weather reports closely to ensure safety of clientele. Adheres to and upholds The Swimming Swan LLC. "Inclement Weather" policies and procedures.
- Completes and submits incident reports and documentation forms when applicable.
- Provides assistance to clientele when appropriate or necessary.

Swim Coach

The Swim Coach's responsibilities include; overseeing, instructing and guiding individual swimmers (or group) to achieve personal and/or team goals. He/She executes all workouts and program design. He/She plans a progression and modifies all instructions based on the clients needs.

Qualifications and Skills Required:

- Candidates must be 18 years of age with a High school Diploma or equivalent.
- Current and Valid ARC or equivalent certification including but not limited to: WSI, Lifeguard, CPR, First Aid, AED
- Safety Training for Swim Coaches Certification
- Level 1 ASCA Swimming Coach Certification Required OR the ability to obtain within 3 months of hire.
- Ability to pass pre-employment verbal skills and program design tests.
- Ability to successfully complete The Swimming Swan LLC. "On-Boarding" training and testing.
- All applicants are subject to background screenings and drug testing.
- 3+ year(s) of coaching experience at the Recreation, HS, USA/Masters level, in a leadership role preferred.
- Flexible schedule required.
- Strong customer service background preferred.

Swim Coach Responsibilities:

- Supports The Swimming Swan LLC. mission statement as well as the goals of the individual clientele or group/team. Groups may include: Youth, Middle school, High school, Masters and Competitive Swim Teams.
- Plans, organizes and leads training/practices with respect to the needs or goals of the clientele.
- Creates and executes a structured progression program design based on those goals or needs.
- Monitors pool-related activities closely throughout shifts and identifies any safety/hazard issues. Uses judgment to determine if patrons are safely and properly conducting themselves.
- Directs swimmers out of the pool and/or to clear the deck during hazardous conditions.
- Monitors weather reports closely to ensure safety of clientele. Adheres to and upholds The Swimming Swan LLC. "Inclement Weather" policies and procedures.
- Completes and submits incident reports and documentation forms when applicable.
- Provides assistance to clientele when appropriate or necessary.
- Completes "Certificates of Achievement" for all groups under the ages of 12 in any learn-to-swim program.

Subcontractors we are interested in bringing in:

1. CPO for daily overview of mechanical, maintenance functions until we train and can positively ensure a professional is ensuring these items are fully operational and in good working order.
2. United States Swim School Association - Adaptive Aquatics Training
3. Swim Coaches
4. Aqua Fitness
5. Aqua Therapy
6. Infant Swimming Resource (Infant Survival ISR)





F Quality Assurance, Risk Management and Insurance

F. Quality Assurance, Risk Management and Insurance

Risk Management

The Swimming Swan, LLC partners with Councilman Hunsaker, a nationwide leader in Aquatic Risk Management and Litigation Firm.

Throughout the last few years, we have partnered with The American Red Cross in conducting external third party audits on our services to ensure best in class operations and compliance. Now, during the winter months of 2022 we have partnered with Councilman Hunsaker due to The American Red Cross outsourcing their AES (Aquatic Examiner Service) to conduct audits.

Internal and external audits are a main component of reviewing overall operations and filling gaps that may have been missed. This is an integral part of our operations and should be a standard across the board for all Aquatic Operators.

Councilman-Hunsaker performs multiple services such as staff training, oversight, Aquatic Examiner Services, Documentation and provides litigation support.

What we seek from Councilman-Hunsaker is a focus on the AES service and any potential incident support through unannounced visits and mock-training environments. What this includes is the following:

1. Overview of Facility Risk Documentation
 - a. Zones of Surveillance
 - b. EAP
 - c. SOP's
 - d. Certifications
 - e. Current Manuals
2. Develop Goals to improve operations, training and performance
3. Increase lifeguard accountability, attention to safety, professionalism, and pride
4. Reinforce and strengthen lifeguard emergency response skills
5. Maintain high lifeguard operational standards
6. Assess compliance standards with state health codes and MHAC.
7. HydroApps for CPO Facility Compliance
 - a. We would seek this module for our subcontractor CPO that we would hire to conduct daily checks on the mechanical and maintenance procedures.

In addition to external audits, Councilman Hunsaker is able to provide litigation support, expert witnesses, employee qualifications and adhere to the Model Aquatic Health Code (MHAC).

What is beneficial to The Swimming Swan LLC and the City of Menlo Park is to seek third party services from Councilman Hunsaker to provide operational audits. Although we have the experience and know-how, we strongly believe in third party audits and reconfirming our abilities by checks and balances.



Our Main Point of Contact at Councilman Hunsaker is:
Miklos Valdez, Studio Director

Councilman · Hunsaker
 AQUATICS FOR LIFE

Miklos Valdez
 Studio Director



PROFESSIONAL BACKGROUND
 Miklos Valdez specializes in making aquatic facilities safer and more sustainable. Miklos has over 20 years of experience in recreation and aquatics as a pool and waterpark manager. His experience and knowledge include indoor and outdoor facilities, competition pools, swim meet management, customer service and fitness facilities. Miklos' expertise allows him to successfully conduct aquatic business planning, feasibility studies, and operational training and development for new facilities and renovations. Miklos also provides clients with pre-opening management services including lifeguard training, customer service training, operating manuals and sustainable programming.

NOTABLE PROJECTS
 Albert Lea, MN (CHAMP) - Albert Lea - MN
 Artesia Aquatic Center (Study and Pre-Opening Services) - NM
 Boys and Girls Clubs of Chicago (CHAMP) - IL
 Bridgeport Aquatic Center (Business Plan Review) - WV
 Colorado State University - Student Recreation Center Pool (Audit and Study) - Pueblo - CO
 Desert Wave Aquatic Center (Study) - Lubbock - TX
 DeSoto Recreation Center (Study) - TX
 El Centro Aquatic Center (CHAMP) - CA
 Fife Aquatic Center (Study) - WA
 Frisco Lakes Community Association (Operations) - TX
 Georgia Institute of Technology (CHAMP) - Atlanta - GA
 Jal Public Schools Aquatic Center (Business Plan) - NM
 John Day Aquatic Center (Study) - OR
 Kootenai Wellness Aquatic Center (Study) - Libby - MT
 Las Cruces Regional Aquatic Center (Study) - NM
 Linda Wiginton Aquatic Center (Study) - Altus - OK
 Lions Pool (Audit) - Yakima - WA
 Maui (County-Wide Aquatics Master Plan Study and Audit) - HI
 Mitchell Aquatic Center (Study and Pre-Opening Services) - SD
 River Rapids Waterpark - Ste. Genevieve - MO
 Sweetwater Union High School District - Mar Vista High School Pool (Study) - CA
 Wilderness Ridge Country Club (Study) - Lincoln - NE

EDUCATION
 Baylor University – 2006
 Bachelor of Arts

YEARS OF EXPERIENCE
 With Councilman-Hunsaker
 2016 - Present

RELEVANT PAST EXPERIENCE
 2014-2016:
 Aquatics Manager
 City of Farmers Branch, TX
 Parks and Recreation Dept.
 2006-2014:
 Center Supervisor
 Aquatics Supervisor
 City of Allen, TX
 Parks and Recreation Dept.

CERTIFICATIONS
 Certified Pool Operator
 Instructor - PHTA
 Certified Pool Operator –
 PHTA
 Lifeguard Instructor Trainer
 – American Red Cross

CONFERENCE SPEAKING
Staying Safe in 2021- A Review of Lifeguard and Facility Assessments – World Waterpark Association 2020, Texas Public Pool Council
Indoor Air Quality - It Takes a Village - Texas Public Pool Council, 2019
Taking your Aquatic Operations from Good to Great: The ABC's of an Exceptional Program - Association of Aquatic Professional, 2019

PUBLICATIONS
 "Countdown to Opening Day" Park." *Park and Rec Business*, 24:29

COUNCILMANHUNSAKER.COM

Standard of Care for Operating a Public Pool

To protect the communities we serve, Swan Aquatics, LCC is well versed in providing the highest standard of care when operating a public pool facility. Our priority is to instill trust within our community.

To best instill trust with our clients and patrons and to provide the best in class standard of care, we ensure that:

1. We are following all local, state, federal regulations



2. We are following all American Red Cross standards and California Lifeguard Standards
3. We are in compliance with health department guidelines
4. We routinely train our staff and maintain current records and certifications

Our management team has over two decades of pool operation experience. Our team consists of Certified Pool Operators (CPO), Aquatic Facility Operators (AFO), and Aquatics Professional Designation (AqP). Our teams' combined experiences and education sets us apart from our competitors.

You will find below a sample on how we currently meet the highest standard of care when operating our current contracts:

Operation Requirements

Water Chemistry

- Free chlorine residual must be at or above 1.0 ppm (not > than 10 ppm). Chlorine residuals must be at or above 1.5 ppm If stabilizers (cyanuric acid) are being used.
- pH levels must be at 7.2-8.0
- A chemical test kit must be available and must be capable of measuring free chlorine residuals (DPD type).

Table 1.

Recommended Chemical Levels in Swimming Pools and Spas			
	Minimum	Ideal	Maximum
Free chlorine residual	2.0	2.0 - 3.0	10.0
Free chlorine residual with stabilizer	2.5	2.5 - 3.5	10.0
Combined chlorine	0	0	0.5
Bromine	4.5	4.5 - 6.5	11.0
pH	7.2	7.4 - 7.6	7.8
Cyanuric acid	25	30 - 50	100
Total alkalinity	80	100 - 150	180
Calcium Hardness	150	200 - 300	500
Copper	0	0	0.3
Iron	0	0	0.2
Total dissolved solids:			
Swimming pools	300	-	2,000 over start
Spa pools	300	-	1,500 over start

Note. Table indicates the minimum and maximum number chemical levels for swimming pools and Spas.

Restrooms and Show Facilities

- Restrooms and showers must have hot water and cold water
- Soap dispensers must be provided
- Toilet paper dispensers
- Paper towel dispenser or air dryer must be present

**Requirements may vary depending on local town ordinances.*

Safety Equipment

- Life ring with attached 3/16-inch rope. The rope must be enough to span the maximum width of the pool*.
- A well mounted rescue pool (12 foot long) with shepherd's hook.
- Emergency shut off switch for Spas, Splash Pad, Water attractions (e.g., waterslides, lazy rivers, wave pools, etc.)
- First Aid kit

Signs

The following signs must be placed on or around the pool deck up to but not limited to:

- “Occupant Capacity” of pool and spa.
- “No Diving Allowed” - Required if the pool water depth is less than 6 feet.
- “No Lifeguard on Duty” – Required if lifeguard service is not provided. The sign shall also state.
- “Keep Closed” (posted on the exterior side of the gates and doors).
- “Diarrhea” with language directing persons who’ve had diarrhea within the last 14 days, not to use the pool.
- Spa Caution sign *see*. California Code of Regulations section 3119B.5
- Spa Shut-off Switch label (minimum 1-inch-high lettering).
- Artificial respiration poster (minimum 1/4-inch-high lettering).
- Emergency telephone numbers indicating – 911, the number of the nearest emergency services, the name and street address of the pool facility.
- Unless all gates are a keyless exit type, the keyless exit gate(s) are to be marked with a sign that states “Emergency Exit”.

**Requirements may vary depending on local town ordinances*

***Switches must be clearly labeled and readily accessible.*

Safety Program & Training Documentation

The Swimming Swan, LLC has worked tirelessly over the years to make sure we are fully complying with national, state and local regulations and best-in-industry standards.

Employee Injury & Illness Prevention Plan, we follow [Cal/OSHA](#) and have online and in-office incident and accident reports. To simplify this RFP, we have included our live online reports for your review.

1. [Employee Injury Incident Report](#)
2. [Accident Report](#)
3. [Prevent and Reduce Transmission among Employees](#)

Hazardous Materials Communications and Business Plan We will follow the established plan implemented by the City.

1. [San Mateo County Health Emergency Procedures](#)

Bloodborne Pathogens and BioHazardous Exposure Control Plan we are currently working on this and will follow the Control Plan provided by Cal/OSHA as seen [here](#).

Hazard Communication (labeling & MSDS management)

We will use [standard SDS sheets](#) through Cal/Osha. All SDS sheets provided by the manufacturers will be stored in a labeled binder in the pool office. All chemicals used at the facility will have proper labels affixed to all chemical containers.

Hearing Conservation

We will follow the established plan implemented by the City.

Lifting and Fall Prevention/Protection (Equipment)

We will follow the established plan implemented by the City.

Electrical Safety Plan

We will follow the established plan implemented by the City.

Lockout, Tagout Equipment Specific Procedures

We will follow the established plan implemented by the City.

Emergency Action Planning/Drills

This begins with our pre-service training and orientation for new hires. Here is an example of what provide:

008 Swimming Events Pre-Season Training

Pre-Service Training is essential prior to all new seasons and entails vital facility-specific safety information. When conducting the training, handouts or posters are important tools to provide. Spend a sufficient amount of time preparing for the pre-season training

- Facility Rules and Regulations
- Attraction-Specific Rules

009 Training

- 500 yards in under 10 minutes
- 25 yard sprint in under 20 seconds
- Ability to submerge and rescue a victim from the bottom of the pool at the deepest depth
- Multiple-rescuer response scenarios demonstrating teamwork, effective communication skills and the ability to prioritize care
- Ability to demonstrate appropriate use of rescue equipment such as the rescue tube and CPR mask

010 Pool Supervisors

- Practice of the Plan
- Time spent performing patron surveillance
- Time spent in non-patron surveillance activities
- Responsibilities of the lifeguard at each station
- Rotation Plans and Procedures
- Emergency backup coverage and coverage expectations for situations such as meals and breaks.

011 Staff in Attendance

Number of Participants

Staff Names

012 Outline of EAP / Primary Emergency Procedures

Emergency Action Plan Drill:

EMERGENCY ACTION PLAN DRILL

- ◆ Recognize emergency & initiate EAP (3 whistle blasts)
- ◆ Primary guard enters water & Performs correct rescue
- ◆ Secondary guard provides back-up coverage & clears the pool if needed.
- ◆ Break guards brings equipment (backboard, FA kit, AED)
- ◆ Additional guards assist clearing pool & provide crowd control

Possible head, neck or spine injury? -Have additional staff call 911 -Assign staff to wait for EMS

- ◆ Yes? Follow backboard procedures
- ◆ No? Use the backboard to remove the victim from the pool immediately and provide care.

is the victim conscious?

- ◆ Yes? Exit water & provide appropriate care, if needed.
- ◆ No? Use the backboard to remove the victim from the pool immediately and provide care.

is the victim breathing?
for EMS

-Have additional staff call 911 -Assign staff to wait

- ◆ Yes? Exit water & provide appropriate care, if needed.
- ◆ No? Use the backboard to remove the victim from the pool immediately and provide care.

Complete incident report

- ◆ Contact management Team

First Aid/CPR/AED

All facility staff will have American Red Cross certifications in First Aid/CPR/AED, at minimum, prior to being scheduled to work. All staff will be required to complete 4 hours of training per month to practice skills. Staff certifications will be housed in the pool office and online within each staff portal.

Staff Certifications

Cashiers and Front office staff will all be required to obtain basic First Aid/CPR/AED and be trained to help assist in the event of an emergency.

All lifeguards and swimming instructor staff will have valid American Red Cross certifications prior to being scheduled to work. Certifications include Lifeguard, Water Safety Instructor and First Aid/CPR/AED. Staff certifications will be housed in the pool office and online within each staff portal.

Aqua Fitness instructors will hold certifications in First Aid/CPR/AED and will have a Current Aquatic Fitness or Water Aerobics Certification through the following recognized organizations: ASFA, AEA, AFPA or equivalent certification pending approval from management.

Swim Coaches will have American Red Cross Certifications in First Aid/CPR/AED, Safety Training for Swim Coaches and will hold Swim Coaching Certifications through USA Swimming.

Assistant Pool Managers and Pool Managers will have certifications in either Aquatic Facility Operator (AFO) or Certified Pool Operator (CPO) in addition to Lifeguard Management and Lifeguarding/First Aid/CPR/AED certifications.

We will work to promote our Head Lifeguards to Lifeguard Instructors by holding LGI Certification Courses. And in the meantime, until we hire an appropriate Instructor Trainer in the area or enroll members of our staff into Instructor Trainer Academies, we will schedule one or two of our 10 Instructor Trainers to teach routinely at Burgess and/or MPCC. We have the luxury of having these types of professionals internally and we will utilize them, even if they need to travel to the area, until we have the level of professional development needed for the facility to be self-sustaining.

Heat Illness and Sun Protection

We have internal documentation and training that is based on Cal/Osha's [fact sheet](#) and [Heat Related Illnesses and Recommendations](#). Please see our Employment Manual for additional materials.

Combined Spaces/Entry Equipment

We will follow the established plan implemented by the City and via [Cal/Osha](#).

Chemical Storage/Spill Response/Clean Up

We will follow the established plan implemented by the City and via [Cal/Osha](#).

Fire Extinguisher

1. Staff will check the date on each extinguisher to verify that it has been inspected.
2. Training will be provided for staff on proper use of fire extinguishers.

Personal Protective Equipment

1. Each lifeguard will have PPE's in their fanny packs. Required PPE for lifeguards are non latex medical gloves and a resuscitation mask.
2. Other PPE will be located inside pool office to include safety glasses, face guards/shields,
3. All PPE used in an emergency situation will be disposed of in a labeled BioHazard container.
4. Staff are required to thoroughly wash their hands with soap and water for at least 20 seconds after providing care.

Recreational Waterborne Illnesses (RWI's)

We will post signage at the site and online regarding these types of illnesses directly from the [CDC](#).

Signage/Labeling

Prior to the start day of operations, our management staff will take inventory of what's currently posted and will add appropriate signage where needed. We will follow national, state and local [San Mateo county guidelines](#).

Emergency Preparedness Action Plan

Emergency Action Plans (EAPs) are designed to assist employees and patrons to understand and know what to do in the event of an emergency. When guarding at a private residence, community or small event, you may be on a team of one. In these cases the below information must be relayed to the host of the gathering/party/event so that they are aware and able to assist if needed.

ONE short BLAST: Used to get the attention of a guest or another guard. Call the guest over to enforce a rule.

THREE BLASTS: Used when a guard is getting out of the chair and needs to alert patrons there is an incident or emergency situation. This may include a water rescue or an issue on deck.

The closest guard is to assist in the situation, all other guards remain standing in chairs and cover the area of guards performing the rescue. If no other guards are present, the primary guard must announce "clear the pool" thus alerting patrons there is a situation.

Evacuation of the swimmers from the pool is mandatory so the alert must be clear and loud. ONE long BLAST: Clears the pool.

When you hear a whistle, look towards the whistle to define your role in assisting in the emergency. If alone, clearly and loudly state "call 911". Thus alerting patrons of the life threatening emergency.

Incident Procedure

In the case of a medical or emergency incident, all lifeguards should be assisting. The lead guard will take responsibility in waiting in a visible area outside of the facility and guiding emergency personnel to the victim. Patrons may be utilized to assist when applicable.

- All incidents, accidents and rescues will be notated electronically via our Incident Report.
- All incidents that involve assistance of medical or emergency professionals must be reported to Melissa (Founder) or Tara (Aquatics Director) as soon as possible.
- Mandatory follow up protocol with the injured/involved patron (or guardian if applicable). Head, neck or back injuries In more residential locations you may not have access to a backboard or emergency assisting tools. If an emergency situation arises that you suspect any of the above injuries, remember the American Red Cross statement of "Life Over Limb". Do your best to stabilize the victim. If the victim is unconscious but has a pulse and is breathing on their own you can keep the victim in the water until EMS arrives. If

they are not breathing and/or have no pulse you must remove them from the water as carefully as possible. Being a leader who is clear with their communication and confident in their rescue skills, will be the keys to success in life threatening situations.

- EAP's will be practiced every month.

Litigation

The Swimming Swan, LLC, DBA Swan Aquatics, LLC has never had any litigation past, present or pending in the 8 years we have been in business.



Insurance

We are very proud of the \$10,000,000 coverage we hold. Please see the pdf attached at the end of this RFP for a full review. Additional insurances that we have during the summer months for our other partnerships include:

1. Owned/Non-Owned Automobile Liability \$1,000,000
2. Employment Practices Liability \$1,000,000


ACORD		CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 10/3/2022
<p>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.</p> <p>IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).</p>				
PRODUCER Snapp & Associates Insurance Services, LLC 3838 Camino Del Rio, N. Ste. 310 San Diego, CA 92108			CONTACT NAME: PHONE (A/C No. EXT): E-MAIL: ADDRESS:	
			INSURER(S) AFFORDING COVERAGE	
			NAIC #	
INSURED The Swimming Swan LLC 803 Paseo Del Lago Fallbrook, CA 92028			INSURER A: Atain Specialty Insurance Co.	
			INSURER B: Scottsdale Ins. Co. 41297	
			INSURER C: State Compensation Ins Fund 35076	
			INSURER D:	
			INSURER E:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

NR	LTR	TYPE OF INSURANCE	ADULT/INSC	W/O	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	X	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR (GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PER <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			CIP440665	6/15/2022	6/15/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PROPERTY (Per occurrence) \$ 100,000 MED EXP (Per occurrence) \$ 5,000 PERSONAL & ADJ INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OPR AGG \$ 3,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						COMBINED SINGLE LIMIT (Per occurrence) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	X	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DEC <input checked="" type="checkbox"/> RETENTION \$ 0			XBS0162401	6/15/2022	6/15/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
C		WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROJECTS/PARTNERSHIP/EXECUTIVE OFFICERS/MEMBERS EXCLUDED? (Mandatory in IR) Y/N <input type="checkbox"/> N/A <input type="checkbox"/>			S25961822	9/23/2022	9/23/2023	<input checked="" type="checkbox"/> DEB <input type="checkbox"/> DTH-TR E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A		Abuse and Molest			CIP440665	6/15/2022	6/15/2023	\$100K Each Claim/AGG
A		Professional Liab			CIP440665	6/15/2022	6/15/2023	AGG 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
****Proof of Coverage****

CERTIFICATE HOLDER FOR INSURANCE INFORMATION ONLY	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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G

Public Communication, Marketing and Registration



G. Public Communication, Marketing and Registration

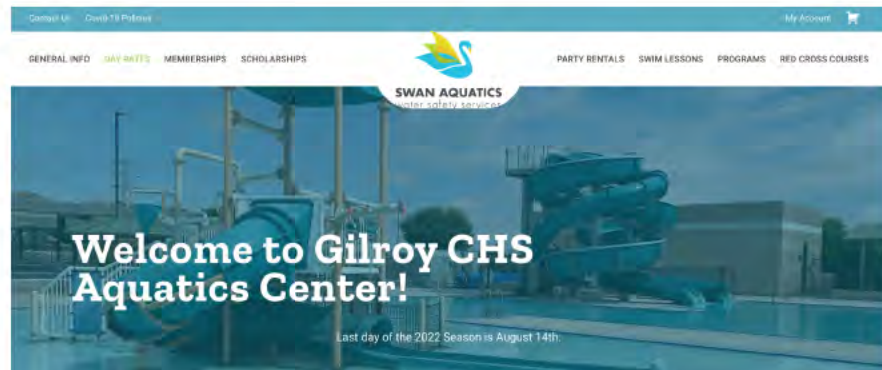
We approach our partnerships in a methodical manner where our software platform brings the project together.

1. Custom Multi-Website Platform

- Custom websites are provided for each partnership encompassing public programming. We spend time and resources to review the current market and competitive landscape prior to creating program schedules. City of Menlo Park Aquatics Centers would encompass two different websites, one for each facility: Burgess and MPCC. They would be interlinked however they would be separate for easy record keeping and distinct financial integrations.
- Descriptions of Classes, Schedules & Pricing, Registrations, Waivers, Online Payment Systems and any other pertinent information are posted and available for the community to review.
- Websites are all encrypted and secure.
- Ongoing Customer Service and communication with the public is provided with this service during all hours of operation.

Community Website Example:

[Christopher High School Aquatics Center](#)



2. Customer Accounts

- Each customer registered for a program and/or activity will have their own account access and log-in.
- Customers can view their Upcoming Classes and Add Specific Participant information for On-Site Instructors and Management Team to review.

Customer Account Example:

Azucena Quinonez
Individual
ecorpresa@gmail.com
413324 Since May 13, 2022

Profile History **Registrations**

Step 2: Assign Participants
Select the participants for their corresponding lessons.

- June 29, 2022 [Private Swim Lessons, 1-1:30PM June 29, 2022 1:00 pm](#)
\$60.00 Payment: Completed
- June 24, 2022 [Private Swim Lessons, 12-12:30PM June 24, 2022 12:00 pm to 12:30 pm](#)
\$50.00 Payment: Completed

Step 1: Add Participants
View the profiles of any children or family members you have added, and update their details.

[Azucena Quinonez Martinez](#)

[Add Participant](#)

3. Administrative & On-Site Pool Management Access

- Our Swan Staff Portals are extensive and robust, containing HR information, virtual training, class schedules, rosters and all other operational information such as SOP's, EAP's, Manuals, and Updates.
- TimeKeeping Capabilities and team messaging functionality
- Integration with our payroll systems - ADP & Quickbooks.
- Information provided to each staff member is site-specific. All Staff, both administrative and on-site connect in real-time; 24 hours per day, 7 days per week.

Staff Accounts Example:

mel swan
Staff
melissa.swanson@icloud.com
#2249 Since July 19, 2019

Profile History Documents Schedule **Resources**

[Bonus Payment Sheet](#) | [First Aid Accident Report](#) | [Injury Incident Report \(Victim, Bystanders & Staff complete form\)](#)

Management Resources

- [Daily Tasks Sheet](#) [Start Form](#) [Start Form](#)
- [Pre-Service Training](#) [Start Form](#)
- [Lifeguard Course Inventory Checklist](#) [External Form](#)
- [In-Service Trainings for Lifeguards](#) [External Form](#)

Links

- [Standard Operating Procedures](#)
- [Emergency Action Plan](#)
- [Workman's Compensation Claims Form](#)
- [The Swimming Swan LLC Handbook](#)
- [Travel and Expense 2022 - The Swimming Swan Store](#)

The Swan Aquatics Community Platform is a commercially tested, proprietary software platform which provides our clients with a dedicated, web-based application capable of the following:

1. Schedule and Display all types of aquatic events (e.g., individual and group swim lessons, certification classes, community events, etc.)
2. Accept, track, and respond to requests for private swim lessons for both individuals and groups
3. Accept, track, and respond to requests for private, on-demand lifeguarding services
4. Solicit, track, and, respond to contact inquiries and feedback submissions
5. Process payments, discounts, credits, and refunds for event registrations, private service requests, and physical products
6. Online account management for participants, including minors that require a parent or guardian to have administrative access to their account. Accounts provide password-protected profiles for participants to update their contact information, review and sign waivers, review participation and payment history, submit service reviews, and download certification documents
7. Individualized messaging to notify registrants of financial and programmatic activity via email and text messaging
8. Group messaging to notify registrants of service and program events via email and text messaging
9. Public messaging to notify the community at large of service and program events via online webpages
10. Online employee training, knowledge management, and scheduling

Each client installation can be customized to provide a unique, branded experience for their communities and our dedicated, U.S.- based support team provides professional, online support. The Swan Aquatics Community Platform allows us to provide a high level of reliable and consistent service to our clients and their communities at no additional cost during our engagement.

Policies & Procedures

Swim Lesson Try-Outs



We will advertise our swim lesson try-outs held during regular operating hours for families to bring their non-swimmers to the pool for a swim lesson try-out. This is most beneficial when families seek instruction however don't know which level to register their child for.

This will be an on-going service that we provide residents/non-residents that need help differentiating what level their child should participate and start in.

Swim Lesson Registration & Cancellations

Participants register for individual classes and/or sessions online via the exclusive Menlo Park Aquatics website. Anyone who purchases a service through the website automatically has an individual account created where they can view their purchase receipts, upcoming sessions, and request cancellations if necessary.

Participants are able to cancel registrations up to 7 days prior to the session start date by emailing a request to [REDACTED] No refunds are available once lessons and/or sessions begin except in extenuating circumstances.

Make-Ups & Tardiness

No make-up lessons are available for group lessons. Group lessons are 30 minutes each. Lessons cut short by 15 minutes or less due to weather and/or other reasons count towards the total lesson package. Lessons canceled less than 15 minutes into the start time due to unforeseen circumstances will be credited back.

No individual make-up lessons are allowed. No make-up lessons will be provided to individual students who miss time due to illness. Our instructors are not allowed to conduct make-up swim lessons at home residences due to personal safety and liability concerns.

Participants are responsible for being on time for all lessons. If none of the participants arrive within 15 minutes after the start time for the lesson, the instructor has the right to cancel that lesson for the day. Lessons will not be made-up or refunded for tardiness or absence.

Participant Progress

If an instructor sees a participant is not suited for the currently enrolled group lesson (comfortability in the water, swimming capabilities, age of participant, etc.) the instructor may move them to a higher or lower group lesson. The instructor has the final say in which level and/or group the participant should go, all based on the skills and experience of each participant. If this occurs, the instructor will inform the Lesson Supervisor and then the parent. Instructors are encouraged to discuss a child's progress with their parents.

Parents are not allowed to participate in the lesson with their child except in the case of Parent & Me courses.

At the end of each session, all students are evaluated and given a Certificate of Completion for their level. The instructor will determine whether or not the

student is ready to move forward to the next level or if a repeat course is needed.

Other Program Cancellations

No refunds are granted for aquatic programming except in extenuating circumstances. Requests for refunds/cancellations in such circumstances must be presented to the main office at [REDACTED]

Complaints

Customer/External Complaints:

1. Listen to the complaint in a calm & respectful manner.
2. Gather the facts.
3. Acknowledge the problem and offer a solution.

All lower-level staff (swim instructors, lifeguards, etc.) are instructed as to the proper chain of command when reporting/responding to customer complaints. Staff are encouraged to be respectful and respond to conflicts in a non-confrontational manner except in extreme circumstances (such as if their or another person's safety is jeopardized).

Internal Complaints

Staff and other internal complaints follow the appropriate structure/chain of command. It is through these channels that they are addressed in the same 3 steps shown above. Upon hire, all employees are trained as to how/where to access the Company Human Resources department. The Swimming Swan stands by a non-retaliation policy regarding any/all complaints of workplace harassment, abuse, or other circumstances which attribute to a hostile work environment. Any complaints/reports given to Human Resources fall under the Company's confidentiality policy and are responded to within 48 hours.

Effective Communication & Marketing

Our standard policy is to answer all communication within a 24 hour period whether this is by email, returned phone call or voicemail. This is providing the best customer service possible in conjunction with an easy-to-read and clear website, concise on-site signage, brochures and a thorough FAQ's section.

Marketing Efforts are performed by:

- SEO - Organic Traffic to our websites



- Paid Advertisements
 - Online
 - Newspaper
- Social Media Accounts
- Advertising through our Affiliates
 - Red Cross
 - AOAP
 - USSSA
 - USA Swimming
- Job Fairs
- Word of Mouth/References

We have a dedicated marketing coordinator who designs and posts ongoing marketing campaigns to our social channels, blogs and our newsletter.

We also have internal policies for our staff regarding their social media use and potential marketing efforts. The following is taken directly from our handbook;

Social Media Use

At The Swimming Swan, LLC, we recognize the Internet provides unique opportunities to participate in interactive discussions and share information using a wide variety of social media. However, the use of social media also presents certain risks and carries with it certain responsibilities. To minimize risks to the Company, you are expected to follow our guidelines for appropriate use of social media.

This policy applies to all employees who work for the Company.

A. Guidelines

For purposes of this policy, social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's weblog or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether associated or affiliated with the Company, as well as any other form of electronic communication.

Company principles, guidelines, and policies apply to online activities just as they apply to other areas of work. Ultimately, you are solely responsible for what you communicate on social media. You may be personally responsible for any litigation that may arise should you make unlawful defamatory, slanderous, or libelous statements against any customer, manager, owner, or employee of the Company.

B. Know and Follow the Rules



Ensure your postings are consistent with these guidelines. Postings that include unlawful discriminatory remarks, harassment, and threats of violence or other unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

C. Be Respectful

The Company cannot force or mandate respectful and courteous activity by employees on social media during non-working time. If you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful, slanderous, threatening, or that might constitute unlawful harassment. Examples of such conduct might include defamatory or slanderous posts meant to harm someone's reputation or posts that could contribute to a hostile work environment based on race, sex, disability, age, national origin, religion, veteran status, or any other status or class protected by law or Company policy. Your posts and social media activity should not reflect upon or refer to the Company.

D. Maintain Accuracy and Confidentiality

When posting information:

1. Maintain the confidentiality of trade secrets, intellectual property, and confidential commercially sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the Company.
2. Do not create a link from your blog, website, or another social networking site to a Company website that identifies you as speaking on behalf of the Company.
3. Never represent yourself as a spokesperson for the Company. If the Company is a subject of the content you are creating, do not represent yourself as speaking on behalf of the Company. Make it clear in your social media activity that you are speaking on your behalf.
4. Respect copyright, trademark, third-party rights, and similar laws and use such protected information in compliance with applicable legal standards.

E. Using Social Media at Work

Do not use social media while on your work time, unless it is work-related as authorized by your manager or consistent with policies that cover equipment owned by the Company.

Media Contacts

If you are not authorized to speak on behalf of the Company, do not speak to the media on behalf of the Company. Direct all media inquiries for official Company responses to Human Resources.

Retaliation and Your Rights

Retaliation or any other negative action is prohibited against anyone who, based on a reasonable belief, reports a possible deviation from this policy or cooperates in an investigation. Those who retaliate against others for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Nothing in this policy is designed to interfere with, restrain, or prevent employees from communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. All employees have the right to engage in or refrain from such activities.

Customer Database & Records Retention

Our online consumer facing multi-site works in conjunction with a robust, comprehensive back-end web portal that differentiates who is looking at what content: Directors, On-Site Supervisors and base level employees.

Customer records including personal information are only available to on-site management and off-site management that require this information to review and finalize programs like new hire employment and fee assistance scholarships. All records are encrypted and made available to personnel that are required to perform specific functions where personal information is needed.

We have partnered with a software development company called [Presspoint](#) and their CEO, Frank Neville-Hamilton is our go-to Developer. He has worked with us from our beginning in 2014 and has created our proprietary software throughout the years. His company has extended into offering a hosting platform which encompasses our multi-site platform.

Frank regularly joins us in our RFP meetings to discuss the intricacies of our software technology and brings new ideas to the table to make our operations run more efficiently.

We have the capability to run detailed reports on any label we add into a registration for the most insight possible. We back our technology with training our front-end cashiers to review Identification Cards in real-time to ensure that residents are in fact, residents.

Crisis Media Management Plan (PIO)

Our on-site staff do not speak to any external sources regarding any incidents occurring at the facility.

When media arrives at the facility, staff must follow established procedures created or approved by the City.

1. Refer media to point of contact with City and Contact person through Swan Aquatics. Defer any questions to be answered by appropriate contacts.
2. Train on who is the point of contact (POC)
3. Identify how this person is contacted and who from the facility is responsible for contacting this individual.
4. The contact person for Swan Aquatics is the CEO, Melissa Swanson. Depending on the severity of the incident, council will be brought into the discussion and will advise accordingly.
5. These written procedures are in our employee handbook.

Third-Party Disclosures

From time to time, THE SWIMMING SWAN, LLC may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the Company and should refer any call requesting the position of the Company to the Marketing Coordinator.

Assessing/Maintaining Customer Service Satisfaction

To maintain quality customer service it is imperative that we adhere to our 24-hour response policy for all emails, phone calls and voicemails left. In addition to this we provide the following to assess our client satisfaction:

1. Automatic emails to all participants of our programs that are sent out at the completion of a session or end date.
2. Polls sent our quarterly requesting feedback on how we are doing

Staff Training on our Customer Service Principles

Remember that as a Swimming Swan employee you are the face of the company. As representatives, you are the business and a large role of what makes The Swimming Swan LLC. successful. Here at THE SWIMMING SWAN, LLC we exemplify the SWAN Standards of customer service :

S (Service) Providing an excellent standard of service to our clientele.

W (Welcoming) Receiving our clientele in a nice and courteous manner, while maintaining professionalism, which in turn shapes the customer, corporation and client relationship.

A (Accountability) Taking responsibility to complete the tasks assigned, perform duties required, and to be present during service shifts, in order to fulfill or further the goals of the organization.

N (Nurturing) Creating a customer focused culture by nurturing your current clientele to maintain retention, as well as taking time to build new customer relationships, both aspects being crucial to growing a successful business.

The Swimming Swan, LLC strives to provide the best products and services possible to our customers and clients. Our customers and clients support this business and generate your wages. You are expected to treat every customer, client, or visitor with the utmost respect and courtesy during your working time. You should never argue or act in a disrespectful manner towards a visitor or customer during your working time. If you are having problems with a customer, client, or visitor, notify your Management immediately. If a customer, client, or visitor voices a suggestion, complaint, or concern regarding our products or services, inform your Management or a member of management. Lastly, make every effort to be prompt in following up on customer, client, or visitor orders or questions. Positive customer, client, and visitor relations will go a long way to establishing our Company as a leader in its field.





H Fees

H. Fees

Aqua Therapy

Provided via sub-contractors - [Revolutions in Fitness](#)

- [Main website](#)
- Group = \$119/month subscription
- \$25 drop-in fee
 - 1-week free trial period (subscription prorated)
 - Open subscription cancellation policy
- Individual = \$99 per half hour; \$184 per hour
 - By request only
 - 10:30 am - 12:30 pm Tues & Thurs

Aqua Fitness

\$78 per month

Drop-in = \$20/class

Senior Discount

- \$70/month
- \$20/class (drop-in)

Class Types:

- Aquacise
- Aqua Fit
- Aqua Fit - High Intensity

Lap Swim

- Resident
 - Drop-in \$9
 - Senior (60+) drop-in \$8
 - Monthly membership \$64
 - Senior membership \$54
- Non-Resident
 - Drop-in \$10
 - Senior (60+) drop-in \$9
 - Monthly membership \$69
 - Senior membership \$59

Open Swim

Resident

- Adult = \$9/day
- Youth (17 & under) = \$5/day
- Family (max household 5; 2 adults max) = \$28/day

Non-Resident

- Adult = \$10/day
- Youth = \$6/day
- Family = \$30/day

Swim Lessons*

**winter prices*

Private



- \$76 per 30-min lesson
- Group
 - 30-min each
 - Mon & Wed = \$100 per 4-week session
 -
 - Saturday only = \$200 per student
 - 8 weeks
 - Thursday only = \$150 per student
- 6 weeks

Lane Rental Fees

- \$15 per lane per hour

These prices are based on the current model at the pool. We will discuss with the City any increases with on-going inflation.

Approach to Fee Increases

We typically refrain from increasing our fees. Lately however we have had to account for items like: inflation, cost of living increases in specific geographical locations, pre and post pandemic hiring environments, and overall competitor analysis.

With this being said, our ultimate goal with the nationwide aquatics industry staffing shortage; is to provide a company culture that outshines our competition by valuing and incentivizing our staff. The way we do this is by a multitude of facets: higher wages, bonuses, free certifications and training, internal job advancement and placement (as the company grows - our staff grows!). It's important that we stay competitive with our fellow Aquatic Operators but not just that - we need to stay competitive with other industries that are increasing their wages with farless training that are required by our Industry.

We find that creating a company culture that encompasses a "family-like" atmosphere where regular potlucks and outings are routinely provided enables the team to feel inclusion, belonging and of greater purpose. Overall, the reason we bring this up in this section is that we believe we keep fee increases in check, by making staff feel valued.

We will review program types and what is generating most profit. To date, the Competitive programming types are what makes the most revenue which is great however many constituents are feeling left out. We will modify the programming and pool space to ensure multiple parties are taken care of. This might mean less revenue up front from the currently high generating programs however in the long run and after careful consideration, more of the community will appreciate the sharing of space. With adequate marketing and advertising efforts, other programs such as Aqua Therapy, Aqua Yoga and Swim Lessons can thrive and become a high generating source of revenue.

We can also review increasing pool rental fees for exclusive programming during certain hours of operation and within our competitive price points. This may subsidize other programming demands.

Our price increases have been most modest and haven't really increased over the pandemic period. We would need to look at wages, inflation and competitive analysis when dealing with fee increases. Typically and as of late, the inflation rate is around 6% annually.

Incentivizing Residents

We will provide the following in order to incentivize Menlo Park residents to register for our programs early:

1. Priority Early Registration 10% OFF
2. Discounted Fees for Families registering in multiple services
 - a. 10% OFF
3. Sibling Discount
 - a. Multiple Discounts prompt a 10% discount for services
4. Special Event Nights/ Community Nights
 - a. Register Early: 10% Discount
5. Reduced CPR class rates for residential 10% OFF

- a. Babysitting CPR Instruction
- b. Grandparent CPR Instruction

How do we measure & determine the percentage of residents to non-residents?

- c. Provide their ID
- d. Registration information.

Ability to compare and maintain comparable fees of similar aquatic programs

- Review the quality and offerings of comparable programming
- Online Market Research
- Reviewing current job advertisements on various hiring websites
- Review ARC website for public course fees that are posted by competitors.





Financial Information

I. Financial Information

The information provided in this section is confidential and proprietary. We request the City not share this information in a public forum or with any entity other than City officials seeking this information while reviewing our proposed offer.

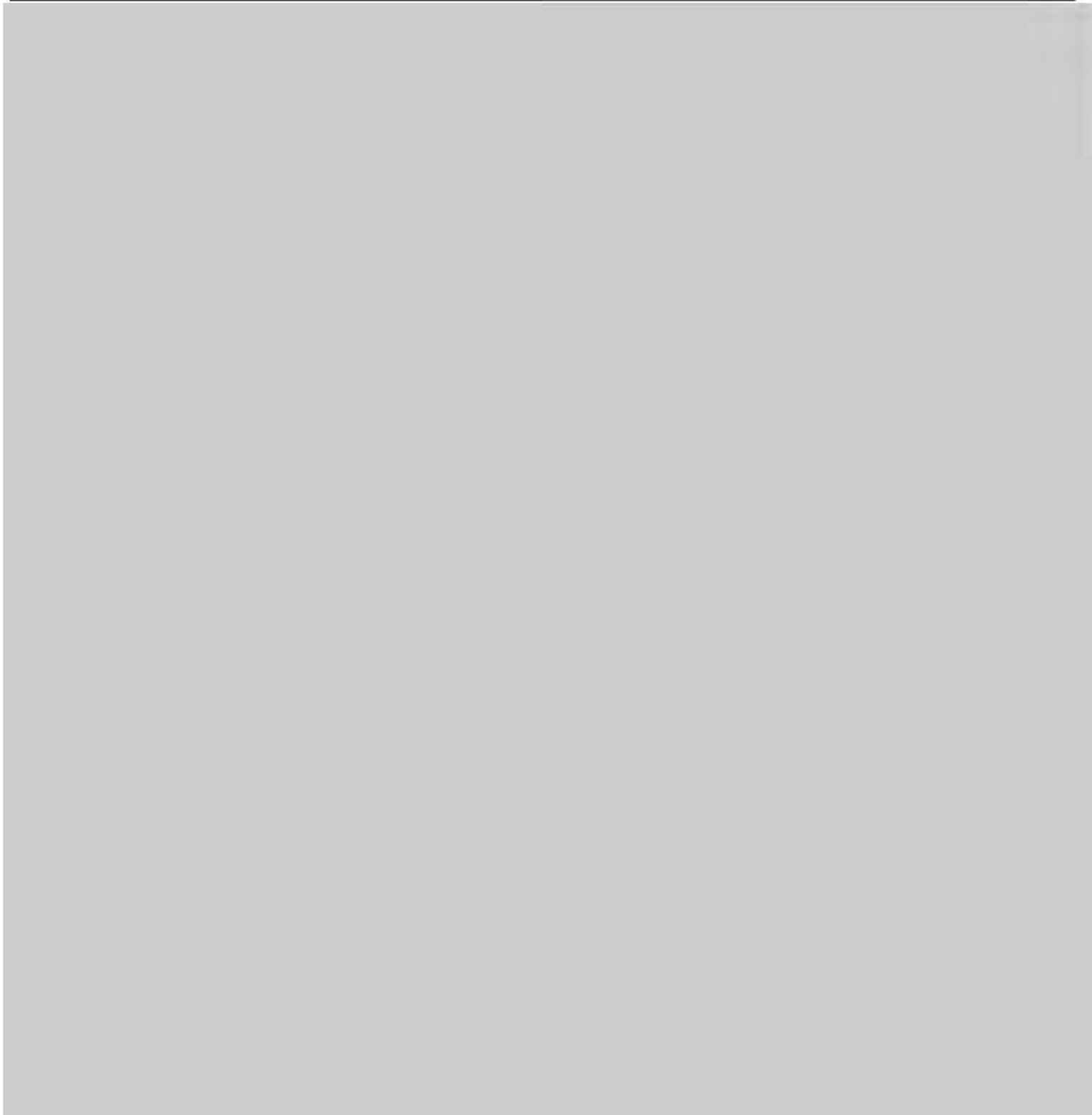


The Swimming Swan LLC

Profit and Loss

January - December 2020

TOTAL



The Swimming Swan LLC

Profit and Loss

January - December 2020

TOTAL

The Swimming Swan LLC

Balance Sheet

As of December 31, 2020

TOTAL

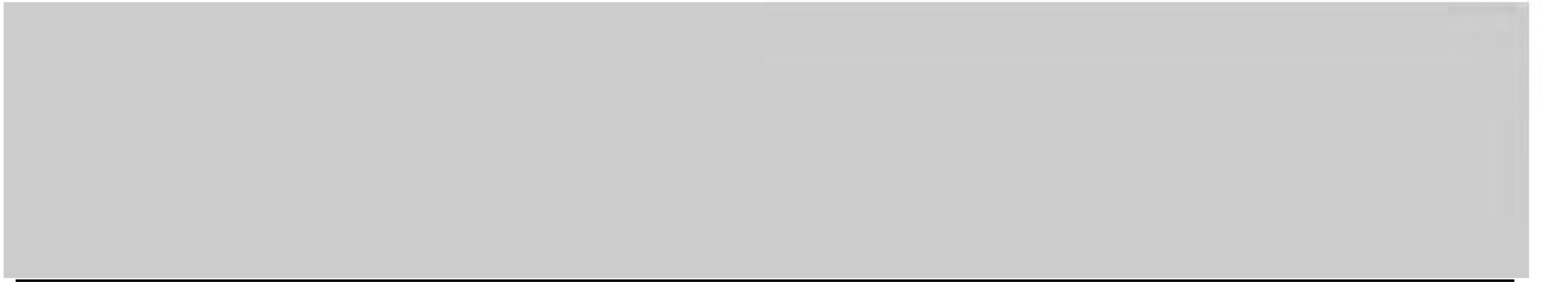


The Swimming Swan LLC

Balance Sheet

As of December 31, 2020

TOTAL

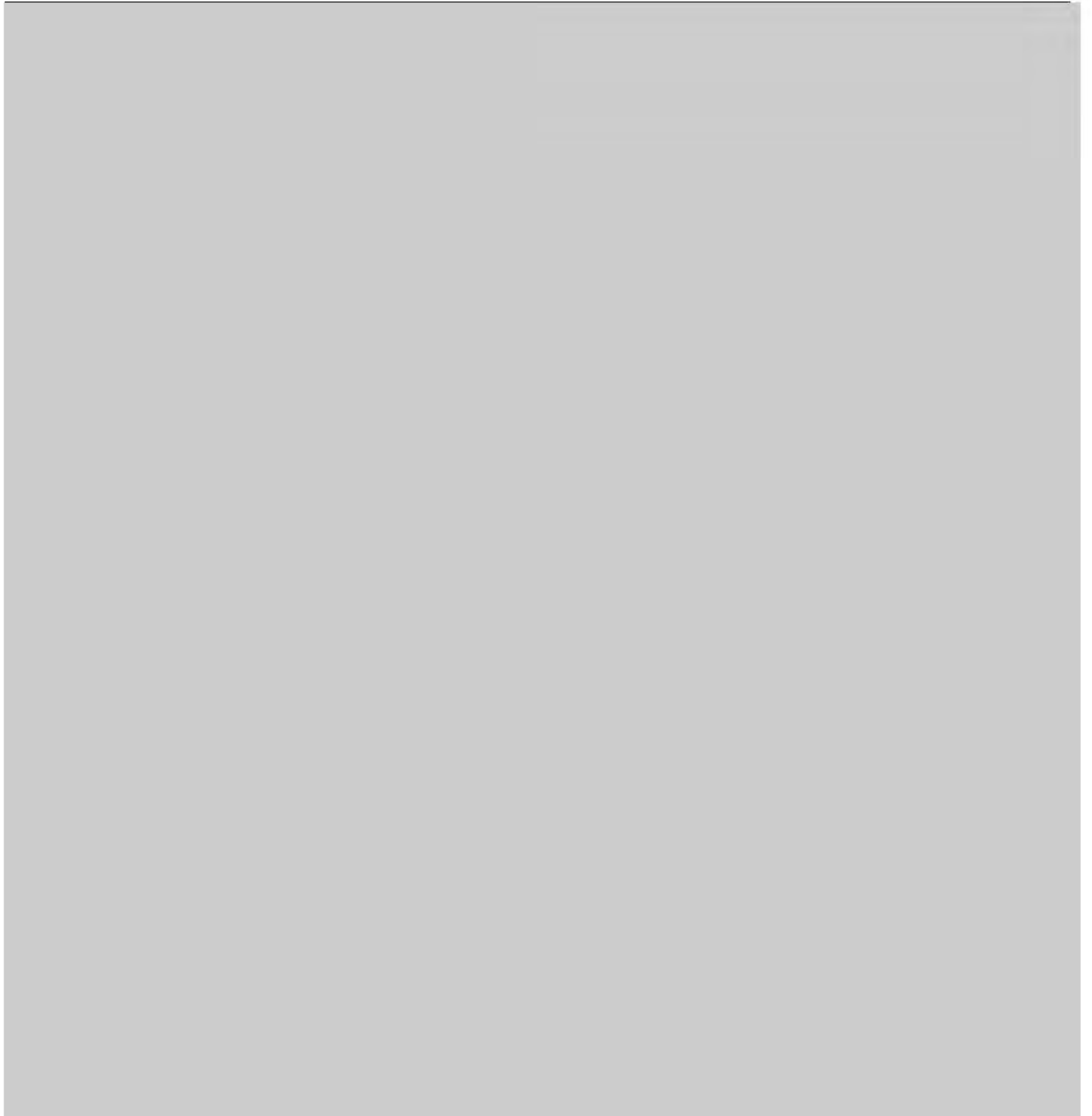


The Swimming Swan LLC

Balance Sheet

As of December 31, 2021

TOTAL



The Swimming Swan LLC

Balance Sheet

As of December 31, 2021

TOTAL



The Swimming Swan LLC

Profit and Loss

January - December 2021

TOTAL

The Swimming Swan LLC

Profit and Loss

January - December 2021

TOTAL

The Swimming Swan LLC

Balance Sheet
As of July 31, 2022

TOTAL



The Swimming Swan LLC

Balance Sheet
As of July 31, 2022

TOTAL

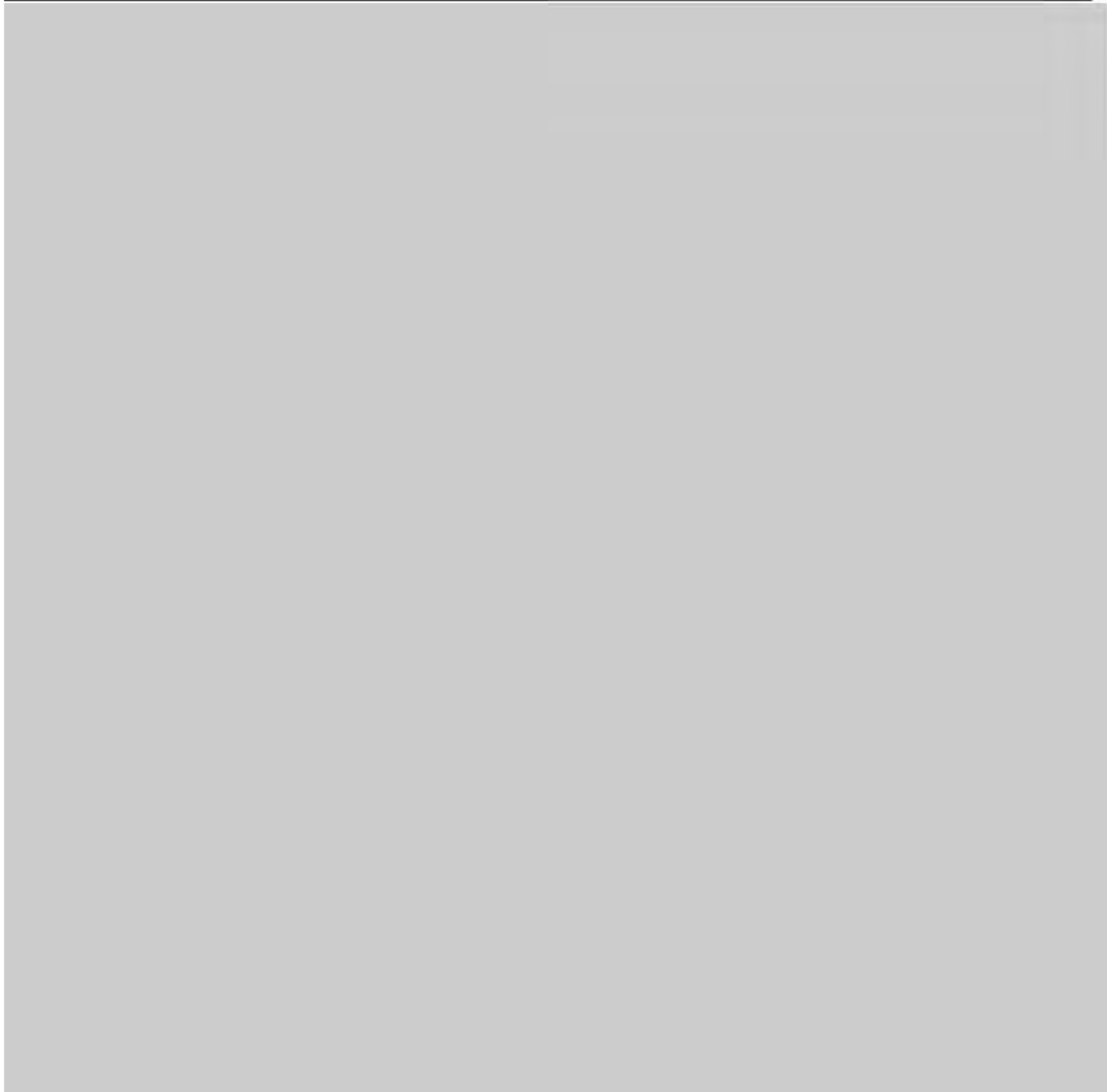


The Swimming Swan LLC

Profit and Loss

January - July, 2022

TOTAL



The Swimming Swan LLC

Profit and Loss

January - July, 2022

TOTAL

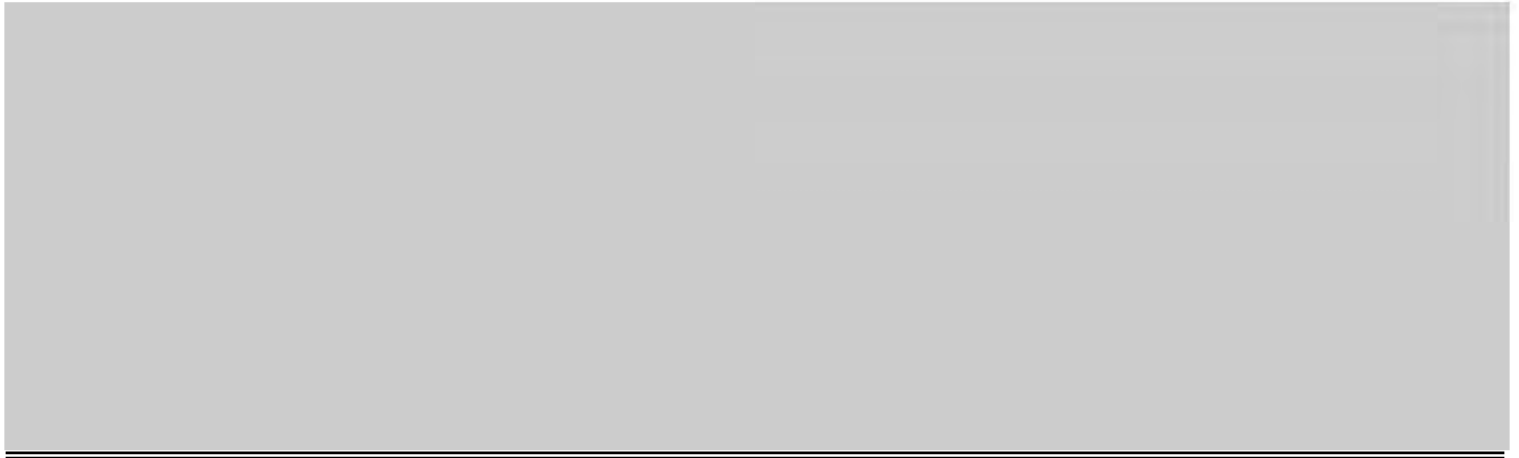


The Swimming Swan LLC

Profit and Loss

January - July, 2022

TOTAL



	2021	2023 Projected	Pricing	Monthly	Total Revenue
Facility Visits					
Lap Drop Ins					
Open Drop Ins					
Lane Rental (Masters, Camp, and Swim Team)					
Swim Lessons					
Bridge Swim					
Aqua Fit					
Youth Teams					
Monthly Memberships					
LGI Certification Courses					
WSI Certification Courses					
FirstAid / CPR					
LG Certification Courses					
Total					





J

Responsiveness to Key City Priorities

J. Responsiveness to Key City Priorities

1. The Swimming Swan proposes to operate each facility at a minimum of 63 hours per week year-round unless either pool is deemed operationally unfit by either State or County Health guidelines.

We will close both facilities and provide ample notice beforehand to observe the following 8 Federal Holidays:

1. 1/1 New Year's Day
2. 1/16 Martin Luther King Jr. Day
3. 5/29 Memorial Day
4. 7/4 Independence Day
5. 9/4 Labor Day
6. 11/10 Veterans Day
7. 11/23 Thanksgiving
8. 12/25 Christmas Day

***Please see Hours of Operation and Proposed Schedule.**

2. The Swimming Swan will operate both facilities in similar manners, with similar schedules and hours of operations. There may be some variances with respect to programming type to respond and accommodate to hyperlocal needs and demands. For instance, Burgess Pool may maintain its hours of op. for swim teams and masters program due to the large program already operating there.

MPCC may be used more so for programs like water therapy and a new aqua yoga program. These are examples of variances and more research would need to be conducted.

3. The Swimming Swan will communicate and seek approval for any and all pricing modifications while operating the facilities from the City of Menlo Park.

We will do our best not to increase fees beyond the reasonable competitive rate for services within near proximity of Menlo Park. We absolutely understand that hardships present difficulties for individuals seeking these services and this is why we affiliate with large nationwide programs that provide grant funding for services like learn-to-swim swimming lessons.

4. We are inclined to profit Share with the City if we hit a certain revenue target. **They have proposed a 70/30 split.**

5. Please see Programming and Schedule.

6. Please see Programming and Scheduling.

7. The Swimming Swan understands and agrees with the City of Menlo Park's desire to ensure every resident child has meaningful access to

effective water safety instruction at City aquatics centers regardless of their family's ability to pay user fees.

This understanding is why we are in business today. Our mission is to provide aquatics programs to communities that otherwise do not receive this intangible service. Our team affiliates with large nationwide Aquatics Organizations that provide grant funding for a variety of different programs.

Our affiliates include:

1. USA Swimming
2. American Red Cross
3. Association of Aquatic Professionals
4. United States Swim School Association
5. Better Business Bureau

Our goal is to provide low income fee assistance in the amount of 40% of the purchase price for a particular service. In the past, we have provided this fee assistance or "scholarship" to 10% of our participants in either: group swim lessons, private swim lessons, aqua fitness or to summer pass holders with a maximum of \$100 awarded during a calendar year.

In order to be eligible for this scholarship, individuals must complete our application and submit one of the following items so we can verify their need: food stamps eligibility, medi-cal eligibility letter, proof of enrollment in a free or reduced meal program at school, proof of foster child care, or Women, Infant and Children (WIC) Program. Participants approved for this program are required to pay 60% of the cost of service with a maximum of \$100 awarded. This amount was determined to be adequate for our partnership with The City of Gilroy. The cost would be reevaluated with The City of Menlo Park's demographic information, cost of living, inflation rates, etcetera.

8. Diversity, equity, inclusion, belonging

1. Respondent proposes to provide meaningful employment opportunities in City aquatics facilities to qualified Menlo Park residents, especially residents who live in the immediate vicinity of Premises.
 - a. *Our desired hiring demographic are the immediate residents in and surrounding Menlo Park. In the past we actively marketed to local high schools, community colleges, church groups, etc, which resulted in the majority of our staff living within a 10-15 min drive of the pool.*
 - b. *While we've historically hired the majority of summer staff between the ages of 15 - 25, we welcome our veterans and retirees to apply and be part of a dynamic group of aquatic professionals.*
2. Respondent proposes to foster an organizational culture that is based on foundations of equity, inclusion, belonging and justice to create a safe and welcoming environment in City aquatics facilities for all Menlo Park residents regardless of background, income, race, religion, sexual orientation, gender identity, and other lived experiences that contribute to a vibrant and accepting community.

- a. *We are committed to providing equal opportunity for work and creating an environment that supports our employees. One of the benefits of having a small management team is that the hiring & training process feels more personal as we are able to get to know our employees individually. We provide mandatory anti-discrimination training, access to an Employee Assistance Program, and strive to continue to promote diversity within our organization.*
 - b. *Our shared leadership model also allows us to pull from a wide range of experience in and out of the aquatics field. This helps us adapt and respond appropriately to the specific needs of employees from a variety of backgrounds through empathy and active communication.*
3. Respondent proposes to reduce and/or remove barriers to entry for City residents who are most vulnerable, including children and families who reside in low-income households, seniors and people with disabilities.
- a. *Summer of 2022 we created the Youth Recreation Scholarship Program for local low-income families and residents in the city of Gilroy, CA. Funded through donations made by service clubs, corporations, businesses and community individuals, this scholarship offered aquatic programs at 40% of their original cost to community members who otherwise wouldn't be able to participate in fee-based recreation or pool programs.*
 - b. *We plan to offer similar scholarship initiatives to residents of Menlo Park, as well as inclusive programming such as:*
 - i. *Adaptive Aquatics swim lessons (group & individual)*
 - ii. *Aqua Aerobics/Yoga courses for all age groups*

A smiling man with a beard, wearing a dark baseball cap and a white polo shirt. He has a lanyard around his neck with a small electronic device attached. He is standing in an industrial or construction setting with a blurred background of pipes and structures.

K

Assistance from City

K. Assistance from City

1. Participating in their newsletter and marketing efforts
 - a. Social Media Outlets for Recruitment
2. Information about their Crisis Management
3. Management Fee
4. Assistance with any mechanical, maintenance deficiencies
5. On-Call maintenance duties if anything is faulty
6. Assistance with CPO fees
7. Assistance with custodial duties in the evening hours when the facility is closed.
8. Any facility owned equipment that faults is replaced in a timely manner that does not hinder operations.



L

Additional Information



L. Additional Information

We have no additional information to provide to the City at this time.



Bid Results

Bidder Details

Vendor Name Team Sheeper, Inc.
Address 501 Laurel Street
Menlo Park, California 94025
United States
Respondee Tim Sheeper
Respondee Title CEO
Phone [REDACTED]
Email [REDACTED]
Vendor Type
License #
CADIR

Bid Detail

Bid Format Electronic
Submitted 11/30/2022 10:20 AM (PST)
Delivery Method
Bid Responsive
Bid Status Submitted
Confirmation # 312011
Ranking 0

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
RFP-City of Menlo Park-Aquatics Operator.pdf	RFP-City of Menlo Park-Aquatics Operator.pdf	Response File

City of Menlo Park- Aquatics Operator



Proposal by
Team Sheeper Inc.
November 29, 2022

November 29, 2022

City of Menlo Park
Tricia Mullen
701 Laurel St.
Menlo Park, CA 94025



Dear Ms Mullen,

I am writing to express the interest of my organization, Team Sheeper, Inc, to continue serving the Menlo Park Community in the role of Aquatics Provider.

My childhood idols were the teenage recreation leaders/coaches on the public ball fields, courts and playgrounds in my hometown. These icons of my youth are still my close friends and mentors to this day. It is because of their positive influence on my development that a very active, athletic and ambitious young man has made his life's work focused around community service. My first job in City recreation was that of a summer camp counselor and little league umpire at 15 years old. Those experiences aided in launching me into a sporting life and career centered around helping, healing, assisting, mentoring, coaching and developing others ever since, without deviation.

I have been fortunate to be able to build a Mission Driven company to serve local communities based on the theme of my recreational childhood. Our company tenants are inclusion, involvement, development, connection, leadership, compassion and joy.

Our organization's interest in submitting this proposal to the City of Menlo Park is based on the deep desire to continue refining our mission of serving the community of Menlo Park. We are a core collective of highly dedicated, loyal and capable team members with the belief that we are making a positive impact on the community we serve. We find joy and have great pride in what we do, and our entire team lives in a constant state of, "How can we help?"

Tim Sheeper

Tim Sheeper, Team Sheeper Inc.
CEO



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C. Qualifications, Background and Experiences

1. Headquarters

Team Sheeper INC.
Burgess Pool
501 Laurel St.
Menlo Park 94025

2. Organizations History/Background, Mission and Services Provided

a) History

- 1993 to 1998: Coached youth and masters swim team at original Burgess Park Pool under contract with City of Menlo Park
- 1999 to 2003: Formed Team Sheeper LLC providing coaching and instruction for youth and adult swimming and triathlon along with school-based aquatics directorship for Sacred Heart Schools-Atherton.
- 2003 to 2006: Team Sheeper LLC provided coaching and instruction for youth and adult swimming and triathlon along with aquatic facility management with the City of Redwood City-Herkner and Hoover Pools.
- 2006 to Present- Team Sheeper LLC was converted into Team Sheeper INC (2011) providing community-wide aquatics management and programming for City of Menlo Park at Burgess and Belle Haven Pools.
- 2017 to Present: Team Sheeper INC was contracted to provide similar aquatic services and management at Rinconada Pool in Palo Alto.

b) Mission Statement

To foster a safe and welcoming environment where inspiring leaders provide premium quality activities so individuals of all ages and abilities can connect to a community with an end result of being happy, healthy and strong.

c) Services Provided

- Optimally controlled water treatment and sanitization for safe public use.
- Safe, controlled and monitored aquatic and land environment for public use.
- Broad spectrum of active and passive recreational programming, services and rentals along with professional certifications for public use

d) Other Operations

We also take great pleasure in providing aquatic operations for:

City of Palo Alto at the Rinconada Pool site
777 Embarcadero Road, Palo Alto CA 94303

This includes full service aquatics including open swim, lap swim, swim lessons, summer camps, masters swim team, youth swim team and lifeguard certification. The size and scope is similar to the aquatics operation in Menlo Park.

3. Organizational Philosophy and Goals

a) Philosophy

The code we operate by and our foundation for making decisions on a daily basis includes both our Team Sheeper Core Values and our Team Sheeper Principles:

Team Sheeper Core Values

1. Safety: Is always first, foremost and firm.
2. Servant's Heart: We put others' needs before our own and are always asking ourselves how we can be of assistance.
3. Warriors Spirit: We do what is necessary to be successful regardless of the struggle or the obstacles
4. Trust: We make this inherent in our operation in interactions with customers and employees as the basis of human connection and bonding which creates a sense of calm and togetherness
5. Fun and Friendly: We look for and find the joy in all our interactions and activities regardless

Team Sheeper Principles

1. Aloha: we strive for peace, love and harmony
2. Pono: we live in the right balance with things, places and people
3. Malama: we take care of, preserve and protect
4. Ohana: we create a sense of family and community

b) Alignment with City of MP goals/priorities

1. Hours of operation goal at least 63 hours/week/site

- Burgess is currently open and operating 92 hours/week, staff is scheduled for 99 hours.
- Belle Haven operated 92 hours/week during pandemic meeting community demand. Prior to the pandemic, the Belle Haven pool operated 30 hours/week and 40 during the summer. With the new aquatic and community center facility heightening community aquatic awareness and demand for recreational services, the 63 hour threshold will be met during the school year and exceeded during the summer.

2. Comparable or equivalent operating schedule at Burgess and MPCC

The difference in pool configurations and size at both sites will play a factor in programming and scheduling. More space lends to greater variations in shared pool usage. Also, the differences in legacy usage of the pools will dictate which programs are better suited to each environment. Burgess has a long history of aquatic services compared to MPCC which has an emerging demand for recreational aquatic services. We will continue our mission of programming MPCC with devotion towards swim instruction, family play and now we will be able to effectively promote water

exercise and therapy, optimizing the new two pool design. Programming design at any aquatic center begins with standard offerings, but organically evolves with time and input from the surrounding aquatic community. The communication will come through various channels, verbally and non-verbally from community members who form relationships with the operating team, stating wishes and desires for time, space and activities that best suit the needs of the surrounding users. It is up to the operator to create and then keep communication channels open and have the ability and desire to objectively listen and gauge the needs of the people and plan programming accordingly.

3. Seek City approval for new aquatics user fees or modifications

The process of fee changes for aquatic programming has historically been communicated to City of Menlo Park aquatic liaison staff in the last 2 months of the calendar year in preparation for any fee increases that are traditionally implemented at the beginning of each new calendar year. Typical fee increases are in the 3-5% range and correlate highly with the increases in staffing costs or macro market fluctuations. Also, in our annual report, a fee comparison chart of programming at surrounding public pools demonstrates that fees are always in a range where we are never setting the floor or ceiling of the market. An example of our resident lap swim fees over the course of our tenure demonstrates this point:

2006-2010-\$5

2011-2018-\$6

2019-2020-\$7

2021-2022-\$9

4. Revenue sharing arrangement to offset maintenance costs

A healthy and sustainable relationship always includes both parties contributing equally to the cause so that each party believes that they are better for the collaboration and couldn't or wouldn't want to continue without the other. When this balance is achieved, synergy happens and all those surrounding the relationship benefit. In this case, it would be the community end users. We are more than willing to share in the burden of maintaining a valued, and heavily used City asset.

Proposed revenue share is based on the fact that no matter what the levels of revenue in the operation, there is a great investment in overhead required for the operation to run safely, legally and acceptably. So as revenues increase, so does the ability for the Operator to share these revenues with its partner. When revenues are lower, there is less room for margin in that the investments in management, registration systems, payroll and recruiting systems, merchant card relationships, etc are required no matter how many customers come through the door. For that reason, the Company is proposing a tiered system of revenue share so that as revenue dollars increase, so does the percentage of revenue share in that "tier" of revenue increase.

The following is the proposal:

<u>Revenue</u>	<u>Revenue Share %</u>	<u>Revenue share \$</u>
\$0 to \$2,000,000	1.0%	\$0 to \$20,000
\$2,000,001 to \$3,000,000	1.5% on additional \$1m	\$20,000 + up to another \$15,000
\$3,000,001 to \$4,000,000	2% on additional \$1m	\$35,000 + up to another \$20,000
\$4,000,001 and above	2.5% on additional amt over 4m	\$55,000 + 2.5% x(Revenue - 4m)

5. Dedicate hours and pool space to Open Swim that is convenient for the community.
 We 100% agree that Open Swim is some of the most magical and important programming for children and family members at a pool. Other than learning to swim, spending play time with family and friends in the water builds and strengthens family bonds and provides a lifetime of memories, not to mention that providing this type of exercise, recreation and cooling during the warmer months is paramount to the mission of any aquatic facility. Placing open swim as a priority has been and will continue to be part of our aquatic programming. In fact, we have future plans of securing temporary attractions that incentivize children and families to our open swim periods outside of the typical 10 weeks of summer. For more than a decade we provided an air-inflated “dome” that covered our instructional pool, which created a tropical environment inside the dome during the non-summer months. This unique feature attracted children and families to open swim during the middle of winter. While a dome is not in the future, other outdoor attractions can be key in drawing families to the pool year-round other than just during the summer months.

6. Aqua Wellness and Aqua Fit classes will be offered during times that are convenient and accessible.
 We are very proud of the fact that we have been able to build and sustain a robust water exercise and wellness/therapy program for nearly two decades. What began as a newly designed high energy land and water exercise program in 2006 evolved into a water-only exercise program that is enjoyed by many to this day. We have been fortunate to ebb and flow the program based on the talent of the instructors that we are able to recruit and retain. Case in point, many years ago one of our water exercise instructors introduced a slower moving, joint mobility based class that catered to individuals with chronic or acute injuries or diseases. The class was well received and evolved into what we currently call our water wellness class. Finding this level of specialized-instructor to continue offering the program has proven challenging, which led to a more recent partnership with a Physical Therapy Collective that adopted a unique out in the field-community rehab model as opposed to typical physical therapy operations. Being able to secure a relationship with a Dr. of Physical Therapy to lead a community of individuals that are in need of services at

the community pool, is a rarity, and is something that we are extremely proud of and we are fostering the relationship in order to expand services into the MPCC facility.

7. City's desire to ensure that every Menlo Park resident child has meaningful access to effective water safety instruction at City aquatic centers regardless of their families ability to pay user fees.

Easily our most crowning achievement in our tenure as aquatic operators in Menlo Park has been our role in initiating, and then working with the Beyond Barriers Athletic Foundation (BBAF). BBAF is simply a non-profit organization that started in Menlo Park composed of Menlo Masters swimmers with the purpose of providing swim lesson scholarships to underserved populations. Initially the foundation was solely focused on the Belle Haven area of Menlo Park, but now has expanded to broaden their assistance to surrounding communities that demonstrate need. At present the foundation is going strong and has provided over 56,850 swim lessons while 58% of those lessons have been in Menlo Park. Through the generous support of BBAF, youth swim instruction thrived at Belle Haven Pool from 2011-2021, and continued through the pandemic at Burgess Pool.

8. Diversity, equity, inclusion, belonging

a) Meaningful employment opportunities in City aquatics facilities to qualified Menlo Park residents, especially those who live in the immediate vicinity of premises:

- Currently 23% of our year round staff are residents of Menlo Park
- Historically, including this past summer 80% of our summer (seasonal) staff are residents of Menlo Park
- We strive to hire those that live locally as it is always easier for them to access their workplace. Currently we are also working on continuing to increase wages for our permanent workers so that it might be more likely for them to live locally.

b) Foster an organizational culture that is based on foundations of equity, inclusion, belonging and justice to create a safe and welcoming environment in City aquatics facility:

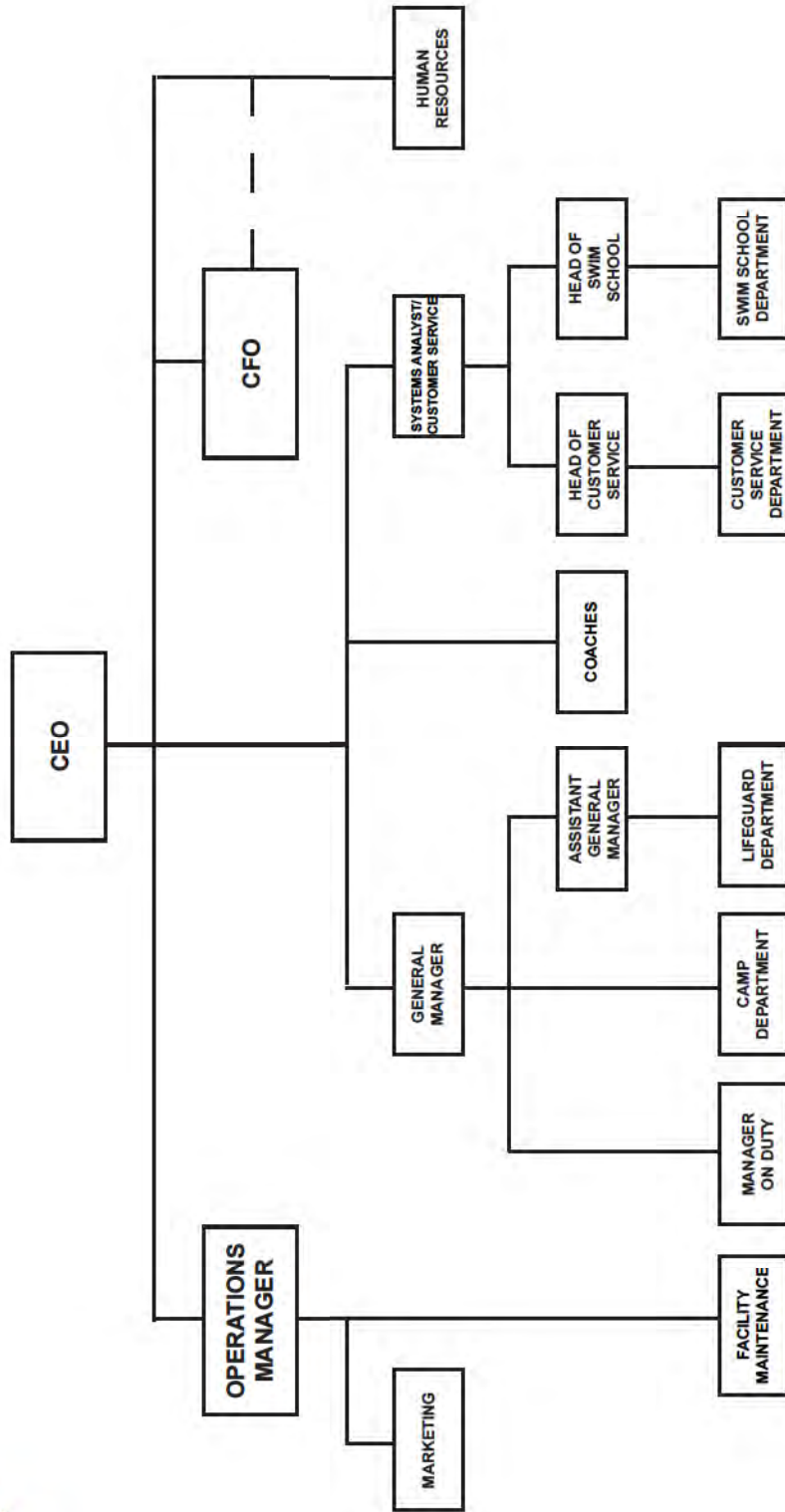
- Our average tenure of individual contributor employees is 3.2 years, while our management staff average is 9 years. (demonstrating retention)
- 71% of 2022 members have held memberships for more than 1 year
- One of our company values has always been fun and access for all. This has been demonstrated through the foundation BBAF that we helped to set up and also through our continuous work for disabled and injured patrons, as well as seniors, in our pre and post-pandemic commitment to offering the Aqua Wellness and Aqua Fit classes.
- We have a strict company policies that prohibit discrimination of any kind, whether on the basis of race, gender or sexual orientation, as laid out in our Company Handbook.

- c) Proposes to reduce and/or remove barriers to entry for City residents who are most vulnerable, including children and families.

Building Futures Now (BFN) is a 501(c) that was a Company initiative which partnered Menlo Masters adult swimmers with underserved youth and families. The group annually “adopted” a quorum of 12 motivated youth in the East Menlo Park area’s second grade and mentored them up to college and through college graduation. Our members took on roles such as after-school tutors, field trip leaders and life mentors/coaches. Members provided time, expertise, counseling, emotional support, and financial support. The program also provided free swim lessons to all program participants and their family members. As a Company, our program involvement spanned from 2007-2012, before we transitioned energies into BBAF where we could broaden our reach to community members and directly affect life and lifestyles immediately. One of the major benefits of BFN was uniting the East and West side of a single city. Westside adults were able to immerse themselves not just into the Eastside community, but into the lives of families in order to understand life from a different perspective and vice versa for the Eastside youth.

4. Organizational Chart

TEAM SHEEPER ORGANIZATION CHART



5. Experience, Affiliations, and Memberships

The Team Sheeper Team:

Tim Sheeper

CEO

Bachelor of Science-Community Health Education

Bachelor of Science-School Health Education

40 years aquatic coaching

24 years aquatic management

Certified pool operator, lifeguard, swim instructor, swimming, triathlon coach

Carole Hayworth

CFO

Honors Business Administration degree

Canadian Chartered Accountant

CPA, Michigan

5 years Audit Experience, Arthur Andersen

7 years Finance professional experience Tech industry

22 years Finance professional experience with Team Sheeper, Inc

Member of Furry Friends and Pet Partners that provides pet therapy experiences to the elderly, sick children and as stress reducers for children and adults

Steve Young

Director of Operations

Bachelor of Arts- Music

13 years in Emergency Medicine/Paramedic

25 years in aquatic industry

10 years in Aquatic facility management

Certified Pool Operator, Swim Coach, Lifeguard

14 years with Team Sheeper

Melissa Joy

Head of Customer Success/System Admin/Program Analyst

Bachelor of Art- Mathematics

21 years in Aquatics

18 years as Swim Instructor

10 years as Swim Coach

3 years as Water Polo Coach

7 years in management/operations

Certified Lifeguard, USA Swim Coach, USA Water polo Coach, Swim Instructor, Adult Learn to Swim

12 years with Team Sheeper

Peter Cordingley

General Manager

9 years Lead Programmer

6 years Emergency Medical Services, EMT, Supervisor

4 years Occupational Health and Safety Management

4 years Aquatics Management, CPO, LGI, Lifeguard

Jerome Barclay

General Manager

AA - Social & Behavioral Sciences

11 Years in Aquatics

7 years Swim Instruction

6 years Management/Operations

CPO,LGI, Lifeguard, Swim Instructor

9 years with Team Sheepher

Thomas Truong

Assistant General Manager

Bachelor of Art-Environmental Studies

4 years Aquatic Manager

3 years Water-Polo Coaching

4 years Swim Instructor

CPO, Lifeguard, USA Water Polo certified

7 years with Team Sheepher

Patrick Marion

Senior Marketing Director

Bachelor of Arts: Communication

Masters of Arts: Communication with an emphasis in New Media, Interpersonal and Non-Profit

10 years Marketing experience

5 years IT experience

5 years managerial experience

Tennis instructor

7 years with Team Sheepher

Kathy Miller

Head of Customer Service

BA - Communications, Business Emphasis

Masters of Science - Clinical/Counseling Psychology

Marriage and Family Therapy License (MFT)

Elementary Teaching Credential

Girl Scout Lifetime Member, Girl Scout Leader 12 years

Lifeguard Certified, Swim Instructor

12 years with Team Sheeper

Brianna Peralta

Head of Swim School

AA-Kinesiology

AS-Allied Health

6 years Swim Instructor

1 year Aquatic Management

Certified CPO, First Aid/CPR/AED, Lifeguard

2 months with Team Sheeper

Bruce Smith

Head of Youth Aquatic Development

BS - Biology

BA - Economics

28 years swim coaching

18 years aquatic management

10 years triathlon coaching

Certified swim coach, triathlon coach, strength training coach, CPO

2 years with Team Sheeper

Steve Haile

Facilities Maintenance

BA-Creative Arts

Certified lifeguard, swim instructor, CPO, water polo referee

17 years with Team Sheeper

*Some certifications of team members have lapsed. Immediately re-certifiable depending on company need.

6. Other Current and Past Contracts

City of Palo Alto

777 Embarcadero Road

Palo Alto, CA 94301

Contact Person:

Sharon Eva

Community Services Manager

Company approach and Company success in managing this relationship and others like it:

- Mutual appreciation of each entity's point of view, expertise and challenges.
- Mutually respectful long-term working relationships.
- Mutual problem solving and collaboration.

- Advocacy on part of the City for the outside operator within governmental hierarchy in order to accomplish inter-departmental tasks.
- The fundamental premise of this positive relationship can be distilled down to gratitude from both parties for what each party contributes to the overall goal of providing aquatics services to the community.

Provide information regarding other agreements within last 5 years:

City of San Ramon
7000 Bollinger Canyon Road
San Ramon, CA 94583
March 2017-December 2017
Contact Person:
Andrew Hubbard
Aquatics Supervisor

Team Sheep Inc. made the decision to not renew an agreement to provide city-wide full spectrum swim lessons for the City of San Ramon based at 2 different facilities within the City, following one summer of operation. There were a number of reasons for this decision. Some of those that played a role were the following:

- Geography (difficulty of serving a community so far from our home base)
- Community lesson demand was somewhat low
- Other financial and personal reasons

7. Customer References

Timi Most
707 Menlo Ave, Suite 120, Menlo Park

Tricia Barr
423 Central Ave, Menlo Park

Betty McIntyre
261 Arlington Way, Menlo Park

D. Programs, Services and Schedules

1. Proposed hours of operation at Burgess and MPCC

Hours of Operation at Burgess Pool

Monday-Friday 6:00am-8:00pm

Saturday/Sunday 6:00am-4:00pm (until 5:00pm during summer)

Hours of operation at Menlo Park Community Center Pool

Monday-Friday 6:00am-7:00pm- summer (close 1pm-4pm during school year)

Saturday/Sunday 8:00am-4:00pm (until 5:00pm during summer)

2. Daily Program Schedules

Daily program schedules, showing proportions of lane space/lane hours for each activity for each pool during different seasons. Including but not limited to:

- a. Open swim
- b. Swim lessons
- c. Lap swim
- d. Masters
- e. Aqua wellness
- f. Swim team
- g. Rentals

Color Legend:

Lap Swim/Adult Fitness

Family Recreational/Open Swim

Swim Lessons, Bridge Youth Program, Camp Menlo

Aqua Fit, Aqua Wellness

Youth Teams (including SOLO, PASA-MP, Mavericks, Water Polo)

Lifeguard Certification Course

Menlo Masters

Mavens Masters Water Polo

**Burgess Pool:
Burgess Instructional Pool Summer**

	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY			
6 - 7 AM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)			
7 - 8 AM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)			
8 - 9 AM	Aqua Fit (4)	Laps (2)	Aqua Fit (4)	Laps (2)	Aqua Fit (4)	Laps (2)	Aqua Fit (4)	Laps (2)	Aqua Fit (4)	Laps (2)	Laps (6)		Laps (6)			
9 - 9:30 AM	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Lessons (3)	Family Rec (3)	Laps (2)	Family Rec (4)		
9:30 - 10:30 AM	Laps (3)	Camps (3)	Aqua Wellness (2)	L (1)	Camps (3)	Laps (3)	Camps (3)	Aqua Wellness (2)	L (1)	Camps (3)	Laps (3)	Camps (3)	Lessons (3)	Family Rec (3)	Laps (2)	Family Rec (4)
10:30 - 11 AM	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Lessons (3)	Family Rec (3)	Laps (2)	Family Rec (4)		
11 AM - 12 PM	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Laps (3)	Camps (3)	Lessons (3)	Family Rec (3)	Laps (2)	Family Rec (4)		
12 - 1:15 PM	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Lessons (3)	Family Rec (3)	Laps (2)	Family Rec (4)		
1:15 - 2 PM	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Les (1)	Lap (1)	Family Rec (4)	Laps (2)	Family Rec (4)	
2 - 3 PM	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Family Rec (3)	Camps (3)	Les (1)	Lap (1)	Family Rec (4)	Laps (2)	Family Rec (4)	
3 - 4 PM	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Les (1)	Lap (1)	Family Rec (4)	Laps (2)	Family Rec (4)	
4 - 5 PM	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Laps (2)	Family Rec (4)	Laps (2)	Family Rec (4)		
5 - 6 PM	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)						
6 - 7:30 PM	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)	Family Rec (3)	Lessons (3)						
7:30 - 8 PM	Family Rec (3)	Lap (3)	Family Rec (3)	Lap (3)	Family Rec (3)	Lap (3)	Family Rec (3)	Lap (3)	Family Rec (3)	Lap (3)						

Burgess Instructional Pool School Year

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6-7 AM	Laps (5)	Laps (5)	Laps (6)	Laps (6)	Laps (6)	Laps (6)	Laps (6)
7-8 AM	Laps (5)	Laps (6)	Laps (6)	Laps (6)	Laps (6)	Laps (6)	Laps (6)
8-9 AM	Aqua Fit (4)	Laps (2)	Aqua Fit (4)	Laps (2)	Aqua Fit (4)	Laps (2)	Laps (6)
9-9:30 AM	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (6)
9:30-10:30 AM	Laps (4)	Lessons (2)	Aqua Wellness (2)	Laps (2)	Lessons (2)	Laps (4)	Lessons (2)
10:30-11 AM	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (6)
11 AM-12 PM	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (6)
12-1:15 PM	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (6)
1:15-2 PM	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (6)
2-3:20 PM	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (4)	Lessons (2)	Laps (6)
3:20-4 PM	Lessons (2)	Bridge (4)	Lessons (2)	Bridge (4)	Lessons (2)	Bridge (4)	Lessons (2)
4-5 PM	Lessons (2)	Bridge (4)	Lessons (2)	Bridge (4)	Lessons (2)	Bridge (4)	Lessons (2)
5-6 PM	Lessons (2)	Youth Teams (4)	Lessons (2)	Youth Teams (4)	Lessons (2)	Youth Teams (4)	Lessons (2)
6-7 PM	Lessons (2)	Youth Teams (4)	Lessons (2)	Youth Teams (4)	Lessons (2)	Youth Teams (4)	Lessons (2)
7-8 PM	Laps (3)	Family Rec (3)	Laps (3)	Family Rec (3)	Laps (3)	Family Rec (3)	Laps (3)

Burgess Performance Pool Summer

	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY		
6 - 7 AM	Masters (3)	L (2)	Masters (3)	L (2)	Masters (3)	L (2)	Masters (3)	L (2)	Masters (3)	L (2)	Masters (3)	L (2)	Laps (11)		
7 - 8 AM	Masters (1)	L (2)	Masters (1)	L (2)	Masters (1)	L (2)	Masters (1)	L (2)	Masters (1)	L (2)	Masters (1)	L (2)	Masters (1)	L (2)	
8 - 9 AM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Youth (2)	Laps (9)	Masters (8)	Lap (3)	
9 - 10 AM	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Youth (2)	LG (3)	Laps (7)	Masters (8)	Lap (3)
10 - 11 AM	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	LG (3)	Laps (9)	LG (3)	Laps (9)	
11 - 12 AM	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	LG (3)	Laps (9)	LG (3)	Laps (9)	
12 AM - 1 PM	Masters (8)	Lap (3)	Masters (8)	Lap (3)	Masters (8)	Lap (3)	Masters (8)	Lap (3)	Laps (11)		LG (3)	Laps (9)	LG (3)	Laps (9)	
1 - 2 PM	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	LG (3)	Laps (9)	LG (3)	Laps (9)	
2 - 3 PM	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	Laps (8)	Camp (3)	LG (3)	Laps (9)	LG (3)	Laps (9)	
3 - 4 PM	Youth Teams (4)	Laps (7)	Youth Teams (4)	Laps (7)	Youth Teams (4)	Laps (7)	Youth Teams (4)	Laps (7)	Youth Teams (4)	Laps (7)	LG (3)	Laps (9)	LG (3)	Laps (9)	
4 - 5 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	LG (3)	Laps (9)	LG (3)	Laps (9)	
5 - 6 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)					
6 - 7 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)					
7 - 8 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)					

Burgess Performance Pool School Year

	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6 - 7 AM	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Laps (11)	
7 - 8 AM	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)	Masters (9)	L (2)
8 - 9 AM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Youth (2)	Laps (9)	Mavens (8)	Lap (3)
9 - 10 AM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Youth (2)	Laps (9)	Mavens (8)	Lap (3)
10 - 11 AM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)	
11 - 12 AM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)	
12 AM - 1 PM	Masters (8)	Lap (3)	Masters (8)	Lap (3)	Masters (8)	Lap (3)	Masters (8)	Lap (3)	Laps (11)		Laps (11)		Laps (11)	
1 - 2 PM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)	
2 - 3 PM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)	
3 - 4 PM	Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)		Laps (11)	
4 - 5 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Laps (11)		Laps (11)	
5 - 6 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)				
6 - 7 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)				
7 - 8 PM	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)	Youth Teams (8)	Laps (3)				

Burgess Play Pool Summer

Monday -Sunday 11 am – 5 pm

(open seasonally)

MPCC
MPCC Lap Pool Summer

	MONDAY			TUESDAY			WEDNESDAY			THURSDAY			FRIDAY			SATURDAY		SUNDAY			
6 - 7 AM	Laps (6)			Laps (6)			Laps (6)			Laps (6)			Laps (6)								
7 - 8 AM	Laps (6)			Laps (2)			Laps (6)			Laps (2)			Laps (6)								
8 - 9 AM	Laps (6)			Laps (6)			Laps (6)			Laps (6)			Laps (6)			Laps (6)		Laps (6)			
9 - 10 AM	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Laps (4)	Les (2)	Laps (6)			
10 - 11 AM	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Laps (4)	Les (2)	Laps (6)			
11 AM - 12 PM	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Camps (3)	Laps (2)	Les (1)	Laps (4)	Les (2)	Laps (6)			
12 - 1 PM	Laps (2)			Laps (6)			Laps (2)			Laps (6)			Laps (6)			Family Rec (4)		Laps (2)	Family Rec (4)		Laps (2)
1 - 2 PM	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (4)	Laps (2)	Family Rec (4)	Laps (2)		
2 - 3 PM	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (4)	Laps (2)	Family Rec (4)	Laps (2)		
3 - 4 PM	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (3)	Laps (1)	Les (2)	Family Rec (4)	Laps (2)	Family Rec (4)	Laps (2)		
4 - 5 PM	Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)			Family Rec (4)		Laps (2)	Family Rec (4)		Laps (2)
5 - 6 PM	Youth Programs (6)			Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)			Youth Programs/ Water Polo (6)								
6 - 7 PM	Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)							
7 - 8 PM	Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)		Family Rec (3)	Laps (3)							

MPCC Lap Pool School Year

	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6 - 7 AM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)					
7 - 8 AM	Laps (6)		Laps (2)	Madison (1)	Laps (6)		Laps (2)	Madison (1)	Laps (6)					
8 - 9 AM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)	
9 - 10 AM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (4)	Les (2)	Laps (6)	
10 - 11 AM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (4)	Les (2)	Laps (6)	
11 AM - 12 PM	Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (6)		Laps (4)	Les (2)	Laps (6)	
12 - 1 PM	Laps (2)	Madison (1)	Laps (6)		Laps (2)	Madison (1)	Laps (6)		Laps (6)		Family Rec (3)	Laps (3)	Family Rec (3)	Laps (3)
1 - 2 PM	CLOSED		CLOSED		CLOSED		CLOSED		CLOSED		Family Rec (3)	Laps (3)	Family Rec (3)	Laps (3)
2 - 3 PM	CLOSED		CLOSED		CLOSED		CLOSED		CLOSED		Family Rec (3)	Laps (3)	Family Rec (3)	Laps (3)
3 - 4 PM	CLOSED		CLOSED		CLOSED		CLOSED		CLOSED		Family Rec (3)	Laps (3)	Family Rec (3)	Laps (3)
4 - 5 PM	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)				
5 - 6 PM	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)	Youth Programs (5)	Les (1)				
6 - 7 PM	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)				
7 - 8 PM	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)	Family Rec (2)	Laps (4)				

MPCC Therapy Pool Summer

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6 - 7 AM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps		
7 - 8 AM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps		
8 - 9 AM	Aqua Fit	Aqua Fit	Aqua Fit	Aqua Fit	Aqua Fit	Fitness/Laps	Aqua Fit
9 - 10 AM	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Lessons	Aqua Wellness
10 - 11 AM	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Lessons	Family Rec
11 AM - 12 PM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Lessons	Family Rec
12 - 1 PM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Family Rec	Family Rec
1 - 2 PM	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec	Family Rec
2 - 3 PM	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec	Family Rec
3 - 4 PM	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec	Family Rec
4 - 5 PM	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec / Lessons / Camps	Family Rec	Family Rec
5 - 6 PM	Family Rec / Lessons	Family Rec / Lessons	Family Rec / Lessons	Family Rec / Lessons	Family Rec / Lessons		
6 - 7 PM	Family Rec / Lessons	Family Rec / Lessons	Family Rec / Lessons	Family Rec / Lessons	Family Rec / Lessons		
7 - 8 PM	Family Rec	Family Rec	Family Rec	Family Rec	Family Rec		

MPCC Therapy Pool School Year

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6 - 7 AM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps		
7 - 8 AM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps		
8 - 9 AM	Aqua Fit	Aqua Fit	Aqua Fit	Aqua Fit	Aqua Fit	Fitness/Laps	Aqua Fit
9 - 10 AM	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Lessons	Aqua Wellness
10 - 11 AM	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Aqua Wellness	Lessons	Family Rec
11 AM - 12 PM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Lessons	Family Rec
12 - 1 PM	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Fitness/Laps	Family Rec	Family Rec
1 - 2 PM	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	Family Rec	Family Rec
2 - 3 PM	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	Family Rec	Family Rec
3 - 4 PM	CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	Family Rec	Family Rec
4 - 5 PM	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons		
5 - 6 PM	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons		
6 - 7 PM	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons	Family Rec Lessons		
7 - 8 PM	Family Rec	Family Rec	Family Rec	Family Rec	Family Rec		

3. Service offerings for each age group and range of skills and abilities

Age Groups and Activities

Age/Program	Open/Family Swim	Swim School	Bridge	Summer Camp	Summer Mavericks	Youth Swim Team	Lap Swimming	Menlo Masters	Aqua Fit	Aqua Wellness	Menlo Water Polo
0-6 months	Play Pool, Instructional Pool										
6 months-2 yrs	Play Pool, Instructional Pool	Water Babies									
3-4 years	Play Pool, Instructional Pool	Level 1- Little Kids, Level 2									
5-6 years	Instructional Pool	Level 1- Big Kids- Level 4	Bridge Beg	Camp Menlo, Junior	Summer Mavericks	FASA- MP, SOLO	Performance Pool, Instructional Pool				
7-8 years	Instructional Pool	Level 2- Level 4	Bridge Beg/Int	Camp Menlo	Summer Mavericks	FASA- MP, SOLO	Performance Pool, Instructional Pool				
9-11 years	Instructional Pool	Level 2- Level 4	Bridge beg/int	Camp Menlo, Jr Guard	Summer Mavericks	FASA- MP, SOLO	Performance Pool, Instructional Pool				
12-14 years	Instructional Pool	Level 4		Jr Guard, Counselor in Training	Summer Mavericks	FASA- MP, SOLO	Performance Pool, Instructional Pool				
15-18 years	Instructional Pool, Lifeguard	Swim Instructor	Coach	Camp Counselor	Summer Mavericks, Coach	FASA- MP, SOLO	Performance Pool, Instructional Pool	Menlo Masters			
19+ years	Instructional Pool, Lifeguard	Adult Lessons, Swim Instructor	Coach	Camp Counselor	Coach	Coach	Performance Pool, Instructional Pool	Menlo Masters	Aqua Fit	Aqua Wellness	Menlo Masters Water Polo (Women's)

Activities and Abilities

Ability Level/Program	Open/Family Swim	Swim Lessons	Bridge	Summer Camp	Summer Mavericks	Youth Swim Team	Lap Swim	Masters	Aqua Fit	Aqua Wellness
Beginner	ALL	Water Babies- Level 1, Adult Beg	Beg Bridge	Camp Menlo, Junior	All groups		ALL	ALL	ALL	ALL
Intermediate	ALL	Level 2-4, Adult Int	Int Bridge	Camp Menlo, Jr Guard	All groups	Level 4-5	ALL	ALL	ALL	ALL
Advanced	ALL	Level 4			All groups	Level 1-3	ALL	ALL	ALL	ALL

4. Approach to providing aquatics programs for participants with special needs and/or requiring ADA accommodation

- Training staff in how to handle patrons with wheelchairs, walkers, crutches, canes, boots etc. in entering the facility, moving about the facility and entry/exit of water. Also training in specialized communication with patrons with intellectual or developmental disabilities.
- Communication to the community that all are welcome and educating on facility set-up and accommodations that can be made by staff for the optimum visit to the facility.
- Alerting staff of facility appointments (ADA chairs, soon to be ADA lobby doors, workarounds for those in wheelchairs currently-back tennis court gate, walkie-talkie from guard to customer service for check-ins)

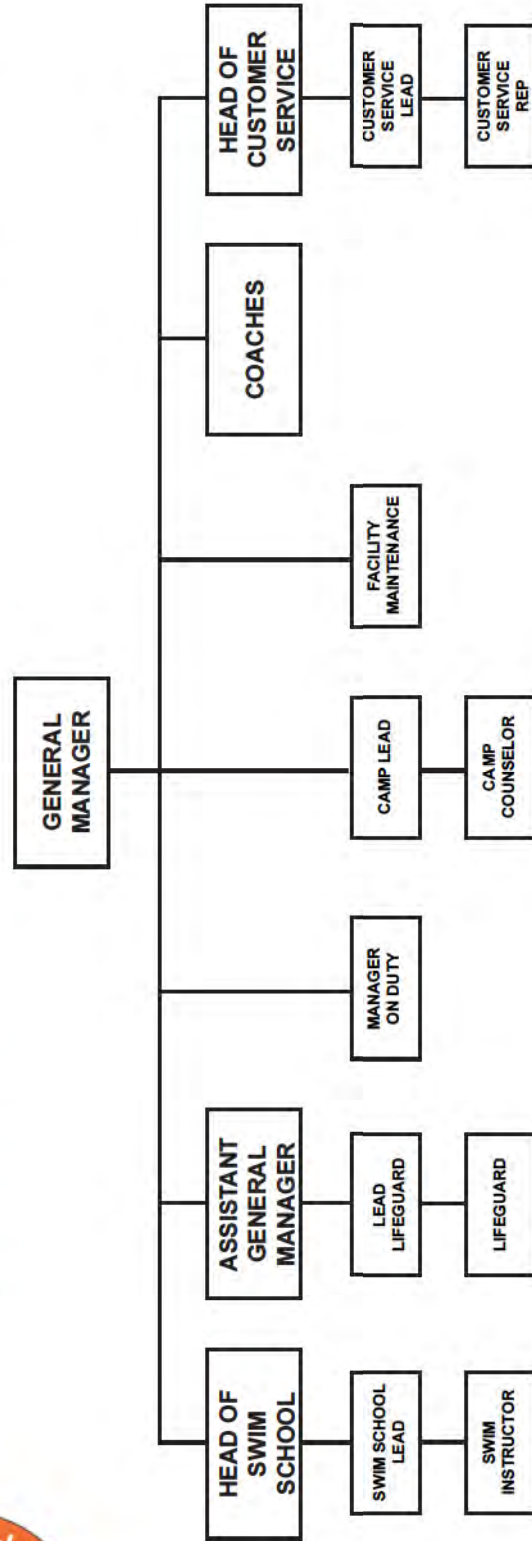
- Designated family/ADA restrooms that have space for chairs and are appointed to handle the needs of this class of patron
- Developing relationships with returning patrons in order to streamline entry/egress into facility and pools
- Water Therapy is a focused and targeted offering
- Lap swimming most widely used and accessible program to accommodate the specific and special needs of patrons due to volume of time and space on the schedule
- Individualized swim instruction for those with disabilities
- Providing additional guard oversight when in-water movement of patron is challenged
- Providing additional customer service/front desk oversight when needed
- Ensuring deck clearance and accessibility for easy movement and mobility
- Installation of new ADA chairs
- MPCC special design was considered to increase and improve the instructional/therapy pool therefore increasing the offerings and availability for ADA aquatic needs
- Previously provided a recreational therapist on staff to handle special needs of ADA patrons and special one-on-one services in and out of the water, we will attempt to fill this position in the future.

5. Approach to Community Access or Outside organization rental requests and how to handle scheduling conflicts

- Experience is key in vetting good partners for community service
- Step 1: We request a proposal from the renter on day(s), times, space needed, length of agreement, number of swimmers involved, purpose.
- Step 2: Proposal is reviewed by managers, operations and executive team to determine if it is a value-add opposed to a conflict to the community schedule for a short or long term, insurance documents are reviewed, and if it the potential renter will be providing services to Menlo Park residents
- Step 3: Proposal is either accepted, negotiated or declined based on the merits of adding and not subtracting from the schedule equilibrium
- Step 4: If a proposal is accepted, an agreement with terms and conditions is offered and both parties come to an understanding. Terms include agreeing to follow the facility safety guidelines and rules at all times
- Step 5: The entire management staff is alerted and they subsequently inform their front line staff, alert the public, alter the schedules, website, post visual flyers at the site of any long term or short term alterations.
- Step 6: New renters are welcomed on site and alerted regarding safety and operational matters and treated like they are short or long members of our team.

E. Staffing and Management
 1. Site organizational structure

TEAM SHEEPER FACILITY ORGANIZATION CHART



2. Managerial level staff

a) Managerial Level at Burgess

Tim Sheeper

CEO

24 years aquatic management experience

CPO, Lifeguard, Coach

Carole Hayworth

CFO

22 years aquatic management experience

Steve Young

Operations

20 years aquatic management experience

CPO, Paramedic, Coach LG

Peter Cordingley

General Manager

6 years Emergency Medical Services, EMT, Supervisor

4 years Occupational Health and Safety Management

4 years Aquatics Management, CPO, LGI, Lifeguard

Melissa Joy

Systems Admin/Analyst/Customer Service

7 years aquatic management experience

LG, Instructor, Coach

Brianna Peralta

Head of Swim School

1 year of aquatic management experience

CPO, CPR, Swim Instructor

b) Managerial Levels at MPCC

Tim Sheeper

CEO

24 years of aquatic management experience

CPO, LG, Coach

Carole Hayworth

CFO

22 years of aquatic experience

Steve Young

Operations
24 years of aquatic experience
CPO, Former Paramedic

Melissa Joy

Systems Analyst
7 years aquatic management experience
LG, Instructor, Coach

Thomas Truong

General Manager
5 years aquatic managerial experience
CPO, LG, Swim Instructor, Water Polo Coach

Kathy Miller

Head of Customer Service
10 years of aquatic management experience
LG, Instructor

Brianna Peralta

Head of Swim School
1 year of aquatic management experience
CPO, CPR, Swim Instructor

3. Proposed staffing ratios

- Lifeguard staffing is adjusted for projected bather load based upon season, weather conditions, time of day, current pool programming, etc. A minimum of 2 lifeguards are staffed during all open hours. As many as 8 lifeguards are staffed during the peak season during peak hours, using an industry rule-of-thumb of approximately 1 guard per 25 individuals.
- Swim lesson ratios are dependent on age and ability
 - Level 1, 2: 1 instructor per 3 students
 - Level 3, 4: 1 instructor per 4 students
 - Water Babies: 1 instructor per 6 pairs (1 caretaker and 1 child)
- Summer Camp Counselor ratios
 - 5-6 years olds: 1 counselor per 6 camper
 - 7-12 year olds: 1 counselor per 8 campers
- Masters Coaches/Youth Coaches/Aqua Fit Instructors
 - 1 coach/instructor per every team workout session (10-35 individuals, there is always lifeguard oversight during these programs, alongside the coaches who are also lifeguard certified)

4. Employee recruitment, screening, performance evaluation, and retention

- Job Postings are done in various ways including Linked In, Indeed as well as postings at local high schools , zip recruiter, google ads, facebook
- All candidates are interviewed by the hiring manager and often one other staff member depending on the position. Summer staff, camp counselors, etc are interviewed by just the hiring manager. Senior staff will be evaluated by more than one person.
- All potential employees are issued an at will employment offer letter which must be signed
- Every new employee must be fingerprinted and must pass a full DOJ and FBI fingerprint background check before any hours are worked, including training
- Any potential employee's certifications required for their position are checked and verified
- Company retains the ability to receive updates to any background check for current employees
- Performance evaluations are done once per year by hiring managers, reviewed with the employee, signed off by both parties and retained in electronic documents.
- Company regularly evaluates pay rates and salaries for current employees and researches similar positions in the bay area to determine equitable pay
- Retention is difficult unless employees are being paid at a competitive rate, so these pay evaluations and raises are necessary to retain the best employees
- Full time employees are eligible for health, dental and vision benefits as well as 401(k), sick and vacation leave

5. Staff training program and Company Handbook

See Appendix A- Team Sheeper Employee Handbook

Departmental Trainings

Lifeguards
Swim Instructors
Camp Counselors
Customer Service
Managers
Maintenance
Coaches

6. Facility oversight and program management

Oversight Motto-It is not what you expect...it is what you inspect.

a) Facility

- Daily building, deck and structural checks

- Daily water chemistry checks
- Daily checks on mechanical parts that move/touch water
- Daily chemical pump checks
- Daily pool gutter checks
- First checks are always for safety and secondary checks are for optimization
- Maintenance begins at 4am preparing for a 6am opening
- Managers prepare pool water temperature, clarity, chemistry, sanitization, cleanliness
- Deck, tiles, plaster side and bottoms are visually inspected daily
- Lobby, changing rooms, showers, toilets are checked for operation and safety prior to opening
- Any abnormalities are usually addressed immediately, while more complex repairs are accomplished when local hardware supply stores open
- Any jobs that exceed our capabilities are passed on to City of MP public works.

b) Program

- Physical presence by trained, qualified and passionate leaders modeling good behavior and attitude while program is in progress
- Physical in-person introductory training prior to start of employment
- In-service trainings on standard intervals
- Daily shift oversight of program by general managers or assistant general manager
- Annual performance reviews by direct manager to provide feedback for growth or behavior/operational change
- Daily huddles or one-on-ones of staff member to direct manager/general manager

7. Subcontractors and Roles

- Revolutions in Fitness supplying licensed physical therapists to support the water wellness/therapy program
- To offer youth swim team programming we have subcontracted two local groups (SOLO and PASA-Menlo Park)
- Nightly cleaning crew for locker rooms.
- Knorr Systems for mechanical systems maintenance, repair and replacement

F. Quality Assurance, Risk Management and Insurance

1. Risk Management

The short answer to this question is that our leadership team is composed of individuals with high integrity who are:

- Rule followers
- Risk assessment managers by nature
- Protectors of all and shielders of the vulnerable

This ethos trickles down from the managers to the individual providers within our company as it's these individuals that the community typically interacts with which leads to their perception of overall facility safety. Safety is a facet of our operation that requires constant vigilance, attention and a great deal of energy. We have learned that creating good staff habits and expectations early in their tenure leads to optimal and highly functional team members long term.

The public as well as staff safety is our #1 core value and our priority for the Menlo Park aquatic community. Risks are managed through the implementation of policies, procedures, daily practices and training for our day to day operations.

Sometimes hiring experienced staff is beneficial, but most often training staff to our level of expectations is the method that has proven to help us rise to safety leaders in the industry. Our goal is not to only meet, but exceed safety standards in every area.

Our standards of safety is a daily practice. Training and auditing processes are set in place on a regular cadence. We also have an annual audit on our safety staff done by an objective outside vendor. This ensures that we have and are continuing a high standard of safe operation throughout the facility.

We have a safety committee composed of various staff members from different departments in the company that discuss all possible safety concerns or "top-of-mind" topics associated with the entire facility. These meetings generate action items that are handed over to the operations manager to act upon.

Certification expiration dates are closely monitored to ensure all personnel are appropriately qualified and up to date on latest safety techniques and guidelines. We have a staff member dedicated to ensure an audit is completed on all lifeguard staff. Staff ensures their current certification is valid and if not, a recertification will be scheduled for them. A great benefit is that we always have one or two Red Cross Certified lifeguard instructors on staff, that not only certify lifeguards for the entire region, but also recertify our own staff members on a timely basis. Lifeguard classes are scheduled twice a month through the summer and every other month throughout the remainder of the year. If for some reason a staff member falls

out of compliance and their certification lapses, they are immediately removed from that specific position until they are able to complete a recertification class.

Team Sheeper has invested a great deal of time and resources into the safety of our company. Each one of our programs has a manager that has been trained and is dedicated to ensure safety throughout each department. Managers lead their monthly department meetings, and are inspired by company principles to include a segment or agenda item that specifically addresses an aspect of safety that relates to the particular department.

We have created safety procedure manuals with the assistance of a professional outside contractor that contains all safety and emergency procedures for each department. This includes:

- General Emergency Action Plans
- When to call 911 / or give first aid
- Water rescues for both conscious and unconscious victims
- First Aid and Medical Emergencies

These procedures give detailed instruction for lifeguards, instructors, deck staff and administrative staff.

If an emergency or major event happens a debrief meeting(s) are held and if necessary outside professionals are called in to assist in processing the emergency physically, mentally and emotionally. Policies, procedures and protocols are also reviewed at this juncture and sometimes reinforced. We have discovered that our City Fire Department and Police Department are extremely supportive partners in our safety operation. On numerous occasions these departments have aided us with training, counseling, educating and supporting our first responders and are generous in their praises of our staff that make their professional roles better and provide higher chances of victims positive outcomes.

Team Sheeper has an excellent track record of keeping exceptionally high standards and of meeting the demands of each incident in the past 16 years. We are proud of our history of minimal safety incidents at the pool, and when there has been an incident, we have always been proud of our staff's reaction and handling of the emergency. We will continue to strive to be the safest facility in the country and on the balance be humble enough to also know that there is always room for improvement.

2. Ability to Meet Standard of Care

When the question of "Standard of Care" is approached the discussion centers around the Model Aquatic Health Code (MAHC) developed by the Centers for Disease Control (CDC) in 1959. The code has been updated every 15-20 years as the aquatic industry evolves, with the latest update in 2018.

Originally the MAHC was developed because of the massive growth of aquatic facilities in the middle of the previous century along with the major increase in 3 undesirable outcomes- water borne diseases, aquatic facility injuries, and drownings.

The code created a “language” and “methods” so public health staff overseeing aquatic facilities could communicate universally agreed upon standards with their operators to ensure that best practices (safest) practices were being implemented in the interest of the general public.

In our case, the County of San Mateo regularly inspects our entire facility for compliance with the County Health Codes which are derived directly from the MAHC including, but not limited to our water quality, chemical storage, drain entrapment, sanitization methods and modes of record keeping, signage, pool structure, decks, and everything else related to water and people interfacing with it and around it. While we pass all of these inspections, we do use these inspections as a chance to test our operational prowess as all the inspections are “surprise” inspections. We have chosen to build a strong relationship with our inspectors and they have proven to be very valuable to us in solving operational issues on occasion. Our inspector was especially helpful throughout the pandemic and their specific guidance allowed our operation to flow uninterrupted.

Over the course of our tenure in Menlo Park we have encountered several different health inspectors and their preferences for what are the dominant concerns related to public safety. As an aside, as the result of going through more than typical 1-2 inspections per year, we inquired as to why we underwent so many more than that. We came to learn that our facility and overall operation was being used as a “model” where incumbent inspectors would use ours as a “training” facility for new inspectors.

We continue to keep safety and standards of operations at the top of our priority list. We follow county, state and private agency guidelines to ensure we are staying informed of all current and best practices.

We have training and education staff dedicated to serving the very function of standards of care. These staff are experienced and certified to ensure standards are met on every level. They create training plans, drive initiatives and listen to suggestions by which we have created an environment that strives for excellence..

3. Safety Program and Training Documentation

We have created 4 functions to ensure implementation in our operation.

a) Annual Reviews

We have an extensive annual review process for each individual staff member. This is a deep dive into the individual ensuring that the person has all the intellectual and emotional tools necessary, and is on a path to optimizing their contribution to the

operation. This is a period of time for any major course corrections and for setting team members on paths of success.

b) Monthly Department Meetings

Managers conduct monthly departmental meetings with their team members, and at this time there is always a golden opportunity to underscore the importance of safe practices and the importance of preventative individual risk assessment. These meetings ensure that we are employing the basic tactics of daily operation.

c) Monthly Management Meetings

These are times where we introspectively review our compliance with company Standards and bring to light the feedback we have received from either the public, the staff or from City administrators. These are strategic meetings where issues are solved or it is decided that a committee needs to pursue more diligence before we can arrive at a conclusion. We are always striving for long term and Sustainable solutions.

d) Documentation

Everything we do in our safety training, educational training, employment law training or maintenance training is recorded on a hard copy and placed in our safety binders or recorded digitally and stored within our human resources software.

We have a clear process in which we hold staff accountable to stated and known standards. Our managers implement this process and are held to the same standards. The process is as follows, verbal warning, written warning, final notice, termination.

4. Emergency Preparedness Action Plan

We have gone to great lengths to ensure that we have a plan for as many possible incidents as possible along with factoring in flexibility to deal with the unknown.

Each department has a copy of our handbook and our safety procedures. Our lifeguard department is our spearhead when it comes to managing initial response to most emergencies.

Our Emergency Action Plan at its basic mode is as follows

- Recognition there is an emergency
- 3 whistles are blown water/ land emergency
- Call 911
- Staff move into the positions to rescue, protect and guide
- Staff help EMS into the building following initial victim(s) contact/rescue
- Once Emergency is over we have a staff debrief

5. Litigation

There has not been any litigation against our corporation during its existence of 22 years.

6. Insurance coverage

See Appendix B- Team Sheeper Insurance Certs

G. Public Communication, Marketing and Registration

1. Description of systems for:

a) Registration and Payment

Front desk associates are present all hours that the facilities are open. They assist the community with answering questions, registration, payment, and receiving feedback in-person as well as by phone and email.

Front desk staff also support convenience for the community by accepting drop in payment so no registration or payment need be done online.

Additional support for customer service is provided by the Head of Customer Service, Customer Service Leads, and System Administrator on and off site.

Registration for memberships, lessons and other programming can be done simply online at any time using the Xplor Recreation (formerly PerfectMind) Management Software found through our company website.

Payment for ongoing memberships is automatic through Xplor Recreation Management Software. Members can scan in quickly and conveniently at the front desk. Ongoing memberships as well as easy scan in provides a simple and convenient way for community members to regularly use the pools.

Memberships and reservations are not required to use the facilities which makes using the pool accessible to all.

b) Adequate administrative staff and assistance to support all hours of operation

Front desk associates are staffed on-site during all hours that the facilities are open. Additional support for customer service is provided by the Head of Customer Service, Customer Service Leads, and System Administrator on and off site. Manager on Duty and other management level staff are available for additional assistance on-site when needed. In addition, email support is available and is responded to during all hours of operation, within 24 hours, and often times less than that.

c) Registration Process, Refunds and Complaints

Policies and processes always have customers in mind, are reasonable, make sense, and are communicated to all when sign ups occur. These always align with our company core values, goals, mission, and customer service philosophy. Policies and procedures are made clear to staff and community, revisited for improvement as needed.

- All information regarding registration is communicated on our website, through emails to our customer base and mailing lists, as well as direct to clients through our staff.
- Registration is done using Xplor Recreation Management Software which allows the community to register for memberships and programming online.
- Refunds for many programs are automatic when canceled online within the program's cancellation policy. Exceptions are approved by Leads and Head of Customer Service on a case-by-case basis.
- We utilize an internal customer relationship management software to improve interactions with clients including being prompt in our response, keeping front desk informed and track follow up.
- Feedback is very much appreciated. We welcome community complaints and feedback to improve our ability to serve the community. Complaints and feedback are received by a staff member by email, phone or in person and shared with a manager that can affect change where possible and respond to the community member. Feedback is escalated to higher management as needed.

d) Communication and Marketing

Our goal is to have proactive, clear, and positive communication with our community members. Communication regarding our programs and services is executed through our informative website, email communication with our community, on-site signage, and person to person communication. Emails to our community include regular newsletters, information regarding upcoming programs and registration information, and pool schedules updates such as changes to our ongoing pool schedules, pool closures and limited lane space situations.

Our marketing manager is always on top of preserving our online presence through search. We keep our hours/phone number up-to-date on Google/Yelp/Facebook so people have a variety of options to see when we are open/closed.

e) Customer Database Information

Our System Administrator utilizes Xplor Recreation management to maintain our customer database including residency, memberships, purchase and payment history and attendances.

Program statistics including Resident and Non-Resident data is reported weekly by the Program Analyst using data from software.

f) Customer Service and Satisfaction

Experienced customer service management staff responsible for training front desk staff and uphold a standard for the team of welcoming and helpful customer service

representatives. This includes continued training, consistent push to improve by revisiting successes and areas for improvement.

Employees are trained to:

- Greet customers with a personalized, warm welcome
- Keep wellness including mental and physical at top of mind
- Promote wellness in every interaction with customers ensuring positive communication and compassion
- Build community by creating individual relationships with each customer demonstrating respect and honesty
- Listen, solve problems, help customers to find their place and join successfully
- Greet customers when they arrive and wish all a good day and invitation to return upon completion of their visit

2. Policies and procedures for registration, refunds, and customer complaints

- No reservations are required. Drop ins are welcome.
- Registration for memberships and events can be done online, in person, or by phone or email. Assistance is available in person, by phone and through email with our customer service staff.
- Memberships are ongoing and auto renewing and can be stopped at any time at the end of the billing cycle.
- Cancellations can be requested online or done in person or by phone or email for the end of their current or future billing cycle.
- Programs such as swim school, bridge, and camps have cancellation policies specific to the program. Our cancellation policies are set with the customers at top of mind and aim to be flexible while still allowing the program to be successful and utilized as fully as possible by the community.
- Exceptions are handled by the Head of Customer Service or Leads of Customer Service on a case-by-case basis.

- Feedback is always appreciated and highly valued. We welcome community feedback to improve our ability to serve the community. Feedback is received from the community member and passed to the appropriate manager for follow up as needed.

3. Assessing and maintaining customer satisfaction

- Community feedback is highly valuable. Annual surveys are conducted to assess customer satisfaction and identify areas for improvement. Customer satisfaction is also assessed through ongoing discussion with our community on-deck as well as through feedback by email or phone.

- Customer satisfaction is maintained through a continued emphasis on creating a positive, welcoming environment, and providing high quality services and programs to the community.

4. Crisis media management plan

A crisis is something that happens suddenly and unexpectedly. 99.9% of our open hours over the past 17 years have been calm and controlled.

However, it is that .1% of the time that something or someone demands a quick response.

Those rare crises have ranged from a natural disaster, chemical exposures, single and multiple victim accidents and workplace violence.

The basics of our crisis media plan are:

- Detailed Plan
 - Each site has a plan based on various levels of crisis
 - Safety of victim(s) foremost
 - Safety of self and others in the immediate aftermath
 - Alerting first responders
 - Documentation/witnesses
 - Communication continues up the chain of command until it reaches the top
 - of our organization
- Crisis Communication Team
 - Chief Officers assume communication responsibilities, all others in our organization are shielded from the public and media
 - Interact with Professional authorities (Fire, Police, County, CalOSHA)
 - Interact with City Officials
 - Interact with Media
- Key Communication Messages to Media
 - Identify the cause
 - Brief description
 - Timeline for future plans
 - Communicate compassion for victims
 - Answer only questions that are asked succinctly and factually
- Internal and External Communications
 - Alert entire internal staff off crisis/incident
 - Communicate any actions needed by staff
 - Provide follow-on communications if necessary
 - Alert community, media as necessary on a case by case basis
 - Communicate summary report to City Officials
- Contacts
 - Community Services Manager
 - Community Services Director
 - City Manager
 - Police Department

- Fire Department
- Hospitals
- HR Consultants
- Grief Counselors
- Attorneys
- Journalists

H. Fees

1. Descriptions:

a) Proposed user fees

Membership Pricing	Monthly Fee				Annual Team Fee
	Resident		Non-Resident		
	General	Senior	General	Senior	
Lap & Open Swim	\$65	\$52	\$72	\$61	—
Menlo Masters	\$114	\$104	\$114	\$104	\$30
Aqua Fit	\$78	\$70	\$78	\$70	—
Aquatic Therapy*	\$119	—	\$119	—	—

Drop In Pricing	Resident				Non-Resident			
	General	Senior	Child	Family	General	Senior	Child	Family
Lap Swim	\$9	\$8	—	—	\$10	\$9	—	—
Open Swim	\$9	—	\$5	\$28	\$10	—	\$6	\$30
Masters	\$20	—	—	—	\$20	—	—	—
Aqua Fit	\$20	—	—	—	\$20	—	—	—
Aquatics Therapy*	\$25	—	—	—	\$25	—	—	—

*Run by partner, Revolutions in Fitness

Swim Lesson Pricing	Ratio	Per Lesson Fee
Group Lessons	varies	\$25
Water Babies	1:6	\$25
Level 1 & 2	1:3	\$25
Level 3 & 4	1:4	\$25
Bridge Program	varies	\$16
Pre-Bridge	3:16	\$16
Beginner	3:20	\$16
Intermediate	2:32	\$16
Private Lessons	1:1	\$76

b) Prioritization of Menlo Park Residents

- MP Residents receive discounted user fees for drop-in fees as well as memberships for both lap and open swimming. The discounted incentive is in the 15-20% range for these services.
- Priority enrollment has not historically played a significant part in our offerings. When in full operation we are able to provide ample options in our swim school, summer camps and youth team programs to serve residents and non-residents without a need for priority. We have been able to alter the supply side to meet the demand.

c) Proposed methods to measure Menlo Park Resident usage

- We create a weekly report tracking how all of our guests are using our pool and programs. This report clearly defines the percentage of residents and non-residents in our lap and open swim programs.

2. Approach to Fee Increases and Average Historical Fee Increases

	Lap Drop In (General)		% increase	Lap Monthly		% increase	Open Drop In (Child)		% increase	Aqua Fit	% increase	Swim School	% increase	Average % increase
	R	NR		R	NR		R	NR		Monthly		Monthly		
2013	\$6	\$7		\$45	\$50		\$4	\$5		\$75		\$81		
2014	\$6	\$7	0.0%	\$46	\$52	2.2%	\$4	\$5	0.0%	\$77	2.7%	\$82	1.2%	1.2%
2015	\$6	\$7	0.0%	\$47	\$54	2.2%	\$4	\$5	0.0%	\$79	2.6%	\$86	4.9%	1.9%
2016	\$6	\$7	0.0%	\$48	\$56	2.1%	\$4	\$5	0.0%	\$81	2.5%	\$88	2.3%	1.4%
2017	\$6	\$7	0.0%	\$48	\$56	0.0%	\$4	\$5	0.0%	\$83	2.5%	\$90	2.3%	0.9%
2018	\$6	\$7	0.0%	\$48	\$56	0.0%	\$4	\$5	0.0%	\$85	2.4%	\$93	3.3%	1.1%
2019	\$7	\$8	16.7%	\$50	\$58	4.2%	\$5	\$6	25.0%	\$86	1.2%	\$96	3.2%	10.0%
2020	\$7	\$8	0.0%	\$50	\$58	0.0%	\$5	\$6	0.0%	\$88	2.3%	\$96	0.0%	0.5%
COVID	\$10	\$10	42.9%	\$69	\$69	38.0%	\$40/family	\$40/family	—	—	—	—	—	40.4%
2021	\$9	\$10	-10.0%	\$64	\$69	-7.2%	\$5	\$6	—	—	—	—	—	-8.6%
2022	\$9	\$10	0.0%	\$64	\$69	0.0%	\$5	\$6	0.0%	\$78	-11.4%	\$100	4.2%	-1.4%

3. Analysis of Comparable Fees in Similar Aquatics Programs

Each year, when considering fee increases, operations staff collects the following information from similar facilities in the immediate area:

- Pricing for Residents/Non Residents by program area
- Employee compensation and rates

Both of these factors have to be considered when determining fees and potential increases. As employee compensation has continued to rise and as housing prices continue to be a barrier for those wanting to live and work in the area, attracting strong, competent and mature year round staff is critical to our survival as a company and to maintaining a safe, happy and thriving aquatic community.

In addition, all pricing is set to be competitive in the marketplace and the Company strives to be in the middle range of pricing, not at the top range. Maintaining affordability for residents is always a top priority for the Company, including seniors. Senior rates are also set to ensure access to all in the community.

4. Providing Services to Individuals with Financial Needs

As mentioned previously in this document, in 2012 the Company initiated the setup of the 501(3c) organization, Beyond Barriers Foundation. This foundation is run independently of the Company and provides access to swim lessons and aquatics camps to many communities in the Bay Area including in Menlo Park. To date, the Foundation has provided over 56,000 lessons and over 10,000 aquatic hours to affect the lives of over 12,000 children. Team Sheep maintains a strong partnership with BBAF and enters into an annual contract with the Foundation to provide a designated number of swim lessons and camps to children in need, based on the Foundation's resources. The Company provides the documentation and information about these families and attendance monthly to the Foundation for them to provide subsidies. Currently families that qualify for this assistance pay \$5 per swim lesson and the Foundation supports the remainder of the cost of lessons. More information about this Foundation can be found here: <https://beyondbarriersaf.org/>

I. Financial Information

1. Historical Financial Statements 2019, 2020, 2021, 2022 to June 30

Audited financials are unavailable

City of Menlo Park Operations

Profit and Loss - Actual

For the years ended December 31, 2021, 2020, 2019 and the period ending June 30, 2022

	<u>6/30/2022</u>	<u>12/31/2021</u>	<u>12/31/2020</u>	<u>12/31/2019</u>
Revenues:				
Camps & Clinics				
Lessons				
Lap Drop ins				
Memberships				
Open Swim Drop ins				
Rentals				
Merchandise and Food sales				
BBAF scholarship funding				
Operating Expenses:				
Payroll & Professional Fees				
Insurance				
Credit card transaction fees				
Other G& A Expenses				
Revenue share				
Net Income from Menlo Park Operations				

Note:

P&L is representative of the Company's Menlo Park Operations

2019 is presented as an example of pre-pandemic operations, which the company is currently re-building towards

Proposed Budget First Year Operations Burgess

Proposed Annual Budget Burgess Facility

Revenues:

Camps & Clinics	614,154
Lessons	1,450,000
Lap Drop ins	327,649
Memberships:	
Laps	468,766
Masters	320,358
Aquafit	47,925
Open Swim Drop ins	184,686
Rentals	84,655
BBAF Scholarship funding	72,500
	<hr/>
	3,570,694

Expenses:

Payroll:

Camps counselors/Camps/Clinics	208,700
Coaching	67,600
Swim Instructors	551,000
Management	735,000
Lifeguards	420,049
Maintenance/Cleaning	118,560
Customer Service/Registration Services	224,328
Marketing	73,181
Payroll Taxes	215,858
	<hr/>

Total Payroll 2,614,275

Insurance 236,026

Credit Card Fees 119,474

Program & Staff supplies 135,000

Professional fees (legal, tax, advertising) 150,000

Other General and Administrative Expenses 150,000

Total Expenses

 3,404,775

Revenue Share * (see notes on city priorities) 46,414

Net Income

 119,505

Proposed Budget First Year Operations MPCC

MPCC

Proposed Annual Budget - First Year Operations

Revenues:

Camps & Clinics	153,539
Lessons	435,000
Lap Drop ins	98,295
Memberships:	
Masters	32,036
Laps	117,192
Aquafit	23,963
Open Swim Drop ins	138,515
Rentals	25,000
BBAF Scholarship funding	87,000
	<hr/>
	1,110,538

Expenses:

Payroll:

Camps counselors/Camps/Clinics	67,950
Swim Instructors	208,800
Coaching	37,440
Management	190,000
Lifeguards	257,094
Maintenance/Cleaning	118,560
Customer Service	75,348
Marketing	10,977
Payroll Taxes	86,955
	<hr/>

Total Payroll 1,053,124

Insurance 71,963

Credit Card Fees 37,994

Program & Staff supplies 33,750

Professional fees (legal, tax, advertising) 15,000

Other General and Administrative Expenses 15,000

Total Expenses 1,226,831

Revenue share 11,105

Net Loss

(127,399)

Assumptions for Annual Budgets

Assumptions were made using historical information for the purposes of preparing these budget numbers. It is important to note that at Burgess, the Company is currently in a phase of re-building back up to pre-pandemic levels, particularly for swim lessons as we are building our current swim instructor employee base and opening up registration for more group lessons. Also in open and lap swim, we will be better able to serve the community now that pandemic restrictions are gone. In addition, it is also important to note that first year of operations for purposes of this budget are for the year 2023/2024 for Burgess and potentially 2024/2025 for MPCC depending on timing of construction so anticipated wage increases for future years have been factored into these numbers. Estimates are based on anticipated growth rates as customers continue to return to the facilities.

Responsibilities

Section 1 of RFP notes "Provider will be responsible for operating and delivering aquatics programs at the Premises, including all costs and expenses associated with such operations and programs. The City will be responsible for the maintenance and repair of the equipment and facilities at the Premises." In line with these expectations, it is assumed in these documents that the City will be responsible for maintenance and repair including all pools, signage, offices, lobby, locker rooms, supply storage areas, restrooms, pool decks, fences and gates, lawn area, equipment/mechanical rooms, chemical storage, and lights. This will also include chemicals, utilities, water, phone and internet, environmental fees and other costs associated with maintaining and operation of the actual facility. This also includes janitorial cleaning of the areas once per day after facility closure. Provider will be responsible for all program related costs including payroll, professional fees, class/clinic/staff/office supplies.

Burgess Assumptions

Revenues:

1. Camps/clinics – increase 30% over historical camps fees
2. Lessons – 1% increase over pre pandemic 2019 swim lesson fees, which were already at a peak level for the time, representing a 300% increase over 2021, which were under pandemic restrictions and staffing difficulties
3. Lap drop ins – 30% increase over 2021
4. Memberships:
 - a. Laps: 25% increase over 2022 projected to end of year
 - b. Masters: 25% increase over 2022 projected to end of year
 - c. Aquafit: 25% increase over 2022 projected to end of year
5. Open Swim drop ins – anticipate a big increase as people get back to regular social interaction, so this is estimated at 3x 2021 levels.
6. Rentals – rental pricing has not traditionally increased much and there is not enough pool space to anticipate increasing the number of rentals, so this was targeted at 20% more than 2022 to date.

7. Scholarship Funding – This is the funding provided by the Beyond Barriers Foundation to support lower income families. The assumption is that this will be 5% of our swim lesson revenue.

Expenses:

1. Payroll:
 - It is important to understand that although we are presenting “FTE’s” as requested we have very few employees that are actually full-time regular employees at Burgess currently and this will continue for operations in the future at Burgess and at MPCC.
 - Our current number of employees at Burgess is 80. Of those, 16 are full-time employees (20%). 62 are part time, some working only 3 or 4 hours in a week and some working up to 10 hours in a week. We also have two sub employees making up the 80. In the summer of 2022, we were at 182 employees which included our regular full time of 16 (9%). So for summer months we hired and managed an additional 102 seasonal employees, most of which were terminated at the end of summer. Some students choose to stay on for a few hours a week during their school year.
 - Camp Counselors/Camps/Clinics FTE’s are noted for summer only, so FTE for the 10 week summer period:
 - 11 FTE Summer Season Only
 - 2 FTE summer season only camp leads
 - 5 FTE summer season only camp swim instructors
 - Swim Instructors – 20 FTE year round – this will include mix of part time and full time employees
 - Coaching – Masters - .5 FTE; Aquafit - .5 FTE
 - Management:
 - In this category MP achieves economies of scale by sharing its management team with the City of PA, so MP does not get burdened by the full salaries of this team.
 - This category includes management in all departments plus the manager and assistant manager of the facility and the executive management team and human resources team
 - Facility Manager/Assistant Facility Manager – 2 FTE
 - Head of Swim School – 1 FTE – shared with MPCC but financial cost all in Burgess P&L
 - Head of Bridge Program – 1 FTE – shared with MPCC but financial cost all in Burgess P&L
 - Executive Management – 3.5 FTE – shared with MPCC, no financial cost in MPCC and shared with City of Palo Alto in cost impact to P&L
 - Lifeguard Manager – 1 FTE
 - Camps Manager – seasonal only – 1 FTE for summer
 - Lifeguards:
 - During off- season, number of total lifeguard hours in a week is approximately 320 hours, so for 42 weeks, 13,398 hours.

- During summer, number of total lifeguard hours in a week is approximately 487, so for 10 weeks, 4,870 hours.
- Total of 18,263 LG hours in a year, or 9 FTE's.
- This is accomplished by approximately 40 lifeguards part time in the summer weeks and 20 or so in the off-season weeks. In addition, managers fill in gaps where needed.
- Maintenance/cleaning – 1 FTE working 4am to 12pm, 5 days per week
- Customer Service – Customer service/operations/registration personnel are shared between the two locations and are also shared with Palo Alto, so only half of their salaries are charged to Menlo Park, and all is currently being shown in the Burgess P&L.
 - 2 FTE in supervisory and registration/system management
 - Approximately 1.5 FTE for Front Desk Customer Service, achieved with 15 part time employees
- Marketing – 1 FTE working for both locations plus shared with PA
- Payroll taxes – 9% of payroll
- 2. Credit card fees: 3.5% of revenues not including rentals
- 3. Insurance:
 - Assumptions were based on current rates for 2022/23
- 4. Supplies, Professional fees, other G&A are estimated based on current spending and estimates of growth
- 5. Revenue Share is calculated based on the proposed revenue share chart presented in section 3(b) of proposal addressing the “Alignment with City’s Goals and Priorities”.

MPCC Assumptions

Revenues:

Revenue assumptions were based on knowledge of operations at Burgess, knowing that MPCC will be in “start-up mode” for the first year. Our assumptions were also based on knowledge gained from our experience of operating the Belle Haven pool for many years, although we recognize that this is a very different facility with much more capability for serving the community and expect that volume will increase significantly after the first year of operation.

1. Camps & Clinics – 25% of Burgess
2. Lessons – 30% of Burgess
3. Lap Drop ins – 30% of Burgess
4. Memberships:
 - a. Masters – 10% Burgess
 - b. Laps – 25% Burgess
 - c. Aquafit/Wellness – 50% Burgess
5. Open Swim Drop ins – 75% Burgess
6. Rentals – assumed a low level of rentals recognizing that community programming will take precedence at the facility

7. BBAF Scholarship funding – assumed greater need for funding so 20% of swim lesson revenues

Expenses:

1. Payroll:
 - Camps/Counselors – FTE’s for summer only:
 - 5 FTE Counselors
 - 2 FTE Leads
 - 3 FTE Camp swim instructors
 - Swim Instructors – 6 FTE for first year, likely made up of many part time employees
 - Coaches:
 - Masters - .5 FTE
 - Aquafit/Wellness - .5 FTE
 - Management – A large portion of management is shared with Burgess including exec staff, human resources, head of swim school, head of bridge program
 - 2 FTE – Facility Manager, Assistant Facility Manager
 - 1 FTE – Lifeguard Manager
 - 1 FTE – camps supervisor/assistant manager – seasonal only
 - Lifeguards – Total hours in off season are 7,938 plus summer season for 10 weeks are 3,240 for total hours during the year of 11,178 or 5 FTE’s likely accomplished with 25 to 30 part time lifeguards.
 - Customer Service – 1.5 FTE accomplished with 5 to 10 part time employees; Manager and Registration and operations are all shared with Burgess and PA, so large economies of scale here
 - Marketing – share 1 FTE with Burgess and PA so small allocation here
 - Payroll taxes – 9% of payroll expenses
2. Credit card fees: 3.5% of revenues not including rentals
3. Insurance:
 - Assumptions were based on current rates for 2022/23
4. Supplies, Professional fees, other G&A are estimated based on current spending and estimates of growth
5. Revenue Share is calculated based on the proposed revenue share chart presented in section 3(b) of proposal addressing the “Alignment with City’s Goals and Priorities”.

K. Responsiveness to Key City Priorities

Addressed in greater detail earlier in this report, Section 3b.

As a company we fully align with the Key City Priorities because we believe that is what partners do in a relationship. In addition to those 8 specific questions, we would like to underscore that since 2006 our organization has been able to adapt to the changing needs and desires of this community, the changing needs and desires of the City administration and the changing needs and desires of our workforce. We were also able to pivot quickly and seamlessly into a different model of operations during the pandemic in order to continue to serve the Menlo Park community with fitness and recreation services during a time when it was critical to the community's mental and physical well-being. Furthermore, these services were not being provided in any of the surrounding communities, (except Palo Alto, where we were also providing these services), setting Menlo Park apart from other municipalities. Nothing remains static and we pride ourselves on being nimble in our ability to alter our operation and structure to meet the challenges before us.

We look forward to and receive clear and direct communication in a constant stream from patrons and staff on what problems or issues need to be addressed and we also enjoy hearing about what is going well. With this information we are able to make changes and improve in real time. Our desire is to establish a line of communication where we receive clear and direct input from City administration on issues and concerns that need to be addressed so we can also make improvements in that realm of our operations.

L. Assistance from City

Specify what, if any, you would find helpful or necessary from the successful operation of the programs.

- Process for maintenance requests and invoice reimbursements
- Assurance that when maintenance or repair is required at the facilities there will not be undue delays in City response and ample notice will be given. In addition, should a repair require a closure of the facility for more than 3 days, City and Operator will negotiate in good faith sharing in financial losses
- Assurance that City of Menlo Park residents will be informed of Aquatics offerings along with other City recreational offerings via all channels utilized by the City
- Continuation of trading pool time for City operated programs for field time for Aquatics summer camps

M. Additional Information

- **Pro Shop**
The Pro Shop at Burgess Pool was the hub of the aquatic facility, and used by patrons visiting the gymnastic facility and Burgess ball fields. It was used by just about every person who frequented the pool at one point in time. The little store

offered goggles, caps, swimsuits, fins, towels, soap, shampoo, sunscreen, sun shirts, sunglasses, baby diapers, drinks of all kinds, snacks of all kinds, grab-n-go meals, ice-cream, yogurts and uniforms for most of our facility teams. We closed the Pro Shop during the pandemic, and have not reopened due to resources and future uncertainties. If Team Sheeper continues to operate aquatic facilities in Menlo Park, we are poised to bring this much used amenity back on line for our community members.

- **Water Features-MPCC**

A big draw in aquatics fun for youths in the past was a diving board. Diving boards continue to be a huge draw and the reason kids love to go to pools. With the decline of diving boards at aquatic centers, we believe that there needs to be a feature that entices community youth to come to the facility in addition to swimming back and forth and splashing around. That is why the introduction of “floating obstacle courses” are such an exciting and wonderful feature for aquatic lovers of all ages, and have safely replaced the draw of the diving board.

Our company goal is to secure and implement a daily removable in-water feature at MPCC to be used during Open/Family swim afternoon hours in the competition pool.

- **Therapy Partners-MPCC**

The connection and the close proximity of the MPPC aquatic center with its redesigned state of the art and dedicated instructional/therapy pool and the Menlo Park Senior Center can prove to be synergistic. The overarching theme is to provide daily structured therapy and water fitness classes as well as ample time for unstructured/passive recreation time for the senior population to utilize the warm therapy pool. Our current partnership with Revolutions in Fitness Physical Therapy is the foundation for ongoing services at MPCC. The plan is for the pool to be used as part of a strength and conditioning program for seniors or anyone working to improve their condition in conjunction with the on-site fitness center. We hold out hope that a collaboration for joint facility usage can be designed between the aquatic operator and the City in order to create a unique benefit for seniors or anyone dealing with chronic or acute maladies.

- **Youth Water Polo-MPCC**

Resurrection. Another goal of ours is to revive the Menlo Mavericks Youth Water Polo development team that was thriving a few years ago under the highly capable leadership of 4-time Olympian Brenda Villa. The “Belle Haven” progression of yesteryear was kids progressing from swim lessons to the water polo team. Most pools in the area/country progress kids from lessons to swim teams, but we were able to successfully flip the model and develop swim lesson kids into water polo players. Our biggest draw was young females from the neighboring Beechwood School. With Brenda’s penchant for developing young water polo girls, following her same path into the sport, we formed several different age group teams of boys and girls over the years and were fortunate enough to compete in and be a host site for

Water Polo Junior Olympics. Easily the highlight in the history of the Belle Haven Pool operation. The new MPCC competition pool was designed with water polo in mind, the entire depth of the pool is 7 ft. deep, so no one can touch the bottom during games (unlike Belle Haven of old). The ability to have a facility dedicated a couple of hours a day for youth water polo is a unique community asset and an offering that will be in high demand. A large portion of the team were under BBAF scholarships which played a large role in the sustainability and success of the program.

- **MPCC Community Days**

What this is:

- This is the concept of laying out the aquatics WELCOME MAT. Inviting anyone and everyone to come and experience what services and mystique the venue has to offer. Our first Community Day at Belle Haven was in 1997 when we hosted Olympic Gold Medalist Pablo Morales for a swim demonstration accompanied by an inspirational address to the amassed crowd. A free lunch followed and community spirits were high. More recently in 2018 Facebook collaborated with us in hosting a Community Open House.

Why:

- Inclusion (a tenant of the City and the Company), inspiration, knowledge, visual, creating a cue to action.

How we do it:

- Open House of programming, special guest, specific hours, no cost usage, food, balloons, raffle memberships.

Who does it serve:

- Menlo Park residents

When:

- Intervals of 6 months during the first 2 years of operation

- **Menlo Park Free Water Babies Swim Lessons**

Currently at Burgess and in the future at MPCC, a specific day and time per week we offer a FREE Waterbabies class to community members who reserve a spot. A WaterBabies class is an introduction to water for a baby aged 6 months to 18 months while being held in-water by a parent/caregiver under the supervision of a trained swim instructor. The class of 6 students to 1 teacher is valued at \$25 and is a wonderful opportunity for families to bond and begin to understand the wonders of water. We are attempting to remove all barriers of entry into the joys of water and start more families on an aquatic progression path early.

- **Menlo Swim School Legacy**

A once mighty and robust swim school that was the absolute backbone of our entire operation was in service 52 weeks per year from 2006-2020. At its peak, 1500 swim lessons were provided each week. Dozens of instructors were on the roster servicing all levels and all ages from babies to adults, from beginners to advanced swimmers.

The pandemic wiped the school out. We were able to retain 2 staff members to give lessons and between them they have transitioned us to the school's rebirth. We have invested in new leadership and have collaborated on an improved curriculum with our roll-out scheduled at the beginning of the new year.

- **Menlo Swim and Sport Community Outreach Initiatives**
 - February Can-Do- Canned food drive for MP Senior Center
 - Giving Tree-Christmas gift giving for underserved children in community
 - My Red Shoes-New shoes and donations for homeless youth for their first day of school
 - Warm Coat Drive-Collecting coats from aquatic community to give to homeless shelters
 - All these initiatives are set on a perennial calendar



Handbook

Team Sheeper, Inc.

Revised 10 31 2022

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Welcome

On behalf of your colleagues, we welcome you to Team Sheeper, Inc. (the "Company and "Team Sheeper") and wish you every success here. We hope that you will find your position with the Company rewarding, challenging, and productive.

We believe that each employee contributes directly to Team Sheeper's growth and success, and we hope you will take pride in being a member of our team.

This employee handbook is intended to explain the terms and conditions of employment of all full- and part-time, seasonal employees and managers. Written employment contracts between Team Sheeper and some individuals may supersede some of the provisions of this handbook.

This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. Your manager or Human Resources will be happy to answer any questions you may have.

Core Values

Safety: We base all our decisions on this uncompromising tenant. We will never waiver from what is best for the guests or our staff members.

Warrior Spirit: We work hard, are courageous and innovative, and we use our fighting spirit to be successful and move the business forward. We want to win at what we set out to do and we have the determination to follow through on a mission, vision or goal.

Servant's Heart: We have a passion for serving others, we treat everyone with respect, we put others first, and we offer proactive customer service.

Trust: Trust is established through realizing common goals, displaying respect and fulfilling our commitments every day without fail. We strive to earn our guests and staff members trust by providing reliable service, effective communication and providing transparency

Fun and Friendly: We maintain perspective, celebrate success and develop passionate staff members who enjoy working together.

Section I – General Employment Policies

Anti-Harassment

Team Sheepar is committed to providing a work environment free of harassment, disrespectful or other unprofessional conduct. Company policy prohibits conduct that is disrespectful, unprofessional as well as harassment based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law), ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by federal, state or local law or ordinance or regulation. It also prohibits harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. **All such conduct violates company policy.**

The Company's anti-harassment policy applies to all persons involved in the operation of the Company and prohibits harassment, disrespectful or unprofessional conduct by any employee of the Company, including supervisors and managers, as well as vendors, customers, independent contractors and any other persons. Applicants, employees, unpaid interns, volunteers and independent contractors are all protected from harassment.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law, or by company policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire.

If you believe that you have been the subject of harassment or other prohibited conduct, bring your complaint to your own or any other Company supervisor, the president or the personnel administrator of the Company as soon as possible after the incident. You will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory. Supervisors will refer all complaints involving harassment or other prohibited conduct to the personnel administrator, investigative officer or the president of the Company. The Company will immediately undertake an effective, thorough and objective investigation of the allegations. If the Company determines that harassment or other prohibited conduct has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Company to be responsible for harassment or other prohibited conduct will be subject to appropriate

disciplinary action, up to, and including termination. A Company representative will advise all parties concerned of the results of the investigation. The Company will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers.

The Company encourages all individuals to report any incidents of harassment or other prohibited conduct forbidden by this policy **immediately** so that complaints can be quickly and fairly resolved. You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book or can be found by visiting the agency websites at www.dfeh.ca.gov and www.eeoc.gov.

At-Will Employment Status

Team Sheeper personnel are employed on an at-will basis. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or the Company. Nothing in this handbook shall limit the right to terminate at-will employment. No manager, supervisor, or employee of the Company has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the Chief Executive Officer of Team Sheeper has the authority to make any such agreement, which is binding only if it is in writing.

Nothing in this at-will statement is intended to interfere with an employee's rights to communicate or work with others toward altering the terms and conditions of his or her employment.

Equal Employment Opportunity

Team Sheeper is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. Company policy prohibits unlawful discrimination based on race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices) marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding or related medical condition), genetic information, sexual orientation, military and veteran status or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

All such discrimination is **unlawful**.

The Company is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Company operations and prohibits unlawful discrimination by any employee of the Company, including managers and coworkers.

If you believe you have been subjected to any form of unlawful discrimination, submit a complaint to your manager or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact Human Resources. The Company

will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the Company determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. The Company will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. The Company will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. An applicant or employee who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the Company will make the accommodation.

Right to Revise

This employee handbook contains the employment policies and practices of Team Sheepier in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

Team Sheepier reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

This handbook sets forth the entire agreement between you and Team Sheepier as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this employee handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

Nothing in this at-will statement is intended to interfere with an employee's rights to communicate or work with others toward altering the terms and conditions of his or her employment.

This handbook is the property of Team Sheepier, and is intended solely for use by Team Sheepier and its employees

Open-Door Policy

Suggestions for improving Team Sheepier are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your good-faith complaints, questions, and suggestions also are of concern to the Company. We ask you to first discuss your concerns with your supervisor, following these steps:

- Within a week of the occurrence, bring the situation to the attention of your immediate supervisor, who will then investigate and provide a solution or explanation.
- If the problem persists, you may present it to human resource, who will investigate and provide a solution or explanation. While a written complaint will assist us in investigating your concerns, it is not required that you put your complaint in writing. If you need assistance with your complaint, or you prefer to make a complaint in person, contact the Human Resources. We encourage you to bring the matter to the personnel manager as soon as possible after you believe that your immediate supervisor has failed to resolve it.
- If the problem is not resolved, you may present the problem to the president of Team Sheepier, who will attempt to reach a final resolution.

This procedure, which we believe is important for both you and the Company, cannot guarantee that every problem will be resolved to your satisfaction. However, Team Sheepier values your observations and you should feel free to raise issues of concern, in good faith, without the fear of retaliation.

Section II – Employee’s Status and Classifications

Change in Employment Status and Classifications

Team Sheepier may change the employment status or classification of employees depending upon their current work assignment.

Full-Time Employees

Regular full-time employees are those who are scheduled for and do work a minimum of twenty eight (28) hours per week on a regular basis. Regular full-time employees are eligible for most employee benefits described in this handbook.

Part-Time Employees

Regular part-time employees are those who are scheduled for and do work twenty seven (27) hours or less, per week on a regular basis. Regular part-time employees may be eligible for some employee benefits described in this handbook.

Seasonal Part-Time Employees

Seasonal part-time employees are those who are hired during the summer season, which typically begins in May and ends in September of each year. Seasonal part-time employees are not eligible for any benefits described in this handbook except those mandated by applicable law.

Temporary Employees

Temporary employees are those employed for short-term assignments. Short-term assignments generally are periods of three months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits except those mandated by applicable law.

Employee Substitute “Sub” Status

If an employee is classified as either regular full-time, regular part-time or seasonal and determines that he or she wishes to be classified as a substitute or “sub”, the employee must commit to being available. Each department may have guidelines as to how many hours per month or quarter that an employee must work to remain on sub status. In general, the employee must agree to work a minimum of one or two shifts per month and may be required to attend in-service trainings and department meetings.

If an employee on sub status does not work for three consecutive months or attend in-service and department meetings, the employee may be placed in inactive status.

Job Duties

Your manager will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department or Team Sheeper. Your cooperation and assistance in performing such additional work is expected.

Team Sheeper reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

Section III – Hours of Work Overtime and Payroll

Advances

Team Sheeper does not permit advances against paychecks or against un-accrued vacation.

Reporting-Time Pay

Team Sheeper will comply with all applicable regulations regarding reporting-time pay for nonexempt employees.

Team Sheeper will pay a minimum of two (2) hours of pay to employees who are required to report to work on a day other than their normally scheduled workday.

Team Sheeper will not pay employees who report to work but are unable to work under the following circumstances:

- Interruption of work because of the failure of any or all public utilities; or
- Interruption of work because of natural causes or other circumstances beyond the Company's power to control.

Deductions for Exempt Employees

Employees paid on a "salary basis" or are exempt from overtime laws and regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked. Exempt employees may not be paid for any workweek in which they perform no work, subject to Team Sheeper benefits programs and policies.

No deductions from salary may be made for time when work is not available, provided the exempt employee is ready, willing, and able to work. Deductions from pay are permissible when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability;
- Is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing full compensation for salary lost due to illness and the employee has exhausted his or her leave under this policy;
- Is absent for jury duty or military duty for a full week and performs no work during the week; or
- Works less than a full week during the initial or final week of employment;

Partial day deductions from available accrued vacation balances will also be made by the Company when applicable.

It is Company policy to comply with these salary basis requirements. Therefore, Team Sheeper prohibits all Company managers from making any improper deductions from the salaries of exempt employees. The Company wants employees to be aware of this policy and know that the Company does not allow deductions that violate federal or state law.

If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct manager, or to Human Resources

Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

Meal and Rest Periods

Rest Breaks

All nonexempt employees are entitled to rest break periods during their workday. If you are a

nonexempt employee, you will be paid for all such break periods, and you will not clock out. You are required to remain on the work premises during your rest break(s). You are expected to return to work promptly at the end of any rest break.

Number of Rest Breaks

You will be authorized and permitted one (1) 15-minute net rest break for every four (4) hours you work (or major fraction thereof, which is defined as any amount of time over two (2) hours). A rest break need not be authorized for employees whose total daily work time is less than three and one-half (3.5) hours.

If you work a shift from three and one-half (3.5) to six (6) hours in length you will be entitled to one (1) fifteen (15) minute rest break. If you work more than six (6) hours and up to ten (10) hours, you will be entitled to two (2) fifteen (15) minute rest breaks. If you work more than ten (10) hours and up to fourteen (14) hours, you will be entitled to three (3) fifteen (15) minute rest breaks.

Timing of Rest Breaks

You are authorized and permitted to take a rest break in the middle of each four (4) hour work period. Your rest break will be scheduled by the Manager

Meal Period

All nonexempt employees will be provided an uninterrupted unpaid meal period of at least thirty (30) minutes if you work more than five (5) hours in a workday. You must clock out for your meal period. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. During your meal period, you are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any meal period.

Timing of Meal Period

Your meal period will be provided no later than the start of your fifth (5th) hour of work. For example, if you begin work at 8:00 a.m., you must start your meal period by 12:55 p.m. (which is before the start of your fifth hour of work).

Your meal period will be scheduled by the Manager.

Second Meal Period

If you work more than ten (10) hours in a day, you will be provided a second (2ND), unpaid meal period of at least thirty (30) minutes. Again, you must clock out for your meal period. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. There will be no control over your activities during your meal period. During your meal period, you are free to leave the premises and are free to come and go as you please. You are expected to return to work promptly at the end of any meal period.

Timing of Second Meal Period

This second meal period will be provided no later than the end of your tenth (10th) hour of work. For example, if you begin work at 8:00 a.m., you must start your second meal period by 5:59 p.m. (which is before the end of your tenth hour of work).

Your second meal period will be scheduled by the Manager.

Recording Meal Periods

You must clock out for any meal period and record the start and end of the meal period.

Employees are not allowed to work "off the clock." All work time must be accurately reported on your time record.

If for any reason you are not provided a meal period in accordance with our policy, or if you are in any way discouraged or impeded from taking your meal period or from taking the full amount of time allotted to you, please immediately notify your direct Manager or Human Resources. Anytime you miss a meal period that was provided to you (or you work any portion of a provided meal period), you will be required to report to your direct Manager or Human Resources and document the reason for the missed meal period or time worked. Please also refer to the Team Sheeper Timekeeping Policy.

Overtime for Nonexempt Employees

Employees may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. Team Sheeper will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a manager. Team Sheeper provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- All hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek will be treated as overtime. A workday begins at 12:01 a.m. and ends at midnight 24 hours later. Workweeks begin each Sunday at 12:01 a.m.;
- Compensation for hours in excess of forty (40) for the workweek, or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh (7) consecutive day of work in one workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay;
- Compensation for hours in excess of twelve (12) in one workday and in excess of eight (8) on the seventh (7th) consecutive workday in a workweek shall be paid at double the regular rate of pay; and
- Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.
- Overtime is paid at the pro-rated rate and hours if there is more than one rate

Pay for Mandatory Meetings and Training

Team Sheeper will pay non-exempt employees for their attendance at meetings, lectures, and training programs under the following conditions:

- Attendance is mandatory;
- The meeting, course, or lecture is directly related to the employee's job;
- The employee who is required to attend such meetings, lectures, or training programs will be notified of the necessity for such attendance by his or her manager;
- The employee will be paid at the then applicable minimum wage for time spent at meetings, lectures, and training programs if the employee does not perform any productive work during such attendance;
- Employees who do perform productive work during attendance at meetings, lectures or training programs will be compensated at their regular rate of pay; and
- Any hours in excess of eight in a day or forty (40) in a week will be paid at the appropriate overtime rate, at the hourly rate in effect at the time the overtime work is being performed.

Payment of Wages

Paychecks are mailed. If you observe an error on your check, please report it immediately to Human Resources.

All employees of Team Sheeper are paid every other Friday for work performed during the previous two-week pay period, ending on the prior Sunday. If a regular payday falls on a holiday, employees will be paid on the workday before the holiday. Team Sheeper offers a direct deposit. You may begin and stop direct deposit at any time by going to the self service portal in paylocity. Direct deposit will not begin for 1 or 2 payrolls after updating depending on your bank. You should carefully monitor your payroll deposit statement for the first two pay periods after the service begins.

Timekeeping Requirements

All nonexempt employees are required to use either the paylocity app or sign in on a computer to record time worked for payroll purposes. All time worked must be accurately reported on your time record. Employees must record their own time at the start and at the end of each work period. Employees must clock out for their meal period and record the start and end of the meal period.

Employees are not allowed to work "off the clock." Working off the clock violates company policy. Employees also must record their time whenever they leave the building for any reason other than Team Sheeper business.

Employees may be required to certify that their time record is accurate.

Recording another employee's time or allowing another employee to record your time for you or altering a time is not permissible and is subject to disciplinary action.

Any errors on your timecard should be reported immediately to your manager.

Please also refer to Team Sheeper's Meal and Rest Break Policy.

Expense Reports

Team Sheeper reimburses employees for business expenses within thirty (30) days of submission. Employees who have expenses that require reimbursement must submit the original receipts with a Team Sheeper Expense Report Form signed by their manager to Finance no later than thirty (30) days after the expense was incurred.

If you have any questions about the Company's expense reimbursement policy, contact the Chief Financial Officer.

Section IV – Health and Welfare Benefits

Benefits Overview

Team Sheeper is committed to providing the following benefits for eligible employees. Benefit eligibility may be dependent upon your employee classification (regular versus seasonal or temporary, for example) and on length of continuous employment at Team Sheeper. Benefit eligibility requirements may also be imposed by the plans themselves.

Upon becoming eligible for certain employee benefit plans, you will receive Summary Plan Descriptions which describe the benefits in greater detail. For information regarding employee benefits and to answer any questions you may contact Human Resources.

The Company reserves the right to modify, amend or terminate benefits and to modify or amend benefit eligibility requirements at any time and for any reason, subject to any legal restrictions.

The Company offers the following employee benefits:

- Health Insurance
- Vision Insurance
- Dental Insurance

Eligibility and Effective Date

Employees who are considered regular full-time or part-time status working twenty eight (28) hours or more per week on a regular basis are eligible to participate in the Company's health insurance. Eligible dependents include your spouse, unmarried dependent child(ren) under the age of 19 or under the age of 26. You may also enroll a Registered Domestic Partner and their children. Non-registered Domestic Partners are not eligible under the plan.

The effective date of participation in Team Sheeper's health plans is on the first day of the month following your hire date, or working twenty eight (28) hours on a regular basis, so long as the appropriate enrollment materials are completed within thirty (30) days of your eligibility date. Coverage of your dependents starts the same days of your coverage, provided they are properly enrolled.

All newly acquired dependents (spouse, newborn, adopted children, etc.) must be added to the insurance within thirty (30) days of the acquisition date (birth, marriage, adoption, etc.). If you do not enroll the new dependent within thirty (30) days, your dependent may be subject to late enrollment penalties.

Premium Contributions

Team Sheeper will cover 85% of the cost of the base plan premiums for all eligible employees and 50% of the cost of the base plan premiums for eligible dependents. Employees can "buy up" to any other plan options; you will be responsible for the full cost of the defined contribution.

Loss of Coverage and Continuation of Medical Insurance (COBRA)

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible individuals with the option to continue medical, and vision coverage at their own expense and for a defined period of time, upon the termination of employment as well as in other circumstances where benefits coverage through the Company is lost. Employees and qualified dependents eligible for COBRA coverage will receive a detailed notice of their entitlement at the time of a qualifying event.

Qualifying Events can include:

- Voluntary or involuntary termination of employment for reasons other than gross misconduct.
- Reduction in the number of hours of employment below plan eligibility requirements.

Qualifying Events for Spouses or Dependent Children:

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct.
- Reduction in the hours worked by the covered employee below plan eligibility requirements
- Covered employee's becoming entitled to Medicare
- Loss of dependent child status under the plan rules
- Divorce or legal separation of the covered employee
- Death of the covered employee

Lactation Policy

Team Sheeper accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid. However, if providing such break time would seriously disrupt the operations of our business, we may deny break time to employees who wish to express breast milk.

We will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location that is located close to the employee's work area. Employees with private offices will be required to use their offices to express breast milk.

Employees who desire lactation accommodations should contact their manager or Human Resources to request accommodations.

Discrimination on the basis of sex includes discrimination based on breastfeeding and related medical conditions, and is unlawful.

Paid Sick Leave

All employees are entitled to three days (24 hours) of paid sick time off each calendar year. The 24 hours of sick time will start annually on January 1st and will accrue based on hours worked per pay period. Unused time off will not carry over to the following year. Sick leave requests must be submitted through Paylocity. Employees that start during a year accrue paid sick time at the rate of 1 hour for every 30 hours worked up to 24 hours total for that year.

A "family member" includes the employee's child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, and regardless of age or dependency status); parent (biological, adoptive, foster parent, stepparent, legal guardian or a person who was in loco parentis when the employee was a minor); parents-in-law through an employee's spouse or registered domestic partner; spouse; registered domestic partner; grandparent; grandchild; and sibling.

An employee's paid sick time balance will be listed on his or her paystub for reference. Please note that if you receive your paycheck via direct deposit, you may access your paystub, via Paylocity. **No payment is made for unused sick leave at the time of termination or when you have given your resignation. If you are requesting to use sick time after you have given your resignation, sick time will be granted with a doctor's note.**

Paid Sick Leave under the California Supplemental Paid Sick Leave Law

Employees are eligible for 80 additional hours of paid sick time at their regular pay rate should the following events occur:

1. Employee is unable to work due to being put under quarantine by federal/state guidelines or a health care provider or is caring for a family member who is put under these conditions
2. Employee is experiencing symptoms of COVID-19
3. Employee is attending an appointment to receive a COVID-19 vaccine
4. Employee is caring for a child whose school is closed for COVID-19 related reasons

PAID FAMILY LEAVE

Employees may be eligible for Paid Family Leave (PFL) wage replacement benefits, which are funded through payroll deductions and coordinated through the Employment Development Department. PFL provides limited compensation for up to six (6) weeks after an unpaid, seven (7) day waiting period when an employee needs to take leave from work to care for a parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, or sibling who is seriously ill, or for a working parent who wants time to bond with his or her newborn, foster child or newly adopted child. The PFL program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.

Workers' Compensation

Team Sheeper, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax free, to replace lost wages; and
- Assistance to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to your manager or Human Resources;
- Seek medical treatment and follow-up care if required;
- Complete a written *Employee's Claim for Workers' Compensation Benefits* (DWC Form 1) and return it to Human Resources; and
- Provide the Company with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the Company's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Company's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires Team Sheeper to notify the workers' compensation insurance company of any concerns of false or fraudulent claims.

Company-Provided Physician

Team Sheeper provides medical treatment for work-related injuries through a medical provide network, which the company has chosen to provide medical care to injured employees because of their experience in treating work-related injuries.

Workers' Compensation and FMLA/CFRA

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of twelve (12) weeks in a rolling twelve (12) month period.

Section V – Employee Conduct and Business Ethics

Punctuality and Attendance

As an employee of Team Sheeper, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your manager. When you are absent, your assigned work must be performed by others.

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized Company business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your manager at least two hours before the time you are scheduled to begin working for that day. If you call less than one hour before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for that day. In all cases of absence or tardiness, employees must provide their manager with an honest reason or explanation. Employees also must inform their manager of the expected duration of any absence. Excessive absenteeism or tardiness will not be tolerated. Team Sheeper defines excessive absenteeism as more than three (3) unexcused absences, late arrivals or early departures in a three (3) month period.

If you fail to report for work without any notification to your manager and your absence continues for a period of three (3) days, Team Sheeper will consider that you have voluntarily abandoned or quit your employment. Absences protected by state and federal law do not count as a violation of this policy.

Dress Codes and Other Personal Standards

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines.

Because each employee is a representative of Team Sheeper in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire.

Unacceptable clothing for office employees includes: miniskirts or excessively short shorts, spaghetti strap or halter tops, excessively tight or loose clothing, clothing that is revealing or inappropriate and dirty, torn, ripped or clothing with holes (including jeans, pants, shorts or skirts designed with holes).

All employees required to wear uniforms provided by Team Sheeper must take care of their uniforms and report any wear or damage to their manager. Instructions regarding cleaning and maintenance of uniforms may be provided. Managers will inform you of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved by your manager.

Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact a company representative with day-to-day personnel responsibility and discuss the need for accommodation.

Drug and Alcohol Abuse

Team Sheeper is concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. Use of these substances, whether on or off the job can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the Company. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Company to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair the employee's value to the Company.

The following rules and standards of conduct apply to all employees either on Company property or during the workday (including meals and rest periods). Behavior that violates Company policy includes:

- Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
- Driving a Company vehicle while under the influence of alcohol; and
- Distribution, sale, or purchase of an illegal or controlled substance while on the job.

Violation of these rules and standards of conduct will not be tolerated. Team Sheeper also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, Team Sheeper reserves the right to conduct searches of Company property or employees and/or their personal property, and to conduct random drug testing of employees.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off Company property will not be tolerated because such conduct, even though off duty, reflects adversely on Team Sheeper. In addition, the Company must keep people who sell or possess controlled substances off Company premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a manager of such use immediately before starting or resuming work.

Team Sheeper will encourage and reasonably accommodate employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The Company is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the Company obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the Company's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

Drug-Free Workplace Policy

Team Sheeper is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. This organization encourages employees to voluntarily seek help with drug and alcohol problems.

Covered Workers

Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to Chief Executive Officer, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, interns and applicants.

Applicability

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on call, paid standby, while on organization property and at company-sponsored events.

Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify the organization in writing within five calendar days of the conviction. The organization will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Searches

Entering the organization's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment.

Drug Testing

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable.

and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in random, post-accident and reasonable suspicion testing upon selection or request of management.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine. Any employee who tests positive will be immediately removed from duty, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return-to-Work Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Assistance

Team Sheeper recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor.

It is the manager's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Clearly state consequences of policy violations.

Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.

Drug Testing Policy

To ensure public safety, Team Sheeper may periodically conduct employee drug and alcohol testing using a third party agency, and in compliance with State and Federal law. Only employees who are directly responsible for public safety will be required to participate in periodic drug testing (the "Designated Group"). This may include any employee who executes the tasks of a Lifeguard or Swim Instructor, whether it is their primary job function or they simply fill the role on an as needed basis.

Random Testing

As used in this Policy, "random testing" means a method of selection of employees from the Designated Group for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a Designated Group will be tested. Team Sheeper has no discretion to waive the selection of an employee that has been selected by this random selection method.

Scheduled Periodic Testing

Team Sheeper reserves the right to conduct periodic testing on a regularly scheduled basis for employees in the Designated Group.

Post-Rehabilitation Testing

Where the employee has had a confirmed positive test result, or has been sent to a drug dependency program, as a condition of continued employment, Team Sheeper will require the employee to take and pass follow-up drug tests during a probationary period within a two year period after the employee's return to work.

Substances Covered By Drug/Alcohol Testing

Employees in the Designated Group will be tested for their use of controlled substances including: Amphetamines, Barbiturates, Benzodiazepines, Opiates, Cannabinoids, Cocaine, Methadone, Methaqualone, Phencyclidine (PCP), Propoxyphene, and chemical derivatives of these substances. Employees must advise testing lab employees of all prescription drugs taken in a 30 day period before the test, and to be prepared to show proof of such prescription to testing lab personnel.

Testing Methods and Procedure

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the State and Federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to insure privacy of the employee, while protecting against tampering/alteration of the test results.

Employees will be considered to be engaged at work for the time spent in taking any tests, and will be compensated for such time at their regular rate.

Team Sheeper will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with State law, so that an employee may request a retest of the sample at his/her own expense if the employee disagrees with the test result.

Refusal to Undergo Testing

Employees who refuse to submit to a test are subject to disciplinary action up to and including termination of their employment.

Positive Test

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, Team Sheeper will contact the employee to confirm the results. If the results of the confirmation test are positive, the employee will be subject to disciplinary action, up to and including termination of employment.

Right to Explain Test Results

All employees and applicants have the right to meet with the testing laboratory personnel, and with Team Sheeper, to explain their test results. These discussions shall be considered confidential except that information disclosed in such tests will be communicated to personnel within Team Sheeper or within the Lab who need to know such information in order to make proper decisions regarding the test results or regarding the employment of the individual.

Right to Review Records

Employees have a right to obtain copies of all test results from the testing laboratory, or from Team Sheeper. When the individual disagrees with the test results, the individual may request that the testing laboratory repeat the test. Such repeat test shall be at the expense of the individual, unless the repeat test overturns the original report of the Lab, in which case Team Sheeper will reimburse the employee for the costs incurred for the retest.

Confidentiality Requirements

All records concerning test results will be kept in medical files which are maintained separately from the personnel file of the employee.

Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual which are unrelated to drug usage.

Retesting

Employees may request a retest of their positive test results, within five (5) working days after notification by Team Sheeper of a positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest.

Once Team Sheeper has determined whether or not there is evidence to indicate that the test results are incorrect, the Company will advise the individual of its decision.

Off-Duty Conduct

While Team Sheeper does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Company's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect the Company's or their own integrity, reputation or credibility.

Off-duty conduct by an employee that directly conflicts with the Company's essential business interests and disrupts business operations will not be tolerated.

Other Employment

While employed by Team Sheeper, employees are expected to devote their energies to their jobs with the Company. Employment that directly conflicts with the Company's essential business interests and disrupts business operations is strictly prohibited.

Employees who wish to engage in additional employment that may create a real conflict of interest must submit a written request to Team Sheeper explaining the details of the additional employment. If the additional employment is authorized, Team Sheeper assumes no responsibility for it. Team Sheeper shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

Political Activity

Many employees participate in political activities on their own time. Company time, facilities, property or equipment (including all computers, networks, and electronic equipment) must not be used for an employee's outside political activities. Team Sheepier will not reimburse any employee for political contributions, and employees should not attempt to receive or facilitate such reimbursements.

Absent a formal statement by Team Sheepier announcing any political endorsements, employees must not, through their own actions, speech, contributions, or written communication, mislead others to believe that Team Sheepier officially endorses or opposes any candidates for political office that Team Sheepier itself has not publicly announced. Company employees are entitled to their own personal position.

The Company will not discriminate against employees based on their lawful political activity engaged in outside of work.

Prohibited Camera Phones

Team Sheepier prohibits the use of personal cell phones that contain a camera, in the following areas:

- Locker Rooms
- Bathrooms

Prohibited Conduct

Employees are expected to conduct themselves in a manner to further the Company's objectives. The following conduct is prohibited and will not be tolerated by Team Sheepier. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and Company operations also may be prohibited and will result in disciplinary action up to and including termination.

- Falsifying employment records, employment information, or other Company records;
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- Theft and deliberate or careless damage or destruction of any Company property, or the property of any employee or customer;
- Removing or borrowing Company property without prior authorization;
- Unauthorized use or misuse of Company equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on Company property;
- Participating in horseplay or practical jokes on Company time or on Company premises;
- Carrying firearms or any other dangerous weapons on Company premises at any time;
- Engaging in criminal conduct whether or not related to job performance;
- Causing, creating, or participating in a disruption of any kind during working hours on Company property;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive, threatening or intimidating language at any time on Company premises;
- Failing to notify a supervisor when unable to report to work;
- Unreported absence of three or more days;
- Failing to obtain permission to leave work for any reason during normal working hours;

- Failing to observe working schedules, including rest and lunch periods;
- Failing to provide a physician's certificate when requested or required to do so;
- Sleeping or malingering on the job;
- Making or accepting personal telephone calls, including cell phone calls, of more than three minutes in duration during working hours, except in cases of emergency or extreme circumstances;
- Working overtime without authorization or refusing to work assigned overtime;
- Violation of dress standards;
- Violating any safety, health, security or Company policy, rule, procedure or violation of the Company's drug and alcohol policy;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Committing or involvement in any act of unlawful harassment of another individual; and
- Failing to promptly report work-related injury or illness.

This statement of prohibited conduct does not alter the Company's policy of at-will employment. Either you or Team Sheeper remain free to terminate the employment relationship at any time, with or without reason or advance notice.

Conduct with Children

Many of the patrons for Team Sheeper include children, so the following policies apply for any interactions with children:

- No employee should ever be alone with a child, there should always be at least two adults present
- When in a room with a child, there should be an open door always, never a closed door to the room
- There should be no touching of a child of any kind unless during a swim lesson when a child must be helped to stay afloat or when a child is in danger and in those cases, the hands should never be in an inappropriate area or sensitive area of the child.
- Team Sheeper has a zero tolerance policy for any type of inappropriate behavior or touching of a child. Any inappropriate behavior or touching will result in immediate dismissal.
- There is to be no interaction between an employee and a client/child customer of the Company outside of the workplace unless that child is a family member of an employee.

Disciplinary Action

Violation of Team Sheeper policies and rules may warrant disciplinary action. The Company has a system of progressive discipline that may include verbal warnings, written warnings, and suspension. The system is not formal, and Team Sheeper may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, immediate termination of employment. The Company's policy of progressive discipline in no way limits or alters the at-will employment relationship.

News Media Contacts

Employees may be approached for interviews or comments by the news media. Only employees that the Chief Executive Officer designates may comment to news reporters on Team Sheeper policy or events relevant to Team Sheeper.

This policy does not limit an employee's right to discuss the terms and conditions of his or her employment, or to try and improve these conditions.

Business Conduct and Ethics

Employees that work directly with, vendors, suppliers, or other person(s) doing business with Team Sheeper may not accept gifts or gratuities. Doing so may give the appearance of influencing business decisions,

transactions or service. Please discuss expenses paid by such persons for business meals or trips with the Company in advance.

Conducting Personal Business

Employees are to conduct only Team Sheep business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours.

Confidential Information

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of your work, you may have access to confidential information regarding Team Sheep, its suppliers, its customers, or perhaps even fellow employees. You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the Company.

Conflicts of Interest

All employees must avoid situations involving actual conflict of interest. Personal or romantic involvement with a competitor, supplier, or subordinate employee of Team Sheep, which impairs an employee's ability to exercise good judgment on behalf of the Company, can create an actual conflict of interest.

Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to his or her immediate manager, or any other appropriate manager, for a determination about whether an actual conflict exists. If an actual conflict is determined, Team Sheep may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

Customer Relations

Employees are expected to be polite, courteous, prompt, and attentive to every customer. When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, their manager should be called immediately.

Ours is a service business and all of us must remember that the customer always comes first. Our customers ultimately pay all of our wages. Remember, while the customer is not always right, the customer is never wrong.

Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concern as an interruption or an annoyance. You must respond to inquiries from customers, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a customer, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do

business. Never argue with a customer. If a problem develops or if a customer remains dissatisfied, ask your manager or a department head to intervene.

Section VI – Leaves of Absence

Bereavement Leave

Team Sheeper grants leave of absence to employees in the event of the death of the employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee with such a death in the family may take up to three to five (3 – 5) consecutive scheduled workdays off without pay with the approval of the Company. The employee's manager may approve additional unpaid time off.

Civil Air Patrol Leave

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer in the California Civil Air Patrol. If you are a Civil Air Patrol volunteer, please alert your manager that you may have to take time off for emergency duty. When taking time off for emergency duty, please alert your manager before doing so, giving as much advance notice as possible.

Up to ten (10) days of leave for duty may be taken each year. However, leave for a single emergency mission cannot exceed three (3) days, unless the emergency is extended by the entity in charge of the operation and the extension of leave is approved by the Company.

Domestic Violence, Sexual Assault or Stalking Leave and Accommodation

Employees who are victims of domestic violence, sexual assault and stalking are eligible for unpaid leave. You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety, or welfare, or that of your child.

You should provide notice and certification of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence, sexual assault or stalking;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault or stalking, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence, sexual assault or stalking victim advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault or stalking.

Employees who are victims of domestic violence, sexual assault or stalking and need a reasonable accommodation for their safety at work should contact a Company representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If you are requesting such a reasonable accommodation, you will need to submit a written statement signed by you, or by an individual acting on your behalf, certifying that the accommodation is for the purpose of your safety at work.

For reasonable accommodation requests, the Company will also require certification demonstrating that you are the victim of domestic violence, sexual assault or stalking. Any of the forms of certification described above for leave purposes will suffice. The Company may request recertification every six months from the date of the previous certification. You should notify the company if an approved accommodation is no longer needed. The Company will engage in an interactive process with the employee to identify possible accommodations if any,

that are effective and will make reasonable accommodations unless an undue hardship will result.

Team Sheeper will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under these provisions.

Domestic Violence, Sexual Assault or Stalking Leave for Treatment

Employees who are victims of domestic violence, sexual assault or stalking are eligible for unpaid leave for any of the following:

- To seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- To obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- To obtain psychological counseling related to experiencing domestic violence, sexual assault or stalking;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking including temporary or permanent relocation.

You should provide notice and certification of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence, sexual assault or stalking;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault or stalking, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence or sexual assault victim advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault or stalking.

Team Sheeper will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to twelve (12) weeks provided for in the federal Family and Medical Leave Act of 1993 for eligible employees.

Extended Medical Leave

A medical leave of absence may be granted for non-work-related medical disabilities (other than pregnancy, childbirth, and related medical conditions) with a doctor's written certificate of disability. Extended disability leaves will also be considered on a case-by-case basis, consistent with the Company's obligations under federal and state disability laws.

Employees should request any leave in writing as far in advance as possible. If you are granted a medical leave, you may use any paid vacation time previously accrued.

A medical leave begins on the first day your doctor certifies that you are unable to work, and ends when your doctor certifies that you are able to return to work. Your physician will provide you with a note stating the date you were disabled and the estimated date you will be able to return to work. An employee returning from a medical disability leave must present a doctor's certificate declaring fitness to return to work.

If returning from a non-work-related medical leave, you will be offered the same position you held at the time

your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. Team Sheeper makes no guarantees of reinstatement, and your return will depend on your qualifications for existing openings.

California workers' compensation laws govern work-related injuries and illnesses. California pregnancy disability laws govern leaves taken because of pregnancy, childbirth, and related medical conditions. An employee that needs reasonable accommodations should contact Human Resources to discuss the need for an accommodation.

Any leave taken under this provision qualifying as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of 12 workweeks of family/medical leave in a twelve (12) month period.

Family and Medical Leave

State and federal family and medical leave laws provide up to twelve (12) work weeks of unpaid family/medical leave within a twelve (12) month period, under the following conditions:

- The employee has more than twelve (12) months of service. If the leave is for FMLA only, the twelve (12) months of service must have accumulated within the previous seven (7) years. There is no such cap under CFRA
- The employee has worked at least 1,250 hours during the previous twelve (12) month period before the need for leave*; and
- The employee is employed at a work site where there are fifty (50) or more employees within a seventy five (75) mile radius.

*Special hours of service eligibility requirements apply to airline flight crew employees.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- For incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- To care for the employee's spouse, child, or parent who has a serious health condition(FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only);
- For a serious health condition that makes the employee unable to perform his or her job(FMLA/CFRA).

For additional information about eligibility for family/medical leave, contact Human Resources.

Military Family Leave Entitlements

- Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- Eligible employees may also take a special leave entitlement of up to twenty six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. (FMLA/CFRA for twelve (12) weeks if the care provider is eligible for both, followed by fourteen (14) weeks of (FMLA only), or twenty six (26) weeks of FMLA only if leave is not CFRA covered leave). A covered service member is either:
 - o A current member of the Armed forces, including a member of the National Guard or

- Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*^o; or
- o A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

Calculating the 12-month Period

For purposes of calculating the twelve (12) month period during which twelve (12) weeks of FMLA or qualifying exigency leaves may be taken, Team Sheeper uses rolling year.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of twelve (12) weeks of family and medical leave in the designated twelve (12) month period.

For leave to care for a covered service member, the twelve (12) month period begins on the first day of the leave, regardless of how the twelve (12) month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of twenty six (26) workweeks during a twelve (12) month period.

Pregnancy, Childbirth or Related Conditions

Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act). However, time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave (PDL). Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the Company will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two (2) weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

Leave Procedures

The following procedures shall apply when an employee requests family medical leave:

- Please contact Human Resources as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the Company at least thirty (30) days before leave is to begin. The employee must consult with his or her manager regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Company. Any such

- scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.
- If the employee cannot provide thirty (30) days' notice, the Company must be informed as soon as is practical.
 - If the Family and Medical Leave Act/California Family Rights Act request is made because of the employee's own serious health condition, the Company may require, at its expense, a second opinion from a health care provider that the Company chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the Company.
 - If the second opinion differs from the first opinion, the Company may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the Company and the employee.

Certification

Team Sheeper requires the employee to provide certification within 15 days of any request for family and medical leave under state and federal law, unless it is not practicable to do so. The Company may require recertification from the health care provider if additional leave is required. *(For example, if an employee needs two (2) weeks of family and medical leave, but following the two (2) weeks needs intermittent leave, a new medical certification will be requested and required.)* If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the Company may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by the Company, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the Company will not grant more than a total of twelve (12) workweeks family/medical leave for this reason.

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

The Company will require certification by the employee's health care provider that the employee is fit to return to his or her job.

Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

Leave Related to Military Service

A leave taken due to a "qualifying exigency" related to military service must be supported by a

certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

Health and Benefit Plans

An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of twelve (12) workweeks, or twenty six (26) workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Company will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the Company may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work.

Payment is due on the same schedule as payments that are made under COBRA the first of each month.

Substitution of Paid Leave

Generally, FMLA/CFRA leave is unpaid. The Company may require, or employees may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the company's normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact Human Resources.

Health and Benefit Plans

An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of twelve (12) workweeks, or twenty six (26) workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Company will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the Company may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work.

Payment is due on the same schedule as payments that are made under COBRA the first of each month.

Substitution of Paid Leave

Generally, FMLA/CFRA leave is unpaid. The Company may require, or employees may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the company's normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact Human Resources.

Reinstatement

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within seventy five (75) miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the Company's operations;
- The employee is notified of the Company's intent to refuse reinstatement at the time the Company determines the refusal is necessary; and
- If leave has already begun, the Company gives the employee a reasonable opportunity to return to work following the notice described previously.

Time Accrual

Employees on Family and Medical Leave Act/California Family Rights Act leave will not continue to accrue other company provided paid leave benefits (such as vacation) during unpaid Family and Medical Leave Act/California Family Rights Act leave.

Carryover

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the twelve (12) workweek entitlement (twenty six (26) workweek entitlement if leave is to care for a service member) in a twelve (12) month period. The twelve (12) month period is measured forward from the date any employee's first Family and Medical Leave Act leave begins. Successive twelve (12) month periods commence on the date of an employee's first use of such leave after the preceding twelve (12) month period has ended. No carryover of unused leave from one twelve (12) month period to the next twelve (12) month period is permitted.

Intermittent Leave

Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, or spouse, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is one hour.

Jury Duty and Witness Leave

Team Sheeper encourages employees to serve on jury duty when called. Non-exempt employees may request unpaid leave for jury duty. Exempt employees will receive full salary unless they are absent for a full week and perform no work. You should notify your manager of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

Fees Paid by the Court

You may retain any mileage allowance or other fee paid by the court for jury services.

Military Leave

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Military Spouse Leave

Employees who work more than 20 hours per week and have a spouse in the Armed Forces, National Guard or Reserves who have been deployed during a period of military conflict are eligible for up to 10 unpaid days off when their spouse is on leave from (not returning from) military deployment.

Employees must request this leave in writing to Human Resources within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying the spouse will be on leave from deployment

Organ and Bone Marrow Donor Leave

Employees who are donors for organ or bone marrow may take unpaid time off as follows:

- Employees may take up to 30 business days of leave in any one-year period for the purpose of donating an organ to another person. The one-year period is calculated from the date the employee begins his/her leave.
- Employees may take up to 5 business days of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee's leave begins.
- During the leave for organ/bone marrow donors, Team Sheeper will continue to provide and pay for any group health plan benefits the employee was enrolled in prior to the leave of absence.
- Leave taken for the purpose of organ or bone marrow donation is not leave for the purpose of family medical leave under state law, The California Family Rights Act.
- Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Team Sheeper requires that employees taking leave for organ donation use two weeks of accrued but unused vacation. Team Sheeper requires that employees taking leave for bone marrow donation use five days of accrued but unused vacation.

Once a Donor has exhausted the required vacation leave, the employee will be not be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.

Personal Leave

A personal leave of absence without pay may be granted at the discretion of Team Sheepier. Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

Concurrent Personal and Family/Medical Leave

Any leave taken under this provision that qualifies as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of 12 workweeks of family/medical leave in a 12-month period.

Pregnancy Disability Leave

Any female employee planning to take pregnancy disability leave should advise the personnel department as early as possible. The individual should make an appointment with the personnel manager to discuss the following conditions:

- Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.
- Team Sheepier will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.
- Employees who need to take pregnancy disability must inform Team Sheepier when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable, employees must provide reasonable advance notice at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the personnel manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Company. Any such scheduling is subject to the approval of the employee's health care provider;
 - If 30 days' advance notice is not possible, notice must be given as soon as practical;
 - Failure to give reasonable advance notice may result in delay of leave, reasonable accommodation, or transfer;
 - Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide Team Sheepier with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned within 15 calendar days. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer. The certification indicating the need for disability leave should contain:
 - A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or related medical condition.
 - The date on which the employee became disabled due to pregnancy;
 - The probable duration of the period or periods of disability; and
 - If the employee needs a reasonable accommodation or transfer, a medical certification is sufficient if it contains all of the following: a description of the requested reasonable accommodation or transfer; a statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy; and the date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the

reasonable accommodation or transfer.

- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave; and
- Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of 1 hour.

If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's needs. The alternative position need not consist of equivalent duties, but must have the equivalent rate of pay and benefits. The employee must be qualified for the position. The position must better accommodate the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule. Upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

In some instances, an employer can recover from an employee premiums paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the human resources department for more information.

School Activities

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to 12 may take time off for a school activity;
- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year;
- Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- If both parents are employed by Team Sheeper, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;
- Employees must use vacation leave in order to receive compensation for this time off;
- Employees who do not have paid time off available will take the time off without pay, and
- Employees must provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

School Appearances Involving Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her manager as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

Time Off for Voting

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her manager at least two days' notice.

Vacation

Team Sheeper provides paid vacation for employees to take time off for rest and recuperation. We believe this time is valuable in many ways including improving work productivity and providing a valuable benefit for our employees.

Eligibility

All regular (not seasonal) hourly (non-exempt) employees working a minimum of twenty eight (28) hours per week are eligible for vacation accrual. Vacation accrual begins on your first week of employment, if starting with at least a 28 hour work week, or hours averaged over a 3 month period, should hours be increasing to this threshold. See vacation accrual table below. If you are eligible for vacation accrual, but work under twenty eight (28) hours during a work week for any reason, vacation will not be accrued for the hours worked.

Exempt employees will accrue vacation at the rate of ten (10) days or eighty (80) hours of vacation per year, beginning on your first day of exempt employment, or beginning on the day after the 3 month average hours going above the threshold of 28 hours per work week.

Temporary and seasonal employees are not eligible for accrue vacation hours.

Vacation Accrual

Vacation is accrued according to the number of hours worked in a week. If the employee works less than the 28 hour threshold, no vacation is accrued. Vacation is accrued as follows:

Vacation Accrual Table

Years of Service	Vacation Accrual Rate for employees working 28 hours per week or 50 hours per pay period	Annual Accrual Rate or approximate number of days per year for full-time employees
1 st through 5 th Year	0.038462	10 Days
6 th through 10 th Year	0.057693	15 Days
11 th Year Forward	0.057700, Plus 0.038470 for each additional year of service	15 Days plus 1 additional day for each additional year of service

Maximum Accrual

Team Sheeper encourages employees to use the available vacation time. Vacation can accrue up to a maximum of 1.5 times the annual accrual rate. Once this cap is reached, no further vacation will accrue until some vacation is used.

Using Vacation Time

Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. Your manager will make final determinations and must approve your vacation schedule in advance. Vacation schedules must be coordinated and cleared with your manager.

Team Sheeper schedules determine permissible vacation periods, which employees may need to defer or otherwise adjust accordingly.

Vacation hours for hourly employees may be “cashed in” and paid out in the next possible pay period.

Vacation hours for salaried employees cannot be “cashed in”.

Vacation hours can only be paid in increments of whole hours.

Vacation requests must be submitted to your manager through Paylocity.

Employees may only use paid vacation or unpaid time off. Borrowing unearned vacation is not allowed.

Termination of Employment

An employee whose employment terminates will be paid for accrued unused vacation days on a pro rata basis.

Required Use of Vacation Before Unpaid Leave

You are required to take accrued and unused vacation before taking unpaid leave, or having unpaid absences. Family and Medical Leave (under both state and federal law) is included in this requirement, unless the absence is pregnancy-related or the leave is FMLA related and you are receiving wage replacement through a disability benefit plan (regardless of whether the plan is employer provided or mandatory under state or federal law, such as state disability insurance).

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) payments, you are required to first use any accrued and unused vacation, up to a maximum of two weeks in a 12-month period. PFL benefits do not replace all of your usual wages. Your PFL benefits will be supplemented with any accrued and unused vacation hours.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after you have been absent from work for 7 calendar days. If you have accrued vacation pay, it will be used for the first seven days before SDI payments begin, unless you are receiving wage replacement through a disability benefit plan (regardless of whether the plan is employer provided).

SDI benefits do not replace all of your usual wages. Your SDI benefits will be supplemented with any accrued and unused vacation hours, unless you are receiving wage replacement a disability benefit plan (regardless of whether the plan is employer provided).

Victims of Crime Leave

An employee who is themselves a victim or who is the family member of a victim of certain serious crimes may take time off from work to attend judicial proceedings related to the crime or to attend proceedings involving rights of the victim.

A family member of a crime victim may be eligible to take this leave if he/she is the crime victim's spouse, parent, child or sibling. Other family members may also be covered depending on the purpose of the leave.

The absence from work must be in order to attend judicial proceedings or proceedings involving rights of the victim. Only certain crimes are covered. You must provide reasonable advance notice of your need for leave, and documentation related to the proceeding may be required. If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings or proceedings involving victim rights will be unpaid, unless you choose to take paid time off.

For more information regarding this leave (including whether you are covered, when and what type of documentation is required, and which type of paid time off can be used), please contact a Company representative with day-to-day personnel responsibilities.

Volunteer Civil Service Personnel

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. Employees who perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel may also take up to a total of fourteen days unpaid leave time per calendar year to engage in required fire, law enforcement or emergency rescue training. Please alert your manager that you may have to take time off for emergency duty or emergency duty training. When taking time off for emergency duty, please alert your manager before doing so when possible.

If you are an official volunteer firefighter, reserve peace officer or emergency rescue personnel, please alert your manager if you have training. Volunteer firefighters, reserve peace officers and emergency rescue personnel may take up to a total of fourteen days per calendar year to engage in fire, law enforcement or emergency rescue training.

Section VII – General Policies

Employee Property

An employee's personal property, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of Team Sheeper property, possession of dangerous weapons or firearms, or abuse of the Company's drug and alcohol policy.

Employment of Relatives

Relatives of employees may be eligible for employment with Team Sheeper only if individuals involved do not work in a direct supervisory relationship, or in job positions in which there is a conflict of interest. The Company defines "relatives" as spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Present employees who marry or become registered domestic partners will be permitted to continue working in the job position held only if they do not work in a direct supervisory relationship with one another or in job positions involving conflict of interest.

Names and Addresses Policy

Team Sheeper is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the Company in the event of a name or address change.

Performance Evaluations

Each employee will receive periodic performance reviews conducted by his or her manager. Performance evaluations will be conducted approximately annually, on or about the anniversary date of your employment with the Company. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of Team Sheeper and depend upon many factors in addition to performance. After the review, you will be required to sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it

with your manager, and that you are aware of its contents.

Personnel Records

You have a right to inspect or receive a copy of the personnel records that Team Sheeper maintains relating to your performance or to any grievance concerning you. Certain documents may be excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made. Any request to inspect or copy personnel records must be made in writing to the Human Resources. You can obtain a form for making such a written request from the Human Resources.

You may designate a representative to conduct the inspection of the records or receive a copy of the records. However, any designated representative must be authorized by you in writing to inspect or receive a copy of the records. Team Sheeper may take reasonable steps to verify the identity of any representative you have designated in writing to inspect or receive a copy of your personnel records.

The personnel records may be made available to you either at the place where you work or at a mutually agreeable location (with no loss of compensation for going to that location to inspect or copy the records). The records will be made available no later than thirty (30) calendar days from the date Team Sheeper receives your written request to inspect or copy your personnel records (unless you/your representative and Team Sheeper mutually agree in writing to a date beyond thirty (30) calendar days but no later than thirty five (35) calendar days from receipt of the written request).

If you request a copy of the contents of your file, you will be charged the actual cost of copying. Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, Team Sheeper will cooperate with request from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

Workplace Privacy

Employees may not use any audio or video recording devices in work areas or in the course of conducting business.

Section VIII – Company Property

Electronic and Social Media

This policy is intended to protect the Company's computer systems and electronic information. For purposes of these policies, the following definitions apply: "Computers" are defined as desktop computers, laptops, handheld devices (including but not limited to iPhones, Blackberries, smart phones, iPads, and other electronic tablets and cell phones), computer software/hardware and servers.

Team Sheeper also uses various forms of "electronic communication." "Electronic communications" includes e-mail, text messages, telephones, cell phones and other handheld devices (such as cell phones, Blackberries or smart phones or writing tablets or iPads), fax machines, and online services including the Internet. "Electronic information" is any information created by an employee using computers or any means of electronic communication, including but not limited to, data, messages, multimedia data, and files.

The following general policies apply:

- Computers and all data transmitted through Team Sheeper servers are Company property owned by the Company for the purpose of conducting Company business. These items must be maintained according to Team Sheeper rules and regulations. Computers must be kept clean and employees must

exercise care to prevent loss and damage. Prior authorization must be obtained before any Company property may be removed from the premises.

- All electronic communications also remain the sole property of Team Sheepier and are to be used for Company business. For example, email messages are considered Company records.
- Electronic information created by an employee using any computer or any means of electronic communication is also the property of Team Sheepier and remains the property of Team Sheepier.
- Information stored in Team Sheepier computers and file servers, including without limitation customer lists, preferences, information lists and other data is the property of the Company and may not be distributed outside the Company in any form whatsoever without the written permission of the Chief Executive Officer.
- Violation of any of the provisions of this policy, whether intentional or not, will subject Team Sheepier employees to disciplinary action, up to and including termination.

Monitoring of Company Property

Team Sheepier reserves the right to inspect all Company property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Team Sheepier computers and all electronic communications and electronic information are subject to monitoring and no one should expect privacy regarding such use. The Company reserves the right to access, review and monitor electronic files, information, messages, text messages, e-mail, Internet history, browser-based webmail systems and other digital archives and to access, review and monitor the use of computers, software, and electronic communications to ensure that no misuse or violation of Company policy or any law occurs. E-mail may be monitored by the Company and there is no expectation of privacy. Assume that e-mail may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as "private."

Employee passwords may be used for purposes of security but the use of a password does not affect the Company's ownership of the electronic information or ability to monitor the information. The Company may override an employee's password for any reason.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by Team Sheepier management.

Prohibited Use

All existing Company policies apply to employee use of computers, electronic communications, electronic information, and the Internet. This includes policies that deal with misuse of Company assets or resources. It is a violation of Team Sheepier policy to use computers, electronic communications, electronic information, or the Internet, in a manner that: is discriminatory harassing or obscene; constitutes copyright or trademark infringement; violates software licensing rules; is illegal; or is against Team Sheepier policy. It is also a violation of policy to use computers, electronic communications, electronic information, or the Internet to communicate confidential or sensitive information or trade secrets.

The display of any kind of sexually explicit multimedia content, message, or document on any Company computer is a violation of the Company's policy against sexual harassment. This description of prohibited usage is not exhaustive and it is within the discretion of Team Sheepier to determine if there has been a violation of this policy. Employees that engage in prohibited use will be subject to discipline and/or immediate termination. This policy is not intended to limit the ability of employees to discuss with other employees the terms and conditions of their employment, including such topics as wages, job performance, workload, managers, or staffing.

Computer and Internet Use

Team Sheeper provides computers, electronic communications, electronic information, and information technology resources, including the Internet, to its employees to help them do their job. Generally, these Company resources should be used for business related purposes. However, the Company recognizes that occasional personal use of these Company resources and property may occur during working time. The Company allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any Company policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. All policies relating to monitoring usage of Company property apply. Team Sheeper reserves the right to adjust this policy on a case by case basis as it deems appropriate.

Social Media

Team Sheeper uses social media in limited circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. If you have specific questions about which programs the Company deems to be social media, consult with Human Resources.

Use of Internet based programs such as Facebook, LinkedIn, and Twitter, this is not meant to be an exhaustive list, may be used in furtherance of Company goals. However, only authorized individuals are allowed to speak/write in the name of Team Sheeper using the social media tools of the Company such as

- Company Facebook Page
- Company Twitter Account
- Company Blog

The Chief Executive Officer will authorize you in writing if you can use these Company social media tools to perform your job duties. Authorized individuals using the Company social media tools shall identify themselves honestly, accurately and completely and comply with all Company policies in using this media.

Your authorization is limited to business purposes and personal use of these Company social media tools or programs is prohibited and can result in discipline up to and including termination. All policies relating to monitoring usage of Company property apply.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods; however, all other Company policies against inappropriate usage, including the Company's no tolerance for discrimination, harassment or retaliation in the workplace, and protection of confidential and trade secret information apply.

Nothing in the Team Sheeper social media policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment.

Employee-owned Devices

Employees who own computers (including hand held devices) and electronic communications are not to be used during work time on the work premises, unless authorized by the Chief Executive Officer. Employees may use personal devices during non-working times, such as breaks and meal periods; however, all other company policies against inappropriate usage, including the Company's no tolerance for discrimination, harassment or retaliation in the workplace, apply.

Employer Property

Lockers, furniture, desks, computers, cell phones, data processing equipment/software, vehicles, are Team Sheeper property and must be maintained according to Company rules and regulations. They must be kept clean and are to be used only for work-related purposes. Team Sheeper reserves the right to inspect all Company property including computer or phone data or messages to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any Company property may be removed from the premises.

Company voice mail and/or electronic mail (e-mail) including texting, pagers and mobile email are to be used for business purposes. Team Sheeper reserves the right to monitor voice mail messages, and e-mail messages, and texts to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence.

Team Sheeper may periodically need to assign and/or change "passwords" and personal codes for these communication technologies and related storage media and databases are to be used only for Company business and they remain the property of Team Sheeper.

Team Sheeper reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Messages on the company voice-mail and email systems are subject to the same company policies against discrimination and harassment as are any workplace communications.

Offensive, harassing or discriminatory content in such messages will not be tolerated.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave Team Sheeper. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

Housekeeping

All employees are expected to keep their work areas clean and organized. People using common areas such as lunch rooms, locker rooms, and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly.

Parking

Team Sheeper is not responsible for any loss or damage to employee vehicles or contents while parked in the public parking lot.

Smoking

Smoking is not allowed in any enclosed area of the facility, this includes but is not limited to vaporizers and e-cigarettes.

Solicitation and Distribution of Literature

In order to ensure efficient operation of the Company's business and to prevent disruption to employees, we have established control of solicitations and distribution of literature on Company property. Team Sheeper has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with his or her manager.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed. No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Company property.

Employees who wish to engage in additional employment that may create a real conflict of interest must submit a written request to Team Sheeper explaining the details of the additional employment. If the additional employment is authorized, Team Sheeper assumes no responsibility for it. Team Sheeper shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

Section IX – Safety and Health

Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your manager or to the human resources department. In compliance with California law, and to promote the concept of a safe workplace, Team Sheeper maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the Chief Executive Officer's office.

In compliance with Proposition 65, Team Sheeper will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

Special Covid-19 Health and Safety Requirements

In order to keep a safe workplace and facility for employees and patrons, all employees will be trained on specific procedures related to Covid-19 and screened for symptoms before they will be allowed to work for any shift. The procedures will be followed:

1. Employees must make every effort to obtain a COVID-19 vaccine unless there is a medical or religious request not to obtain the vaccine. If this is the case, you must communicate this reason in writing to Human Resources and obtain a waiver.
2. Employees must wear a mask the entire time they are in or around the work facility if they are unvaccinated for a reason that has been approved above.
3. If an Employee is feeling ill in any way, they are required to stay home, call their manager to notify them and obtain doctors advice re:COVID. They must communicate with their manager if there are any COVID symptoms, suspicion of COVID or a positive COVID test. In the case of a positive test, the result must be communicated to the Employee's manager and the Employee may return upon obtaining a negative test result, or 10 days after the day of diagnosis, whichever comes first.

Employees Who Are Requested to Drive

Employees who are required to drive a Company vehicle or their own vehicles on Company business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment.

Team Sheeper participates in a system that may regularly checks state Department of Motor Vehicles (DMV) records of all employees who drive as part of their job.

1. Driver must have a valid Driver license
2. Driver must have no moving violations, at fault accidents, missing proof of insurance or registration, or failure to appear violations
3. Driver must have 2 years driving experience and be over the age of 18
4. No Employee may transport any participant of any Team Sheeper.
5. All Incidents of any circumstance while driving must be reported within 8 hours
6. If any changes in driving record occurs there must be written notification within 72 hours of change
7. Underwriters reserve the right to exclude drivers under their own discretion. Exception request can be made in writing to appropriate underwriters and or upper management. If any of these Items are not adhered to or notified of an occurrence, disciplinary action could be taken including up to termination.

Prohibited Use of Company Cell Phone While Driving

In the interest of the safety of our employees and other drivers, Team Sheeper employees are prohibited from using cell phones (including all smart phones) while driving on Company business and/or Company time.

If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on Company business and/or Company time. The Company recommends preprogramming frequently used numbers into your phone rather than looking up numbers before dialing them. Violating this policy is a violation of law and a violation of Company rules.

Writing, sending, or reading text-based communication - including text messaging, instant messaging, e-mail, web browsing and use of smart phone applications - on any wireless device or cell phone while driving is also prohibited under this policy unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send, or listen, and it is used in that manner while driving.

Violating this policy is a violation of law and a violation of Company rules.

Ergonomics

Team Sheeper is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The Company will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The Company encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

Team Sheeper believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. We intend to provide appropriate resources to create a risk-free environment. If you have any questions about ergonomics, please contact Human Resources.

Fragrance Policy

We strive to maintain a fragrance-free workplace. Employees may not wear any of the following in the workplace or when on the job, regardless of location, if they may come in contact with customers or coworkers: cologne, after shave lotion, perfume, perfumed hand lotion, fragranced hair products, fragranced deodorants and/or similar products.

Heat Illness

The Company is concerned with employee health and safety. Employees who work outside may be exposed to extreme temperatures or adverse working conditions, particularly in the summer months. All managers are trained in the prevention of heat illness.

Employees who work outside are allowed and encouraged to take a recovery cool-down period in the shade for not less than five minutes to prevent heat illness. The Company has procedures in place for employees to request recovery periods and for ensuring that recovery periods are provided when appropriate. Please refer to the Company's Injury Illness and Prevention Program or talk to your manager for details on how to ensure you are protected from heat illness dangers.

Inclement Weather/Natural Disasters

In the event of severe weather or a natural disaster that prevents employees from safely traveling to and from work, the following leave policies will apply:

- Inclement weather: Conditions that excuse absence from work include: snow, heavy rain, road closures, earthquakes, landslides. If weather conditions prevent you from safely traveling to work, you must notify your Manager by phone, if telephone service is functional, or by any other available means. Employees may be paid for up to five (5) day(s) per year when weather conditions prevent them from reaching the worksite. Absences in excess of five (5) day(s) will be unpaid or will be deducted from accumulated vacation time.
- In the event of a natural disaster, the office will be closed if the building is damaged or highways leading to the office are damaged. For instructions on reporting to another location, contact the your manager immediately, if possible.

Recreational Activities and Programs

Team Sheepier or its insurer will not be liable for payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

Security

Team Sheepier has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to security personnel. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your manager when unknown persons are acting in a suspicious manner in or around the facilities, or when keys or other items are missing.

The Company's workplace security program is described in detail in the Company's Illness and Injury Prevention Program (IIPP).

Workplace Violence

Team Sheepier has adopted the following workplace violence policy to ensure a safe working environment for all employees.

The Company has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

Possession of non-work related weapons on Company premises and at Company-sponsored events shall constitute a threat of violence.

It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent. You may report an incident to any manager or Human Resources.

A threat includes, but is not limited to, any indication of intent to harm a person or damage Company property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent - this list is in no way all-inclusive

Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their managers have the right idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture	Nonverbal
Displaying weapons	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile	Extreme
Taking actions likely to cause bodily harm or property damage	Acts of violence

The Company's workplace violence program is described in detail in the Company's Illness and Injury Prevention Program (IIPP).

Section X – Resignations and Terminations

Employee References

All requests for references must be directed to the Human Resources Department. No other manager, supervisor, or employee is authorized to release references for current or former employees.

By policy, Team Sheepier discloses only the dates of employment and the title of the last position held of former employees. If you authorize the disclosure in writing, Team Sheepier also will inform prospective employers of the amount of salary or wage you last earned.

Involuntary Termination and Progressive Discipline

Violation of Team Sheepier policies and rules may warrant disciplinary action. The Company has a system of progressive discipline that may include verbal warnings, written warnings, and suspension. The system is not formal, and Team Sheepier may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, immediate termination of employment. The Company's policy of progressive discipline in no way limits or alters the at-will employment relationship.

Voluntary Resignation

Voluntary resignation results when an employee voluntarily quits his or her employment at Team Sheepier, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, his or her manager. All Company-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

Reductions in Force

Under some circumstances, Team Sheepier may need to restructure or reduce its workforce. If restructuring our operations or reducing the number of employees becomes necessary, the Company will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, Team Sheepier will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee's length of service.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/10/2022

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

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

PRODUCER Business Professional Insurance Associates 1519 South B Street San Mateo, CA 94402 License #: 0D69286	CONTACT NAME: Eileen Gin	FAX:
	PHONE (A/C, No, Ext):	
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Ategrity Specialty Insurance Co. 16427	NAIC #
INSURED Team Sheeper Inc. 501 Laurel St Menlo Park, CA 94025	INSURER B: Oak River Insurance Co. 34630	
	INSURER C: Scottsdale Ins. Co.	
	INSURER D:	
	INSURER E:	
	INSURER F:	


COVERAGES **CERTIFICATE NUMBER: 00011226-1493224** **REVISION NUMBER: 9**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		01-C-PK-P20022657-1	05/11/2022	05/11/2023	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMPI/OP AGG \$ 3,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			01-C-PK-P20022657-1	05/11/2022	05/11/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	TEWC327944	11/01/2022	11/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Improper Sexual Mis Conduct			EKS3396120	09/08/2021	09/08/2022	Ea Victim \$ 1,000,000 Aggregate \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Menlo Park, its council, boards, commissions, agents, officers, volunteers and employees are included as Additional insured iwth respects to insured's operation. Additional Insured applies to General Liability policy only.

CERTIFICATE HOLDER City of Menlo Park City Clerk 701 Laurel Street Menlo Park, CA 94025	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  (ERG)

ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 AM STANDARD TIME)	NAMED INSURED	AGENT NO.
01-C-PK-P20022657-0	05/11/2021	Team Sheeper Inc.	0000002020

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED ENDORSEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

With respect to this endorsement, **SECTION II—WHO IS AN INSURED** is amended to include as an additional insured any person or organization whom you are required to add as an additional insured on this policy under a written contract, written agreement or written permit which must be:

- a. Currently in effect or becoming effective during the term of the policy; and
- b. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

The insurance provided to these additional insureds is limited as follows:

1. That person or organization is an additional insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:
 - a. Your acts or omissions; or
 - b. The acts or omissions of those acting on your behalf.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

2. With respect to the insurance afforded to these additional insureds, the following exclusions are added to item 2. Exclusions of **SECTION I— COVERAGES**:

This insurance does not apply to "bodily injury," "property damage" or "personal and advertising injury" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
 - b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
3. The limits of insurance applicable to the additional insured are those specified in the written contract, written agreement or written permit or in the Declarations for this policy, whichever is less. These limits of insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations for this policy.
 4. Coverage is not provided for "bodily injury," "property damage," or "personal and advertising injury" arising out of the sole negligence of the additional insured.
 5. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering of or failure to render any professional services including:
 - a. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
 - b. Supervisory, inspection, architectural or engineering activities.

6. Any coverage provided hereunder will be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis unless a written contract specifically requires that this insurance be primary.

When this insurance is excess, we will have no duty under SECTION I—COVERAGES to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

Includes some copyrighted material of Insurance Services Office, Inc., with its permission.

AUTHORIZED REPRESENTATIVE / DATE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/20/2022

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

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

PRODUCER Business Professional Insurance Associates 1519 South B Street San Mateo, CA 94402 License #: 0D69286	CONTACT NAME: Eileen Gin PHONE (A/C, No, Ext): E-MAIL ADDRESS:																				
	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>Oak River Insurance Co. 34630</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Oak River Insurance Co. 34630		INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:	
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INSURER E:																					
INSURER F:																					
INSURED Team Sheeper Inc. 501 Laurel St Menlo Park, CA 94025																					

COVERAGES

CERTIFICATE NUMBER: 00011226-1464686

REVISION NUMBER: 3

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of Insurance.**CERTIFICATE HOLDER****CANCELLATION**

City of Menlo Park
 Attn: City Clerk
 701 Laurel Street
 Menlo Park, CA 94025

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(ERG)

REQUEST FOR PROPOSALS – AQUATICS OPERATOR

Tricia Mullan
Library and Community Services Supervisor
600 Alma St.
Menlo Park, CA 94025
pmullan@menlopark.org

ATTACHMENT D



Request for Proposals

Notice is hereby given that proposals will be received by the City of Menlo Park, CA

Release Date

October 24, 2022

Pre-proposal conference and facility tour

November 7, 2022

Arrillaga Family Recreation Center
and Burgess Pool
701 Laurel Street
Menlo Park, CA 94025

RFP response deadline

November 30, 2022 4:00 p.m.

City of Menlo Park
600 Alma Street
Menlo Park, CA 94025
Attn: Tricia Mullan, LCS Supervisor

I. Introduction

The City of Menlo Park (“City”) is seeking proposals from experienced and qualified aquatics program operators (“Respondents”) to operate and provide aquatic programming at the City’s two aquatics centers: the existing Burgess Pool located at 501 Laurel Avenue, and the future Menlo Park Community Campus (“MPCC”) aquatics center now under construction at 100 Terminal Avenue.

Premises

The selected aquatics program operator (“Provider”) will operate and deliver aquatics programming to the public at the City’s two aquatics facilities (collectively referred to herein as “Premises”):

1. Burgess Pool, located at 501 Laurel Ave. in Menlo Park and consisting of the lap pool, instructional pool, toddler activity pool, pool deck, offices, restrooms, locker rooms, showers, lawn area, pool mechanical room, lobby, and all associated areas as shown in Exhibit A.
2. MPCC aquatics center, to be located at 100 Terminal Ave. in Menlo Park and consisting of the lap pool, instructional pool, splash pad, pool deck, outdoor seating areas, offices, restrooms, locker rooms, showers, pool mechanical room, and all associated areas as shown in Exhibit B.

Roles and responsibilities

The Provider will be responsible for operating and delivering aquatics programs at the Premises, including all costs and expenses associated with such operations and programs. The City will be responsible for the maintenance and repair of the equipment and facilities at the Premises.

Community access, reservations, fee payments and scheduling

Provider will be responsible for the operations and schedule of the Premises. Provider will provide reasonable public access and community use of the Premises which shall be reasonably determined by City and Provider. Provider will provide and maintain an online reservation and electronic fee payment system that is accessible to the general public, in addition to providing access to in-person reservations and fee payments at Premises. Provider will not reduce or change the public access and community use without prior approval of City.

Term

The Provider will assume responsibility for operations and programming at Burgess Pool on September 1, 2023; and at the MPCC aquatics center when its construction is completed and the new center opens to the public, tentatively scheduled in early 2024. The term of the service agreement is expected to be for an initial period of five (5) years commencing on September 1, 2023 and ending five (5) years from the commencement date. An optional five (5) year

extension commencing on September 1, 2028 and ending August 31, 2033 may be granted, provided that all agreed upon standards and requirements have been met. The City will initiate an evaluation at least eighteen (18) months prior to the end date of the initial agreement to determine if an extension is mutually desired and if the requirements to approve an extension have been met.

Facility descriptions

Burgess Pool consists of an outdoor performance/lap pool, an outdoor instructional pool, a wading pool with mushroom splash feature, locker rooms, showers, central entry lobby, staff offices, concrete pool decks, storage, pool mechanical room, and lawn area (see Exhibit A for a detailed drawing). The Burgess Pool facility is located on the Menlo Park civic center campus, which includes city hall, police station, public library, recreation center, gymnasium, gymnastics center, early childhood education center, sports fields, tennis courts, skate park and picnic areas. In 2006, the Burgess Pool was extensively renovated using Measure T general obligation bonds approved by voters in 2001. The Burgess Pool lobby area is scheduled to undergo a significant renovation in 2023.

The MPCC aquatics center is currently under construction and scheduled to open in early 2024. The new aquatics center will replace the Belle Haven Pool formerly located at 100 Terminal Ave., and which was demolished in 2021 to make way for the new aquatics center construction. When completed, the new MPCC aquatics center will consist of an outdoor performance/lap pool, an outdoor instructional pool, a splash pad water play area, locker rooms, showers, staff offices, concrete pool decks, storage, pool mechanical room, family seating and shade features (see Exhibit B for a detailed drawing). The MPCC aquatics center will be a major component of the Menlo Park Community Campus project, all new construction which includes a gymnasium, fitness center, movement studio, public library, makerspace, school-age childcare, senior center, commercial-grade kitchen, community meeting rooms and event spaces. The MPCC project is adjacent to Kelly Park, which features a lighted artificial turf sports field, running track and parcourse, and tennis, pickleball and outdoor basketball courts.

II. Key City priorities

The City has identified key priorities for aquatics operations and programming at Premises. This RFP is structured in a manner intended to provide some flexibility to RFP Respondents to develop proposals that balance the City's key priorities with respondents' operational needs. Proposals from qualified aquatics operators that demonstrate a high degree of responsiveness to most or all of these priorities--in addition to the basic capabilities and competencies that are required to operate quality aquatics programs for the City of Menlo Park--will be deemed more competitive for selection:

1. Respondent proposes to operate the Burgess Pool and the future MPCC aquatics center for public access year-round, seven days per week, no fewer than 63 hours per week at each location as calculated by average applied over the course of a full calendar year—with exceptions for closures to observe major holidays or to complete necessary maintenance or repair work.
2. Respondent proposes to operate Burgess Pool and MPCC aquatics center with comparable or equivalent operating schedules and programs at both locations, with allowance for some variances to respond to hyperlocal needs and other unique considerations of each site and the neighborhoods in which they are located.
3. Respondent proposes to seek City approval for new aquatics user fees or modifications to existing aquatics user fees, with the mutual understanding by City and Provider that: a) user fees are the primary source of revenue necessary for Provider to deliver and sustain safe, quality aquatics operations for the community; and, b) user fees can and do present barriers to entry for some residents, especially residents who are most vulnerable, and even with the availability of scholarship or subsidy programs.
4. Respondent proposes to enter into a revenue sharing agreement with the City to offset a portion of the City's facility maintenance costs at Burgess Pool and the MPCC aquatics center, preferably at a "medium" cost recovery rate to the City of 30 percent to 70 percent. The City's total costs to maintain the Burgess Pool facility were approximately \$645,000 in fiscal year 2021-22.
5. Respondent proposes to dedicate operating hours and pool space to open swim/community swim for play and social time during times that are deemed convenient and accessible to Menlo Park resident children and families, as measured in part by community satisfaction surveys to be jointly administered by Provider and the City.
6. Respondent proposes to offer aqua wellness and/or aquafit classes in formats and at times that are deemed convenient and accessible to Menlo Park for seniors and others who benefit from such programs, as measured in part by community satisfaction surveys to be jointly administered by Provider and the City.
7. Respondent recognizes the City's desire to ensure that every Menlo Park resident child has meaningful access to effective water safety instruction at City aquatics centers regardless of their family's ability to pay user fees.

Respondent proposes to provide these services to individuals or families who cannot afford the market rate fees.

8. Diversity, equity, inclusion, belonging
- a. Respondent proposes to provide meaningful employment opportunities in City aquatics facilities to qualified Menlo Park residents, especially residents who live in the immediate vicinity of Premises.
 - b. Respondent proposes to foster an organizational culture that is based on foundations of equity, inclusion, belonging and justice to create a safe and welcoming environment in City aquatics facilities for all Menlo Park residents regardless of background, income, race, religion, sexual orientation, gender identity, and other lived experiences that contribute to a vibrant and accepting community.
 - c. Respondent proposes to reduce and/or remove barriers to entry for City residents who are most vulnerable, including children and families who reside in low-income households, seniors, and people with disabilities.

III. Minimum requirements, capabilities, and competencies

Proposals should demonstrate how the Respondent will meet each of the following minimum requirements, capabilities, and competencies:

1. Hours of operation

Respondent should propose to operate the Burgess Pool and the future MPCC aquatics center for public access year-round, seven days per week. Pool operations may occur between the hours of 5 a.m. to 10 p.m.

(Note: See Section II - Key City Priorities for additional guidance related to hours of operation.)

2. Aquatic programming and schedule

Respondent should describe its qualifications and a proposed schedule showing proportions of pool space and/or lane hours for each activity to provide the following aquatic programming:

- a. Open swimming / community swimming
- b. Swim lessons / water safety instruction
- c. Lap swimming
- d. Masters swimming
- e. Aqua wellness and/or aquafit classes
- f. Swim team
- g. Community rentals
- h. Any other programming Respondent proposes to offer

(Note: See Section II - Key City Priorities for additional guidance related to programming.)

3. Program Administration

Respondent should describe the systems it proposes for:

- a. The public to register, pay, and receive adequate customer service in a convenient, accessible, and effective manner.
- b. Sufficient administrative staff and supervision to support all hours of operation.
- c. Policies and procedures for handling registration, refunds, and complaints.
- d. Effective communication and marketing to inform the public of the programs and services.
- e. Maintaining a customer database and appropriate records retention, including detailed tracking of usage of Premises by Menlo Park residents and nonresidents.
- f. Delivering a high level of customer service and satisfaction.

4. User Fees

Respondent should describe:

- a. Proposed user fees for public lap swimming, open/recreational swim, aqua wellness, aquafit classes, and swim lessons/water safety instruction. Proposed user fees should be comparable to fees charged by other public aquatics facilities in the metro Bay Area region.
- b. Proposed means and methods to prioritize and incentivize Menlo Park residents' access and use of Premises, including but not limited to offering discounted user fees and priority registration to Menlo Park residents for aquatics programs at Premises.
- c. Proposed methods to measure and track the percentage of residents-to-nonresidents using Premises.

(Note: See Section II - Key City Priorities for additional guidance related to user fees and revenue sharing.)

5. Reporting and accountability

If selected as the Provider, Respondent will be required to prepare and provide an annual report to City staff including the following items, and quarterly updates of financial and statistical data. Respondent should provide an example or describe the systems and/or methods it proposes to accurately collect, compile, and report on the following performance areas:

- a. Total program hours by program area
- b. Participation statistics by program area including resident and non-resident percentages
- c. Customer satisfaction survey results
- d. User group feedback by program area or rental
- e. Pool schedule and allocation by program for previous year and projections to the upcoming year
- f. Fees by program area and a fee comparison to other public pools in the region
- g. Annual audits and reviews demonstrating standards of care
- h. Risk management documentation
- i. Training certifications listed by staff member.

6. Qualified personnel

Respondent should describe how it proposes to provide adequate qualified personnel to maintain safe and effective aquatics operations at Premises during all hours of operation, including:

- a. Employing personnel with the required qualifications and certifications appropriate for each position.
- b. Assigning sufficient qualified staffing to maintain safe and effective operations at City aquatics facilities.
- c. Maintaining appropriate and safe ratios of lifeguards to pool users at Premises during all hours of operation, consistent with industry best practices and applicable regulations.
- d. Maintaining reasonable evidence and documentation of its hiring practices, background checks, certifications, and training, including documentation of pre-service/employment orientation, on-the-job training, regular in-service training, and certification training for each employee.
- e. Seeking City approval prior to engaging the services of subcontractors or other parties not directly employed by Respondent to deliver aquatics programs and/or services in City aquatics facilities.

7. Health & Safety

Respondent should demonstrate how it will maintain health and safety standards and associated training records in a reasonable and acceptable manner for the Premises, participants, and its employees in compliance to the City of Menlo Park standards and applicable regulatory agencies. These standards include but are not limited to:

- a. Employee Injury and Illness Prevention Plan
- b. Hazardous Materials Communications and Business Plan
- c. Bloodborne Pathogens and Biohazardous Exposure Control Plan
- d. Hazard Communication (labeling & MSDS management)
- e. Hearing Conservation
- f. Lifting and Fall Prevention/Protection (Equipment)
- g. Electrical Safety Plan
- h. Lockout, Tagout Equipment Specific Procedures
- i. Emergency Action Planning/Drills
- j. First Aid/CPR/AED
- k. Staff Certifications
- l. Heat Illness and Sun Protection
- m. Confined Spaces/Entry Equipment
- n. Chemical Storage/Spill Response/Cleanup
- o. Fire Extinguisher
- p. Personal Protective Equipment
- q. Recreational Waterborne Illnesses (RWI's)
- r. Signage/Labeling
- s. Keeping up to date with all changes, additions, or amendments to the laws, regulations and codes related to pool operations and aquatics programs.

8. Emergency Action Plan & Procedures

Respondent should demonstrate its qualifications to create and maintain emergency procedures and emergency action plans for the Premises. An Emergency Action Plan is required under Title 29 of Federal Regulations Sections

1910.38/.120/.156, and Title 8 California Code of Regulations, Sections 3220 and 3221. The Emergency Action Plan covers all employees and non-employees who may be exposed to hazards arising from emergency situations. It must contain information for all employees, including administration and line level employees, which shall use the plan in order to reduce the severity of emergency situations and minimize the risk to life and property.

9. Augmentations to Proposal

The above are the City's minimum requirements for meeting or exceeding the level of aquatics programming and services at Premises. Respondent is encouraged to propose service enhancements, best practices and creative approaches that would result in the highest quality and most cost-effective program. These value-added suggestions will be considered when evaluating proposals.

IV. Risk management

1. Risk Management

Respondent should describe its qualifications and ability to provide adequate risk management planning to minimize liability or negligence, including by conducting annual audits and reviews by qualified external experts.

2. Insurance

Respondent should demonstrate its ability to acquire and maintain Workers' Compensation, Employer Liability, Commercial General Liability, and owned and non-owned and hired automobile liability insurance coverage relating to its use of the Premises. The insurance company/ies shall be subject to approval by the City. The selected Provider will be required to provide the City with 30 days' notice if any changes, cancellation, or non-renewals, and to disclose any self-insured retentions or deductibles. The minimum amounts of coverage corresponding to these categories of insurance per insurable event shall be as follows:

Insurance Category	Minimum Limits
Workers' Compensation	Statutory Minimum - include endorsement waiving the insurer's right of subrogation against the City, its officers, officials, employees and volunteers.
Employer's Liability	\$1,000,000 per accident for bodily injury or disease – include endorsement adding the City, its officers, officials, employees and volunteers as additional insured for both ongoing operations as well as products and completed operations; include endorsement to provide primary insurance and waive any rights of contribution from the City's coverage.
Commercial General Liability	\$3,000,000 per occurrence for bodily injury, personal injury and premises damages. Must include all areas in Insurance Service Office (ISO) Form No. CG 00 01 (including Products and Completed Operations if food is served or for repairs done by the tenant, Contractual Liability, Broad form property damage, Participants' and spectators' coverage, and Personal and Advertising injury liability)
Automobile Liability	\$1,000,000

V. Submittal instructions

(NOTE: In addition to the basic capabilities and competencies that are required to operate quality aquatics programs for the City of Menlo Park, the City has identified key priorities for aquatics operations and programming. This RFP is structured in a manner intended to provide some flexibility to Respondents to develop proposals that balance the City's key priorities with respondents' operational needs. Proposals from qualified aquatics operators that demonstrate a high degree of responsiveness to most or all these priorities will be deemed more competitive for selection. See Section II - Key City Priorities for additional guidance.)

Proposals should address the following items in the order and with the numbering listed below.

A. Cover Letter

Provide a cover letter describing your organization's interest in this RFP, including the name, title, address, email and telephone number of the lead contact on this proposal and the signature of the person or persons authorized to represent the proposer.

B. Table of Contents

Please provide a table of contents.

C. Qualifications, Background, and Experience

1. State your headquarters address and legal (corporate) status.
2. Describe your organization's history/background, mission and the services you provide. Provide information on the location of other facilities or businesses, and a description of the services provided. Highlight any operations that are similar in size and nature to the programs covered through this RFP.
3. Explain your organization's philosophy and goals, and how they align with the City's goals and requirements as outlined in this RFP
4. Provide an organizational chart for your agency/company.
5. Describe your experience, affiliation, and memberships with any aquatics or related organizations (i.e., American Red Cross)
6. List the companies, cities, or other entities, if any, with which you currently have contractual or lease arrangements to provide aquatics services. Describe your approach and success in managing relationships with these client entities. Provide information regarding all contracts or agreements that have been cancelled, terminated, or not renewed within the last five years including entity name, contact person name, title, address, email and telephone number.
7. Provide three customer references, including participant name, address, email and telephone number.

D. Programs, Services, and Schedule

1. State your proposed hours of operation at Burgess Pool and the MPCC aquatics center.
2. Provide sample daily programs and schedules showing proportions of pool space and/or lane hours for each activity for each pool during different seasons, including but not limited to:
 - a. Open swimming / community swimming
 - b. Swim lessons / water safety instruction
 - c. Lap swimming
 - d. Masters swimming
 - e. Aqua wellness and/or aquafit classes
 - f. Swim team
 - g. Community rentals
3. Describe your service offerings for each age group and range of skills and abilities at the Aquatics Center.
4. Describe your approach to providing aquatic programs for participants with special needs and/or requiring ADA accommodation.
5. Describe your approach to handling community access and outside organization rental request, including how you propose to handle scheduling conflicts or multiple requests.
6. See Section II – Key City Priorities; and Section III – Minimum Requirements, Capabilities and Competencies for additional guidance.

E. Staffing and Management

1. Provide your proposed organizational structure for the site.
2. Provide the names, titles, experience, and qualifications of the staff that will be involved in aquatic center oversight at the leadership/managerial level.
3. Provide your proposed staffing ratios for various programs and pool safety.
4. Explain your approach to employee recruitment, screening, performance evaluation and retention. Describe any staffing problems you have had and how you have addressed them.
5. Describe your staff training program and/or provide a sample staff handbook(s).
6. Describe your systems of facility oversight and program management.

7. Identify any subcontractors that would be needed to perform the required services in the proposal and describe their role.
8. See Section II – Key City Priorities; and Section III – Minimum Requirements, Capabilities and Competencies for additional guidance.

F. Quality Assurance, Risk Management and Insurance

1. Describe your approach to risk management at the site. Describe procedures for assessment, planning, control, evaluation, responding to and correcting identified risks, protecting public and employee health and meeting standards consistent with city, county, state, and federal regulations.
2. Explain your agency's ability to understand and meet the sufficient Standard of Care for operating a public pool.
3. Provide or describe how you would be implementing the required safety program and training documentation.
4. Summarize your emergency preparedness action plan.
5. Note and explain any litigation against your agency or its staff in the past ten years, including any pending litigation, related to the operation of Aquatics facilities or programs.
6. Refer to the City's requirements for insurance coverage and confirm your ability to provide such coverage.
7. See Section IV – Risk Management for additional guidance.

G. Public Communication, Marketing, and Registration

1. Describe the systems you propose for:
 - a. The public to register, pay, and receive adequate customer service in a convenient, accessible, and effective manner.
 - b. Adequate administrative staff and assistance to support all hours of operation.
 - c. Policies and procedures for handling registration, refunds, and complaints.
 - d. Effective communication and marketing to inform the public of the programs and services.
 - e. Maintaining a customer database and appropriate records retention, including detailed tracking of usage of Premises by Menlo Park residents and nonresidents.
 - f. Delivering a high level of customer service and satisfaction.
2. Describe policies and procedures for registration, refunds, and customer complaints.
3. Explain your methods for assessing and maintaining customer satisfaction.
4. Give a brief overview of your crisis media management plan.

H. Fees

1. Describe:
 - a. Proposed user fees for public lap swimming, open/recreational swim, aqua wellness, aquafit classes, and swim lessons/water safety instruction. Proposed user fees should be comparable to fees charged by other public aquatics facilities in the metro Bay Area region.
 - b. Proposed means and methods to prioritize and incentivize Menlo Park residents' access and use of Premises, including but not limited to offering discounted user fees and priority registration to Menlo Park residents for aquatics programs at Premises.
 - c. Proposed methods to measure and determine the percentage of residents-to-nonresidents using Premises.
2. State your approach to fee increases. Provide the average percentage fee increase you have implemented each year for the past five years.
3. Describe your ability to compare and maintain comparable fees of similar aquatic programs.
4. The City desires, but does not require, that the Provider provide services to individuals or families who cannot afford the market rate fees. Describe if and how your agency will be able to serve these individuals with financial need.
5. See Section II – Key City Priorities; and Section III – Minimum Requirements, Capabilities and Competencies for additional guidance.

I. Financial Information

1. Submit complete audited financial statements for the two previous years (if available), preferably prepared by a Certified Public Accountant. Include a balance sheet, income statement and complete

- Notes to the Financial Statements. In addition, include an unaudited statement for the current year as of June 30, 2022.
2. Provide a proposed annual budget for the revenues and expenses at Premises, including the categories below. Provide a budget narrative with all relevant assumptions, including the notes requested below.

Revenues

- a. Fees (specified by program areas)
- b. Other Revenue (vending, merchandizing, etc.)
- c. Grants and fund raising
- d. Private funding
- e. Revenue sharing with City (if included in proposal)

Expenses

- a. Salaries (Number of staff FTEs by position, staffing ratios and costs based on number of participants)
- b. Direct Operating Costs, including
 - Supplies and services
 - Facility, grounds and equipment maintenance
 - Custodial services
 - Liability insurance
- c. Any other operating costs
- d. Any other costs

(Note: See Section II – Key City Priorities; and Section III – Minimum Requirements, Capabilities and Competencies for additional guidance.)

K. Responsiveness to Key City Priorities

If not described elsewhere in your proposal, please describe how you propose to respond to the Key City Priorities outlined in Section II of this RFP.

L. Assistance from City

Specify what, if any, assistance from the City you would find helpful or necessary for the successful operation of the programs.

M. Additional Information

Provide other essential information that may assist in the evaluation of this proposal.

VI. Submittal procedure

Submittal of Proposals

All proposals must be submitted according to the specifications in the section above. Failure to adhere to these specifications may be cause for rejection of the proposal. Proposals shall be submitted to:

Tricia Mullan
 Library and Community Services Supervisor
 600 Alma St.
 Menlo Park, CA 94025
 pmullan@menlopark.org

NOTE: Proposals must be delivered no later than 4:00 p.m., Wednesday, November 30, 2022. All proposals received after that time will not be considered. The proposer shall submit its proposal electronically in PDF format. No paper proposals will be accepted.

RFP Timeline

RFP issued	October 24, 2022
Pre-proposal conference and tour	November 7, 2022
Deadline for questions, clarifications	November 18, 2022
Deadline for receipt of proposals	November 30, 2022
Potential interviews	December 5-16, 2022

City Council award of contract

January/February 2023 TBD

Addenda/Clarifications

Should discrepancies or omissions be found in this RFP or should there be a need to clarify this RFP, questions or comments regarding this RFP must be put in writing and received by the City no later than 4:00 p.m. on Friday, November 18, 2022.

Correspondence shall be addressed to:

Tricia Mullan
Library and Community Services Supervisor
600 Alma St.
Menlo Park, CA 94025
pmullan@menlopark.org

Responses from the City will be communicated in writing to all recipients of this RFP. All addenda shall become part of this RFP. The City shall not be responsible for nor be bound by any oral instructions, interpretations or explanations issued by the City.

Modification

Once submitted, proposals cannot be altered without the prior written consent of the City.

Rights of the City of Menlo Park

This RFP does not commit the City to enter into a contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. The City reserves the right to:

1. Make the selection based on its sole discretion
2. Reject any and all proposals
3. Issue subsequent Requests for Proposals
4. Remedy technical errors in the RFP process
5. Negotiate with any, all or none of the proposers
6. Waive informalities and irregularities in the proposals that the City considers to be non-substantive
7. Enter into an agreement with another proposer in the event the originally selected proposer defaults or fails to execute an agreement with the City.

Review and Selection Process

The City will establish a Review Committee to review proposals based on selection criteria (Exhibit), recommend providers to be interviewed, participate in the interviews and recommend finalists for consideration by the City. Staff will present the results of the process to the City Council, at which point City Council may or may not direct staff to pursue negotiations with a selected proposer.

Public Nature of Proposal Material

Submitted proposals may be considered public documents and the City will adhere to all laws and regulations regarding the dissemination of public documents as they relate to submitted proposals.

Disqualification

The City may reject and/or disqualify a proposal for any reason.

Questions

Please direct any questions regarding this RFP to:

Tricia Mullan
Library and Community Services Supervisor
600 Alma St.
Menlo Park, CA 94025
pmullan@menlopark.org

VII. Exhibits

- A. Burgess Pool site map
- B. MPCC aquatics center site map
- C. Selection criteria

EXHIBIT A – BURGESS POOL SITE MAP

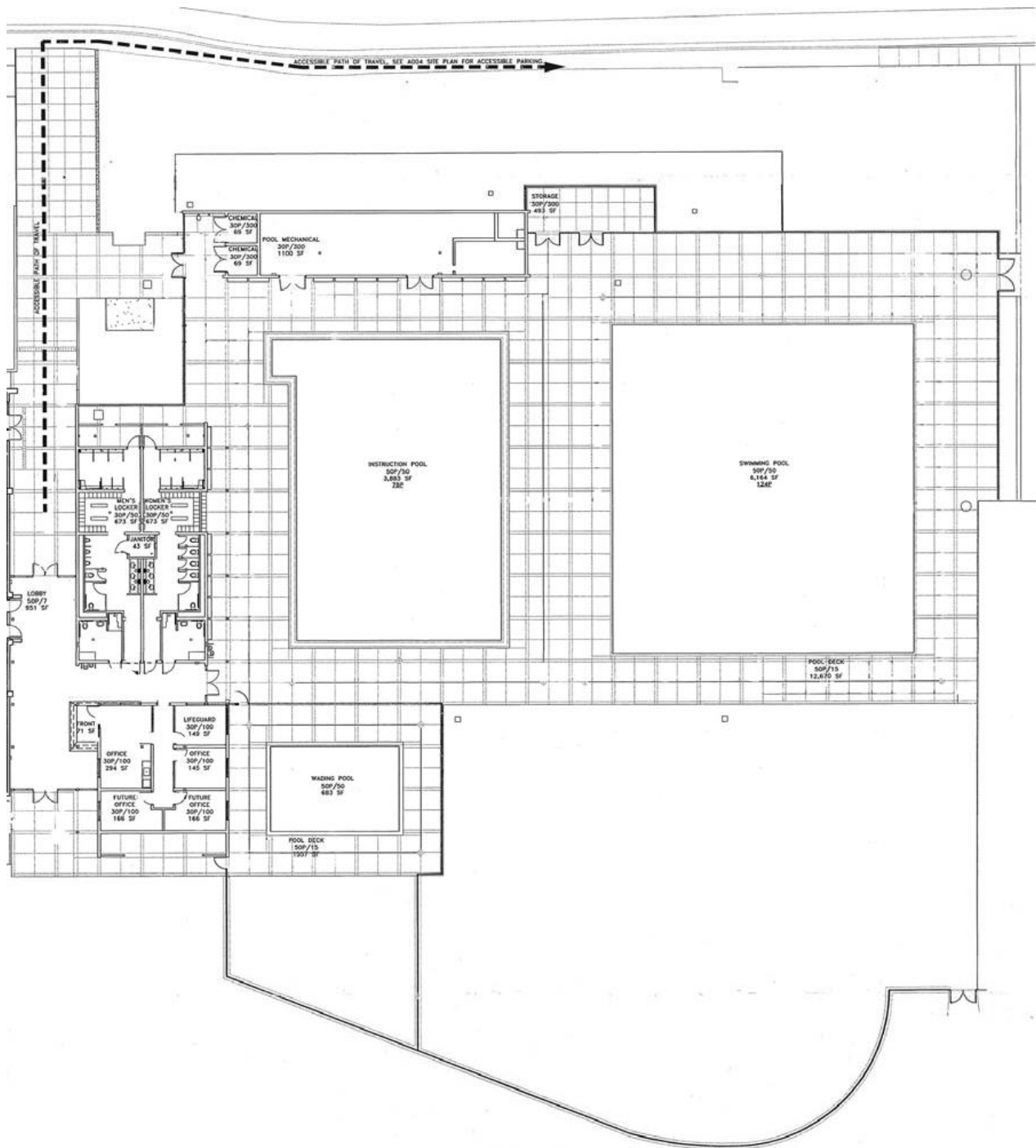


EXHIBIT B – MPCC AQUATICS CENTER SITE MAP

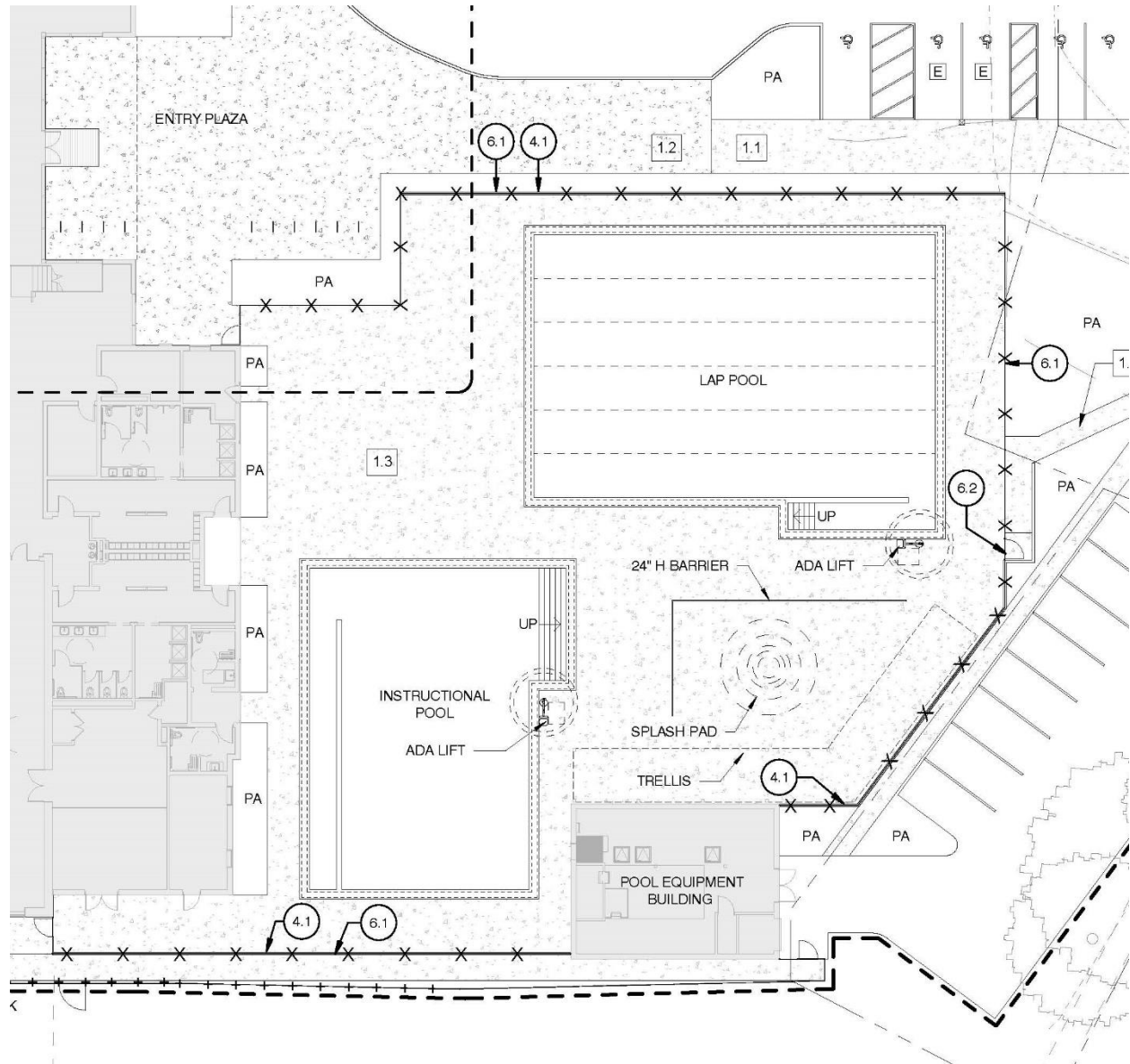


EXHIBIT C – SELECTION CRITERIA

Proposals will be rated on the following criteria based on a 4 point scale:

- 0 = No information provided
- 1 = Meets some but not all requirements or incomplete information provided
- 2 = Meets all minimum requirements
- 3 = Meets all minimum requirements, exceeds some requirements
- 4 = Exceeds all minimum requirements

<u>Responsiveness to required criteria</u>	<u>Score</u>
Qualifications, Background, and Experience	
Programs, Services, and Schedule	
Staffing and Management	
Quality Assurance, Risk Management, and Insurance	
Public Communication, Marketing, and Registration	
Fees	
Financial Information	
Subtotal	

<u>Responsiveness to key City priorities</u>	<u>Score</u>
Respondent proposes to operate the Burgess Pool and the future MPCC aquatics center for public access year-round, seven days per week, no fewer than 63 hours per week at each location as calculated by average applied over the course of a full calendar year—with exceptions for closures to observe major holidays or to complete necessary maintenance or repair work.	
Respondent proposes to operate Burgess Pool and MPCC aquatics center with comparable or equivalent operating schedules and programs at both locations, with allowance for some variances to respond to hyperlocal needs and other unique considerations of each site and the neighborhoods in which they are located.	
Respondent agrees to seek City approval for new aquatics user fees or modifications to existing aquatics user fees, with the mutual understanding by City and Provider that: a) user fees are the primary source of revenue necessary for Provider to deliver and sustain safe, quality aquatics operations for the community; and, b) user fees can and do present barriers to entry for some residents, especially residents who are most vulnerable, and even with the availability of scholarship or subsidy programs.	

Respondent proposes to enter into a revenue sharing agreement with the City to offset a portion of the City’s facility maintenance costs at Burgess Pool and the MPCC aquatics center, preferably at a “medium” cost recovery rate to the City of 30 percent to 70 percent. The City’s total costs to maintain the Burgess Pool facility were approximately \$645,000 in fiscal year 2021-22.	
Respondent proposes to dedicate operating hours and pool space to open swim/community swim for play and social time during times that are deemed convenient and accessible to Menlo Park resident children and families, as measured in part by community satisfaction surveys to be jointly administered by Operator and the City.	
Respondent proposes to offer aqua wellness and/or aquafit classes in formats and at times that are deemed convenient and accessible to Menlo Park for seniors and others who benefit from such programs, as measured in part by community satisfaction surveys to be jointly administered by Operator and the City.	
Respondent recognizes the City’s desire to ensure that every Menlo Park resident child has meaningful access to effective water safety instruction at City aquatics centers regardless of their family’s ability to pay user fees. Respondent proposes to provide these services to individuals or families who cannot afford the market rate fees. .	
<p>Diversity, equity, inclusion, belonging</p> <ul style="list-style-type: none"> • Respondent proposes to provide meaningful employment opportunities in City aquatics facilities to qualified Menlo Park residents, especially residents who live in the immediate vicinity of Premises. • Respondent proposes to foster an organizational culture that is based on foundations of equity, inclusion, belonging and justice to create a safe and welcoming environment in City aquatics facilities for all Menlo Park residents regardless of background, income, race, religion, sexual orientation, gender identity, and other lived experiences that contribute to a vibrant and accepting community. • Respondent proposes to reduce and/or remove barriers to entry for City residents who are most vulnerable, including children and families who reside in low-income households, seniors, and people with disabilities. 	
Subtotal	

<u>Subtotal – responsiveness to required criteria</u>	
<u>Subtotal – responsiveness to key City priorities</u>	
Grand total	



PRELIMINARY CONSIDERATIONS FOR SELECTING AN AQUATICS OPERATOR

City Council – February 14, 2023



Recommendation

- No City Council action is requested at this time.
- This is a discussion-only item to provide City Council and the community the opportunity to view the proposals received (Attachments A, B and C)
- Preliminary considerations related to the selection of an aquatics operator for City Council's awareness
- Any feedback, questions, or direction City Council may desire to provide at this juncture.



Timeline*

- February 14 – Proposals released for City Council and community review and preliminary City Council discussion and feedback
- February 28 – City staff analysis and recommendation for a preferred operator; City Council authorizes the city manager to negotiate an agreement with the preferred operator
- March 1 – City enters negotiations with the preferred operator identified by City Council
- March 28 – City Council reviews and approves the aquatics operator agreement; the agreement is executed shortly thereafter
- September 1 – Agreement takes effect.

* All dates are tentative and subject to change





Proposals

- Three proposals were received in response to the RFP (Attachments A, B and C)
- RFP Section VI. Submittal Procedure: “Submitted proposals may be considered public documents and the City will adhere to all laws and regulations regarding the dissemination of public documents as they relate to submitted proposals.”
- The proposals are being provided to City Council in advance of selecting a preferred operator in order to give City Council and the community sufficient time to review the proposals and to identify preliminary considerations for City Council feedback and direction.



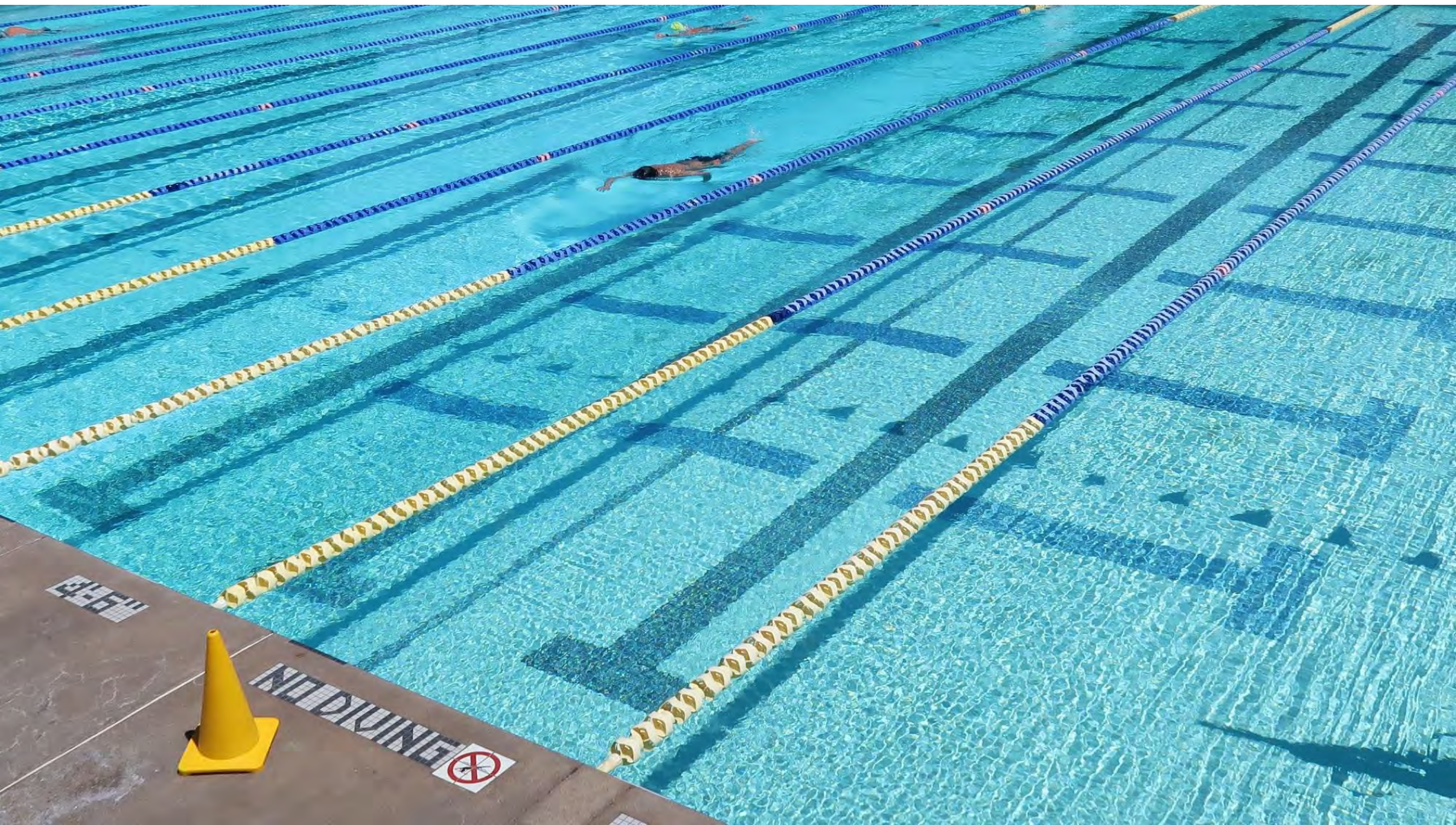
Proposals

- Team Sheepar, Inc. proposal is from the City's current operator that has operated Burgess Pool since 2006 and previously operated Belle Haven Pool from 2011 until 2021 when the Belle Haven Pool was demolished to make way for construction of a new aquatics center as part of the MPCC project
- Swimming Swan, LLC proposal is from a qualified operator that is based in southern California and recently expanded its operations to Santa Clara County and Las Vegas, Nevada
- SOLO Aquatics proposal is from a local aquatics program that operates as a program subcontractor to the current operator of Burgess Pool.



Proposals

- Two of the proposals (Team Sheepar, Inc., and The Swimming Swan, LLC) are from respondents that currently operate public aquatics facilities
- In the opinion of City staff and the RFP review panel, these two proposals demonstrate sufficient capabilities and experience to operate the Burgess Pool and future MPCC aquatics center.





Preliminary considerations

- During the proposal review process, several preliminary considerations were identified for City Council's awareness
- Staff seeks any additional feedback, questions, or direction City Council may desire to provide at this juncture.



Preliminary considerations

- Making some changes to the city's aquatics services and programs is expected and desired based on the key priorities and requirements that City Council established in the RFP
- Preserving some continuity of the city's aquatics services and programs is expected and desired based on the key priorities and requirements that City Council established in the RFP
- Based on the information received during the RFP process to date, City staff is confident and prepared to execute any direction City Council may provide regarding the desired future operations of the City's aquatics program.



Preliminary considerations

- Remaining with the current qualified operator would probably result in relatively less disruption to current programs and operations from the perspective of current pool users, continuity of services and programs that are already in place
- Selecting a new qualified operator would probably result in relatively more disruption to current programs and operations from the perspective of current pool users, particularly in regard to the unique challenges and opportunities of transitioning from one operator to another operator.



Next steps*

February 28 – City staff analysis of the proposals, anticipated impacts and potential benefits of each option, and City staff’s recommendation for a preferred operator

February 28 – City Council identify a preferred aquatics operator and authorize staff to negotiate an operator agreement

March 1 – At City Council’s direction, the City enters negotiations with the preferred operator that City Council identified.

March 28 (tentative) – City Council authorization to execute the agreement.

* All dates are tentative and subject to change





STAFF REPORT

City Council
Meeting Date: 2/14/2023
Staff Report Number: 23-029-CC

Regular Business: Direction on Finance and Audit Committee composition

Recommendation

Staff recommends that the City Council direct staff with updates to City Council Policy #CC-23-004 Commissions/Committees Policies and procedures, Roles and Responsibilities (CC-23-004.)

Policy Issues

According to CC-23-004 (Attachment A), there shall be seven members on each commission/committee.

Background

On January 10, the City Council made annual appointments to represent the City or liaison for City Council (Attachment B.) During that deliberation, the City Council directed staff to return the composition of the Finance and Audit Committee (FAC) membership for City Council consideration. At that meeting, the City Council also approved the regular FAC meeting schedule as the third Thursday of every quarter at 5:30 p.m.

The FAC was established in early 2008 consisting of two City Councilmembers and three residents. In April 2019, the City Council approved the FAC membership expansion from five to seven members with the addition of two residents. This action created a FAC consisting of two City Councilmembers and five residents (Attachments C and D.)

Currently, the City's annual advisory body recruitment is underway through April 7 at 5 p.m. to fill expiring terms. There are currently three FAC vacancies for residents. At the current FAC membership (five residents and two City Councilmembers as voting members), staff is recruiting for three resident vacancies. According to CC-23-004, no person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion.) For the FAC annual recruitment, two of the three vacancies are open to incumbents.

Analysis

Staff is requesting that the City Council direct staff to update CC-23-004 related to the FAC membership composition. Below are options recommended by staff for City Council consideration. The City Council can also direct other alterations.

Option 1

Reduce the FAC membership from seven to five and remove two City Councilmembers as voting members. FAC composition: Five residents and appointment of one City Councilmember liaison (not a voting member.)

Option 2

Reduce the FAC membership from seven to five and retain two City Councilmembers as voting members. FAC composition: Three residents and two City Councilmembers as voting members.

Option 3

Retain the FAC membership at seven members, but remove two City Councilmembers as voting members. FAC composition: Seven residents and appointment of one City Councilmember liaison (not a voting member.)

Option 4

Retain the current FAC membership of five residents and two City Councilmember as voting members.

If the City Council directs Options 1, 2 or 3 or a variation of those, staff will return with a resolution updating CC-23-004 and those changes will take effect after adoption. If Option 4 is directed, there will be no further City Council action required. Table 1 offers a summary of Options 1 – 4:

Option no.	Total FAC membership	No. of resident members	No. of City Council as FAC members	No. of City Council liaisons
Option 1 (Reduce 7 to 5)	5 members	5	0	1
Option 2 (Reduce 7 to 5)	5 members	3	2	0
Option 3 (Retain 7)	7 members	7	0	1
Option 4 (Retain 7)	7 members	5	2	0

Impact on City Resources

There is no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it is a minor change that will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. CC-23-004
- B. 2023 City Council assignments to regional boards and advisory bodies
- C. Hyperlink – June 4, 2019, City Council staff report: menlopark.org/DocumentCenter/View/21743/H3-20190604-FAC-update-and-appoint-CC
- D. Hyperlink – June 4, 2019, City Council minutes: menlopark.org/AgendaCenter/ViewFile/Minutes/_06042019-3287

Report prepared by:

Judi A. Herren, Assistant to the City Manager/City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004
 Adopted January 10, 2023
 Resolution No. 6803



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”
Background
<p>The City of Menlo Park currently has seven active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, and Planning Commission. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution No. 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Six of the seven commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-21-0022), and a Travel, Meal, and Lodging Policy (CC-19-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council’s adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City’s duly elected representatives, the City Council. • Additional or other staff support may be provided upon a formal request to the City Council. • The staff liaison shall act as the commission/committee’s lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that their statements do not represent the position of the City Council. • Commission/Committee members will have mandatory training every two years regarding the Brown Act and

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted January 10, 2023

Resolution No. 6803

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parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.

- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the city clerk's office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the city clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.
- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Advisory Body Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-23-004

Adopted January 10, 2023

Resolution No. 6803

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provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The city clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that they are speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. *Agendas/notices/minutes*

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, city manager, city attorney, city clerk and other appropriate staff, as requested.
- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if they think it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by their signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

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3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, and Finance and Audit Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month and the Finance and Audit Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 6:30 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Thursday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month on a Monday at 7 p.m.

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that their participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

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G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the city clerk or their designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the city clerk's office and on the City's website.
- The city clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted.
- After the deadline of receipt of applications, the city clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the city clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the city clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted at a City Council meeting. The city clerk will ask each City Councilmember for their nominations; the number of nominations is limited to the number of vacancies. The candidate that receives a majority of nominations will be appointed. If there is a tie, multiple rounds of voting will occur.
- Following a City Council appointment, the city clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the city clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

Attendance

- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that they will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however,

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members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-19-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City pursuant to Government Code §87300 et seq. Copies of the conflict of interest code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Complete Streets Commission, Housing Commission, and Planning Commission are required to file a Statement of Economic Interest with the city clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using their official position to influence a governmental decision. Questions in this regard may be directed to the city attorney.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee.

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the city clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the city clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place. The Finance and Audit Committee term of office shall be two (2) years.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of their term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are posted by the city clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

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Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on realizing the City's adopted goals for complete streets, vision zero, climate action plan, and provide input on major land use and development projects as it relates to transportation. The Complete Streets Commission's responsibilities include:

- To advance the goals of the city's newly adopted climate action plan by making alternatives to driving safer and more attractive
- Advise City Council on the implementation of the transportation master plan.
- Continue to advocate for and advise the City Council on planning and installing pedestrian and bicycle rail crossing and safe cycling/pedestrian infrastructure.
- Continue to support City Council in ongoing initiatives to improve access to Downtown and support downtown businesses.
- Continue to support the implementation of the Safe Routes to School strategy and advocate for community engagement, program continuity and engineering implementation.
- Continue to support City Council's role as a stakeholder with regard to regional multi-modal and transportation demand management programs projects to increase

Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically, a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities

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- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the city clerk for City Council consideration and approval.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	6/8/2021	Resolution No. 6631
Procedure adoption	3/1/2022	Resolution No. 6706
Procedure adoption	3/8/2022	Resolution No. 6718

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Procedure adoption	9/20/2022	Resolution No. 6776
Procedure adoption	1/10/2023	Resolution No. 6803

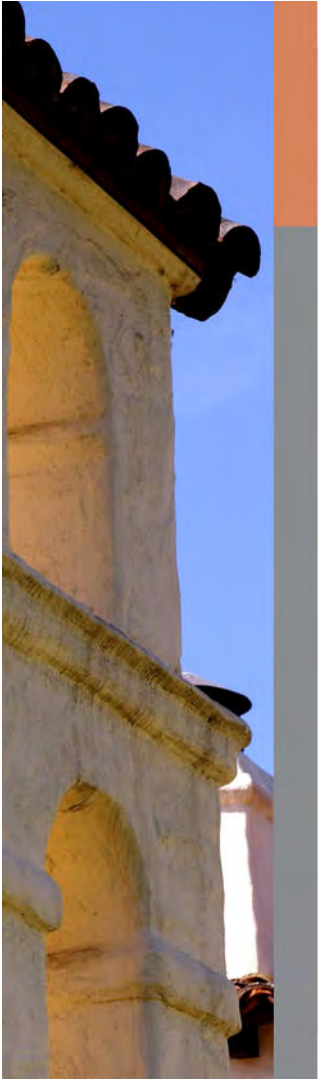
MAYOR ASSIGNMENTS	2023 Primary	2023 Alternate
Association of Bay Area Governments (ABAG)	Jen Wolosin	Cecilia Taylor
League of California Cities (Peninsula Division)	Jen Wolosin	Cecilia Taylor
Menlo Park Chamber of Commerce / City liaison position	Jen Wolosin	Cecilia Taylor
Palo Alto Community Fund Advisory Board	Jen Wolosin	
San Mateo County Council of Cities and City Selection Committee	Jen Wolosin	Cecilia Taylor
REGIONAL BOARD MEMBERS	2023 Member	
Bay Area Water Supply & Conservation Agency (BAWSCA) - through June 25, 2025 and San Francisco Bay Area Regional Water System Financing Authority	Maria Doerr	
REGIONAL ASSIGNMENTS	2023 Primary	2023 Alternate
Caltrain Modernization Local Policy Group	Jen Wolosin	Betsy Nash
City/County Association of Governments of San Mateo County (C/CAG)	Cecilia Taylor	Betsy Nash
Emergency Services Council (San Mateo County JPA)	Cecilia Taylor	Drew Combs
Facebook Local Community Fund	Betsy Nash	Cecilia Taylor
Grand Boulevard Task Force		
HEART Board Member Agency Committee (MAC)	Drew Combs	Maria Doerr
Home for All	Cecilia Taylor	n/a
Peninsula Clean Energy (PCE) Community Choice Energy	Betsy Nash	Maria Doerr
Peninsula Traffic Congestion Relief Alliance (Commute.org)	Jen Wolosin	Drew Combs
San Francisquito Creek Joint Powers Authority	Drew Combs	Cecilia Taylor
San Mateo County Mosquito and Vector Control District	Catherine Carlton*	n/a
SFO Airport/Community Roundtable	Cecilia Taylor	Drew Combs
South Bayside Waste Management Authority (SBWMA)	Cecilia Taylor	Drew Combs
Stanford Community Resources Group	Betsy Nash	Maria Doerr
CITY COUNCIL ADVISORY BODY MEMBERS	2023 Member 1	2023 Member 2
Finance and Audit Committee		
ADVISORY BODY LIAISONS	2023 Member	
Complete Streets Commission	Cecilia Taylor	
Environmental Quality Commission	Betsy Nash	
Housing Commission	Maria Doerr	
Library Commission	Jen Wolosin	
Parks and Recreation Commission	Drew Combs	
Planning Commission	Maria Doerr	
OUTSIDE AGENCY LIAISONS	2023 Member 1	2023 Member 2
Menlo Park City School District		
Menlo Park Fire Protection District		
Searsville Advisory Group	Betsy Nash	
San Mateo County Flood and Sea Level Rise District (FSLR, OneShoreline)	Cecilia Taylor	Betsy Nash

*appointed on December 14, 2021 to serve through December 31, 2024

The background of the slide is a landscape photograph. It shows a river or stream flowing through a green, hilly area. The sky is blue with large, white, fluffy clouds. The foreground shows some grass and reeds. The overall scene is peaceful and natural.

DIRECTION ON FINANCE AND AUDIT COMMITTEE COMPOSITION

Judi A. Herren, City Clerk



STAFF RECOMMENDATION

- Provide staff with updates to City Council Policy #CC-23-004 Commissions/Committees Policies and procedures, Roles and Responsibilities



OPTIONS



Option no.	Total FAC membership	No. of resident members	No. of City Council as FAC members	No. of City Council liaisons
Option 1 (Reduce 7 to 5)	5 members	5	0	1
Option 2 (Reduce 7 to 5)	5 members	3	2	0
Option 3 (Retain 7)	7 members	7	0	1
Option 4 (Retain 7)	7 members	5	2	0

- Option 1 - Reduce the FAC membership from seven to five and remove two City Councilmembers as voting members.
FAC composition: Five residents and appointment of one City Councilmember liaison (not a voting member.)
- Option 2 - Reduce the FAC membership from seven to five and retain two City Councilmembers as voting members.
FAC composition: Three residents and two City Councilmembers as voting members.
- Option 3 - Retain the FAC membership at seven members, but remove two City Councilmembers as voting members.
FAC composition: Seven residents and appointment of one City Councilmember liaison (not a voting member.)
- Option 4 - Retain the current FAC membership of five residents and two City Councilmember as voting members.



THANK YOU



STAFF REPORT

City Council

Meeting Date: 2/14/2023
Staff Report Number: 23-035-CC

Informational Item: City Council agenda topics: February 28 – March 14, 2023

Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through March 14, 2023. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. City Council agenda topics: February 28 – March 14, 2023

Report prepared by:

Judi A. Herren, Assistant to the City Manager/City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	Adopt a resolution to approve amendments to the salary schedule as of February 28, 2023	ASD	Consent	Adopt resolution
2	December 2022 quarterly investment report	ASD	Consent	Receive and file
3	Mid-year budget amendment	ASD	Regular	Adopt resolution
4	Receive the annual comprehensive financial report for the fiscal year ended June 30, 2022	ASD	Consent	Receive and file
5	ADU clean-up amendments	CDD	Public Hearing	Second read/adopt ordinance
6	Approve a contract for environmental review for proposed project at 980-1030 O'Brien	CDD	Consent	Contract award or amend
7	Introduce an ordinance-Senate Bill 9 (SB 9)	CDD	Public Hearing	First read/intro ordinance
8	Parkline - Senate Bill 7	CDD	Regular	Approve
9	Parkline/SRI NOP comment review	CDD	Regular	Approve
10	SB 9 - second reading	CDD	Consent	Second read/adopt ordinance
11	Vesting Tentative Map Extension for 201 El Camino Real	CDD	Public Hearing	Adopt resolution
12	Adopt Resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public	CMO	Consent	Adopt resolution
13	Annual conflict of interest code update	CMO	Consent	Adopt resolution
14	Appoint City Councilmembers to various standing and ad hoc subcommittees, and disband inactive ad hoc subcommittees	CMO	Regular	Decide
15	City Council agenda topics	CMO	Informational	No action
16	City Council priority setting workshop	CMO	Informational	No action
17	Environmental Quality Commission Chair Report	CMO	Presentation	No action
18	First reading/intro: Outdoor dining ord	CMO	Public Hearing	First read/intro ordinance
19	Minutes	CMO	Consent	Approve
20	Reach Codes 2.0	CMO	Study Session	No action
21	Transmittal of city attorney billing (Jan 2023)	CMO	Informational	No action
22	Second reading/adoption: Outdoor dining ord	CMO	Consent	Second read/adopt ordinance
23	Menlo Park Community Campus - furniture and non-fixed equipment procurement	LCS	Regular	Approve
24	Parks and Recreation Facilities Master Plan update - Pickleball, MPCC	LCS	Informational	No action
25	Reimagining Public Safety Update	PD	Informational	No action
26	Approve service agreement with Caltrain for Middle Avenue undercrossing project	PW	Consent	Contract award or amend
27	Bid award Chrysler pump station	PW	Consent	Contract award or amend
28	Consider an appeal of the Complete Streets Commission decision to remove two parking spaces on Roble Avenue	PW	Regular	Adopt resolution, Decide
29	Provide direction on whether to consider elevated alternatives for Caltrain grade separation	PW	Study Session	Direction to staff
30	Ravenswood Street Resurfacing	PW	Consent	Contract award or amend
31	Authorize the city manager to execute an agreement to develop a shuttle evaluation study	PX	Consent	Contract award or amend



STAFF REPORT

City Council

Meeting Date: 2/14/2023

Staff Report Number: 23-030-CC

Informational Item: Proposed cultural and community events grant program

Recommendation

City staff recommends that City Council review this informational report about a proposed cultural and community events grant program (CCEG), in advance of the midyear budget review and a potential request for a budget appropriation to support the proposed program tentatively scheduled February 28. No City Council action is requested at this time.

Policy Issues

City Council provides policy direction to the city manager regarding services to the community; authorizes budget appropriations to support City services and programs including grants; authorizes the city manager to negotiate and execute agreements including grant agreements; and sets prioritization for the use of City resources to serve the community.

Background

On September 20, 2022, City Council reviewed a tentative calendar of City-organized community events. During the discussion, City Councilmembers expressed interest in potentially creating a grant program to incentivize and support local organizations and groups to produce their own cultural and community events for the community's benefit.

On June 4, 1996, City Council adopted City Council Policy #CC-01-1996, "Community Funding Program," to guide allocation of general fund dollars to community organizations to support human services needs of Menlo Park residents. The Community Funding Program provides an example of a City-administered community grant program and could serve as a model for the proposed CCEG outlined in this report.

Analysis

Purpose and intent

Cultural and community events play an important role in celebrating and creating a vibrant community. The intent of the proposed CCEG is to incentivize and support neighborhood groups, local businesses, and community-based organizations to create and stage public events for the enjoyment and enrichment of the Menlo Park community. Examples of cultural and community events include but are not limited to community celebrations, neighborhood block parties, festivals, local arts and crafts shows, parades, performances and cultural events. The CCEG would offer grant-based financial support to help offset a portion of the costs of developing and executing cultural and community events in Menlo Park, including equipment rental, supplies and services, performer fees, City permit fees and related costs.

Proposed process

City staff proposes that the CCEG process emulate the model of the Community Funding Program process in some, but not all respects. Key elements of the proposed process include:

- Annual notice of funding availability (NOFA)
- Eligibility criteria set in a CCEG procedure that is approved by City Council
- Robust advertisement and promotion of the NOFA in English and Spanish
- Grant application period at least four weeks in duration
- Technical assistance to applicants as needed to help them prepare and submit applications
- Structured review and evaluation process organized by City staff with input from the Library Commission and Parks and Recreation Commission. (This element of the proposed process would be different from the Community Funding Program process, in which applications are first reviewed by a City Council Subcommittee.)
- Recommendations for grant awards made by the Library Commission and Parks and Recreation Commission
- Final determination and authorization of grant awards by City Council
- Annual evaluation and review of grantee performance by the Library Commission and Parks and Recreation Commission, with performance reporting provided to City Council.

Proposed guidelines and criteria

City staff proposes that the CCEG process include the following guidelines and criteria for evaluating applications and selecting awards. The proposed guidelines and criteria are numbered below for convenient reference only and are presented in no particular order or priority:

1. Applications would be invited in two categories of events:
 - New events that have not taken place before in Menlo Park
 - Returning events that have previously taken place in Menlo Park
2. Maximum grant award of \$10,000 per applicant, and a minimum grant award of \$500 per event
3. Grant award amounts would not exceed more than 50 percent (50%) of the total estimated event cost
4. No waivers of required City permit fees or City costs related to supporting events would be granted (for example, police presence, street closures, maintenance crews, etc.), however the grant award may be applied toward these fees and/or costs
5. Events receiving CCEG funds would take place within the boundaries of incorporated Menlo Park
6. Events receiving CCEG funds would be open, inclusive, welcoming, and accessible to all members of the Menlo Park community
7. CCEG funds would not be used for:
 - Ticketed events
 - Individuals
 - Events that are designed to primarily benefit for-profit enterprises
 - Events that serve a political purpose or are sponsored by political organizations
 - Events that serve a religious purpose or are sponsored by religious organizations
 - Invitation-only events that are not open to the general public.
8. Applicants would submit a complete application containing key information about the proposed event, including:
 - Event purpose and description
 - A complete event budget including projected income and expenses
 - Description and identifying information about the applicant group or organization, such as nonprofit

certification, business employer ID number, or neighborhood group organizational details such as a charter or similar written documentation.

9. Applications would be evaluated according to the following criteria:
- The event demonstrates and adheres to the principle of inclusion, belonging, access, fairness, and justice for the entire Menlo Park community and all the people who are part of it
 - The event directly or indirectly benefits the City of Menlo Park community, non-profit organizations, advancement of educational, cultural or arts initiatives, recreational and/or social activities
 - The event benefits a Menlo Park based non-profit organization, community-based organization or neighborhood group
 - The event celebrates and/or promotes the City of Menlo Park and the people and organizations that are a part of it
 - The event enhances the quality of life for all City of Menlo Park community members
 - The event advances economic development efforts in the City of Menlo Park
 - The applicant has proven capability to successfully execute the event and complete all required reporting and accountability measures related to the event and the CCEG grant funding award.

City staff is preparing a draft procedure containing the above noted guidelines and criteria, a draft application and proposed timeline for implementing the above noted process, a template funding agreement, and a potential budget appropriation to support the proposed CCEG program for City Council review tentatively on February 28.

Impact on City Resources

The CCEG is proposed to be conducted annually to coincide with annual budget processes, either at budget midyear or with the annual budget adoption. City staff proposes an initial appropriation of \$50,000 from the general fund toward the CCEG program's first year.

Environmental Review

This informational report is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. None

Report prepared by:

Sean S. Reinhart, Library and Community Services Director



STAFF REPORT

City Council
Meeting Date: 2/14/2023
Staff Report Number: 23-031-CC

Informational Item: Transmittal of city attorney billing

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

In accordance with the City Council informational requests, this staff report transmits information to the public.

Background

On February 23, 2021, the City Council approved an agreement with Burke Williams Sorenson, LLP (BWS) for city attorney services.

Analysis

As requested by the City Council, the city attorney has prepared monthly summaries of billing activity (costs/fees) for legal services that could be shared with the public. This staff report transmits the summary for the month of December 2022.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Billing summary – December 2022

Report prepared by:
Justin I.C. Murphy, City Manager

DECEMBER 2022 CITY LEGAL SERVICES - Burke, Williams & Sorensen, LLP

Description	Fees	Costs	Total Billed
GENERAL MUNICIPAL MATTERS	\$20,592.00	\$0.00	\$20,592.00
REAL ESTATE, COMPLEX HOUSING, CEQA, NEPA	\$17,577.50	\$0.00	\$17,577.50
HOUSING ELEMENT	\$15,637.50	\$0.00	\$15,637.50
CONSTRUCTION AND COMPLEX PUBLIC WORKS	\$1,798.00	\$0.00	\$1,798.00
MENLO UPTOWN	\$624.00	\$0.00	\$624.00
123 INDEPENDENCE	\$4,556.00	\$0.00	\$4,556.00
111 INDEPENDENCE	\$129.00	\$0.00	\$129.00
WILLOW VILLAGE	\$25,769.00	\$0.00	\$25,769.00
1075 O'BRIEN/CS BIO	\$288.00	\$0.00	\$288.00
162-164 JEFFERSON	\$288.00	\$0.00	\$288.00
1105-1165 O'BRIEN DRIVE	\$816.00	\$0.00	\$816.00
BOHANNAN DEVELOPMENT	\$1,200.00	\$0.00	\$1,200.00
FEES	\$5,797.00	\$0.00	\$5,797.00
SRI CAMPUS	\$7,824.00	\$0.00	\$7,824.00
HOTEL MOXY / 3723 HAVEN AVENUE	\$144.00	\$0.00	\$144.00
1005 O'BRIEN	\$1,056.00	\$0.00	\$1,056.00
UUT CLAIM/LITIGATION	\$24,697.50	\$78.04	\$24,775.54
PUBLIC RECORDS ACT	\$3,510.00	\$0.00	\$3,510.00
CITY COUNCIL	\$459.00	\$0.00	\$459.00
980-1030 O'BRIEN	\$3,763.00	\$0.00	\$3,763.00
3705 HAVEN	\$816.00	\$0.00	\$816.00
CITY LEGAL EXPENSES PAID BY CITY			\$90,146.54
CITY LEGAL EXPENSES PAID BY DEVELOPERS			\$47,273.00
TOTAL			\$137,419.54



STAFF REPORT

City Council

Meeting Date: 2/14/2023

Staff Report Number: 23-037-CC

Informational Item: Police department quarterly update – Q4 September 2022 – December 2022

Recommendation

The purpose of this informational item is to provide an update to the public and to the City Council as requested in City Council discussions in spring and summer 2021. This is an informational item and does not require City Council action.

Policy Issues

In accordance with the City Council informational requests and interest in Menlo Park Police Department (MPPD) activities and use of equipment, this staff report transmits information to the public.

Analysis

In public discussions with City Council, the following information is provided through regular updates by the MPPD:

1. Results of required periodic auditing of the department's automated license plate reader (ALPR) technology. The department is required to conduct regular audits of the system to ensure it is being used appropriately.
2. Reports of interactions with animal control. Specifically, the City Council requested to be notified of any animal control hearings being held for dangerous animal in Menlo Park.
3. Use of force and Taser incidents. Committed to transparency, the MPPD will provide the number of documented use of force incidents and Taser deployments regularly. Every documented use of force incident (including Taser deployments) is investigated and reviewed by the supervisor and command staff by policy.
4. Complaints. Also in the spirit of transparency, the MPPD will provide the number of complaints received and reviewed regularly.
5. Assembly Bill (AB) 481. AB 481, signed into law September 30, 2021 and applicable to agencies no later than May 1, 2022, requires that law enforcement agencies obtain the approval of City Council, through the adoption of a Military Equipment Use Policy, by ordinance at a regular meeting held pursuant to specified open meeting laws, before taking certain actions relating to the funding, acquisition or use of military equipment, as defined. The City Council adopted this ordinance at their May 10, 2022, meeting.
6. Community engagement. For a more holistic perspective, the MPPD will also be sharing a general overview of outreach activities completed by the department on a regular basis.

Quarterly updates – Q4 – October-December 2022

ALPR update

From October through December 2022, MPPD's three mobile mounted ALPR's captured 261,460 license plates. The data captured resulted in 288 "hits" that a captured license plate was currently on an active law

enforcement database or wanted list.

Additionally, MPPD also audits inquiries to the overall ALPR databases made by members of MPPD staff. Each inquiry to the database requires an articulable investigative reason (case investigation.) The ALPR database was offline for the entire reporting period and no inquiries were made.

Animal Control update

During this reporting period, one animal control hearing for animals in Menlo Park was conducted and based upon the information currently available there were no citations issued by Animal Control in our jurisdiction.

Use of force update

From October through December 2022, MPPD was attached to 8,337 incidents, including calls for police service and proactive patrol activity. There were no uses of force meeting the threshold for further documentation reported. Each reported use of force report is presented for review to the Chief and Command staff, and any training issues are identified and addressed.

Three members of the MPPD Defensive Tactics Team received instructor certification in advanced tactics designed to reduce injury and bring confrontational situations to a safe conclusion.

Complaints update

From October through December 2022, MPPD was attached to 8,337 incidents, including calls for police service and proactive patrol activity. Ten complaints were documented either from the community or self-initiated by this Department. Each complaint is always evaluated and/or investigated according to policy.

AB 481 equipment use update

From October through December 2022, MPPD was attached to 8,337 incidents, including calls for police service and proactive patrol activity. During this time period, there were no operations of MPPD or SWAT (Special Weapons Attack Team) personnel that resulted in the use of equipment listed in compliance with AB 481.

Community engagement update

MPPD officers encounter opportunities regularly to interact with the community in a positive way. During the quarters from October through December 2022, MPPD officers documented 60 distinct incidents as "OUTREACH" in the computer dispatch system (CAD.) While this number is the floor, not the ceiling of the total positive interactions MPPD has with the public, these incidents were entirely community engagement and public service oriented. In addition, MPPD participated in several organized events with the community.

The 60 incidents included officers engaging in conversations with community members some spontaneous and some initiated by our curious public, engagement with youth and families during foot and bike patrols with stickers passed out and bike helmets distributed when needed, interactive visits to the local skate park, engagement during downtown foot patrols and at Lions Club sponsored farmers market, in addition to numerous visits to parks and local elementary and middle schools. In October, MPPD had a presence at multiple locations during Faith & Blue Weekend to connect with community members, and met with several clergy members at both services and a "Coffee with Clergy" event. Officers attended Trader Joe's event to collect canned goods ahead of Thanksgiving with a youth group from Menlo-Atherton High School. Officers also participated in the annual "Shop with a Cop" event with Target and the CalTrain "Holiday Train" with the Salvation Army, US Marines and Toys for Tots over the holidays. Officers stopped by and connected with several families and staff at the Russian Orthodox Church for their Holiday Event. Members from across the department interacted with members of the community at various events throughout the city in an effort to

promote police-community partnerships.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

None.

Report prepared by:
Scott Mackdanz, Administrative Sergeant
W.A. "Tony" Dixon, Police Commander
Dave Norris, Police Chief